

Jammu and Kashmir: A Backgrounder

Jammu and Kashmir (J&K) was one of the 569 Indian princely states over which British



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paramountcy lapsed at the stroke of midnight on 15 August 1947. The rulers of these princely states were given the option of joining either the dominions-India or Pakistan. The ruler of J&K, Maharaja Hari Singh did not exercise the option to join either of the two dominions, and instead, signed a standstill agreement with Pakistan, pending the final decision regarding his state's accession.

With Muslims comprising a majority of population in the Kashmir Valley, one could easily have expected communal politics to develop. But the people of this region, through centuries of history had developed tolerance and a peaceful coexistence, irrespective of different religious beliefs. The National Conference (leading Muslim political organization of Kashmir) led by Sheikh Abdullah, a popular Kashmiri leader, believed in nationalism based upon community interests and not on the religion.

M.A. Jinnah, Pakistan's founding father apparently tried but did not succeed in winning the sympathies of the Muslims of Kashmir for his two-nation theory.* Frustrated by intransigence on part of Maharaja Hari Singh to decide about accession of J&K in favor of Pakistan, an organized army of tribesmen from Pakistan entered J&K on 22 October 1947. These invading tribal groups apparently aimed to force the sovereign to leave the

* The theory propagated by Muslim leadership of colonial India, according to which all Muslims of pre-partitioned India comprised a separate nation, and hence at the time of independence from British they were entitled to a separate state. This theory formed the basis of creation of Pakistan in those territories inhabited by majority Muslims of India.

state so that they could establish a pro-Pakistan regime in J&K. There are reports of large-scale looting and violence by these invading tribal groups. Sensing the threat of annihilation and may be realizing his obligations towards his people, the Maharaja sought military intervention from India. The government of India offered conditional military support, saying that J&K being a sovereign state, Indian military intervention would be against international norms. Maharaja Hari Singh then decided to accede the state of J&K to India. Sheikh Abdullah, the leader of Muslim majority public endorsed Hari Singh's decision.

The instrument of accession was signed on 26 October 1947, which was endorsed by Lord Mountbatten, the then Governor General of India. Subsequent to these developments, the Indian Army entered J&K and the first India-Pakistan war over Kashmir started. During this period the Pakistan's regular army was also involved in the conflict. After a sustained conflict the Indian Army secured Kashmir Valley, Ladakh, and certain areas of Jammu region. On January 1, 1948, India referred the issue of the armed aggression in J&K to the UN Security Council (UNSC). The UNSC in August 1948 adopted a resolution and constituted a UN commission for India and Pakistan (UNCIP). The UNSC resolution contained the following provisions:

- Both parties to the conflict (India and Pakistan) to cease armed hostilities.
- Armies of both parties to the conflict will withdraw from Kashmir, leaving some components of the Indian army for maintaining law and order.
- Once the above two clauses have been fulfilled, people of Kashmir will decide through a plebiscite, whether the state would accede to India or Pakistan.

After cessation of hostilities in 1949 the armies of both India and Pakistan continued to remain in Kashmir, divided by a line of control (LOC). Since the first two conditions of the UNSC resolution were not fulfilled the third condition of holding plebiscite in Kashmir also remained unfulfilled. In 1965 Pakistan tried to militarily annex Indian part of Kashmir by sending armed infiltrators into the Kashmir valley, which led to second India-Pakistan war. Again, in 1971 another India-Pakistan armed conflict resulted in loss of Pakistan's eastern wing, which became Bangladesh, and in the process 90,000 Pakistani military personnel were taken as prisoners of war (PsOW). In a historic agreement of 1972, India and Pakistan agreed to settle all their outstanding issues bilaterally without reference to an outside party.

The armed conflict between India and Pakistan across the LOC in Kashmir has continued unabated ever since. During the summer of 1990 there was a mass protest in Srinagar (capital city of Indian part of Kashmir), demanding freedom. Indian government deployed their military to control the situation, which also resulted in widespread violence. Pakistan has over the years exploited the situation in Indian part of Kashmir by sending in armed militants to fight Indian military. The militancy in Kashmir has the backing of Pakistan fundamentalist institutions and also the Pakistani government. Emboldened by active support by Pakistan, the militants have also targeted other parts of India leading to current military impasse between India and Pakistan.

The Issue

For last 54 years, the issue of Kashmir issue has remained unresolved despite three wars and series of multilateral and bilateral negotiations involving India and Pakistan. India says that entire Kashmir acceded to India in 1947, and hence the only issue to be resolved is the vacation of Kashmir under Pakistan's occupation. Pakistan's stand is that Kashmir is a Muslim majority state; it rightfully belonged to them, thereby questioning the

accession of Kashmir to India. Continuing India-Pakistan hostility over Kashmir has propensity of developing into a regional armed conflict with dangerous spillover effects. Both India and Pakistan possess nuclear weapons, which has added new dimensions to their hostility. People of both countries have suffered due to this conflict. International community, and also a significant section of domestic opinion in India and Pakistan want a negotiated settlement of the Kashmir issue.

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