



Unending Conflict in Kashmir: Historical Analysis

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Abstract:

The Kashmir region is the center of major disputes in South Asia. Peace and cooperation of the entire region have been dependent on its resolution. Kashmir takes central importance because it can be both the pulling and the pushing factor for peace, stability, and cooperation in South Asia. It is a disputed land by all three countries but aggressively by Pakistan and India. It is also the subject of perpetual struggle, pushing each country to spend billions of dollars on Kashmir-oriented issues. The dispute over Kashmir has remained the bone of contention. This paper is based on primary data and secondary data. The primary data was collected from legislatures, political activists, people from academia and a contractor who worked on the Line of Control (LoC). This paper highlights the history of the dispute over Kashmir, the contemporary issues and policies circling Kashmir, development and human rights violations, the role of international organizations, and economic costs of the conflict over Kashmir incurred by both countries.

Key Terms: India Pakistan Relations, Kashmir Problem

INTRODUCTION

The Kashmir dispute was initiated in 1947 when Maharaja of Kashmir signed an instrument of accession to India, right after the independence of India and Pakistan from the British Empire. This accession was not acceptable for Pakistan because the state was a Muslim-majority population. Even before the 1947 partition, things were not going smoothly between the representative parties of the All India Muslim League (AIML) and the All India National Congress (AINC). The former was advocating and representing Muslims, but the latter claimed that it was representing the entire Indians, and their main demands are Independence from the British Empire and country-wide land reforms.

Before independence, there were around 584 princely states under the governorship of the British empire (Korbel, 1954). That is, all except for three states, Kashmir, Junagarh, and Hyderabad, who chose to join neither of the newly formed countries and stayed independent on August 15, 1947. All other princely states joined either India or Pakistan through different agreements and treaties of accessions. Jammu and Kashmir were ruled by Dogra ruler Maharaja Hari Singh who signed the instrument of accession with India in October 1947. This was against the mandate of the planning on which Muslim states must join Pakistan (p. 48). According to Fai, N, (personal communication, October 28, 2020):

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Before Partition of India, there were around 600 principalities, they were not part of India. They were directly controlled by the Britishers. When the partition plan took place, they were given the choice to go to India, to go to Pakistan, or even to remain independent. And it (staying independent) would be impossible because if you are in the middle of the state, you cannot be, but Kashmir was different. It was separate from India, and separate from Pakistan, if geography is seen.

After almost two months of the Indo-Pak separation, the Pashtun tribesman from the Pakistan's then Federally Administered Tribal Areas (FATA) raided the Jammu and Kashmir area on October 22nd, 1947. It was the point where the ongoing armed conflict started. The Dogra army was not capable to fight them because the Kashmiri locals were already fighting against him for the previous 18 years. Some people say that it started in 1931 when 22 people were killed right in front of the Central Jail of Kashmir. According to Fai, N, (personal communication, October 28, 2020), Ponch, which is now part of Pakistan controlled Azad Kashmir, "came to realize that we have the weapons, we have the strength, and we are the part of the Maharaja, we are his army. So, if we will revolt, no one is going to do anything, then we can do whatever we want to do."

The local and Pashtun fighters continued their fight with the help of locals and reached to Barahmulla village in Jammu and Kashmir. The maharaja was still unable to stop them and hence wrote the accession letter to the governor general of India on October 26, 1947. The government of India sent army and consequently captured areas that continue to be under Indian control at present time. On November 4th, 1947, Prime Minister of Pakistan Liaqat Ali Khan, rejected this accession agreement by saying "we do not recognize this accession, the accession of Kashmir to India is a fraud perpetrated on the people of Kashmir by its cowardly ruler" (Hasan, 1966, 80). These events laid the foundation of continual enmity between India and Pakistan. India approached the United Nations Security Council (UNUN) on January 1st, 1948 to withdraw militants from the occupied lands of Jammu and Kashmir (Korbel 1954, 108). On January 6th, 1948 UNSC urged both nations to stop the clashes.

There had always been initiators for peacebuilding between India and Pakistan since their independence from the British Empire. But most of the time these initiatives have been made a subject of the recurring turbulence between them. Major initiatives were started in the 1990s which were called Comprehensive Dialogues. As those initiatives entered 21st century, they were then disrupted by unpleasant scenarios on both sides. Those unpleasant scenarios included Samjhauta Express incident, Mumbai Attacks, attacks on the Indian Parliament, Uri attack, Pathankot airbase attack, and recently suicide attack on the Indian armed forces convoy in the district of Indian held Kashmir (IHK) in which more than 40 soldiers were killed ("Kashmir attack", 2019). Similarly, Pakistan faced a situation in which more than 70,000 people lost their lives in War on Terror. These incidents stopped peacebuilding efforts.

India has been blaming Pakistan for plotting and formulating all major attacks on its soil. Current Indian Prime Minister Narendra Modi blamed Pakistan for orchestrating the recent attacks on its armed forces convoy in Kashmir. During a tribute to the martyred soldiers, he said, "Our neighboring country thinks such terror attacks can weaken us, but their plans will not materialize...[S]ecurity forces have been given permission to take decisions about the timing, place and nature of their response" ("India warns of," 2019). If the goal is to achieve peace and progress

in South Asia, it can only succeed if the Kashmir issue is resolved. India and Pakistan fought four wars after 1947, two of which were on Kashmir, a disputed region and a dangerous place in the world.

Keeping in mind the significance of Kashmir for the prosperity of both India and Pakistan, this attempt of evaluating Kashmir issue has been made with certain objectives. It includes: the background of Kashmir; foreign policy stances of India and Pakistan toward this issue; the reason why both countries are not willing to accept it as independent territory; and to highlight the timeline of composite and comprehensive dialogues of which Kashmir was the center.

It is worth mentioning that most of the literature on this subject is outdated in certain aspects. Secondary data was used for most of the analysis in this paper. To update the available knowledge, and to know about the current circumstances in the Kashmir valley, the researcher interviewed a few key people to know their views. They include political activists, contractors, Pakistani legislatures, and people from academia.

LITERATURE ON THE GENESIS OF THE KASHMIR ISSUE

The history of the events that occurred especially in the decade of 1950s in the Indian subcontinent had always been controversial. Some events that occurred then had been quoted differently in different history literature. It is very difficult to know about the real story of some historic events, including Kashmir, that occurred between these two countries. There is extensive research written on the Kashmir issue which is discussed in this paper.

Alastair Lamb (1991), mentioned that the instrument of accession was not signed by Maharaja of Kashmir, rather it was a conspiracy by Indian political leaders, the British and the Maharaja's bureaucrats. Wirsing, (1994) provided details of India and Pakistan's legal claims. Victoria Schofield (1996) claimed that the Maharaja was in Srinagar—the state's capital—on the evening of the day of Instrument of Accession on October 26th, 1947. Other writers explained the accession instrument the other way around. They mentioned, justified, and proved the accession really happened. Prem Shankar Jha (1996) disapproved earlier claims through historical evidence that the instrument of accession had really been signed. Bates, (2013), mentioned that the accession was signed and a cease-fire was ordered with the condition that there should be a referendum to determine the fate of the Kashmiri people.

The issue of Kashmir has been discussed from other perspectives as well. Ayesha Jalal (1990) highlighted the role of the Pakistan military during the tribal raid on Kashmir in 1947. She mentioned that less than five percent of Pakistani army members were participating in the invasion of Kashmir. Similarly, Alam et al. (2016) concluded that by using lenses of realism both India and Pakistan have no intentions to resolve the issue, and that they are pursuing their national interests. India would never try to let the valley slip out of its hands because of several reasons: it acts as a geographical barrier to Pakistan and China; granting Kashmir independence would likely open conflicts at its home front; and the valley is a host to natural resources which play a prominent role in the Indian economy. For Pakistan, the same valley possesses natural resources, includes rivers, which irrigates downstream southern Pakistan provinces of Punjab and Sindh (p. 18). Similarly, Sharma (2016) reiterated that the regions of Jammu and Kashmir and Gilgit possess geostrategic and economic importance for India, partly because beyond this region are the Central Asian

Republics (CARs) which can be an excellent market for Indian goods. Adnan and Fatima (2016) on the other hand, argued that Pakistan is not willing to trade-off with India because Kashmir is a critical geostrategic location. Pakistan is facing hegemonic threats from India and thus any deal on Kashmir can be considered a strategic loss. Fair (2005) affirmed that India is in negotiation with the Kashmiri groups, which is not possible due to Pakistan's alleged intervention, and India wants to resolve the longstanding issue which is necessary to achieve the goal that would help develop it into a global economic power. However, Fair also expressed pessimism regarding this peace deal and argued that it is highly likely for the breakdown and less likely for the breakthrough to happen in the roadmap toward peace. Although this report was written in 2005, since then no Kashmir comprehensive agreement has been reached (p. 2).

Some literature has highlighted the cross-border ethnic identities as a new dimension of the Kashmir conflict. Dash and McCleery (2014) argued about sub-nationalism and micro-nationalism under which Muslims across the border in India have a deep cultural and religious affiliation and emotional attachments with the Pakistani Muslims and the possible spillover has further aggravated the separatist movements in IHK. This made India accuse Pakistan of the restlessness and anarchy in the region. Pakistan reciprocally accused India of meddling in its Sindh and Baluchistan provinces. Such ethno-political issues further accentuated the already deteriorating atmosphere between India and Pakistan.

HISTORY OF KASHMIR

Kashmir is a beautiful valley located between South and Central Asia, in northern Pakistan and northwestern India. It spread among India, 101,338 sq KM; Pakistan, 85,846 sq KM; and remaining 37,555 sq KM with China (Birsal, 2019). It is home to many cultures and ethnicities: Afghans, Mongols, Turkic, Hindu, Muslims, and Buddhist (Snedden, 2015)

In 1752, Kashmir was under the influence of the Mughal empire. Later, it was conquered by the Afghan King Ahmad Shah Abdali. In 1819, Sikhs from the adjacent Punjab province conquered the region and were welcomed by the local Kashmiris because of the oppressive regime of the Afghan rulers. During the Sikh era, most parts of Jammu and Kashmir were under the control of Dogra Sikhs. In 1846, Kashmir was purchased by the British Raj from Gulab Singh, a Sikh ruler, for 7.5 million rupees under the Treaty of Amritsar (Korbel 1954, 13). During the 1940s, when the British decided to quit the Indian subcontinent, they faced challenges of the fate of the princely states, including Kashmir. The British government announced that those princely states had a choice to either join India or Pakistan. Almost all of them either joined Pakistan or India, but a few states decided to stay independent including Kashmir, Junagarh, and Hyderabad. Junagarh and Hyderabad were unique in that they were located somewhere inside Indian territory. Junagarh was ruled by Muslims, but most of its population was Hindu which allowed India to include them in its territory. Similarly, for Hyderabad, its ruler was a Muslim, but it also joined India due to the Hindu majority population (Hasan, 1966).

Same was the case with Kashmir, its ruler was a Hindu (and its population was majority Muslim) and he wanted an independent Kashmir. Pakistan wanted Kashmir because of the Muslim population, and that India already captured other states ruled by Muslims. Kashmiri people started demonstrations to join Pakistan because they thought that, since the Maharaja was a Hindu, he

would sign an accession with India. To avoid this situation, he signed in an Instrument of Accession on October 26, 1947 which laid the foundation of the unending conflict between India and Pakistan which continues till date.

This region of Kashmir was the cause of three wars between India and Pakistan: 1947, 1965, and 1999. In the 1947 war, the matter was taken to the U.N General Assembly (UNGA) which passed a resolution to end the hostilities. The resolution conditioned both Pakistan and India to withdraw forces from the occupied lands of Kashmir, but also allowed some Indian forces to remain there for a "Pakistan or India?" plebiscite. However, neither Pakistan nor India followed the resolution and stationed their forces where they were.

Similarly, the Tashkent Agreement followed the 1965 war between them. The war was initiated by India and Pakistan to decide the fate of Kashmir by the military force than by political negotiations. With this war, the pre-occupied territories changed a little. Yet another similar agreement stopped the 1971 war. This agreement occurred in 1972. The 1971 war was different in dynamics than the previous two wars. The eastern wing of Pakistan was separated with the help of India. Indian forces helped a separatist movement in East Pakistan which became the new country of Bangladesh after 1971 war. The genesis of the Kargil Conflict in 1999 was waged in areas of the Line of Control (LOC) between Indian Kashmir and the Pakistani- controlled Kashmir. Before the Kargil War in 1999, the Indian government imposed an infamous act called the Armed Forces Special Power Act (AFSPA) to punish and discourage the separatist's movements. Indian forces were given limitless power to use torturous ways on the Kashmiri civilians in Kashmir. This triggered the 1999 Kargil war in which both sides faced heavy losses.

Although there have been no wars since Kargil, there have been cross-border exchange of fires, particularly in populated areas of the Kashmir valley. In most cases, civilians have been killed on both sides. The researcher visited areas on the Pakistan side of the Lines of Control (LoC) and observed that the military buildup across the border is deeply affecting the walk of life and destroying the social fabric. During an interview a private contractor who was constructing a road connecting a few towns on LoC, stated:

we are doing this task of constructing a road on LoC to connect few small towns. The Army's Engineering Core cannot do it because they more likely can be a target of Indian firing from across the border which can be seen from here. This area was facing accessibility problems and roads could not be constructed because of the continual fear and cross border firing (Amtiaz, A., personal communication, March 18, 2017).

Due to the fear, there is thus no social and economic development. Further, humanitarian crises become much more intense in such an emerging situation in Kashmir.

The delay in the resolution of the Kashmir issue has also deeply influenced by the political set-up in Kashmir. There are examples of political parties having a mixed tilt either towards India or Pakistan or even staying independent. The famous political leader, Farooq Abdullah, heading the *Kashmir National Conference (KNC)*, is advocating for the autonomy of Kashmir but also considering it as a part of India. Alternatively, parties like *Jamaat e Islami Kashmir (JIK)*, and *Conference of Muslims in Kashmir (CMK)* want to join Pakistan. So, there is no consensus between these political parties and hence there is no pressure on the Pakistan or Indian governments to address their demands. This

division is a major factor in this political movement to get their due rights: merging with India, or with Pakistan, or staying independent (Murad 2009). On the question of the Kashmiri politicians, Annon,² G. (personal communication, December 12, 2020), mentioned, “I would like to clear that, they (Kashmiri politicians) are not for Kashmiri people, they are the puppets of the Indian government. They always have been the puppets of Indian Government in Kashmir.” Similarly, according to Fai, N, (personal communication, October 28, 2020), “to tell you frankly, this Farooq Abdullah and Mahbooba Mufti, it is a drama. It is a drama because India has to have somebody in Kashmir.”

Importance of Kashmir for India and Pakistan

Kashmir is a lucrative region for both India and Pakistan. Kashmir is significantly important for Pakistan because it is a source of three major rivers that flow down and irrigate the arid provinces in Pakistan, including Punjab and Sindh. Kashmir also connects the northern areas of Pakistan to China. The recently launched China-Pakistan Economic Corridor (CPEC) passes through this area. The project has been highly criticized by the Indian government on the pretext that it passes through a disputed territory on which India claims to be a part of its Kashmir. At this stage, Pakistan is not ready to include Gilgit-Baltistan (GB) in any talk on Kashmir with India. GB is an autonomous area in northern Pakistan. Kashmiri nationalists also consider it a part of their Kashmir state and claim that GB was also part of the Maharaja’s Kashmir. Pakistan wants this area to be treated separately in comprehensive dialogues with India, but India wants equal importance for GB.

Kashmir is a tourist destination with strategic values for India, Pakistan, and China due to its beauty. In the local language it is also called *Wadee e Jannat* means heaven on earth. It could be a prime tourist place for foreigners which can play a role in enhancing the economies of both India and Pakistan. Kashmir is a Muslim-majority place that India uses to portray its image as a secular country that hosts all major faiths. This place is also full of natural resources which can be beneficial for both countries. After the 2019 Pulwama attacks in Kashmir, the Indian government decided to stop the flow of three rivers that enter Pakistan. If they carry out this plan, it could create a tense security situation in the region, pushing South Asia into another possible conflict. This issue of water distribution from these rivers has long been a subject of disputes in international courts.

ONE-NATION, TWO-NATION THEORIES

India and Pakistan claim that Kashmir is their territory. As for Pakistan, the claim is that Pakistan came into existence based on a two-nation theory and on the principle—defined in the Indian Independence act 1947—that all Muslim-majority states and areas should merge with Pakistan as the Hindu-majority states did with India. However, India wanted Kashmir to stay with them for many reasons. First, the Maharaja sent an instrument of accession to India. Second, the goal of keeping Kashmir in the Indian territory by then Indian leaders, including Nehru, was to portray India as a secular state for all, irrespective of any identity. Third, letting Kashmir join Pakistan

² Annon = anonymous. As per the person’s request, his identity has been kept hidden. And **G** is the initial of his last name.

would provide a pretext of a revolt to 35 million Muslims against the status quo of the Indian government ("India's Religions," 2015). Against the Indian invasion. Pakistan also requested a plebiscite in Kashmir, as per the UN resolution which had been passed right after the creation of India and Pakistan. Pakistan did not accept the Maharaj sent instrument of accession in 1947, under which Maharaja requested India to control certain parts of its administration. Sheikh Muhammad Abdullah (late), father of Farooq Abdullah, a popular Muslim Kashmiri leader then, agreed to the Instrument.

Table 1: United Nations Resolutions Related to the Kashmir Conflict

Year	Resolution#
1948	38, 39, 47, 51
1950	80
1951	91, 96
1952	98
1957	122, 123
1965	209, 210, 211, 214, 215
1971	303, 307

The United Nations' Resolutions on Kashmir

After the revolt in Punch area and the occupation of invaders from Pakistan's tribal areas in 1947, India approached the UNSC in 1948 to convince the UN to force Pakistan to withdraw its militants. The UN passed many resolutions to address the issue including Resolutions 38, 39, 47, 51. The UNSC adopted resolution 47 on April 21, 1948 which was of prime importance in taking decisive steps to minimize conflict in Kashmir. The UN set up a commission, including representatives from Argentina, Czechoslovakia, Columbia, Belgium, and the United States (US), to visit the region and do necessary work for the restoration of peace between India and Pakistan. This resolution also recommended a three-step process to hold a plebiscite in Kashmir. In the first step, Pakistani tribesman would have to withdraw from the occupied region, the resolution document quotes:

The Government of Pakistan should undertake to use its best endeavors to secure the withdrawal from the state of Jammu and Kashmir of tribesmen and Pakistani Nationals not normally resident therein who have entered the state for the purpose of fighting, and to prevent any intrusion into the state of such elements and any furnishing of material aid to those fighting in the state (United Nation Security Council, 1948, 3).

Next, India would withdraw its forces from the land under its control. The document mentioned:

The Government of India should establish to the satisfaction of Commission set up in accordance with the Council's Resolution 39, (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength

required for the support of civil power in the maintenance of law and order (United Nation Security Council 1948, 5).

Lastly, they would have to hold a plebiscite based on guidelines provided by the UN Commission. The same resolution mentioned, “the Government of India should undertake that there will be established in Jammu and Kashmir Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of state of India to Pakistan” (United Nation Security Council, 1948, p. 6). This three-step procedure was undertaken to let Kashmiris decide their fate. Unfortunately, this never happened. Both India and Pakistan raised objections to this resolution.

Figure 1: UN Resolution 47



Resolution 47 was passed under the United Nations Charter charter VI which mentioned peaceful settlements of dispute. It did not bind the warring parties to do so, it only recommended both to act on the decision taken. This resolution gave the final choice to both parties. During this matter, the UNSC members remained neutral and did not take sides with any party.

The matter was not taken to the International Court of Justice where it could have been much easier to identify who was right or wrong. The UNSC did not try to do further research on the instrument of accession, which was the main cause of this trouble (Korbel, 1954,).

There were some specific grounds on which Resolution 47 was not being exercised by both India and Pakistan. As for Pakistan, the Indian forces' retention in Kashmir was not in their favour. Pakistan also wanted a representation of some Pakistan-influenced political parties in the government of Kashmir. On the other hand, India rejected the terms and conditions of the resolution on the basis that it gave the advantage to Pakistan for being a primary aggressor in the state of Kashmir (Abadie & Gardeazabal, 2003). India also thought that the condition to minimize its forces would endanger the already occupied regions. Also, India was not happy with the provision granted to refugees from elsewhere in Pakistan, and wanted Pakistan to be excluded from the whole process of the plebiscite (Raghavan, 2016).

UN resolutions and the issue of plebiscite are an important part of this discussion over Kashmir. There was a need to identify the views of different participants during the interview. Whether Kashmiris should join India or Pakistan, a Kashmiri activist Annon, G. stated:

I am not going to disregard the opinion that there are many Kashmiris who want to be with Pakistan. I'm not going to disregard the opinion that there are many Kashmiris who want to be with India. But the large majority of Kashmiris want to be independent (personal communication, December 12, 2020).

Similarly, sharing her views on Kashmiri's self-determination, member of the Pakistan's National assembly, Rehman, S. (personal communication, February 15, 2018) stated, "as you know, the United Nations has passed a resolution over the dispute of Kashmir and that resolution has been passed by majority of its members. They mentioned that Kashmiris be given the right to self-determination". According to another member of the Pakistan national assembly (MNA), Dogar, A. (personal communication, February 16, 2018), "I want Kashmir should be an independent state. Neither India should rule it, nor Pakistan should rule it. And the newly established government in Kashmir should decide which country they want to have good relations with."

A lecturer from Pakistan administered Kashmir, Anis, H. (personal communication, March 27, 2018), showed dissatisfaction over the practicality of the UN resolutions. According to her, "I believe that sticking to the UN resolution is absurd under these circumstances, because neither Pakistan nor India, in the true spirit, had ever tried to fulfil conditions of the resolution. They are just trying to deceive people." Similarly, according to an MNA, Kundi, D. (personal communication, February 15, 2018),

If you also go and study the UN resolutions on Kashmir, they are weak. They are not strongly binding both countries to follow conditions and withdraw our troops from the valley. One bigger loophole in the resolution was that if one nation, doesn't want to fulfil the resolution condition, the other state would also stop fulfilling the condition. And another loophole is that under this resolution, a third country cannot intervene between India and Pakistan.

Designated Officials' Notes On Accession and Invasion Events

Since partition, there were a few hundred states in the Indian subcontinent which were under the control of the British Crown with some not directly a part of British India, including Kashmir. The status of these states had been defined in the Cabinet Mission's Memorandum of May 12, 1946. The Memorandum also defined what effect the transfer of power would have on them. The Memorandum stated,

His majesty's government will cease to exercise powers of Paramountcy. This means that the rights of the states which flow from their relationship with the Crown will no longer exist and that all rights surrendered by the states to the paramount power will return to the states. Political arrangements between the states on the one side in the British Crown and the British India on the other will thus be ended. The void will have to be filled by either the states entering into a federal relationship with the successor government or governments in British India, or failing this, entering into particular political arrangements with it or them (Government of India, 1950, 153).

On the lapse of paramountcy consequence on the transfer of power, the Indian states were given freedom whether to stay independent or accede to either India or Pakistan. Under Section 7 (1)(B) of the Indian Independence Act of 1947, the Indian states were no more a part of the British Crown and all treaties in agreements have lapsed. According to a communication between Lord Mountbatten, India's last viceroy, and rulers of these states on July 25, 1947, the Indian Independence Act granted freedom to all these states of the subcontinent, and the states have technically and legally complete independence. According to Mountbatten: "The states are theoretically free to link their future with whichever they may care. But when I say they are at liberty to link up with either of the dominions, may I point out that there are certain geographical compulsions which cannot be evaded?" (Government of India 1950, 161).

He emphasized that it would be better to join the dominion, which is contiguous with each other. He also put forward two documents: The Instrument of Accession and the Standstill Agreement to fully settle arrangements between states in the Dominion of India. On July 30th, 1947, the Governor General-Designate of the Dominion of Pakistan, Mr. M.A. Jinnah said: "The legal position is that with the lapse of paramountcy on the transfer of power by the British, all Indian states would automatically regain the full strength of sovereignty and independent status. They are therefore free to join either of the two dominions or to remain independent" (Hingorani, 2016).

Lord Mountbatten's plan, which he put forward in front of the rulers of the states had been conflicted in certain points. On June 15, 1947, the all-India Congress committee objected that the lapse after paramountcy does not lead to the independence of states and they emphasized that the people of the states should decide to join either of the dominions. This objection was raised at the time when Maharaja of Jodhpur was trying to accede with Pakistan. Lord Mountbatten reacted to the ruler of Jodhpur and stressed the consequences of his act because both the ruler and the majority of the people were Hindus by faith. The Maharaja's act might lead to the emergence of serious conflict between dominions, as the state was surrounded by other states which were most probably acceding to the Dominion of India. It was also in a clash with the principle under which partition would have to be carried out based on Muslim and non-Muslim majority areas. According to Lord Mountbatten, "serious communal trouble inside the state would be the inevitable consequence of such affiliation" (Menon, 1955).

After the independence, most of the states had decided their fate with either of the dominions, and they had already signed an instrument of accession with either of them. Two states, Hyderabad, and Junagarh made unexpected decisions. On September 15, 1947, Junagarh, which was ruled by a Muslim ruler Muhammad Mahabat Khanji III but with a Hindu majority population, decided to accede to Pakistan. This, again, was objected by India that it was against the set principles been defined in the Indian Independence Act. To show concerns and a possible protest, Indian Prime Minister Jawaharlal Nehru sent a telegraph to Pakistan's Prime Minister Liaquat Ali Khan in which he showed a willingness to accept Junagarh's accession with Pakistan only if agreed upon by its people. According to Nehru:

The people of Junagarh, according to the 1941 census, is 6.71 lacs, of which no less than 5.44 lacs, or 80 percent, are Hindus. This large majority of the population of State has made it clear to the ruler of Junagarh in no uncertain terms that they are opposed to Junagarh acceding to the Dominion of Pakistan and that they wish that the state should accede to the

Dominion of India...The Dominion of India would be prepared to accept any democratic test in respect of the accession of the Junagarh State to either of the two dominions. They would accordingly be willing to abide by a verdict of these people in this matter, and under the joint supervision of the Dominion of India in Junagarh. If, however, the ruler of Junagarh is not prepared to submit this issue to a referendum, and if the Dominion of Pakistan, in utter disregard of the wishes of the people and the principles governing this matter, enters into an arrangement by which Junagarh is to be a part of the Federation of Pakistan, the Government of India cannot be expected to acquiesce in such an arrangement. (Noorani, 1964).

After months of discussion and negotiation over the future of the state of Junagarh, on November 9, 1947, Indian Prime Minister Nehru sent a telegraph to Pakistan's Prime Minister in which he mentioned a letter from Major Harvey Jones from the Junagarh state council in which Major requested the dominion of India to control the administration of the state. The telegraph mentioned, "this request was made in order to save the state from complete administrative breakdown and pending an honorable settlement of several issues involved in Junagarh's accession" (Cheema, 2021).

Pakistan insisted that Junagarh remain a part of its territory. Initially, Pakistan tried to raise the question of Junagarh on several occasions in the United Nations with respect to the fate of the state of Kashmir, but it did not get attention of the international community because of Junagarh's demographics and geographic location. In 1948, a referendum in the state of Junagarh under the administration of the Indian government, showed willingness of people to join India.

Before independence, leaders from many political parties had visited the Jammu and Kashmir state. Meanwhile, the British Indian officials had many visits to the state. In July 1946, Lord Mountbatten, visited the state and met the Maharaja of Kashmir to convey the message of Indian leaders that they would not object if Maharaja acceded to Pakistan (Noorani, 1964). Similarly, during the month of independence in 1947, Gandhi delivered a speech in Kashmir. He said that the British Raj would be ending soon and the real rule of the people of Kashmiri would start. He also indicated that the fate of Jammu and Kashmir should be decided only by the Kashmiris as he knew that there would be problems. It was in the manifesto from his party to convince the Kashmiri people to join the Dominion of India, even though a majority of the population in Kashmir were Muslims. In many areas of Jammu and Kashmir, there were movements against the ruler. According to him, "the sooner it was done the better. How the will of the people would be determined was a fair question," (Tendulkar, 1952).

In September 1947, Sheikh Abdullah in Kashmir, arrested by the Maharaj, stated upon his release, "If the 40 lacs of people living in Kashmir and Jammu area are bypassed and state declares accession to India or Pakistan, I shall raise the banner of revolt and we face a struggle", (Noorani 1964, 29). It was followed by an armed carnage in the valley which affected the majority of its regions. There was a revolt against the Maharaja in the Poonch areas of Jammu and Kashmir. Armed Pashtun fighters entered the state which deeply disrupted the political and social walks of life. V.P. Menon was a civil servant, a constitutional advisor, and a political reforms commissioner for the last three viceroys during the British rule in India. In the *Integration of Indian States* (p. 397), he writes:

On October 24, 1947, the Maharaja sent an appeal to the Government of India for help against the tribal raiders and their advancement in the area of Jammu and Kashmir. The next morning, Lord Mountbatten convened a defense committee meeting and issued orders that ammunition and reinforcements should be sent after making sure the Government of India has full information about the event (Menon, 1955).

Menon further stated that Lord Mountbatten was not sure of the idea of sending troops for Kashmir without being decided by the people of Jammu and Kashmir to accede either to India or Pakistan. Indian troops could only be sent if it were a part of the Indian territory and thus rescue it from the Pakistani tribal raiders. He was anxious about the fact that because the Kashmir case was not like the case of Junagarh and the majority of the population in Kashmir were Muslims and it has contiguity with Pakistan. Sending troops would have also provided a pretext to Pakistan also sending troops and it would be the start of the war. Mountbatten's view was that the accession should be conditional on the plebiscite after things are moved toward normalcy (Menon 1955, 399). Lord Mountbatten considered it a political fault sending troops to a neutral state. He urged that it would be easier if the Maharaja sent an instrument of accession conditional on the will of the people after law and order had been restored. After the defense committee meeting, they sent Mr. Menon to meet the Maharaja in Jammu. Menon wrote:

I woke up and told him (Maharaja) what had taken place in the defense committee meeting. He was excited about it once. Then he composed a letter to the Governor General describing the plight of the state and reiterating his request for military help. With the instrument of accession and the Maharaja's letter I flew back at once to Delhi. Sardar Patel (first Deputy Prime Minister of India) was waiting at the aerodrome and we both went straight to the defense committee which was arranged for that evening. There was a long discussion, at the end of which it was decided that the accession of the Jammu and Kashmir should be accepted, subject to the provisions that a plebiscite would be held in this state when the law-and-order situation allowed. This decision had the fullest support of Sheikh Abdullah.

The Maharaja of Jammu and Kashmir sent a response to Mountbatten in which he also attached the instrument of accession. Maharaja talked of how much geographically and strategically his state was important and is contiguous to both the dominions. It was geo-strategically important because the Soviet republics of Central Asia were to their north. The state also had cultural, religious, and economic linkages to both the dominions. He mentioned having cordial relations with both the dominions if he had a chance. He talked of the standstill agreement and the dangers he faced from Pakistan. He highlighted these circumstances and explained the reasons why he wanted to join Indian dominion and ask for Indian help as a conditional accession to the domain of India.

Upon receiving the instrument of accession from Maharaja of Kashmir, on October 27, 1947, Lord Mountbatten agreed to militarily help the Maharaja. In his reply to the Maharaja, Mountbatten wrote: "the question of accession should be decided in accordance with the wishes of the people of the state, it is my wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders, the question of state accession should be settled by a reference of the people" (Noorani 1964, 33).

To keep the situation under control and avoid any further aggression from the Pakistani side, India tried to act neutral while helping the state of Jammu and Kashmir. The military help was sent to Maharaja, and the accession was provisionally accepted by India. The Indian government's *White Papers on Jammu and Kashmir* mentions, "in accepting the accession, the Government of India made it clear that they would regard it as purely provisional until such time as the will of the people could be ascertained" (Government of India 1950, 3).

Similarly, on October 30th, government of India announced the Kashmir provisional accession and stated that the full accession would be made by the people of the state. On the same date, the government of Pakistan issued a statement in which they mentioned that the accession of Kashmir to the Indian union is based on fraud and violence and cannot be recognized.

In November 1947, there were negotiations between Pakistan and the Indian government on Kashmir issue. On November 21st, Nehru mentioned that as soon as the raiders were driven out of Kashmir and peace and order were restored, the people of Kashmir would be given all rights of self-determination through a referendum under the auspices of the United Nations. On November 25, 1947, Nehru mentioned to the constituent assembly on Kashmir that it was made clear to both the Maharaja and Sheikh Abdullah that the dominion of India would accept the accession of Kashmir, but Indian government will wait for the people to decide.

CONCLUSION

Kashmir is strategically, economically, and politically important region in South Asia. It is a major source of tension between India and Pakistan. These tensions are ultimately giving birth to perpetual poverty in both countries. Special measures like the Comprehensive Dialogue were initiated, and it needs to be taken and made its periodic induction mandatory for both India and Pakistan. Some amendments should be made to these dialogues as political scenarios keep on changing—the recent amendments in article 370 by the Indian government—and new problems will likely occur in the future.

Key international players like the United Nations and the United States need to play a role to minimize the outbreak of another war, especially implementing the resolutions passed toward the issue of Kashmir. The United Nations should make sure their efforts and energy are not wasted and yield intended results. The same major players need to involve India and Pakistan in healthy relations in fields of energy and trade cooperation with which they would divert their energy from wars to cooperation and peace. The United States needs to understand that it is important for India and Pakistan to get involved with Iran for their energy demands through energy trade. After getting involved in the trade, it will be less likely for India and Pakistan to go to war with each other.

Pakistan needs to understand the dangers of arming and supporting the insurgents in Kashmir, as this process can incite India of reciprocating in Pakistan's Baluchistan province.

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