

Our real crime

By

Muhammad Yasin Malik

Chairman JKLF

**BEFORE THE TRIBUNAL UNDER CRIMINAL LAW
AMENDMENT ACT 1983
IN THE MATTER OF :-
MEMORANDUM ON BEHALF OF,
JAMMU AND KASHMIR LIBERATION FRONT**

The enclosed document is presented before the Tribunal. It is reiterated that we do not submit to the jurisdiction Tribunal nor admit it.

We understand that having regard to our position and it is not possible for a domestic Tribunal to come to contrary conclusion than that of the Government which has the Tribunal and banned our party.

To let the world know, and to know correctly and truthfully, basis and perspective of our struggle for freedom document is present.

**Chief of
Jammu Kashmir Liberation Front,
Central Jail, Agra.**

PREFACE

On August 8th, 1990, I and my associates were arrested at 8.45 a.m. by paramilitary forces of "Bharat" at Barzulla, Srinagar.

On March 18th, 1991, I was approached by Tribunal, set up by so called Government of Jammu and Kashmir to secure judicial approval to the ban imposed on our party, "Jammu Kashmir Liberation Front", to offer my comments.

Having regard to the opportunity thus becoming available, I decided to write a document to a description not mainly of the aims of our movement but also of its development. This has also given us an opportunity to destroy fabrications which the, "Indian Press" have printed from time to time about our movement.

In this document, I turn not only to the strangers, but also to those followers of the movement whose hearts belong to it and wish to know more about it.

I believe that fundamental principles must be committed to writing.

May this document, therefore, serve the movement and immortalize the memory of those Martyrs who have laid down their lives in our "struggle for freedom"

**Mohd. Yasin Malik,
Agra Central Jail.**

INTRODUCTION

As a young boy of ten years old, I remember while I was wandering on the roads of Srinagar city, sudden panic gripped the streets, people were running here and there for shelter and armed men in uniform were attacking the people, catching hold of just anybody on the roads and taking them into custody or beating them. I was terrorized; a few vehicles of these armed men went past me and I ran for cover as all others did. I took refuge in a small shack near the Broadway Hotel and waited with baited breath. The men in uniform were running amok, tearing down everything that came their way. I thought I would not survive when the noise of the vehicles and cries of the people becoming victims continued all around me. Women and children were also not being spared. I don't know how long I hid in the shack. By God's grace, the shack in which I had sought refuge did not become a target of their attack and neither did I. Things quietened down. However, the incident left an indelible impact on my mind. That was my first encounter of suppression of Kashmiri masses.

I grew up with this feeling and gradually I came to realize that the state of Jammu and Kashmir was disputed. The Accession of Kashmir to India was not final and its masses were being suppressed. There was a general feeling of mistrust towards the Government of India and its representatives in the state. In my early youth days, when I barely joined college, I and my friends, who held a similar belief as I did that freedom was our birth right, we organized ourselves into a group and started holding demonstrations to mobilise the masses and to enable them to come together to realize their fate under the domination of the Indian Government on one side and Pakistan on the other, which held one third portion of our state under its occupation. I and my colleagues were arrested for this several times.

In 1987, when the assembly elections were announced, we decided to oppose the move since elections had never been fair in Jammu and Kashmir since 1947. The central government had only imposed rulers on Kashmiris, snatching from them the democratic right which they claimed to have bestowed on us. We had yet to muster support for this movement when we were jailed to muffle our tones. Each Kashmiri is today aware of how the 1987 elections were rigged, destroying the last hope that Kashmiris were clinging on to- dreaming of getting their right through the so called democratic process. We were released shortly after the election drama was over. And our voices could not be muffled for long. We had lost all hope in opposing any oppression by means of demonstrations since we were arrested before these could be staged. That is when I and my colleagues decided to take up guns for protection of Kashmiri masses and for our fight for independence and also for bringing the issue of Kashmir, which we believe is a dispute, into the world limelight.

Since early 1989, when the movement of gun for freedom began, the Indian government and its agencies unleashed a reign of repression against the innocent masses of Kashmir, taking in its fold the youth, elders,

women and children of the Valley. July, 1990 saw the promulgation of an ordinance empowering the Indian army and paramilitary forces to raid and even destroy residential houses suspected to be harboring militants and hiding arms and ammunition. During the last four years, at least 12,000 people have been killed in the Valley, as per the figures compiled by Asia Watch, including the custodial deaths and killings of innocents by the security forces. In 1992, 2,000 were reported to have been killed, most of them being civilians.

*In May, 1990, after Mirwaiz Moulvi Farooq was killed, Indian security forces started unprovoked firing on the precisionists attending his funeral.

* On October 12, 1990, 25 civilians were killed in indiscriminate firing by the security forces in Handwara.

*33 civilians were killed in Srinagar on June 12, 1991.

*Five women were raped by security forces on the pretext of crackdown near Anantnag on December 5, 1991.

On the intervening night of October 10 and 11, 1992 at least nine women including two minor girls were raped by the paramilitary forces men a village in Sopore. Amnesty International has allegedly that the investigation agencies, which comprised of representatives of the Government of India, was biased and that medical reports were also tampered with.

*On December 5, 1992, Hirdai Nath Wanchoo, Kashmir's most prominent and respected leader and a human rights activist was killed in Srinagar.

*On January 6, 1993, in the single largest civilian massacre, at least 43 people were shot dead or burned to death when Indian paramilitary forces rampaged through a neighborhood in the city of Sopore after militants attacked and killed two jawans. A local police official at the scene stated that the security forces ran amok and prevented police and fire fighters from intervening.

*Unidentified gunmen in Srinagar killed Dr Abdul Ahad Guru, a renowned Kashmiri Cardiothoracic surgeon and a member of the governing council of the JKLF on March 31, 1993. He was also an outspoken critic of human rights violations by the Indian security forces in Kashmir. During his funeral procession" when the mourners attempted to march from Dr Guru's house to Sopore, the security forces blocked them, saying that the procession would not be allowed to take that route. During the protest that followed, police opened fire with an automatic weapon, shooting Dr Guru's brother-in-law in the head and killing him instantly.

*On October 22, 1993, security forces again massacred over forty innocent civilians in Bijbehara when they were taking out a procession against the seige of Hazratbal shrine. Even police officers said that the firing was unprovoked and that there was no militant along with the procession.

In a pattern that is repeated every day in Kashmir, the security forces detain young men during "crackdowns", cordon and search operations during which all men of a neighborhood or village are called to assemble for an identification parade in front of hooded informers. The innocents held up for identification parade are often beaten up and humiliated without any provocation. As a part of its catch and kill campaign,

the Indian security forces have been deriving sadistic pleasures in indulging in torture of youth held up for questioning and custodial deaths, which are about 100 on an average every month.

Women have been the worst sufferers in the reign of terror let loose by the Indian security forces and the Indian army. They are raped, physically abused, man handled, tortured and humiliated for their only folly that Kashmiris today want freedom. Minor girls and even seventy or eighty year old women are not spared and their modesty is being outraged nearly every day. Most of these cases go unreported as women fail to come out and lodge complaints for the fear of stigma that the rape holds for a woman. They have to suffer in silence and endure with patience the horrifying humiliation of being physically abused by the Indian security forces who pounce on the innocent women like hungry wolves, making them targets of a life long torture and stigma.

With the movement spreading away from the Valley to other parts of the state and voices for freedom being raised in Doda district of Jammu region, a simultaneous process of repression against the masses has also begun since 1990. On June 29, 1994, Indian army jawans launched a crackdown in Basti village in Bhandarwah of Doda district and started unprovoked firing killing three youth, one of them being deaf and dumb, and injured at least 66 people, including fourteen women. It is pertinent to point out that the attack was on selective basis and Muslims were singled out for the brutal tirade. Women were pulled from their hair and dragged out on the streets and beaten and men were stripped naked in front of them in the most shocking manner. Before this, the army jawans called out all the villagers for identification parade. The Hindus were showered with abuses and asked to go back and only then did they resort to firing and killings.

It is evident that the designs of the Indian agencies are evil and they were making an attempt to tarnish the secular fabric of this state by trying to divide the people on communal lines to weaken our movement for independence. In Doda district, such incidents have been common and Indian agencies are burning midnight oil in an unending bid to sow seeds of communal polarization, not only in Doda but in the entire state of Jammu and Kashmir. They, however, cannot be successful for long as our culture fails to accept any communal tensions and our movement is not aimed at projecting one community against the other. It is for the freedom of the entire population of Jammu and Kashmir, whether he belongs to the majority community or minority.

The fact that a large number Kashmiri Pandits fled from the Valley in 1990-91 was because their enmasse migration, which is the saddest aspect of this freedom struggle, was also engineered by the government. The harmony with which the Hindus and Muslims of Kashmir have lived for centuries is a fact known to the world today. The beauty of this greatly marvelled paradise, enamoured by which a poet once said, 'Agar firdaus bar ru-he zamin ast, Hami-asto hami-asto Hami-ast,'

lies not only in its grand mountains, fine rivers, lakes in shining armour, glorious climate and fertile soil with charming flowers and delicious fruits, but also in the Kashmiri ideology - Kashmiriyat. This is an ages old passion for love, peace and beauty- love for the land and its people, peace that each Kashmiri cherishes in his heart and beauty of the simplicity and brotherhood. Impressed by this Kashmiri identity and culture, Emperor Jehangir had once remarked that he could not distinguish a Kashmiri Muslim from a Hindu. He could, however, distinguish a Kashmiri Muslim from a Moghul.

This holds true even today, even though much as we wished against, due to the seeds of mistrust sowed

by some vested interests, many of our Kashmiri Pandit brothers have left the Valley. The heart of every Kashmiri, be it Hindu or Muslim, bleeds today for the agony this land is going through and for each other as well. Just as all Hindus wish to return back to the Valley today, the Muslims would welcome them with open arms. For they have been a part and parcel of one culture, the fabric of which no guns can tarnish.

RETROSPECT

a. On March 28, 1586 A.D. Yousuf Shah, having lost to Mughals, was produced before Emperor Akbar, to accept Mughal sovereignty. That day marked the end of Kashmir's independence and beginning of our "struggle for freedom".

Subsequent years witnessed absolute exploitation of men and material, misery, poverty, disease, famine afflicted people of Kashmir. Foreign rulers, who came one after the other, eroded every thing i.e. dignity in man. They ensured that no fighting spirit was left in any Kashmiri—a spirit which had defeated the mighty Mughal Army on more than one occasion when many neighbouring states had fallen to their invasions.

b. Kashmir remained under tyranny of Mughal Subedars till the year 1751 A.D. During Mughal Rule, all potential for any insurrection in the name of "Kashmir Nationalism" was destroyed. People paid a heavy price. Retention of the "Kashmir State" became priority with the Mughals.

c. In 1753 A.D "Kashmir State" was conquered by Afghans. It remained for these Afghans to continue the work of spoiliations and slaughter which had already begun. Their rule lasted till 1819, when Ranjit Singh, the Raja of Punjab, conquered Kashmir. There is evidence to show that Kashmir at one stage or the other revolted against the Afghans during their rule of 67 years.

d. In 1819 Kashmir was conquered by Maharaja Ranjit Singh and the Kashmiri freedom lovers came to be regarded as little better than cattle. They came to be publicly hanged, dragged through the Bazaars, and even burnt alive for having slaughtered a cow. The Sikh rule lasted for 27 years, and during this period the Kashmiris were oppressed in numerous ways; They were not allowed to assemble for prayers in the Mosques, nor were they permitted to utter the "Azan", The Sikh soldiers with their swords and pistols in their belts would often parade through Bazaars and loot people in broad day light. They would also roam through villages to forcibly drag villagers out of their homes for "bei-gar" or carve. Visiting Kashmir during this period Schonberge wrote, "I have been in many lands, but nowhere did the condition of a human being present a more saddening spectacle than in Kashmir".

The Punjab Government had given full liberty to their stooges to oppress the Kashmiris the way they liked, The murder of a Kashmiri by a Sikh was encouraged by a little fine to the government from 16 to 20 Nanak Shahi rupees, of which 4 Nanak Shahi rupees were paid to the family of the deceased if he was a Hindu, and 2 Nanak Shahi rupees if he was a Muslim,

e. After the first Anglo-Sikh war, which ended in the defeat of the Sikhs, the British established their dominance over the Sikh possessions. Under the post war settlement between Britishers and Sikhs. the Sikhs ceded to the British, the territories of Jammu, Kashmir, Ladakh with Baltistan and the districts of Hazara and Chamba. This was done under "Treaty of Lahore". Within a week of the Treaty, the Britishers transferred the aforesaid territories in "independent possession" to Raja Gulab Singh of Jammu, on the conditions that the Raja will play in consideration of transfer of territories, a sum of Seventy five lakh Nanak-Shahi rupees. A separate agreement was executed on March 16, 1846.

AGREEMENT OF AMRITSAR -MARCH 16, 1846

This Agreement was preceded by Treaty of Lahore dated March 9, 1846. This Agreement of Amritsar in other words, "Sale Deed of Kashmir State" is a slur on the progress of mankind. The very existence of it shows treatment meted out to our people. It was an outcome of treachery, conspiracy and the respect which the invaders had for the people of Kashmir. This Agreement, on factual and legal grounds, is null and void. Firstly, it was executed under shady and suspicious circumstances. Secondly, its executant was a minor, therefore, inherently incompetent to contract. Thirdly, the British were never in active possession of Kashmir State, and as such they had no right to transfer or sell any thing which did not belong to them. Fourthly, at that time the son of Shah Imam-Ud-Din, who succeeded his father, declared his Independence and raised the banner of rebellion. This uprising was very popular in Kashmir. The Dogra soldiers were killed by forces of liberation at Maisuma and Drugjan. Fifthly, no Government cared to ascertain the wishes of our people. The whole business was transacted behind their back. Kashmiris till eternity will continue to hate this Agreement.

TREATY OF AMRITSAR, 1846

Treaty between the British Government and Maharaja Gulab Singh concluded at Amritsar, on 16th March, 1846. Treaty between the British Government on the one part, and Maharaja Gulab Singh of Jammu on the other, concluded on the part of the British Government, by Frederic Curie, Esq. and Brevet Major Henry Montgomery Lawrence (acting under the orders of the Right Honourable Sir Henry Hardings, G.C.B., one of Her Britain Majesty's most Honourable Privy Council, Governor General, appointed by the Honourable Privy Council, Governor General, appointed by the Honourable Company to direct and control all their affairs in East India) and by Maharaja Gulab Singh in person.

Article 1. The British Government transfers and makes over forever, in independent positions, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastern side of the River Indus and westward of the River Ravi, including Chamba and excluding Lahaul; these being part of the territories, ceded to the British Government by the Lahore State, according to the provisions of Article 4 of Treaty of Lahore, dated 9th March 1846.

Article 2. The Eastern boundary of the tract transferred by the foregoing Articles to Maharaja Gulab Singh shall be laid down by Commissioners appointed by the British Government and Maharaja Gulab Singh respectively for the purpose, and shall be defined in the separate engagement after survey.

Article 3. In consideration of the transfer made to him and his heirs by the provisions of the foregoing Articles Maharaja Gulab Singh will pay to the British Government the sum of Seventy Five Lacs (Nanak Shahi) fifty lacs to be paid on the ratification of this treaty and twenty five lacs on or before the 1st of October, of the current year A.D. 1846.

Article 4. The limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without the concurrence of the British Government.

Article 5. Maharaja Gulab Singh will refer to the arbitration of the British Government any disputes of questions that may arise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decision of British Government.

Article 6. Maharaja Gulab Singh engages for himself and heirs to join, with the whole of his military force, the British troops, when employed within the hills or in the territories adjoining his positions.

Article 7. Maharaja Gulab Singh engaged never to take or retain, in his service any British subject, nor the subject of any European or American State, without the consent of the British Government.

Article 8. Maharaja Gulab Singh engages to respect, In regard to the territory transferred to him, the provisions of article 5, 6, and 7 of the Lahore Durbar dated 11th March, 1840.

Article 9. The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10. Maharaja Gulab Singh acknowledges the supremacy of the British Government and will, in token of such supremacy, present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female) and three pairs of Kashmir shawls.

This treaty consisting of ten articles has been this day settled by Frederick Currie, Esq. Brevent-Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B., Governor General, on the Part of the British Government. and by Maharaja Gulab Singh in person and the said treaty has been this day ratified by the Seal of the Right Honourable Sir Henry Hardinge, G.C.B., Governor General.

Done at Amritsar, this 16th day of March, in the year of Our Lord 1846 corresponding with 17th day of Rabi-ul-Awal, 1262 Hijri.

f. Kashmir under Dogra Rule suffered the most. As a consequence of "Agreement of Amritsar" Gulab Singh declared that all land in his subjugated territories of Kashmir and Frontier illaqa's belong to him, and the owners or the tillers of land were simply tenants at will. For the first time in the history of Kashmir, people lost ownership rights of their own lands. Number of men in each village were fixed to do "Bei-gar" or forced labour on the back and call of the officers. Young and old were dragged like slaves. The people, who were dragged from their homes and families to a life of drudgery for months, perished of hunger and thirst on the road side or died of cold on the snowy passes. Seeds of unrest, which always existed ever since 1865 were being sowed again and sprouting in the hearts of every Kashmiri. Our people were made to die of hunger. Thousands of sons of soils perished on the mountainous passes when they tried to cross over to Punjab. These atrocities, our people suffered only because Kashmiris had been sold as slaves to the Dogra family of Jammu for a few pieces of silver. Sale of human beings is not permitted in any religion and by selling Kashmiris through the so-called "Treaty of Amritsar", great harm was done to humanity by the parties involved.

During Dogra Rule, inhuman and atrocious acts were committed on our people, with a view to crush their strength and spirit. Heavy Taxes were levied on land produce. Agents of repression were appointed. Corruption was rampant. Permission was required to be obtained to buy one's own food that too at an exorbitant rate. In substance the invaders traded with the people in the form of extraction of money from them and giving in return poverty, humiliation, disease, misery and disgrace. Our people were ruthlessly crushed. They were treated as slaves and used for "Bei-gar" or forced labour. Could a Kashmiri think of self respect and dignity which he possessed before he lost his independence? There was a time when Kashmir

was a land of milk, butter, fruits and food stuffs. All these bounties of nature were made extinct. Starvation and famine conditions added fuel to the fire. The people agitated against forces of oppression but were crushed. Punitive fines were realized from all agitators and their leaders were arrested. Many died due to atrocities. Yet in these times, a case of theft was not reported. Considerable amount of revenue to the Dogra regime was derived from flesh trade and trafficking of women. On the death of any such woman, her estate would be inherited by the Maharaja and no girl was allowed to leave "MADAM".

Even in these miserable conditions our people exhibited their love for independence. Whenever opportunity became available, people fought Dogras free themselves from their clutches. Our people were subjugated physically but their spirits remained free.

FOREIGN RULERS

Kashmiris were always ruled by foreigners, who came as invaders, because, they happened to live in one of the most beautiful countries on earth with its unexcelled charm and rivetting beauty which for ages has become the envy of others and thus a succession of armies from outside coveted it. Kashmir has been conquered and reconquered by invaders, who have murdered, oppressed and enslaved their ancestors and so grounded the life and heart out of them that their better slave have been crushed. It is our belief, that if other people of a nation had undergone similar traumatic experiences, for centuries, the people would have been crushed beyond redemption. The Kashmiris, therefore, had to gradually arise from slavery to manhood. The growth had to be naturally slow.

Kashmiris are brave people and can no longer be enslaved by any foreign rulers. Kashmiris can not forget their best, when they were humiliated as a nation, crushed as human beings, and sold as slaves. Kashmiri spirit collapsed under the burden of nearly of two centuries of oppression, of slavery. Our movement is aimed to put an end to this slavery and oppression.

Be that as it may, as a consequence of these developments, by the middle of the 19th century was formed the State of Jammu and Kashmir, extending from Lakhanpur to Gilgit including Hunza in North West.

On May 26th, 1946, the British Cabinet Mission under its plan called Cabinet Mission Memorandum on States announced that India States will soon lapse and that the power surrendered by these Indian States will revert to them. This position was maintained in the British Government's policy dated June, 3rd 1947. On July 25, 1947, Lord Mountbatten informed the Indian States that they would be free to choose between Dominions of Indian and Pakistan in accordance with Law to be passed by the British Parliament. They could also stay independent if they so choose.

On July 17, 1947 the British Parliament passed the Indian Independence Act, 1947. Under the Act dominions of India and Pakistan were created and 15th August was declared as the appointed date.

Kashmir State did not accede either to dominion of India or to dominion of Pakistan. Its position as on 16th August, 1947 was that of complete, independent, sovereign state. With the lapse of British paramountcy and end of suzerainty, it had become an independent country. qualified to become member of United Nations Organization. This status of Kashmir State continued.

Between 16th August, 1947 and October 25, 1945, forces of liberation revolted against the local king. The Maharaja's defense forces could not offer any resistance to these forces of liberation. There was total

uprising within Kashmir state against the Maharaja, who was left with no other alternative but to flee from Kashmir state. This is what precisely happened. But while fleeing he stabbed Kashmiris in the back. He had already conspired with the Indian authorities and forces but was apparently waiting for an opportunity to forge some sort of an alliance with India. The fleeing Maharaja, entered into Instrument of Accession at Jammu with Government of India. He addressed a communication to the Governor General of India, Lord Mountbatten, on October 26, 1947. The Instrument of Accession purportedly signed by him was a result of this.

INSTRUMENT OF ACCESSION

The Instrument of Accession of Jammu and Kashmir State signed by the Maharaja on October 26, 1947 read as:

Whereas the Indian Independence Act of 1947, provides that as from the 15th day of August, 1947, there shall be set up an independent Dominion known as "India", and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India;

And whereas the Government of India Act, 1935, as adopted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of accession executed by the Ruler thereof;

Now, therefore, I, Shriman Inder Mahindar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu and Kashmir Naresh Tatha Tibet adi peshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and;

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and my other Dominion authority established for the purposes of the Dominion shall by virtue of this Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (here-in-after referred to as "This State") such functions as may be vested in them by or under the Government of India Act 1935 as in force in the Dominion of India, on the 15th day of August, 1947 (which Act was so in force is hereafter referred to as "This State") such functions as may be vested in them by or under the Government of India Act, 1935 as in force in the Dominion of India, on the 15th day of August, 1947 (which Act was so in force is hereafter referred to as 'The Act')
2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedule here as the matters with respect to which the Dominion Legislature may make laws for the State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of the State whereby any function in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form the part of this Instrument and shall construe and have effect accordingly.

5. The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Instrument supplementary to this instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing, the compulsory acquisition of land for any purposes of a Dominion Law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them no such terms as may be agreed, or, in default of agreement, determined by any Arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution or to fetter my discretion to enter into agreements with the Government of India under any such future Constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in or over this State, or save as provided by or under this Instrument, the exercise of any powers, authorities and rights now enjoyed by me as Ruler of this State or the Validity of any law at present in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that my reference in this Instrument to be or the Ruler of the State is to be constructed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, 1947.

**Sd/
Hari Singh
Maharajadhiraj of
Jammu and Kashmir State**

MAHARAJA'S ACCESSION OFFER TO INDIA

Text of letter dated October 26, 1947 from Sir Hari Singh, the Maharaja of Jammu and Kashmir, to Lord Mountbatten, the Governor-General of India, accompanying the 'Instrument of Accession':

My Dear Lord Mountbatten,

I have to inform your Excellency that a grave emergency has arisen in my State and I request immediate assistance of your Government.

As your Excellency is aware that the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them.

Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan can not ignore this fact.

I wanted to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand Independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and

Pakistan to enter into Stand-still Agreement with my State. The Pakistan Government accepted this Agreement, The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government and it permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State at first in Poonch and then in Sialkot and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus it has become difficult to stop the wanton destruction of life and property and looting. The Mohora power-house which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer Capital of my Government, as first step to over-running the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-west Frontier coming regularly in motor tracks using Mansehra- Muzaffarabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan radio even put out a story that Provincial Government has been set up in Kashmir. The people of my State both the Muslim and the non-Muslim generally have taken no part at all.

With the conditions at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to looters, On this basis no civilised Government can exist or be maintained. This alternative I will never allow to happen as long as I am ruler of the State and I have life to defend my country.

I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and 'ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr, Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards,

Yours Sincerely
Sd/-

The Place, Jammu

26th October, 1947

HARI SINGH

On receipt of the letter, the Governor-General accepted the Instrument of Accession provisionally and replied to the Maharaja on 27th October, 1947, text as under :

My Dear Maharajah Sahib,

Your Highness's letter dated the 26th October, has been delivered to me by Mr. V.P. Menon. In the special circumstances, mentioned by your Highness, my Government have decided to accept the Accession of Kashmir State to the Dominion of India.

Consistently with their policy that, in the case of my State where the issue of Accession has been the subject of dispute, the question of Accession Should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir, and her soil cleared of the invader, the question of the State's Accession should be settled by a reference to the people.

Meanwhile, in response to your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an Interim Government to work with your Prime Minister:

**Yours Sincerely
Sd/-
Mountbatten of Burma**

Despite the commitment made by Government of India in unequivocal terms to ascertain wish of the people on the question of accession, by way of referendum, till date the Government of India has not fulfilled its promise and the condition of accession. It is settled in principle that accession can be either revocable or irrevocable. The Governor General of India itself made accession revocable and directed that the accession of the Kashmir State with Dominion of India will be decided by the people of the State. The Government of India itself did not accept the Instrument of Accession signed by the fleeing Maharaja.

We believe that the accession of Kashmir State with Bharat is incoherent Government of India cannot hold people of Kashmir. It must and in fact is under an obligation to ascertain the will of the people. People of our State have absolute choice in the matter of their continuing with Government of India or to annul the arrangement. But under no circumstances Government of India can turn a blind eye towards the political will of the people. In last 44 years holding of referendum on the question of accession has been avoided. We believe that Government of India is first interested in altering the community composition of our people and purely on basis of religion hold the plebiscite as and when the present majority community is reduced to minority. We won't. let this happen. We want referendum now and we will leave no stone unturned in our efforts to pressurize Government of India to hold plebiscite in the State so that the commitment made to the people of Kashmir on October 27, 1947 is fulfilled. For this purpose whatever means we may have to employ in achieving our political objective, will be adopted. Failure on the part of Bharat to hold plebiscite provides complete moral basis to our movement and ongoing struggle. Our movement has roots in our

conscience. It can never die. If one martyr is killed two will appear in his place. Our movement has ideological basis. It cannot be suppressed no matter what the cost is. We are determined to alter status quo and put an end to Indian occupation on our soil.

CASE BEFORE UNITED NATIONS

1. The Government of India erroneously believes, that "Instrument of Accession" entered into by the feeling Hari Singh entitles it, politically and legally to the retention of Kashmir State as a part of its territory. On the contrary we believe that the "Instrument of Accession" apart from being invalid, politically immoral, does not give any legal moral of political justification to the Government of India to remain in occupation of Kashmir State. We believe that till plebiscite is held, Government of India has no legal and moral right to continue its occupation of the State.

' The Government of Pakistan also believes that the "Instrument of Accession". is an invalid document and the people of the State deserve the absolute right to decide the annexation of their territory with India or Pakistan. Acting on the said belief, the forces of liberation which took active part between August 14 to Oct. 27, 1947 probably assisted by military forces attempted to physically occupy the territories of Kashmir State the Governments failed to fully occupy the entire State. India interpreted the event as an attack by the Pakistan on its territory and the Government of Pakistan denied that it had attacked the territory which belongs to India.

On January 1948 India complained to the United Nations that Pakistan is an aggressor and should be asked to leave the territories of Kashmir State which had been forcibly occupied by it. This act, on the part of Government of Pakistan, constitute, in the opinion of India, an attack by one country over the other. The complaint lodged by India is as follows :-

LETTER FROM THE REPRESENTATIVE OF INDIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL. DATED 151 JANUARY, 1948

Sir

The Government of India have instructed me to transmit to you the following telegraphic communication:

1. Under Article 35 of the Charter of the United Nations, any member may bring any situation, whose continuance is likely to endanger the maintenance of the international peace and security, to the attention of the security council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from Pakistan for operations against Jammu and Kashmir, a state which led the Government of India to take military action against them, and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India. If Pakistan does not do so, the Government of India may be compelled in self defense, to enter Pakistan territory, in order to take military action against the invaders. The matter is, therefore, one of the extreme urgency and calls for immediate action by the Security Council for avoiding a breach of international peace.

2. From the middle of September 1947 the Government of India had received reports of the infiltration of

armed raiders into the western parts of the Jammu province of the Jammu and Kashmir State; Jammu adjoins west Punjab which is a part of Dominion of Pakistan. These raiders had done a great deal of damage in the areas and taken possession of part of the territory of the State. On 24 Oct., the Government of India heard of a major raid from the Frontier Province of the Dominion of Pakistan into the valley of Kashmir. Some two thousand or more fully armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir; sacked the town of Muzaffarabad, killing many people, and proceeded along the Jehlum valley road towards Srinagar, the summer of the Jammu and Kashmir State. Intermediate towns and villages were attacked and burnt, and many people killed. These raiders were stopped by Kashmir state troops near Uri, a town some fifty miles from Srinagar, for some time, but the invaders got round them and burnt the power house at Mahora, which supplied electricity to the whole of Kashmir.

3. The position, on the morning of 27th Oct., was that these raiders had been held by Kashmir state troops and part of the civil population who had been armed at a town called Baramulla. Beyond Baramulla there was no major obstruction up to Srinagar. There was immediate danger of these raiders reaching Srinagar, destroying and massacring large number of people, both Hindus and Muslims. The State troops were spread out all over the state and most of them were deployed along the western border of Jammu province. They had been split up into small isolated groups and were incapable of offering effective resistance to the raiders. Most of the state officials had left the threatened area and the civil administration had ceased to function. All that stood between Srinagar and the fate which had overtaken the places en-route followed by the raiders was the determination of the inhabitants of Srinagar, of all communities, and practically without arms, to defend themselves. At this time Srinagar had also a large population of Hindu and Sikh refugees who had fled there from West Punjab owing to communal disturbances in that area. There was little doubt that these refugees would be massacred if the raiders reached Srinagar.

4. Immediately after the raids in to the Jammu and Kashmir State commenced, approaches were informally made to the Government of India Dominion. (It might be explained in parenthesis that Jammu and Kashmir form a State whose ruler, prior to the transfer of power by the United Kingdom to the dominion of India and Pakistan, had been in treaty relations with the British crown which controlled its foreign relations and was responsible for its defense. The treaty relations ceased with the transfer of power on 15 August last, and Jammu and Kashmir like other states acquired the right to accede to either Dominion.)

S

5 Events moved rapidly, and the threat to the valley of Kashmir became grave. On 26th Oct., the Ruler of the State, His Highness Maharaja Sir Hari Singh, appealed urgently to the Government of India for military help. He also requested that the Jammu and Kashmir state should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the largest popular organization in Kashmir, the National Conference headed by Shiekh Mohd. Abdullah. The conference further strongly supported the request for the state's accession to the Indian Dominion. The Government of India were thus approached, not only officially by the state authorities, but also on behalf of the people of Kashmir, both for military aid for the accession of the state to India.

6. The grave threat to the life and property of innocent people in the Kashmir valley and to the security of the State of Jammu and Kashmir that had developed as a result of the invasion of the valley demanded immediate decision by the Government of India on both the requests. It was imperative on account of the emergency that the responsibility for the defense of Jammu and Kashmir State should be taken over by the Government capable of discharging it. But, in order to avoid possible suggestion that India had utilized the state's immediate peril for his own political advantage, the Government of India made it clear that once the

soil of the state had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognized democratic method of a plebiscite or referendum which, in order to ensure complete impartiality might be held under international auspices.

7. The Government of India felt it their duty to respond to the appeal for armed assistance because:-

1. They could not allow the neighboring and friendly state to be compelled by force to determine either its internal affairs or its external relations.

2. The accession of the Jammu and Kashmir state to be the Dominion of India made India really responsible for the defense of the state.

8. The intervention of the Government Of India resulted in saving Srinagar. The raiders were driven back from Baramulla to Uri and are held there by Indian troops. Nearly 19000 raiders faced the Dominion forces in this area. Since operations in the valley of Kashmir started, pressure by the raiders against the western and south western border of the Jammu and Kashmir state has been intensified. Exact figures are not available. It is understood, however, that nearly 15000 raiders are operating against this part of the state. State troops are besieged in certain areas. Incursions by the raiders into the state territory, involving murder, arson, loot and the abduction of women, continue. The booty is collected and carried over to the tribal areas to serve as an inducement to the further recruitment of tribesmen to the ranks of the raiders. In addition to those actively participating in the raid, tribesmen estimated at 100,000 have gathered in different places in the districts of west Punjab bordering the Jammu and Kashmir state, and many of them are receiving military training under Pakistan, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and transported to the territory of the Jammu and Kashmir state with the help (direct and indirect) of Pakistan officials, both Military and Civil.

9. As already stated, the raiders who entered the Kashmir valley in October came mainly from the tribal areas to the north west of Pakistan and, in order to reach Kashmir, passed through Pakistan territory. The raids along the south west border of the state, which had preceded the invasion of the valley proper, had actually been conducted from Pakistan territory and Pakistan nationals had taken part in them. This process of transmission across Pakistan territory and utilization of that territory as base of operations against Jammu and Kashmir State continues. Recently, Military operations against the western and south western border of the state have been intensified, and the attackers consist of Pakistani nationals as well as tribesmen. The invaders possess machine guns, wear the battle dress of regular battle formation and are using the tactics of modern warfare. Man-Pack wireless sets are in regular use and even mark V-mines have been employed. For their transport the invaders have a11 along used motor vehicles. They are undoubted being trained and to some extent led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

10. These facts point indisputably to the conclusion:

a), that the invaders are allowed transit across Pakistan;

b), that they are allowed to use Pakistan territory as a base operation;

c). that they include Pakistan Nationals;

d). that they draw much of their Military equipments, transportation and supplies (including petrol) from Pakistan; and

e). that Pakistan officers are training, guiding and otherwise actively helping them.

There is no source other than Pakistan from which they could obtain such quantities of modern military equipment, training or guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last occasion on which this request was made was on 22 December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which the various forms of aid given by Pakistan to the invader were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly; no reply to this letter has yet been received in spite of a telegraphic reminder sent on 26 December.

11. It should be clear from the foregoing recital that the Government of Pakistan are unwillingly to stop the assistance in material and men which the invaders are receiving from Pakistan territory and from Pakistan nationals including Pakistan Government personnel, both military and civil. This attitude is not only unnatural, but constitutes active aggression against India, of which the State of Jammu and Kashmir forms a part.

12. The Government of India have exerted persuasions and exercised patience to bring out a change in the attitude of Pakistan. But they have failed, and are in consequence confronted with a situation in which their defense of the Jammu and Kashmir state is hampered and their measures to drive the invaders from the territory of the State are greatly impeded by the support which raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir and inhabitants of the state are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large number, of invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than the Jammu and Kashmir State is a menace to the rest of India. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir, is a drain on India's resources and a constant threat to the maintenance of peace between India and Pakistan. The Government of India have no option, therefore, but to take more effective military action in order to rid the Jammu and Kashmir State of the invaders.

13. In order that the objective of expelling the invader from Indian territory and preventing him from launching fresh attacks should be quickly achieved, Indian troops would have to enter Pakistan territory; only then could the invader be denied the use of bases and could be cut off from his sources of supplies and reinforcements in Pakistan territory for dealing effectively with the invaders. However, as such action might involve armed conflict with Pakistan. The Government of India, ever anxious to proceed according to the principle and aims of the character of the United Nations, desire to report the situation to the Security Council under article 35 of the Charter. They feel justified in requesting the Security Council to ask the Government of Pakistan :

1. to prevent Pakistan Government personnel, military and civil, from participating or assisting in the invasion of the Jammu and Kashmir State;
2. to call upon other Pakistan nationals to desist from taking any part in the fighting in the Jammu and Kashmir State;
3. to deny to the invaders: (a) access to and use of its territory for operations against Kashmir, (b) military and other supplies, (c) all other kinds of aid that might tend to prolong the present struggle.

14. The Government of India would stress the special urgency of the security council taking immediate action on their request. They desire to add that military operations in the invaded areas which have, in the past few days, been developing so rapidly that they must, in self defense, reserve to themselves the freedom to take, at any time when it may become necessary, such military action as they may consider the situation requires.

15. The Government of India deeply regret that a serious' crisis should have been reached in their relations with Pakistan. Not only is Pakistan a neighbour but, in spite of the recent separation, India and Pakistan have many ties and many common interests. India desires nothing more earnestly than to live with her neighbour-state on terms of close and lasting friendship. Peace is to the interest of both states; indeed to the interests of the world. The Government of India's approach to the Security council is inspired by the sincere hope that through the prompt action of the council, peace may be preserved.

16. The text of this reference to the security council is being telegraphed to the Government of Pakistan.

**I am Sir
Your Obedient Servant,
P.P.Pillai,
Representative of India to the United Nations.**

Government of Pakistan replied to the complaint. the reply was given on behalf of the said Governments in the following terms.

(S/646, 15 JANUARY, 1948)

**LETTER FROM THE MINISTER OF FOREIGN AFFAIRS OF PAKISTAN ADDRESSED TO THE
SECRETARY GENERAL DATED: 15 JANUARY, 1948 CONCERNING THE SITUATION IN JAMMU AND
KASHMIR.**

Sir,

I have the honour to forward the following documents :-

Document. I. being Pakistan's reply to the complaint preferred by India against Pakistan under Article 35 of the Charter of the United Nations.

Document- II :- a statement of disputes which have arisen between India and Pakistan and which are likely to endanger the maintenance of International peace and order. Pakistan being a member of the United Nations has the honor to bring these to the attention of the security -council under Article 35 of the Charter of the United Nations.;

Document- III :- which contains the statement of the particulars of Pakistan's case with reference to both the matters dealt within Document I and II.

2 . It is requested that these documents may be placed before the security council and that the security council may be requested to deal with the complaint referred to in Document I at the earliest possible date.

It is further request that all actions required by the ruler in connection with theses documents may kindly be taken as early as possible.

**I have the honour to be
Sir,
Your most obedient servant,
Minister of Foreign Affairs,
Government of Pakistan.**

**GOVERNMENT OF PAKISTAN
DOCUMENT I
PAKISTAN'S REPLY TO INDIA'S COMPLAINT**

1. The Government of India have under Article 35 of the Charter of the United Nations, brought to the notice of the Security Council the existence of the situation between India and Pakistan in which the maintenance of international peace and security is likely to be endangered. The situation in their view is due, "to the aid which the invaders consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north west are drawing from Pakistan for operations against Jammu and Kashmir State which acceded to the Dominion of India and is a part of India". They have requested the Security Council, "to call upon Pakistan to put an end immediately to the giving off such assistance which is an act of aggression against India". They have also threatened that ' if Pakistan does not do so, the Government of India may, "enter Pakistan territory in order to take military action against the invaders"

2. The specific charge which the India Government had brought against Pakistan:

- a). that the invaders are allowed transit across Pakistan territory;
- b). that they are allowed to. use Pakistan territory as a base of operations;
- c). that they include Pakistan Nationals;

- d) that they draw much of their military equipment transport and supplies (including petrol) from Pakistan; and

- e). that Pakistan officers are training, guiding and other wise helping them.

3. While the particulars of Pakistan's case are set out in Document III, the Pakistan Government emphatically deny that they are giving aid and assistance to the so-called invaders or have committed any act of aggression against India. On the contrary and solely with the object of maintaining friendly relations between the two Dominions the Pakistan Government have continued to do all in their power to discourage the tribal movement by all means short of war. This has caused bitter resentment through out the country, but despite a very serious risk of large scale internal disturbance the Pakistan Government have not deviated from this policy. In circumstance which will become clear from the recital events set out in Document III. it may be that a certain number of independent tribesmen and persons from Pakistan are helping the Azad Kashmir Government in their struggle for liberty is being used as base of military operations. It is also incorrect that the Pakistan Government are supplying military equipment, transport and supplies to the "invaders" or that Pakistan officers are training, guiding and otherwise helping them.

**DOCUMENT II
PAKISTAN'S COMPLAINT AGAINST INDIA**

1. For some time past a situation has existed between the Dominion of India and the Dominion of Pakistan

which has given rise to disputes that are likely to endanger the maintenance of international peace and security. Under Article 35 of the Charter of the United Nations, the Government of Pakistan hereby bring to the attention of the Security Council the existence of these disputes and request the Security Council to adopt appropriate measures for the settlement of these disputes and the restoration of friendly relations between the two countries.

2. While the particulars of the background and circumstances out of which these disputes have arisen are set out in Document III, a brief statement of these disputes is:

A. In anticipation of award of the Boundary Commission -set up under the Indian Independence Act, 1947, to effect a demarcation of boundaries between East and West Punjab and East and West Bengal, an extensive campaign of genocide directed against the Muslim populations of East Punjab, Delhi, Ajmer, and the state of Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpore, Alwar and Gwalior, etc., was undertaken by the non Muslim rulers, people, officials, police and armed forces of the States concerned and the Union of India beginning in the month of June 1947 which is still in progress. In the course of the execution of this well planned campaign large numbers of Muslims -running into hundreds of thousands - have been ruthlessly massacred, vastly larger number maimed, wounded and injured and over five million men, women and children have been driven from their homes into neighbouring areas of Western Pakistan. Brutal and un-mentionable crimes have been committed against women and children. Property worth thousands of millions of rupees has been destroyed, looted and forcibly taken possession of. Large number of Muslims have by extreme violence and the threat of violence, been compelled to make declarations renouncing their faith and adopting the Sikh or Hindu faith. Vast numbers of Muslim shrines and places of worship had been desecrated, destroyed or converted to degrading uses. For instance in the States of Alwar no single Muslim place of worship has been left standing. Among other result of this campaign, the most serious has been to drive into Western Pakistan during the winter. Apart from the appalling volume of human misery and suffering involved, the economy of Western Pakistan has been very prejudicially effected by the incursion of these vast numbers of refugees. These events have established that the religion, culture and language of the 35 million Muslims within the Union of India, and indeed their very existence is in danger, as not only have the Government of India failed to provide adequate protection to the Muslims in areas which have been referred to above, but the Police and armed forces of the Union of India and the rulers of the state concerned, have actively assisted the massacre and other atrocities committed upon the Muslim population.

B. In Sept. 1947, the states of Junagadh and Manavadar acceded to, as they were entitled to do under the agreed scheme of partition and the India Independence Act, 1947, and thus became part of Pakistan and entitled to the benefits of the standstill agreement between Pakistan and India. As soon as the accession was announced India started a war of nerves against these two States and certain other smaller States in Kathiawar, whose intention to accede to Pakistan was well known. A so-called "provisional" Government of Junagadh was set up in Bombay with the connivance of the Government of India and the active aid of its officials and later transferred its headquarters to Rajkot in Kathiawar where it proceeded to occupy forcibly property belonging to the Junagadh State and ejected Junagadh officials there from. The forces of the Indian Union, along with the forces of certain Hindu States of Junagadh in all directions on the land -ward side and rendered it practically impossible for the State authorities and for the Muslims population of the State to hold any communication with the outside world through normal channels. The running of Junagadh railways and the postal and telegraph services of the State vis-a-vis the rest of the country were virtually put an end to. By the adoption of various devices a state of panic was created inside the State, the objective of which was to bring the administration to standstill: Eventually the forces of the Indian Union

marched into the State under the excuse of an alleged invitation from the Dewan (Prime Minister) of the State. With the entry of those forces into the State was inaugurated an orgy of massacre and loot directed against the Muslim population of the State. A region of terror was thus set off which still continues. The action on the part of the Government of India amounted to a direct attack upon and aggression against Pakistan which Pakistan was entitled to repel by force. Pakistan, however, refrained from taking military action in the hope that the situation could be satisfactorily resolved by conciliatory means. This hope has, in spite of continued series of protests and representations by Pakistan, proved vain. If the situation is not now firmly handled and satisfactorily resolved there would be no course left open to Pakistan but to take appropriate military action to clear these States of India's armed forces and to restore the States to their lawful rulers.

C . The State of Jammu and Kashmir, which on the South and West is contiguous to Western Pakistan and has a Muslim population of nearly 80% and a Hindu ruler, entered into a standstill agreement with Pakistan in the latter half of August 1947. The territory of the State was purchased by the great grand father of the present Ruler from the East India Company in 1846 for 7.5 Million Rupees and ever since the Muslims population of this State has been oppressed and exploited by its Hindu Dogra Rulers. On several occasions the Muslim population has risen in rebellion against its oppressors, but these uprising have always been mercilessly suppressed. The Maharaja was thus aware that any attempt by him to accede to the Union of India would be tolerated by his people and would provoke violent reactions and uprisings through out the State which he would be unable to control with the help of his own forces. Apparently he entered into a standstill agreement with Pakistan to secure his communications, all of which ran through Pakistan, and also a continuations of his supplies which would only be moved through Pakistan. The State obtained a narrow out let into East Punjab and thus into Union of India as a result of most unfair and unjustified boundary Award of Sir Cyril Radcliff. The Maharajah's own desire, as subsequent events have proved beyond a doubt, was to accede to the Union of India, but he dared not take that step for fear of the well-known attitude of the overwhelming majority of his people and the consequences to which such a step might expose him. The device adopted by him was to allay the feelings of his Muslim subjects by means of the standstill agreement and then to bring about a state of affairs which would furnish him with an excuse to call in the military aid of the Union of India and thus transfer to the Government of India the responsibility of dealing with his people. In order to carry this plan into effect massacres of the Muslim population of the State by armed bands of Sikhs and Hindus and by the forces of the Maharajah were started in latter half of September which provoked uprisings of the Muslim population in different parts of the State. The tragic events and the happenings in East Punjab and the Sikh and Hindu States in and around that province convinces the Muslim population of Kashmir and Jammu Sate that the accession of the State to the Indian Union would be tantamount to the signing of their death warrant. When the massacres started the Muslim population of the State realized that the fate that had overtaken their co-religionists in Kapurthala, Faridkot, Nabha, Jind, Patiala, Bharatpur and Alwar, etc. was about to overtake them also. A wave of terror thus ran throughout the State and the neighboring districts of West Punjab and the North West Frontier Province. In their desperate situation the Muslim population of the state decided to make a final bid for liberty and indeed for their very existence, in which they had the full sympathy of their relations and fellow Muslims in the neighbouring districts of Pakistan. Several thousands of Muslims people of the State, particularly in the area of Poonch, had served world war, and they "decided to sell their lives dearly in the struggle with which they were now faced. The Maharaja made this the excuse to "accede" to the union of India and the Government of Pakistan with whom the State had concluded a contiguous agreement and to the territories of which it was contiguous throughout practically the whole of its Southern and Western Qorder. The Pakistan Government made several efforts to bring about an amicable settlement of the situation but each one of these was rejected by the Maharajah and the Government of India. In the meantime the Muslim

population of the state are being subjected to an intensified campaign of persecution and oppression in areas which are in the occupation of the Indian forces.

The Muslim population of the State have set up an Azad (Free) Kashmir Government, the forces of which are carrying on their fight for liberty. It is possible that these forces have been joined by a number of independent tribesmen from the tribal areas beyond the North West Frontier Province and persons from Pakistan including Muslim refugees from East Punjab who are nationals of the Indian Union.

The allegation made by the Indian Government that the Pakistan Government is affording aid and assistance to the Azad Kashmir forces, or that these forces have bases in Pakistan territory, or that these forces are being trained by Pakistan officers, or are being supplied with arms or material by the Pakistan Government are utterly unfounded.

On the contrary, armed bands from the State have repeatedly carried out incursions and raids into Pakistan territory and the air force of the Indian Union has on several occasions bombed Pakistan areas causing loss of life and damage to property. Protests made by Pakistan to the Government of India have passed unheeded. Attacks by units of the Indian Air Force over Pakistan territory have been described as due to errors of judgement. These attacks still continue.

It has been announced by the Government of India that it is their intention after restoring 'order' in the State to carry out a plebiscite to ascertain the wishes of the people in the matter of the accession of the State to India or Pakistan. Anybody having the most superficial knowledge of the conditions that have prevailed in the State during the last 100 years would not hesitate to affirm that plebiscite held while the Sikh and Hindu armed bands and the forces of the Union of India are in occupation of the State and are carrying on their activities there, would be no more than a farce. A free plebiscite can be held only when all those who have during the last few months entered the State territory from outside whether members of the armed forces or private have been cleared out of the State, and peaceful conditions have been restored under a responsible, representative and impartial administration. Even then care must be taken that all those that have been forced or compelled to leave the State since the middle of August 1947 are restored to their homes as it is apprehended that in the Jammu Province and elsewhere whole areas have been cleared of their Muslim population.

D. Ever since the announcement of the decision to carry out a partition of the sub-continent of India into Pakistan and India, those responsible for giving effect to the decision on behalf of India have adopted an attitude of obstruction and hostility towards Pakistan, one of the objects being to paralyse Pakistan at the very start by depriving it of its rightful share of financial and other assets. Even in cases in which agreement was reached the implementation thereof was either delayed or sabotaged altogether. This has been illustrated conspicuously by India's failure to implement the clauses of the settlement arrived at between Pakistan and India early in December 1947 and announced on 9 December, comprising the division of military stores, cash balances and other matters. Particulars of some of the instances in which India has committed default in implementing its obligations are set out in paragraphs 26 to 29 of Document III.

E. In its complaints preferred to the Security Council under Article 35 of the Charter of the United Nations India now threatens Pakistan with direct attack.

3. To sum up, Pakistan's 'complaint against India is :

1. That India has never wholeheartedly accepted the partition scheme and has, since June 1947, been making persistent attempts to undo it;
 2. that a pre-planned and extensive campaign of "genocide" has been carried out, and is still in progress against Muslims in certain areas which now form part of the India Union, notably East Punjab, Delhi, Ajmer, and the States of Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar and Gwalior, etc., which are in accession with India, by the non-Muslim rulers, people, officials, police and armed forces of the States concerned and of the Union of India;
 3. that the security, freedom, well-being, religion, culture and language of the Muslims of India is in serious danger;
 4. that Junagadh, Manavadar and some other States in Kathiawar which have lawfully acceded to Pakistan and form part of Pakistan territory have been forcibly and unlawfully occupied by the armed forces of the Indian Union and extensive damage has been caused to the life and property of the Muslim inhabitants of these States, by the armed forces, officials and non-Muslim nationals of the Indian Union;
 5. that India obtained the accession of the State of Jammu and Kashmir by fraud and violence and that large scale massacre and looting and atrocities on the Muslims of Jammu and Kashmir State have been perpetrated by the armed forces of the Maharajah of Jammu and Kashmir and the Indian Union and by the non-Muslim subjects of the Maharajah and of their Indian Union;
 6. that numerous attacks on Pakistan territory have been made by the Royal Indian Air Force, by armed bands from the Indian Union and the State of Jammu and Kashmir;
 7. that India has blocked the implementation of agreements relating to or arising out of partition between India and Pakistan including the withholding of Pakistan's share of cash balance and military stores;
 8. that under pressure from the Government of India, direct or indirect, the Reserve Bank and Currency Authority of Pakistan, and that such pressure is designed to destroy the monetary and currency fabric of Pakistan;
 9. that India now threatens Pakistan with direct military attack;
 10. that the object of the various acts of aggression by India against Pakistan is the destruction of the State of Pakistan.
4. The Pakistan Government request the Security Council :
1. to call upon the Government of India
 - a). to desist from acts of aggression against Pakistan;
 - b). 10 implement without delay all agreements between India and Pakistan including the financial settlement arrived at between India and Pakistan and announced on December, 9, 1947, with regard to the division of cash balances and military stores of the pre-partition Government of India and other matters;

c). to desist from influencing or putting pressure directly or indirectly on the Reserve Bank of India in regard to the discharge of its functions and duties towards Pakistan;

2. to appoint a Commission or Commissions

a) to investigate the charge of mass destruction of Muslim in the areas now included in the Indian Union, to compile a list of the rulers, officials and other persons guilty of "genocide" and other crimes against humanity and abatement thereof, and to suggest steps for bringing these persons to trial before an International tribunal;

b) to devise and implement plans for the restoration to their homes, lands and properties of Muslim residents of the Indian Union who have been driven out of or have been compelled to leave, the Indian Union and seek refugees; to secure the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them and to take effective steps for the future security, freedom and well-being of Muslims in India and for the protection of their religion, culture and language;

c) to arrange for the evacuation from Junagadh, Manavadar and other States of Kathiawar, which have acceded to Pakistan, of the military forces and civil administration of the Indian Union and to restore these States to their lawful Rulers;

d) to assist the restoration of the States referred to in (c) who have fled from or have been driven out of such States and for payment of compensation by the Indian Union for loss or damage caused by the unlawful actions and activities of the military forces, civil officials and nationals of the Indian Union in these States;

e). to arrange for the cessation of fighting in the States of Jammu and Kashmir; the withdrawal of all outsiders whether belonging to Pakistan or Indian Union including members of the armed forces of the Indian Union; the restoration and rehabilitation of all Muslim residents of the Jammu and Kashmir State as on 15 August, 1947 ;who have been compelled to leave the State as result of the tragic events since that date, and the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them; to take steps for the establishment of an impartial and independent administration in the State of Jammu and Kashmir, fully representative of the people of the State; and thereafter to hold a plebiscite to ascertain the free and unfettered will of the people of the Jammu and Kashmir State as to whether the State shall accede to Pakistan or to India;

f). to assist in and supervise the implementation of all agreements arrive at between India and Pakistan in pursuance of the decision to partition the sub- continent of India and to resolve any differences in connection therewith;

5. In conclusion the Pakistan Government wishes to assure the Security Council and the Government of India of their earnest desire to live on terms of friendship with India and to place the relations between the two countries on the most cordial, cooperation's between the two countries on the most cordial, cooperative and friendly basis. This happy state of affairs so earnestly desired by Pakistan can only be achieved through a just and satisfactory settlement of the differences that at present unfortunately divide the two countries. Any attempts to settle any of these questions in isolation from the rest is bound to end in frustration and might further complicate a situation already delicate and full of explosive possibilities. Friendly and cordial relations can only be restored by the elimination of all differences that are at present

generating friction and causing exacerbation. The disputes to which the attention of the Security Council has been drawn in this document are all inter-related and are specific manifestations of the spirit i.e. poisoning the relationship between the two countries. The restoration of this relationship to a healthy and munificent state depends entirely upon a just and fair settlement of every one of these disputes being simultaneously achieved. Pakistan hopes and trusts that this will be secured as speedily as possible through the Security Council.

DOCUMENT III PARTICULAR OF PAKISTAN'S CASE

1. The Pakistan Government are glad that the Government of India have chosen to make a reference to the Security Council. In fact they have for some time been of the view that this is the only feasible method of peacefully settling the differences between the two countries. They have already unsuccessfully tried over a period of many months to seek a solution of the disputes between the two Documents by the methods described in Article 33 of the Charter.
2. India has chosen to confirm the reference to the Security Council to one single aspect of the Kashmir question which ignores the basic and fundamental issues affecting the State of Jammu and Kashmir. But even the Kashmir episode in all its aspects is but one line in the chain of events which has been unfolding itself even since it became obvious that there was no solution of the Hindu-Muslim problems except the partition of India. A reference to the Security Council must therefore cover much larger ground and embrace all the fundamental differences between the two Dominions.
3. The story begins as early as the middle of 1946 following the demonstrations of Muslim solidarity throughout the country after the last Provincial elections. It then became clear that the achievement of Pakistan was the unalterable goal of the Muslims. The inevitability of the partition of the country which now became evident gave rise to a wave of deep resentment among the Hindu and Sikh population of the sub-continent. As a direct result of this severe communal rioting occurs in several towns and provinces of India such as Calcutta, Noakhali, Bihar, Bombay, Garmukteshwar, Rawalpindi, Lahore and Amritsar. Such communal strife had not been unknown previously, but what was astonishing was the unprecedented scale of killings that took place in Bihar and Garhmukteshwar proving beyond doubt the existence of well-settled plan of extermination of the Muslims. It was during these disturbances that the Rashtriya Sewak Sangh came to be known as the author of some of the most brutal massacres. The orgy of blood, however, died down in due course but as later events proved, only temporarily.
4. The political activity which took place in the early part of 1947 produced a lull, but soon after the partition plan was announced on 3 June, 1947, clear indications began to be received that the country was going to be plunged into a blood by the Rashtriya Sewak Sangh who had made no secret of the its opposition to the partition scheme, in spite of it being accepted by the representatives of all the three major communities.
5. The pre-partitions which the Sikhs were making for clearing large scale disturbances were known to the authorities, and in fact the Sikh leaders made no secret of them. So overwhelming was the evidence that the Viceroy compelled to warn the Maharaja of Patiala, Master Tara Singh and the other Sikh leaders, that strong action would be taken against them. At a meeting which the Viceroy had in the beginning of July 1947 with Congress and Muslim league leaders and members of the interim Government it was decided to arrest immediately prominent Sikh leaders including Master Tara Singh and Udham Singh Nagoke. These arrests were, however, postponed on one ground or another and the Sikh plan was allowed to be put into

operation with a view carefully prepared attack on a special train carrying Pakistan Government employees and their families from Delhi to Karachi on 9 August, 1947.

6. As the plan unfolded itself it became clear that the Sikhs, encouraged and actively assisted by the Hindus, were determined to liquidate by violent and bloody means the entire Muslim population of East Punjab. The object of the plan was to kill or drive out Muslims in order to settle in their place the Sikh population which was being pulled out of West Punjab under a planned scheme. The modus operandi was to disarm the Muslim population and then to leave it at the mercy of armed bands who were actively assisted by the Army and police. There is abundant evidence that this plan had the full support and active assistance not only of the officer of East Punjab Government but also of the Sikh States- such as Patiala, Kapurthala, and Faridkot. Months before the partition of the country in August 1947, Alwar and Bharatpur had set the example in liquidating the entire Muslim population of massacres, forced conversions on a mass scale and by driving them out of the West. Patiala, Faridkot, Jind, Kapurthala; in fact, all the Hindu and Sikh States in the past Punjab, which has a majority of non-Muslims in the population and a Muslim Ruler provides a refreshing contrast since there has been no disturbance of any kind in that State and the non-Muslim population has been perfectly safe. On the other hand, Kapurthala with a non-Muslim Ruler has today hardly any Muslims left. Similarly large tracts of Muslim majority areas which under the boundary award had been most unjustly included in the East Punjab were cleared of Muslims by massacres, forced conversions and expulsions. The whole country was ravaged by fire and sword, vast numbers were butchered and countless women were abducted. Indeed, decency forbids mention of some crimes committed against women. Millions were forcibly and ruthlessly driven out of their homes. The process went on sector by sector and culminated in the tragedy that was enacted in Delhi, the capital of India. According to the Government of India themselves there was a breakdown of administration in the capital for a number of days. The destruction and desecration of mosques, tombs and holy places and forcible conversions on the mass scale were special features of these happenings. In Alwar for example, every Mosque has been destroyed.

7. While this vast scheme of "genocide" was being put into execution in East Punjab and neighbouring areas the Pakistan Government made repeated efforts to persuade the Union of India to arrest its course. A number of conferences were held between the two Dominions almost invariably at the instance of the Pakistan Government but while lip-service was paid to the necessity of restoring order no serious effort was made by the Indian Government to implement their promises. In fact it became clear that they were determined to leave no Muslims in East Punjab. The Pakistan Government appealed to the Governments of the British Common Wealth to arrange a conference to find ways and means of removing this serious threat to the peace and security of the sub-continent but the Indian Government opposed this proposal on the ground of outside interference. The Pakistan Government also proposed that United Nations observers should immediately visit the disturbed areas but this too was opposed by India.

8. This plan of liquidation of Muslim population is still proceeding despite the pious professions of the Government of India. The latest example of this is provided by the happenings in the holy city of Ajmer, about which the Government of Pakistan had warned the Indian Government some weeks ahead. In this connection the Government of Pakistan finds it difficult to believe that the Government of India are innocent of complicity in this vast scheme of "genocide" started by the Sikh and Hindus and encouraged and supported by persons in authority as means of means of destroying the newly created State of Pakistan. This is amply supposed by the speeches and declarations of Hindu and Sikh leaders. The Muslims of India are being subjected to calculated insults and humiliations and pressure is being brought on them by prominent Hindu leaders including premiers of provinces to renounce their language and culture. All sons of

tests of loyalty are being demanded from them. The one on which particular emphasis is laid is that they should denounce Pakistan and try to undo the partition and express their readiness to fight Pakistan on the side of India. It is a matter of deep regret that even today responsible members of the Government of India, including the Prime Minister, openly declare their intention or hope of bringing Pakistan back into the Indian Union, well knowing that this can be done only through conquest by arms. The Pakistan Government have pointed out many times to the Indian Government that speeches and statements of this kind impair friendly relations between the two countries; but these representations have had no effect. Such an attitude can only mean that the Hindu and Sikh leaders while giving their agreement to the partition plan did so without any intention of permitting its implementation and, further, that India is determined to undo the settlement by all means at its disposal. In other words, Pakistan's very existence is the chief cause of concern as far as India is concerned.

9. The events which took place following the announcement of accession of Junagadh and Manavadar States to Pakistan lend further support to the contention of the Pakistan Government that the Government of India intend by all possible means at their disposal to destroy Pakistan.

10. In accordance with the agreement scheme of Partition and the Indian Independence Act, 1947, Indian States were under no compulsion to accede to either of the two Dominions. Notwithstanding this clear provision the Government of India by a combination of threats and cajolery forced a number of States into acceding to the Indian Union. The Rulers of Junagadh and Manavadar were similarly threatened but they stood firm and acceded to Pakistan. This was the single reason for India to launch with full force its attack, using every possible weapon in order to force the States, against their will, to change their affiliations. Protests were made to the Pakistan Government, pointing out that a State which had a Hindu majority population could not accede to Pakistan, as the country had been divided on communal basis. Another reason given was that Junagadh, though accessible from Western Pakistan by a short sea passage, was not physically contiguous to Pakistan and that its accession to Pakistan was calculated to cause disruption in the integrity of India. Simultaneously with these protests, the Government of India put large bodies of Indian troops on the borders of Junagadh and encouraged the neighbouring Hindu States, which had acceded to India, to do likewise. In clear violation of the standstill agreement the Junagadh State was subjected to an economic blockade involving stoppage of all vital supplies, including food, clothes and coal into the State territory, lines of communication including railway and telegraph were operated in such a manner that it became virtually impossible for the State or the Muslim population of Junagadh to communicate with the outside world by the usual means. A strong press campaign calculated to destroy the morale of the State Administration and to create panic among the population was launched both inside and outside the State.

11. Another line of attack was adopted by setting up a "provisional Government" with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the non-Muslim population of Junagadh State. The so-called "Azad Fauj" of the provisional Government was created and armed by the men and officers of the Indian Dominion. The "provisional Government" not only proceeded to seize by force State property in Rajkot but violent means were used to create conditions in which it became impossible for the State administration to function. At this point the Government of India sent their troops and occupied the State under the plea of an alleged "invitation" by the Dewan. Since then an orgy of murder, arson, rape and loot has been let loose against the Muslims in the State by the military forces of India in exactly the same manner as in northern India and Muslims have had to flee from the State. It should be added that as long as the State was under administration of Nawab, there was no molestation of any section of the population whatsoever. According to newspaper reports Mr. Samaldas Gandhi, the head of the so-called provisional

government, has openly thanked the Deputy Prime Minister of India for the assistance received. All this was done in utter disregard of the International code of conduct and ordinary neighborly decency. In the interest of peace between the two Two Dominions Pakistan refrained from sending a single soldier to Junagadh. Occupation by force of Junagadh which is Pakistan territory is a clear act of aggression against Pakistan. Pakistan is entitled to send its forces into Junagadh to clear out the invading forces of India by military action and in the event of the present position continuing would be under the necessity of taking such action in discharge of its obligation to the Ruler and the people of Junagadh, as under the terms of the Instrument of Accession executed between Junagadh and Pakistan "defense" is an obligation of Pakistan.

12. In case of Manavadar not even the flimsiest show of justification was considered necessary and the State was taken military occupation without any explanation being offered. A similar fate be fell the Talukadari States of Sardargarh, Bantva, Sultanabad and Mangrol. The unfortunate Rulers of some .off these States have been kept in detention and have been subjected to considerable pressure to wean them from their affiliation to Pakistan.

13. Kashmir provides the culminating illustration of the hostility of the India Government of Muslims and Pakistan and their determination to satisfy their imperialistic ambition of rule over the entire sub-continent by fascist tactics and use of naked force.

14. The State of Jammu and Kashmir was purchased by the great grand father of the present Hindu Dogra Maharajah from the East Nearly eighty percent of the population of the State is Muslim but the administration, civil and military, is almost entirely in the hands of non-Muslims. The administration has been notoriously oppressive and retrograde and the Muslim population has been kept in a state of abject poverty and misery.

15. On the 15th August, 1947, Jammu and Kashmir State like other States was free to accede or not to accede to either Dominion. It entered into a standstill agreement with Pakistan, under which inter alia the administration of post and telegraph services was entrusted to Pakistan. Since all the natural outlets of the State fall into Pakistan, all outside supplies reached the State through Pakistan.

16. In view of the communal composition of the population of the State and the continuous oppression and degradation to which they had experience through out the period of Dogra Rule and against which they had risen a number of times, it was perfectly obvious to the Maharajah that any attempt made by him to accede to the Union of India and thus to perpetuate the slavery of the overwhelming Muslim population of his State of Hindu Rule would immediately provoke a wide spread and violent uprising which he would be utterly unable to withstand with the help of his own forces. He, therefore, choose to enter into a standstill agreement with Pakistan which served for the time being to allay them to hope that the standstill agreement would eventually ripen into full accession. This was, however, only a device on the part of the Maharajah to gain enough time within which to create conditions which would furnish him with a plausible excuse to call in the forces of the Indian Union so that after trampling down all popular opposition with their help he might be able to accomplish upon latter the responsibility to deal with his rebellious people.

17. During September, 1947, disturbing news of repression and massacres of the Muslim of the State by the Sikh armed bands and Rashtriya Sewak Sangh assisted by the Hindu Dogra Police and army of the State started reaching Pakistan through Muslim refugees who sought asylum in Pakistan. Soon, the number of refugees swelled and it became obvious that the happenings of the East, Punjab and the States like Patiala, and Kapurthala were being re-enacted in Jammu and Kashmir. At the same time the number of

raids by armed bands from the State territory into Pakistan increased. The Pakistan Government repeatedly tried to discuss these questions with the Kashmir Government as well as the complaint of the Kashmir Government regarding supplies which owing to the break down of communications in the Punjab were not reaching the State in full. The Pakistan Government sent a representative of their Ministry of Foreign Affairs to Srinagar to discuss these matters with the State, but Mr. Mahajan, who had taken over charge as Prime Minister of the State on 15 October, refused to hold discussions with him and he had to return. On the very day that Mr. Mahajan took over charge, he addressed a telegram to the Prime Minister of Pakistan threatening that unless Pakistan agreed to an impartial inquiry into the matters in dispute between the two States he would be compelled to ask for outside assistance, The Prime Minister of Pakistan at once accepted the proposal for an impartial enquiry and asked the Prime Minister of Kashmir to nominate a representative for this matter. On 18th October, the Prime Minister of Kashmir, in a communication to the Governor General of Pakistan repeated his charge against Pakistan and concluded it by saying that he wished to make it plain that the attitude of the Government of Pakistan could be tolerated no longer and that he would be justified in asking for outside assistance. On 20th October, the Governor General replied calling attention to the repeated attempts of Pakistan to maintain friendly relations with Kashmir and invited the Prime Minister of Kashmir to come to Karachi and talk things over with him. The Governor General also pointed out that the treat to call out side help amounted almost to an ultimatum and showed that the real aim of the Kashmir Government's policy was to seek an excuse to accede to the Indian Union. In the opinion of the Government of Pakistan, the course of these negotiations clearly shows that the Kashmir Government had never any intention of maintaining friendly relations with Pakistan and that, at any rate, as early as 15th October, they had made up their minds to call in out side assistance in concert with the Government of India.

18. Meanwhile, the repression of Muslims in the State was increasing in intensity. Repression was followed by resistance particularly 6500 ex-soldiers who fought for the United Nations during the last world war. The resistance in its turn was sought to be put down with severe oppression until the Dogra savagery supported by the brutality of Sikhs and Rashriya Sewak Sangh created a reign of terror in the State. In sheer desperation the Muslim population of the State broke out into open revolt in several areas and declared their independence from the Maharaja. Many of them were ruthlessly cut down and acts of indescribable horror were perpetrated by the Dogra forces of the Maharaja assisted by the Sikhs and the Rashtriya Sewak Sangh. This state of affairs naturally aroused strong feelings of sympathy throughout Pakistan where the presence of million of Muslim refugees from East Punjab (nationals of the Indian Union) and Indian States, was an ever constant re- minder of the fate which was about to over take the Muslim of Kashmir. Consequently, some of these refugees and other Muslims from contiguous areas who had numerous ties of relationship with the persecuted Muslim of the State, went across to assist their kins men in the struggle for freedom and indeed for existence itself. It is to be noted that the first outside incursion into the State occurred more than a week after the Prime Minister of Kashmir had threatened to call in out side assistance. It is clear that the sole responsibility for these events must rest on the Maharaja's Government who ordered the oppression of the Muslims as a matter of State policy on the model of what had happened in East Punjab and State like Patiala, Bharatpur, Alwar etc. In conspiracy with the India Government, they seized upon this incursion as the occasion for putting into effect the pre planned scheme for the accession for the Kashmir as coup. d'etat and for the occupation of Kashmir by the Indian troops simultaneously with the acceptance of the accession by India. The Pakistan Government have not accepted and cannot accept the accession based on violence and fraud. It was fraudulent in as much as it was achieved by deliberately creating a set of circumstances with the object of finding the excuse to state the "accession". It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the well known wishes of an

overwhelming majority of the population and could not be justified on any grounds whether moral, constitutional, geographical, economic, cultural or religious.

19. For some time past the Indian Government have been engaged in misleading the world as to the true wishes of the people of Kashmir by playing up the National Conference and its leader Sheikh Abdullah. Sheikh Abdullah had been sentenced by the Maharaja's Government in 1946 to a long term of imprisonment on a charge of treason. He was released early in October, 1947 as part of the plan to accede to India. On the other hand, the true leaders of the Muslims of the State whose only representative organization is the Muslim Conference are kept in jail on technical grounds. Their real offence is that being the true representatives of the majority of Muslims of the State they favour the accession of the State of Pakistan.

20. If the Government of India had extended to the Pakistan Government the courtesy of consulting them before embarking on notifying Pakistan of their proposed action thus providing an opportunity for discussion and consultation, it might have been possible to avert the tragedy of Kashmir. The events following the forcible occupation of the State by the Indian troops more than confirmed the worst fears of the Muslims. Massacres, atrocities and crimes against women, were now committed on a scale surpassing anything which the Maharaja's forces had previously perpetrated. Jammu province which had a majority of Muslims has today very few Muslims left in areas in the occupation of the Indian Forces. The condition created by the military intervention of the Government of India served to swell the torrent of popular resentment in Pakistan to an uncontrollable degree.

21. In view of this background, it is not surprising if Independent tribesmen and persons from Pakistan, in particular the Muslim refugees (who it must be remembered, are nationals of Indian Union) from East Punjab are taking part in the struggle for the liberation of Kashmir as part of the forces of the Azad Kashmir Government. In regard to the modern military equipment which is alleged to be in the possession of the Azad Kashmir forces, to the best of the information of the Pakistan Government, these forces are poorly equipped and such few modern weapons as they possess have either been captured from the Dogras and Indian troops or have been in their possession since the days of the British. The Pakistan Government emphatically repudiate the charge that they have supplied the military equipment, transport and supplies to the "invaders" or that Pakistan officers, are training, guiding and otherwise helping them.

22. The military resistance of Azad Kashmir has no doubt come as an unpleasant surprise to the Indian Government who appear to have underestimated the valour and patriotism of a people stirred to their depths by the horrors perpetrated upon them and their co-religionists in certain parts of Indian Union. The character of the terrain, the climate, the familiarity of the Azad Kashmir forces (the bulk of whom are drawn from the State) with the country in which they are operating, their military traditions and the military skill acquired by them during their fight on this side of the United Nations have all combined to nullify to a large extent the vastly superior equipment of the Indian forces.

23. This recital of the events in Kashmir would be incomplete without a statement of the many efforts made by the Pakistan Government to reach a peaceful settlement of this question immediately after the intervention of the Government of India in Kashmir on 27th October, the Governor General of Pakistan arranged a conference to be attended by the two Governors General, the two Prime Ministers of the Dominions and the Maharaja and Prime Minister of Kashmir. This conference fell through owing to the indisposition of Pandit Jawahar Lal Nehru, the Prime Minister of India- A second meeting was arranged for 1st November, but again at the last minute Pandit Nehru could not come and only the Governor General of

India came. During the discussion with the Governor General of India, the Governor General of Pakistan put forward the following proposals :-

1 To put an immediate stop to fighting, the two Governors General should be authorized and vested with full powers by both Dominion Governments to issue a proclamation forthwith giving 48 hours notice to the two opposing forces to cease fire. Governor General of Pakistan explained that he had no control over the forces of the Azad Kashmir Government or the Independent tribesmen engaged in the fighting but that he would warn them in that if they did not obey the order to cease fire immediately the forces of both Dominions would make war on them.

2. Both the forces of Indian Dominion and the outside "invaders" to withdraw simultaneously and with the utmost expedition from Jammu and Kashmir State territory .

3. With the sanction of the two Dominion Governments the two Governors General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State and arrange for a free plebiscite without delay under their joint control and supervision .

24. No reply was received to these proposals for many days. On 2nd November, however, the Prime Minister of India made it clear in a broadcast that the Indian Government intended to force a decision by military action and to continue their occupation and the puppet administration set up by them. The plebiscite which he has announced would be held after the complete subjugation of the State of the Indian armed forces and is bound to be no more than a farce and must result in the permanent occupation of the State by India which is the aim of Indian Government. All subsequent decisions between the two Dominions have proved fruitless owing to the insistence of India on keeping their troops in the State and their refusal to agree to an impartial administration as the pre requisite of a free and unfettered plebiscite. The Pakistan Government suggested as early as 17th November, that the whole matter including the retention of troops, the Character of the interim administration and the holding of the plebiscite should be entrusted to the United Nations but Indian Government re- fused to accept this proposal.

25: While Pakistan is doing its best to maintain peaceful relations with India, there have been many attacks on Pakistan territory by armed bands from Jammu and Kashmir State

54 territory supported by the forces of Maharaja and those of the Indian Union. The Pakistan Government have sent repeat(representations to the Indian Government on the subject by without any effect. The Royal Indian Air Force has also mad. numerous attacks on Pakistan territory causing considerable. damage to life and property. The protests of the Pakistan Government have only elicited the assertion by the Government of India that these are minor incidents due to error o Judgement by Indian airmen. The attacks have, however continued to persist.

26. India's treatment of Pakistan in respect of administrative, economic and financial matters indicates the same attitude of hostility towards Pakistan. The process of partition itself was punctuated by all manner of obstruction aimed a depriving Pakistan of its rightful share of financial and other assets, and even in cases in which agreement was reaches(the implementation was delayed or sabotaged. A large number of instance can be quoted in support of this statement but i will suffice to mention the following :-

1. division of military stores.
2. division of cash balances.

3. interference with Reserve Bank so as to destroy the monetary and currency fabric of Pakistan.

27. To supervise the division of armed forces and military stores a joint defense council was set up consisting of Lord (Mountbatten, Governor General of Indian, as Chairman, representatives of the two successor authorities --India and Pakistan and Field Marshal Auckinleck, the Supreme Commander, as impartial authority to implement the decisions of the Joint Defense Council. It was estimated that the Supreme Commander would be able to complete his task by 31 st March 1948. Within a very short time of the setting up of the Supreme Command, India created so hostile an atmosphere in Delhi that the Supreme Commander found it impossible to discharge his responsibilities and was forced to recommend the abolition of his head quarters long before he had completed his task. In spite of the protests of Pakistan, the Government of India succeeded in doing away with this impartial organization which could have ensured equitable distribution of the stores and proper re organization of the armed forces. The Indian Government pledged their word at the time that Pakistan would get its due share of military stores. These assurances were supported by Lord Mountbatten who at a meeting of the Joint Defense Council held on 8th November, stated that 'he believed that in view of the unanimous endorsement given by the Indian Cabinet to the pledge like other similar pledges of the Indian Government has not been honoured and the slight trickle of military stores to Pakistan shows signs of stopping altogether.

28. The story of the division of cash balances is even more illustrative of the attitude of the Government of India. The cash balances of the undivided Government of India on 14 August, 1947 were four thousand million rupees. Pakistan representatives demanded that out of these one thousand million rupees should be handed over to Pakistan as its share. Since matter could not be settled it was decided to refer the case to the Arbitral Tribunal. In the beginning of December 1947, however, all outstanding cases which had been referred to the Arbitral Tribunal were settled by agreement between the two Dominions and Pakistan's share of the cash balances was fixed at 750 millions rupees. This financial settlement was reached on its own merits issue. Nevertheless India has since refused to hand over the amount until the Kashmir question is settled. India's action is made possible only by the fact that the Reserve Bank of India, which holds the cash balances, is controlled and dominated by the Indian Government and is not functioning as it should, as a trustee of both the Dominions.

29. According to the agreements agreed to at the time of partition, the Reserve Bank of India was to act as Banker and Currency Authority both for the Indian Union and Pakistan. As it was realised that it would take some time for Pakistan to establish its own currency for the common currency of the pre-partitioned India which is in use all over the sub-continent, it was agreed that Pakistan's own currency should commence coming into use from 1st April 1948, but that a separate Currency Authority should be set up by Pakistan by 1st October, 1948. On the suggestion of the Reserve Bank made before the Partition, it was agreed that :-

a) so long as there were notes available in the Banking Department, Pakistan should be freely allowed ways and means, advances on payment of interest at one half percent. , and the only limitation on these ways and means advances would be the availability of notes in the Banking Department; and

b) that when ways and means advances were needed by the Pakistan to meet its requirements which could not be otherwise met out of its cash balances or ways and means advances, Pakistan should be able to have its currency expanded against its own ad-hocs. The limits for such ad-hoc was fixed at 30 million rupees. It was agreed as a part of financial settlement between India and Pakistan announced on 9 December, 1947, that India would not object to the removal of this top limit if the Reserve Bank did not

raise a no objection. Such ad-hoc were to be retired against the Pakistan share of the assets of the Reserve Bank in its issue Department.

Under pressure from the Government of India, direct or indirect, the Reserve Bank is now refusing to honour to the full its obligations. This pressure is continuing and is designed to destroy the monetary and currency fabric of Pakistan, thus endangering the safety of the State.

30. Not content with these various acts of hostility and aggression against Pakistan, the Government of India now threaten Pakistan with a direct military attack.

UN RESOLUTION

a. Having regard to the complaint, counter complaint and the replies, number of issues precipitated for the consideration of the United Nations. To probe deeper into the matter and to resolve the issues involved the Security Council appointed commission called 'United Nations Commission for India and Pakistan'.

In all three resolution were passed. The first resolution was passed on January 17, 1948. The second resolution was passed on 21 April, 1948 and the third on June 3, 1948. The most important resolution is dated April 21' 1948 which for facility is re-produced below :-

(51726,22 April, 1948)

Resolution on the India-Pakistan question submitted jointly by the representatives of Belgium, Canada, China, Colombia, the United Kingdom and the United States of America, adopted at the two hundred and eighty sixth meeting of the Security Council.

21 April, 1948

The Security Council,

" Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir and having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan.

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and India and Pakistan should do their utmost to bring about a cessation of all fighting. No doubt it is satisfactory that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger International peace and security:

Re-affirms the Council's Resolution of January 17th, resolves that the membership of the Commission established by the Resolution of the Council of January 20th 1948, shall be increased to five and shall include in addition to the membership mentioned in that Resolution, representative of and and that if the membership of the Commission has not been completed within ten days from the date of adoption of this Resolution, the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership office,

Instructs the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission and further instructs the Commission to keep the Council informed of the action taken under the Resolution, and to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India and Pakistan"

The most interesting feature of the case before the United Nations:, in our opinion is, that the people of the State who were to decide their own fate, were not heard. It is a strange inter play of events that on the one hand under the communication of 27th October, 1947, India was committed to hold plebiscite in the Kashmir State, which it had not done, and, therefore, the Instrument of Accession remained un- ratified and on the second hand India acted on the basis of "Instrument of Accession" and accused Pakistan of invasion and on the third hand people of the State who were to decide their own fate, were not heard.

b) By the Resolution of 20th January, 1948 the security Council established a Commission called "United Nations Commission for India and Pakistan". The Commission was invested with dual function i) to investigate the facts pursuant to Article 34 of the Charter; ii) to exercise any mediatory influence likely to smooth away difficulties, carry out the directions of the Security Council and to report how far the advice and directions of the Security Council had been implemented.

In pursuance of its task the Commission proceeded to the 'Sub continent. It held detailed discussions with the leaders of India and Pakistan.

When the Commission came to India and Pakistan, the President of Azad Kashmir, Safdar Mohammad Ibrahim Khan addressed a communication on 8th July, 1948. The said communication is reproduced here under below :-

(S/AC. 12/Info. 3, 22 July, 1948)
LETTER FROM THE "AZAD KASHMIR GOVERNMENT" TO THE CHAIRMAN OF THE
UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN AZAD
KASHMIR GOVERNMENT Headquarters : TRALKHEL
8 July, 1948

Sir

The Azad Kashmir Government have followed with interest the proceedings of the Security Council and of its commission with regard to the State of Jammu and Kashmir. They welcome and are in sympathy with all efforts to find a peaceful and honourable settlement of this problem. It is however, a matter of surprise and regret to them that while the Security Council gave a very full hearing to the Representatives of India and Pakistan, and listened to a long statement from Sheikh Mohammad Abdullah, the Head, of the Emergency Administration set up by the Maharaja of Kashmir, no opportunity was offered to the Representative of the

Azad Kashmir Government, to place its point of view before the United Nations. As the Government of Azad Kashmir, was, and still is, in control of more than half the area of Jammu and Kashmir, the failure of the Security Council to grant a hearing to the Representatives of the Azad Kashmir Government was a serious injustice to the people of Jammu and Kashmir. We earnestly hope that you and the Members of the Commission will not repeat the mistake of the Security Council, and that you will take the earliest opportunity to visit Azad Kashmir, to see with your own eyes the havoc wrought by the Indian Army and the Heroic struggle of our people, and to discuss with our representatives ways and means to bring to a speedy end this tragic state of affairs.

1. I would like, in the meanwhile, to draw your attention to some of the basic points with regards to Jammu and Kashmir which must be kept in view if a peaceful and lasting settlement is to be achieved.

2. The Jammu and Kashmir State has an area of 84, 471 square miles. Western Pakistan adjoins it on the West, South and South-East, except for a small part of the boundary which is shared with Gurdaspur District of the Indian Union. All the natural outlets of Kashmir pass through Pakistan, with which the majority of the people of Jammu and Kashmir are bound by strong economic, cultural, social and religious ties.

3. For administrative purposes, the State of Jammu and Kashmir is divided into three provinces, namely: the Jammu Province (consisting of Jammu, Kathua, Udhampur, Reasi, and Mirpur district), the Kashmir Province (consisting of Baramullah, Anantnag, and Muzaffarabad districts) and the Frontier Province (consisting of the Ladakh and Astore Districts and Gilgit leased area). Besides this there are the Poonch and Chenani "Jagirs" which are some times included in Jammu Province for statistical purposes.

At present almost the whole of the Frontier Province, most of Poonch and the districts of Muzaffarabad and Mirpur are under the control of the Azad Kashmir Government. Our forces are battling against overwhelming odds to liberate the remaining areas from the occupation of the Indian invaders.

4. According to the census of 1941, Jammu and Kashmir had a total population of 4,021,616 consisting of 3,101,247 Muslims and 920,369 non-Muslims. In other words, in 1941, Muslims constituted 77.11% of the total population of Jammu and Kashmir. They had a clear majority in every province of the State, ranging from a little over 60% in Jammu province to over 93 % in the Kashmir province. On the other hand, the Hindus (including the schedule caste) constituted a little over 20% and the Sikhs 1.64% of the total population of Jammu and Kashmir.

It would be reasonable to assume that there was no marked change in the communal composition of the population until August, 1947, when the Maharaja of Kashmir, embarked on the extermination and forcible expulsion of a large number of his Muslim Subjects.

5. I do not propose to trouble the Commission with the history of the Dogra regime in Jammu and Kashmir, and of the repeated efforts of its people to overthrow their tyrannical rulers. As is well known Kashmir was sold by the British to an ancestor of the present Maharaja in 1846 for a sum of rupees 7.5 millions, and the Government of the country, ever since then, has been characterized by its autocracy, oppression and religious intolerance. The army and the police enjoyed vast powers and the administration both civil and military was, by and large, in the hands of the Hindus, who also dominated the court. The mass of the people lived in poverty and misery, and their efforts at emancipation were brutally put down by the Dogra Military assisted, at times, as in 1931, by British bayonets.

6. Organized political activity with Jammu and Kashmir had its beginnings in the twenties of this century Muslim in origin. In 1931 it crystallized itself into the Muslim Conference, an organization whose leaders and workers are now either languishing in the jails of Sheikh Abdullah or are the back bone of the Azad Kashmir Government's movement of liberation. In 1938, when Mr Gopaldaswami Ayycirigar (leader of the Indian delegation to the Security Council) was the Prime Minister of Kashmir, seven out of twenty members of the working committee of the Muslim Conference, with Sheikh Abdullah at their head, founded a separate organisation known as the National Conference.

7. Thus there are two principal political parties in Jammu and Kashmir. There is Muslim Conference, under the able leadership of Chowdhary Ghulam Abbas, which enjoys the support of the vast majority of the Muslims of Jammu and Kashmir. The other is the National Conference led by Sheikh Abdullah, who has been a paid agent of the Indian National Congress for many years, and who has been nominated by the Maharaja as Prime Minister of Kashmir at the instance of the Government of India. It is necessary to emphasize this fact, in view of the claims frequently advanced by and on behalf of, Sheikh Abdullah that he represents the majority of people of Kashmir. It should be remembered that the only time Sheikh Abdullah's party was returned to the State Assembly was on the Muslim Conference ticket and that he has never fought or won any election on the National Conference ticket. His elevation to the post of Prime Minister is due solely to nomination by the Government of India and the Maharaja, and is not the result of the democratic election either by the people or by the state Assembly.

The fact that Sheikh Abdullah continues to keep in jail thousands of Muslim Conference leaders and workers, and that he is fighting shy of a fair and impartial plebiscite under the supervision and the control of the United Nations, is sufficient to expose the hollowness of his claim to be the representative of the people of Jammu and Kashmir administration.

8. During the four months that the Kashmir question was debated in the Security Council from January to April, 1948, the Security Council had most elaborate accounts of the India, or the uprising of his Muslim subjects through out the State and of the attempt of the Kashmir Government to suppress them with the help of the armed forces of India. There are certain facts, however, which are of sufficient importance to merit repetition.

Under Section 9 of the Independence Act, 1947, which brought into being the Dominions of India and Pakistan, British paramountcy over the Indian States lapsed and they became free to accede to either Dominion. Being a Hindu, the Maharaja of Jammu and Kashmir was inclined to accede to India and carried on negotiations with the Hindu leaders of India. Majority of the Maharaja's subjects, however, being Muslims were naturally in sympathy with Pakistan, and favoured accession to that Dominion. Pakistan Day was celebrated in several places, and public demonstrations were held demanding the accession to Pakistan. The Maharaja's Government attempted at first to crush the pro-Pakistan movement with the help of its police and military, but when these proved insufficient, Indian soldiers, in plain clothes and trained Sikh and R.S.S. assassins began to pour into Jammu province and Poonch. These developments took place in August, 1947, long before the so-called "invasion" of the Kashmir valley by Tribesmen. The oppressed people of Jammu and Kashmir fought back with great tenacity and heroism, and received a limited amount of assistance from their relatives and friends from across the Pakistan borders. The Maharaja of Kashmir thereupon came out in the open, declared his accession to India against the expressed wishes of the majority of his subjects, and so paved the way for the forcible occupation of the State by the Indian Army.

9. The subsequent story is too well known to be told in detail. While the Kashmir question was being discussed by the Security Council, the Indian, Army was engaged in ravaging the fair valleys of Jammu & Kashmir, destroying villages and towns by indiscriminate men, women and children, and compelling thousands of others to seek refuge in Pakistan. It is impossible to form an/accurate estimate of the number of Muslims killed in the fighting or murdered in cold blood. The figure must run into hundreds of thousands. We know, on the other hand, that the number of Muslim refugees who have poured into Azad Kashmir territory and Pakistan from the areas occupied by the Indian armed forces amount to nearly half a million. The fighting, however, goes on and the people of Kashmir are determined never o lay down their arms until every inch of Kashmir soil is liberated.

10. I went to New York early in January 1948, with the aim and object of placing my country's case before the United Nations. I wrote a number of letters to the President of Security Council and the Secretary General of the United Nations, but 'failed to receive .a formal hearing. The Azad Kashmir Government, therefore, do not consider themselves bound by the proceeding of the Security Council and empathetically repudiate the Security Council's Resolution of 21 April, 1948. My Government's objections to this Resolution are many, and will be discussed in detail when the Commission Visits our Country. I might, however, indicate that our main objection is that the Resolution utterly fails to provide the conditions under which a fair and impartial plebiscite could be carried out. The detested Indian Army and the fascist Government of Sheikh Abdullah have been left in full control, and the plebiscite Administrator will be powerless to ensure that people may vote free from harassment and fear of reprisals.

11. We will be glad to discuss with the Commission the conditions on which the Azad Kashmir Government could agree to participate in the plebiscite and be bound by its results. Some of these have already been mentioned in the statements made from time to time by the Qaid-i-Millat Chowdhury Gulam Abba5, my self and my colleagues. Others would have to be worked out in the light of the conditions now obtaining and future developments. The principal conditions are, however, enumerated below:-

a). The Indian Armed Forces and the Sikh and R.S.S. assassins must be completely withdrawn.

b). Military and police forces required for internal Security and the maintenance of law and other should be raised locally, and be under the control of the plebiscite Administrator until the plebiscite is over.

C). A provisional Government should be set up which would reflect the will of the majority of the people. As the Muslim Conference enjoys the confidence of the vast majority of Muslims, of Jammu and Kashmir, who constitute nearly 78% of the State's population, it should assume to mean repon5ibility for framing the provisional Government, and should provide the Prime Minister. We would welcome the co-operation of other political parties but I would like to make it perfectly clear that, under no circum- stances, would the representatives of the Muslim Conference and the Azad Ka5hmir Government agree to continuance as Prime Minister of Sheikh Abdullah, who has been playing the role of a quisling and is a traitor to his own country.

d). If a popular Government cannot be immediately established, we would .agree to setting up of a completely neutral administration under the supervision and control of the United Nation's Commission "until the plebiscite is over.

e). All political prisoners must be released, and all political parties granted the fullest freedom to propagate their views and ideas.

f). All State employees who have been dismissed , since 15th August, 1947, because of their alleged sympathies for Pakistan should be re-instated.

g). The Commission should ensure the restoration and rehabilitation of all residents residents of Jammu and Kashmir who have left, or who have been compelled to leave the State since August 1947.

h). The Plebiscite Administrator should have under its full and effective control, not only the armed forces and the police stationed within the country, but also the administrative and judicial machinery, and should thus be in a position to ensure a free and impartial plebiscite.

i). The future constitution of the State should be decided by its own people, in accordance with recognized democratic methods.

The Azad Kashmir Government feels that these are the minimum conditions which must be satisfied before they could commit themselves and their people to the solution proposed by the Security Council. The conditions suggested are, in our view, eminently reasonable and are in conformity with the statements of almost all the members of the Security Council in the early stage of its debate. I must emphasize that the Azad Kashmir Government will not accept any settlement to which they are not a party, and that Pakistan though keenly interested in the future of Jammu and Kashmir, cannot bind the Azad Kashmir Government or commit it to a course of action without its previous approval.

12. I trust that I have succeeded in giving you and your colleagues a general picture of the developments in our country as they appear to us and the fundamental basis on which the solution should be sought.

I am to express the hope that the Commission will be able to accept our invitation to visit Azad Kashmir at an early date, and that we shall thus be able to assist in the working out of an honorable and lasting settlement.

I beg to remain Sir,
Yours most obedient servant,
Sd/-

SARDAR MOHAMMED IBRAHIM

President, Azad Kashmir

KHAN,

Government,

This communication was rejected by the Commission, through erroneously on the basis that Kashmir State is not a member of the United Nations and therefore could not De heard, We believe that the Commission completely ignored the fact that even if Kashmir State was not a member of the United Nations, it had qualified itself to be the member because between August 14, to 25th October, 1947, ii was totally an Independent Sovereign Country and the so called Instrument of Accession entered into by the fleeing Maharaja on October 26, 1947 was not a valid document as it had not been ratified by the people of State, It is established that the people of the State which included Azad Kashmir have always clamoured that they

be heard by the United Nations and other International forums. It is believed that ultimately it is people of the State of Jammu and Kashmir who have to make the final decision.

UN COMMISSION FOR INDIA-PAKISTAN

After many deliberations, the commission succeeded in seeking agreement of Government of Pakistan to its proposal of 13th August, 1948. The said proposal reads as under :-

"THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN"

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in State of Jammu and Kashmir and being of the opinion that the prompt cessation of hostilities and the correction of conditions, the continuance of which is likely to endanger international peace and security, are essential to implementation of its endeavours to assist the Government of India and Pakistan in effecting a final settlement of the situation the UN Commission resolves to submit simultaneously to the Government of India and Pakistan the following proposal;

PART I CEASE FIRE ORDER

A. The Government of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease fire order to apply to all forces under their control in the State of Jammu and Kashmir at the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals "Forces under their control" shall be considered to include all forces, organized and un organized, fighting or participating in hostilities or their representative sides).

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who under the authority of the Commission with the co-operation of both commands will supervise the observance of the cease fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective people to assist in creating and maintaining an atmosphere favorable to the promotion of further negotiations.

PART II TRUCE AGREEMENT

Simultaneously with acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles which shall be worked out in discussion between their representatives and the Commission...

A. 1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State.

2. The Government of Pakistan will use its best endeavor to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

3 Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the commission.

B 1. When the Commission shall have notified the Government of India that the tribesmen of Pakistan nationals referred to in part II A 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from the State in stages to be agreed upon with the Commission.

2 Pending the acceptance of the conditions for the final settlement of the situation in the State of Jammu and Kashmir, the India Government will maintain within the lines existing at the movement of the ceasefire the minimum strength of its forces which in agreement with the Commission will have Observers stationed where it deems necessary.

3 The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C. 1 Upon signature, the full text of the True Agreement or a communiqué containing the Principles thereof as agreed upon between the two Governments and the Commission, will be made public.

PART III

The Government of India and the Government of Pakistan reaffirms their wish that the future status of the state of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the true agreement both the Governments agree to enter into consultations with the Commission to determine fair and equitable conditions where by such free expression will be assured.

The Commission was able to effect cease-fire of hostilities between India and Pakistan, on January 1st 1949. However, it failed to reach any agreement on the question of demilitarization. By 1st January, 1949, part of "Kashmir State", called "Azad Kashmir" had come under the occupation of Pakistani forces and part of it under Indian forces. The point where the cease-fire was effected became "cease-fire" line, between the two forces and this position continues till date. As a consequence of commission's failure to free our land of its occupational forces, the third part of the proposal relating to plebiscite obviously could not materialize. The commission submitted its report to the Security Council accordingly.

RESOLUTION OF THE UNITED NATIONS

I have quoted in the previous chapter the resolution dated August 13th, 1948. It is in three parts. The first part relates to truce occupational forces from Kashmir State and the third part relates to Plebiscite. With the efforts of the United Nations and the Commission, cease-fire between India and Pakistan became effective from January 1' 1949 and as such the first part of the Resolution was implemented. It is the second part of the Resolution relating to the demilitarization which till date remains un-implemented. Number of meetings were held between the representatives. As a consequence of non-implementation, obviously no plebiscite could be held in Kashmir State third part of the resolution. During the discussion between the representatives of the Government and the Commission number of issues, apprehensions, were raised and no settlement could be arrived at. Today when we look at it in retrospect, we believe that the second part of resolution has deliberately not been allowed to be implemented to frustrate the third part of the resolution. Number of attempts were made to find the solution to the implementation of the resolution but they all failed. This aspect of matter is being separately dealt with.

Our Party accepts the resolution dated April 21' 1948 on principle. We believe that the method and manner of ascertaining the wishes of the people of the State by the democratic method of referendum is the only solution. But the choice given to the people of the State, to join either India or Pakistan, can neither be sustained in fact nor under International law. We believe that since the people of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the true agreement both the Governments agree to enter into consultations with the Commission to determine fair and equitable conditions where by such free expression will be assured.

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solution. But the choice given to the people of the State, to join either India or Pakistan, can neither be sustained in fact nor under International law. We believe that since the people of Jammu and Kashmir were not heard before the adoption of the resolution, the said course is in 'the nature of imposing the choice of the two Governments on the people of the State. For reasons already stated, it is the people of the State which have to make the choice in the matter of their annexation if they so desire, but no such choice can be imposed on them by any Government. This part of the resolution, since it suits the two Governments was agreed to, ignoring the people of the State who alone were competent to make the choice. Our Party, therefore, supports the first and the second part of the resolution and the third part of the resolution partly, but does not support the limited choice adopted by the resolution. Under the commitment, it is the Instrument of Accession which is subject to ratification obviously meaning that the question of annexation of our State with India alone is in question and not its annexation with any other neighbour. Further the pledge and the promise of plebiscite has been made to the people of the State of Jammu and Kashmir by Government of India and not to any body else. Obviously if the people of the State do not ratify it by a majority vote the Instrument of accession dated October 26, 1947, the position of the State of the Jammu and Kashmir, will revert to what it was before 26th October, 1947 and all the occupational forces from its territories will be obliged to quit. The later part of the U.N. Resolution modifies the commitment of the Government of India without the consent of the people of the state of Jammu and Kashmir who alone are parties to the commitment. Our Party, therefore, demands that plebiscite be held in either State of Jammu and Kashmir on the question whether the people of the State ratify the Instrument of Accession or not. The out come of the referendum will clearly determine the future status of the State of Jammu and Kashmir. We also support the resolution to the extent that the plebiscite be held under the supervision of the United Nations.

SOLUTION TO THE KASHMIR PROBLEM AS CONSIDERED BY THE UNITED NATIONS

- a) The dispute of the "Kashmir State" is one of the disputes of International character pending settlement before the United Nations. The first solution to which the Government of India and Pakistan agreed was the one adopted by the resolution of April 21, 1948 and August 13, 1948 resolution of UNCIP. Since the second part of the resolution relating to the demilitarization by the occupation forces remained unimplemented, consequently the major part of the resolution has remained un-implemented.
- b) On August 26, 1949, UNCIP proposed to the Government of India and Pakistan that they will submit to Arbitration the differences existing between them concerning all questions raised by them regarding implementation of second part of the Resolution. The Government of India rejected the said proposal and as such the controversy remained un-resolved.
- c) Another attempt was made pursuant to the Resolution of the Security Council by Gen. A.G.L. Menanghton to formulate agreed proposal to provide basis for an agreed program of demilitarization. He also failed and reported to the Security Council on February, 3, 1950, that in the absence of clear evidence mediation by him would seem likely to assist the Government of India and Pakistan towards an agreed course of action. He did not believe that further activity on his part would serve any useful purpose.
- d) That on March 14, 1950, the Security Council decided to appoint a United Nations Representative to take over the functions of the UNCIP, on April 12, 1950 the Security Council appointed Sir Owen Dixon as the United Nations Representative. After his discussion with the two Governments he re-ported to the Security Council that if there is any chance of settling the dispute over Kashmir by agreement between India and Pakistan which now lays in partition and in some means of allocating the valley rather than an

over all plebiscite. He "also felt that initiative should come from the parties. Since the parties did not agree to the proposals formulated by Sir Owan Dixon, the solution failed.

That in January, 1951, a meeting of Common Wealth Premiers was held which was attended by Menzies (Australia), Attlee (U.K), Nehru (India), and Liyaqat Ali Khan (Pakistan). It was suggested that a brigade of Common Wealth troops be posted in the State for security reasons and plebiscite be held in certain areas of the State. The proposal was rejected. Attlee believed that plebiscite should be held in the entire State and so did Liyaqat Ali Khan, The discussion, however, failed to reach an agreed solution.

e) On April 30, 1951, the Security Council appointed Dr. Franke P. Graham as a new United Nations representative. His proposal also did not bear any fruit. Disagreement arose in regard to the quantum and dispossession of troops and induction into office of the plebiscite administrator. His pro- posala!so.. failed. He, however, suggested direct talks between the representatives of the two Governments.

An attempt was made in June, 1953 in the Common Wealth Premiers conference at London by Mohammed Ali Bogra and Pt. J.L. Nehru to settle the Kashmir dispute. These negotiations continued till September 21 , 1954 and the Prime Minister of Pakistan told Pt. Nehru that commitment had left no chance for settlement and that the case must revert to the Security Council.

g) After the failure of direct negotiations the Security Council of the United Nations met again on January, 16, 1957 to continue its consideration on the Kashmir issue. On February 21' 1957, the Security Council requested its President Gunner Jarring of Sweden to examine with the two Governments any proposal likely to prompt settlement of Kashmir issue. He also 'reported his failure to settle the issue and made no concrete proposals. To break the dead lock he suggested arbitration but it was not agreed to.

h) Again Dr. Graham was appointed as the United Nations representative who again made an attempt in 1958 to find a solution to the Kashmir issue acceptable to both the Governments. His discussions mainly related to the idea of the United Nations force for Kashmir and need for demilitarizatiol1 of the State. All the proposals submitted by him were accepted by one Government and rejected by the other. In the end he failed to bring about any solution.

It is thus obvious that solutions suggested at one stage or the other have either been rejected by both the Governments of India and Pakistan or have been accepted by one Government and rejected by the other. It appears that the Security Council has not been able to find any solution to the problem irrespective of the fact whether a solutions accept- able to the Government of India or the Government of Pakistan.

We would like to emphasis that in all these attempts the people of Kashmir were never heard. The matter has all along been considered by the Governments of India, Pakistan and the United Nations.

It is a tragedy of events that on the one hand it is the people of the State of Jammu and Kashmir who have to decide their future and to whom commitment has been made by the Government of India for referendum and yet they are not being heard in any solution suggested by one country or the other. Should the Kashmir dispute be decided by other and not by the people of the State, we believe that any solution to the Kashmir issue will be unrealistic without the consent or the participation of the people of Kashmir State. We further believe that having regard to the attempts made earlier, the resolutions of the United Nations, Simla Agreement and all other discussions which have taken place within last forty four years the only solution to the Kashmir issue is ;

a) That all the occupational forces from the territories of Kashmir State (State of Jammu and Kashmir) as it existed on 13 August, 1947, should withdraw unconditionally and the entire State should be protected by the United Nations forces for a reasonable time. During this period the people of the State of Jammu & Kashmir will manage their own affairs in all respects and will reflect on their future course of action.

b) The plebiscite be held under the auspices of United Nations through-out the Kashmir State decision of which should be acceptable to all the countries bordering the Kashmir State. This we find to be the only pragmatic solution to the problem .

JAMMU AND KASHMIR UNDER INDIAN LAW

After the fleeing Maharaja entered into an Instrument of Accession with the Dominion of India, Indian forces landed in the State of Jammu and Kashmir and till date they are stationed here, perpetrating terror and harassing innocents. The Instrument of Accession, as already pointed out is subjected to the ratification of the people.

State of Jammu and Kashmir is the only State in the Indian Union which has its own separate Constitution, Flag and special position under Article 370 of the Constitution of India.

Article 1 of the Constitution of India and Article 3 of the Constitution of Jammu and Kashmir declare that the State of Jammu and Kashmir is an integral part of India.

In our belief the declaration contained in these Constitutional provisions is of no relevance.

When the Constitution of India was being framed, Kashmir issue was already pending before the United Nations. The Government of India has already accepted the Resolution of UNCIP in which it agreed to hold plebiscite in the State of Jammu and Kashmir after its demilitarization. According to the said resolution the people of the State had to make the choice to either accede to Union of the India by ratification of the provisions of Independence Act of 1947. Since the question of annexation of Kashmir State had not finally been decided, therefore, no Constitutional provision could have been made for the State. The Government of India accepted this position and made it clear before the United Nations on 21st, November, 1949 when the said question came before the Security Council. The Government of India informed the United Nations as follows :

LETTER OF SIR GIRJA S. BAJPAI

Dated 21 st, November, 1949

"While the Constitution of India, which, inter alia provides for the relations of acceding states to the Government of India was under consideration, it would have been un fair to the Government and people of the State of Jammu and Kashmir to deny them the opportunity of participating in the discussion of that Constitution. Such participation was not intended and does not, in fact, alter the Government of India's determination to abide, in the matter of accession, by the freely declared will of the people of Jammu & ,Kashmir. Should that will be against the State continuing to be part of India, if and when it comes to be expressed in a Constitutional way under conditions to peace and impartiality, the representation of the State in the Indian Parliament would automatically cease and the provisions of the Constitution of India that govern the relations of the State of Jammu & Kashmir with the Union of India will also cease to operate".

This declaration followed by the settlement of the Prime Minister of India established beyond any doubt that

the Constitution of India establishes beyond any doubt that the Constitutional provisions for the State of Jammu and Kashmir were made subject to holding of plebiscite in the State.

In 1951, the Sadri-Riyasat convened the Constituent Assembly for the purpose of making Constitution for Kashmir State. This was an indirect method adopted by the Government of India to ratify the instrument of Accession. The question again came up before the Security Council and 'on January 24, 1957, before the Kashmir State adopted its own Constitution (it was done on November 17, 1957) following resolution was passed:

**U.N. on Kashmir Assembly
Resolution (SI3779) adopted by the Security Council
at its 765th meeting on January 24, 1957**

The Security Council :

Having heard statements from representatives of the Governments of India and Pakistan. concerning the dispute over the State of Jammu and Kashmir;

Reminding the Governments and Authorities concerned of the principle embodied in its resolution of 21 April, 1948, 3rd June, 1948, 14th March, 1950 and 13th March 1951, and the United Nations Commission for India and Pakistan resolution of 13th of August, 1948, and 5th of January, 1949 that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

Reaffirms the affirmation in its resolution of 30th March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliations of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

Decides to continue its consideration of the dispute.

Having regard to the aforesaid position and the resolution of the United Nations it is obvious that the position reflected by the domestic laws of India regarding the State of Jammu and Kashmir are of no consequence and are subjected to the holding of plebiscite in the State.

As regards the constitutional position of the State of Jammu and Kashmir in Pakistan, Article 257 of the Constitution of Pakistan provides as under;

"When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State".

The Constitution of Pakistan does not treat the State of Jammu and Kashmir including the part which is under their occupation, as an integral part of Pakistan unless the people of the State decide to accede to Dominion of Pakistan. Therefore all the Constitutional and legal provisions which apply to the part of the

State of Jammu and Kashmir which is under occupation of India the agreement is purely temporary and subject to plebiscite.

Under the provisions of the Constitution of India, Article 51, the Government of India is obliged to respect and adhere to the resolutions of the United Nations, its commitment made before the United Nations and the agreements which it has made in its International relationships.

All systems which have operated within the State of Jammu and Kashmir either under the Constitution of India or under the Constitution of State, neither reflect the view of the people nor nations nor do they in any manner alter the commitment made by Government of India in its communication dated October, 27th, 1947. Consequently all elections held within the State of Jammu and Kashmir for purposes of forming the Government under the Indian system of laws were intended only to manage the day to day affairs of the State. The formation of such Governments even by direct vote do not constitute plebiscite nor was it intended to constitute plebiscite.

It is now established beyond doubt that the plebiscite in the State of Jammu and Kashmir can only be held by United Nations and under their supervision and the referendum has to take place not only in the part of the State which is under Indian Occupation but also in the part known as Azad Kashmir. The elections in that part of the State have been held under their own laws.

In all the elections held in Jammu and Kashmir till date, which ever political party participated, referendum was never an issue nor it could have been because the referendum is not to be held by the Election Commission of India or by any political party. As already stated it could only be held by the United Nations and that too in the entire territory of the Kashmir State including Azad Kashmir. Each prospective candidate was administered oath stating that Kashmir is an integral part of India and will not be challenged by him.

INDIA'S COMMITMENT

We believe that the Government of India has adopted double standards throughout the period of forty seven years with its leaders claiming that the Kashmir State is an integral part of India and before international forums they agree to the holding of plebiscite in the State. We further believe that when the Indian leaders in their public speeches say that Kashmir State is an Integral part of India they only reiterate the Constitutional position. But when it comes before international forums obviously the Constitutional position being subject to the holding of plebiscite in the State, they speak a different language.

Here-in-below we reproduce the statements made from time to time by Government of India and its leaders on Kashmir issue in which they have agreed to the holding of plebiscite in the State.

1. Communication of the Governor General of India dated 27th October, 1947. In this communication, Governor General, as part of the policy of the Government of India unequivocally stated that referendum will be held in the State of Jammu and Kashmir regarding Instrument of Accession entered into by the fleeing Maharaja with the Dominion of India.

a) Relevant text of the telegram dated 21.10.1947 from Mr Nehru to Mr. Liyaqat Ali Khan:-

"In regard to accession, also it has been made clear but this is subject to reference to the people of the State and their decision. Government of India have no desire to impose any decision and will abide by

people's wishes, but those cannot be ascertained till peace and law and order prevail."

b) In the last two relevant paras of the telegram dated 4.11.1947, from Mr. Nehru to Mr. Liaquat Ali Khan. -

"As soon as raiders are withdrawn there would be no necessity for keeping our troops there I wish to draw your kind attention to broadcast on Kashmir which I made last evening I have stated our Government's policy I have made it clear that we have no desire to impose our will on Kashmir but to leave a final decision of the people of Kashmir I, further, stated that we have agreed an impartial international agency like UN, supervising any referendum This principle we are prepared to apply to any state where there is a dispute about accession If these principles are applied by your Government, there should be no difficulty in giving effect to it.

The great leader and veteran freedom fighter Late Jayaparkash Narayan had expressed his point of view about Kashmir, which was published in Hindustan Times on 20th April, 1994 under caption "Our great opportunity in Kashmir" He was scornful of the sincerity of much that India had said about the Kashmir plebiscite As he put it -he might be lacking in patriotism, but found it difficult to accept that people of Kashmir had already voted to integrate themselves into India on the basis of the highly suspect 1957 and 1962 elections Why not give the Kashmiri a real chance to express their views? If India were so sure of their wishes, then what risk would there be?

Relevant 10th para of the telegram dated 8.11.1947 from PM of India to PM of Pakistan In reply to Pakistan's telegram No 304-8 dated 4.11.1947, wherein the Government of India agreed with the proposal No 8 put forth by PM of Pakistan in his telegram.

"In the proposal put to PM Pakistan it is mentioned that, it will thus be seen that our proposals which we have repeatedly stated are-

1. That government of Pakistan should publically undertake to do their utmost to appeal the invaders to withdraw from Kashmir.

2 That the government of India should repeat their declaration that they will withdraw their troops from Kashmir state as soon as raiders have withdrawn and law and order is restored .

3. That governments of India and Pakistan should made a joint request to U.N.O. to undertake a plebiscite at the earliest possible date.

c) On November 2, Pandit Nehru made a broadcast in which he failed to make a mention of the Lahore meeting and Jinnah's proposal. "Instead he repeated the suggestion made by Lord Mountbatten to Mr. Jinnah of a plebiscite to be held under the United Nations auspices."

d) On November 16, PM of Pakistan, Liaquat Ali Khan, issued a press statement. It was some surprise move, accepting (at least in principle) and elaborating Nehru's suggestion of reference of the dispute to the United Nations. Said Liaquat Ali Khan: "The fundamental principle of the charter of the United Nations is to prevent might prevailing over right. The whole dispute should therefore, be brought before the Bar of International Opinion. We have already requested U.N.O. immediately to appoint its representative in Jammu and Kashmir State in order to put a stop to the fighting and to the repression of the Muslims in the state, to arrange the program of withdrawal of outside forces, set up an impartial administration of the state

until a plebiscite is held, and undertake the plebiscite under its directions and control for the purpose of ascertaining the free and unfettered will of the 'people of the state on the question of accession. "

e) On November 2; , Pandit Nehru replied five days latter and the relevant para of the reply is quoted as under, (Reference white paper on Jammu and Kashmir, op. cit., pp. 61-67. Also security council official records, op. cit., pp 90-92-94-96- 97; Campbell-Johnson, op. cit., pp 229-30, 245-251).

"I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn, and peace and order have been established, the people of Kashmir should decide the question of accession by plebiscite of referendum under international auspices such as those of United Nations. It is very clear that no such reference to the people can be made when large bodies of raiders are despoiling the country and military operations against them are being carried on. By this declaration I stand..... "

f) On January 15 security council met. The representative of India was Mr. N. Gopala Sawmi Ayyangar, one of the leading statesmen of India and former Prime Minister of the State of Jammu and Kashmir under the Maharaja's rule. He was assisted by Mr. M.C. Setalvad and Sheikh Abdullah. Mr. Ayyangar reiterated, "..... whether she should withdraw from her accession to India, and Either accede to Pakistan or remain independent with a right to claim administration as a member of United Nation ...all this we have recognized to be a matter for unfettered decision by the people of Kashmir after normal life is restored to then."

(g) Sir Zaffarullah Khan, he concluded, "What is to be done?...all that we want to ensure is that everyone who has gone into Kashmir should go out: Sikh bands, RSS volunteers, other people, who have gone in as tribesmen and many other people who may have gone in from the Muslim side and men from Pakistan or Muslims who are Indian nationals and who are refugees in Pakistan everybody

Therefore, by whatever means may be necessary, the condition to be brought about is this: whether by joint administration under the two Governors General, by joint occupation of predominantly Muslim areas by Muslim troops from Pakistan and predominantly non- Muslim areas in Kashmir by Indian troops, joint occupation in each place, by inviting Common- wealth forces, non-Indian forces all together; or either through the United Nation Kashmir must be cleared. Fighting must stop. Kashmir must be cleared of everybody. Normal administration must be restored. There should be no kind of pressure either from the Muslim Conference being in power and holding the administration or the National Conference being in power and holding the reins of administration, No kind of pressure should be brought upon the people. The people should then be invited to express the way in which they want to go and what they decide they should be welcome to do it..... "

(h) On July 13th, Sir Girja S. Bajpai, Secretary General for external affairs was invited to present the Kashmir case before the commission in Delhi. In the evening the commission was honoured a dinner by Pt. Nehru In the Governor General's place were Pt. Nehru on the remark of K V Novikov, that his intent would be carried out only if the Indian Army also withdrew from Kashmir, Mr. Nehru said, "We would withdraw as the situation permitted; the campaign cost us many people. But we must insist on having our army stationed at strategically important posts".

i) The Prime Minister of Pakistan had to take the first step to withdraw the Pakistan Army but Sir Owen's gratification was short-lived. The plan for demilitarization was rejected by India. Reference:- Danger in Kashmir pg. 171 stating from last line of para second.

j) Pandit Nehru himself at the beginning suggested a, "no war declaration" with Pakistan in which specific mention was made for settling 911 disputes "Through recognized peaceful methods such as negotiations, or by resort to mediation or arbitration "

When, however, Liaqat Ali Khan made the more concrete proposal that the Kashmir dispute be arbitrated as provided under "Article 51 clause C & D of the Indian constitution as well as other Indo Pakistan issues, Nehru replied that the Kashmir dispute was a "a non justifiable and political issue and can not be disposed off by reference to a judicial tribunal." Ref :- Government of Pakistan, No war declaration, op. cit., pp1.

k) In June 1953 Mohammed Ali Bogra and Jawahar Lal Nehru discussed the Kashmir issue informally in London, where they met on the occasion of the Coronation of Queen Elizabeth. Then, on July 25th, Nehru paid a visit to Karachi where the problem was discussed among other questions in general terms. Further negotiations were envisaged. The press of both the countries was friendly as it had never been before.

l) Mohammed Ali Bogra P .M. of Pakistan rushed to Delhi immediately in the year 1953 August and after four days of consultation the two P .M.'s issued a joint press communiqué on several matters including that for an early settlement of Kashmir dispute. The relevant extract regarding Kashmir dispute is as under :-

"The Kashmir dispute was specially discussed at some length. It was their opinion that this should be settled in accordance with the wishes of the people of that State with a view to promoting their well-being and causing the least disturbance to the life of the people of the State".

"The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such a plebiscite had been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues".

"The P .M.'s agreed that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to this. These agreements would have to be given effect to and the next step would be the appointment of plebiscite administrator".

"In order to fix some kind of provisional time-table, it was decided that the plebiscite administrator should be appointed by the end, of April 1954. Previous to that date preliminary issues referred to above should be decided and action in implementation there of should be taken. With this purpose in view committees of military and the other expert should be appointed to advise Prime Ministers.

"On the plebiscite administrator's formal appointment and induction into office of the Jammu and Kashmir government he will examine the situation and report on it. He will then make such proposals as he thinks proper preparations to be made for the holding of a fair and impartial plebiscite in the entire state and take such other steps as may be considered necessary there for." Ref:- APP(Associated Press of Pakistan) , August 20th, 1953.

(m) During the discussions in Delhi, in 1953, the two Prime Ministers did see each other at Colombo conference of India, Pakistan, Ceylon, Burma and Indonesia towards the end of April, and Mohammed Ali tried to have the Kashmir issue put on the agenda, but failed against Nehru's opposition. The latter declared that the problem could not be solved in a few hours if it had escaped solution for five years, so the awaited month of April passed and no, "preliminary issue" was solved, no plebiscite administration was appointed. People who believed and hoped that the solution of the problem might be facilitated by keeping

the United Nations out of the picture could not be encouraged by the outcome of one year of bilateral negotiations.

No support of United Nations could be pleased by Delhi's and Karachi's decision to by-pass, though perhaps only temporarily, the world organization. But the United Nations can not give up its major responsibility in maintaining peace among the nations, and it must be ready to reassume without delay its role of mediation should the bilateral approach fail.

In any therapy, when the disease persists, there comes a time for a change of treatment.

(1) According to Menon, also to quote from his book, "The integration of Indian states" the accession of Kashmir state to India was accepted as, "conditional and provisional". The policy of referring the issue of accession to the people was evolved by the Government with Junagadh's accession to Pakistan in September 1947 which they declined to recognize and moved their troops into the state at the invitation of the Dewan. Later speaking in the state the Security Council representative Gopala Swami Ayyanger offered to have a plebiscite in Junagadh under U.N. auspices. In Kashmir the Muslim Conference was known to favour the State's link with India. As, however, only a reference to the people alone could determine wish of these two organisations which enjoyed the support of the majority, the Government of India made the stipulation in regard to the reference to the people and had it conveyed to the Maharaja through Lord Mountbatten's letter of 27th October, 1947.

In the Simla Agreement of 1972, it has been stated as follows:

"Both the Government agree that their respective heads will meet again at a mutually convenient time in future and that in the meanwhile the representatives of the two sides will meet to discuss further modalities and arrangements for the establishment of durable peace and normalization of relations, including the question of repatriation of prisoners of war and civil internees, final settlement of Jammu and Kashmir and the resumption of diplomatic relations".

n) India's pledge is perhaps best described in the statement of its first Prime Minister Mr. J.L. Nehru in the Indian Parliament in 1952, which is as under:

"We had given our pledge to the people of Kashmir and subsequently to the United Nations; we stood by it and we stand by it today. Let the people of Kashmir decide". (Indian Parliament, February 12, 1951).

Again Mr. Nehru in the Parliament pledged as under:

"If, after a proper plebiscite. the people of Kashmir said, we don't want to be with India, we are committed to accept it even though it might pain us. We will not send an army" against them. We will accept that, however hurt we might feel about it, we will change the constitution if necessary ." (Indian Parlia- ment, June 16, 1952) .

JAMMU KASHMIR LIBERATION FRONT

Its Aims and objects

Jammu Kashmir Liberation Front is a political party. As the name itself suggests. It believes in "Liberation", it represents those people who believe that Kashmir state should be "liberated" from its occupational

forces. It does not stand only for "liberation" but also believes in "re-unification" of the two territories of the state of Jammu and Kashmir. Its abbreviation stands for "Jammu, Kashmir, Ladakh and Frontier".

JAMMU KASHMIR LIBERATION FRONT is the oldest political party with its territories through the state of Jammu and Kashmir. The party is spearheaded by leaders in both parts of state.

The political objective of the party is to strive for complete and total independence of the Kashmir. According to it, its territories comprise an area which constituted "Kashmir state" as on August 16th, 1947. It believes in preserving "Kashmir nationalism", "culture" and all those factors which constitute bonds of commonality between the people.

Among its subsidiary substitutes are that Kashmir: state being disputed its solution must be found and the solution must come from the people of Kashmir state. It believes that irrespective of its political objective for complete and total independence of Kashmir state, the final choice rests only with the people of Kashmir state and they alone can decide. It also believes that any attempts to find a solution to the Kashmir dispute, whether initiated by the United Nations, Government of India or Pakistan or any other country must include participation of the representatives of Kashmir State and no solution can be imposed on the people of Kashmir State without ascertaining their wishes.

It believes that status quo has caused and is causing more damage to the people of the State and can not be allowed to continue any further. On the one hand part of the State is under occupational forces of India which claims Kashmir is an integral part of India and on the other hand part of the State has formed itself into Azad Kashmir with Government of Pakistan holding the position that Kashmir State is not an integral part of India. Last, but not the least, Kashmir dispute is pending before the United Nations in which both the Government of India and Pakistan have agreed to hold plebiscite in the state subject to demilitarization. This state of affairs has to change and has to change once and for all. We can not allow Kashmir dispute to continue and pass on to the third generation. One generation adopted all democratic means to force a solution but it failed. The second generation, which is now spear heading the movement in the Kashmir State has resorted to other alternatives for the purpose of enforcing a solution to the dispute. This became necessary only because of the attitude and conduct of the Government of India which does not seem to be keen or desirous of putting an end to the dispute. We would like to assure the whole world that the present struggle will continue in coming years with greater intensity and vigour. We have full faith in our people particularly post-Indian independence generation, More and more people have joined movements. It rests in the hearts of 'the people. Today Kashmiri youth is like a mirror of loyalty from which older people might learn a lesson. The present movement and struggle may not be intelligible and clear to those who have never taken trouble to study internal conditions that prevailed in Kashmir State for the last forty seven years. Two million people assembled on the streets of the Srinagar and took out a procession seeking spiritual blessings in their struggle. The Party appealed to the international sense of honour. What history taught us is corroborated by our daily experiences. The burden laid on shoulders of the people of Kashmir State are enormous and the sacrifices of many and blood which they have to make are heavy, people of the State have come to realise that "National" feeling is not identical with dynastic patriotism. Obstacles placed across our path will not boggle us but will be surmounted. We are fully prepared to surmount the obstacles. We are no longer interested in the distribution of favours but in the assertion and acceptance of our rights. We have studied the problem not only objectively but also tested its effects on our selves. At some stages of history our Nation may have been, poorer in men but now this is not the case. Corrupting the minds of our youth, can no longer deviate us from the path of truth, self respect and honour. The means of corruption, be they political, economical or social, will be fought with might. The days when a Kashmiri

could be sold for a Chinese dog or as a nation are over. These are the ideals for which our party stands and will continue to be so in years to come.

LEAVE KASHMIR STATE ALONE

It is unfortunate, tragic and fate of history that people of Kashmir State with the so-called progress of mankind were subjugated more and more. Firstly the seat of power at New Delhi invaded Kashmir. It was during Mughal period "Kashmir State" was deprived of its independence. When the Mughals failed to retain Kashmir, the seat of power at Kabul invaded to subjugate the people of Kashmir. When they also failed, then the seat of power at Lahore took over Kashmir seat. Ultimately when the brave people of the State were able to throw the foreign rulers, the two neighbouring countries India and Pakistan took possession of the Kashmir State. All these events beginning from 1586 till date, through the Kashmir State continue to be occupied by India and Pakistan established that towards the end of sixteenth century every foreign ruler particularly from neighbouring states never allowed the State to be independent. The obvious question is why?

We believe that the political importance of Kashmir State is due to its natural and geographical position as it lies between India, Pakistan, Afghanistan, U.S.S.R. and China. It is therefore evident that these facts can give her some political importance. This possibly could have been the position of being strategically an important place? Our belief is that the stated hypothesis is no longer correct. Much water has flown down river Jhelum. World has progressed in all fields of human knowledge. Scientific; social and technological development have reduced the importance of the places. We believe that geographical proximity is important but having regarded to the kind of weapons evolved over the years, it has become possible for a country to protect its territories by attacking another country which may be thousands of kilometers away from it. This has been amply proved during the recent gulf war. The State of Israel, which is thousands of kilometers away from Iraq was attacked by Iraq with the use of non-conventional weapons. The two countries did not share any common border. This being the position the hypothesis is based purely on irrational self interest, that occupation of Kashmir is necessary for the survival of any of the neighbouring countries, no longer holds any water. We believe that Kashmir State has lost its strategic importance and any desire of retention based on the said assumption is unrealistic, irrational, selfish and devoid of moral justification.

SOME COMMENTS ON SRO 151 DATED APRIL 16TH 1990 AND STATEMENT OF FACTS

The Government of Jammu and Kashmir through Additional Secretary to Government Home Department has filed statement of facts in respect of S.R.O. 151, dated 16th April, 1990.

It appears to us that the State Government totally suffers from misconception on the question of accession. I have already stated that the Instrument of Accession signed by the fleeing Maharaja Hari Singh is an invalid document. I have also produced documentary evidence to show that the declaration made by the Constitution of India and Constitution of Jammu and Kashmir regarding States at accession are subject to the plebiscite. This position has been accepted by the Government of India itself in its communication dated 21st November 1949 and the resolution passed by the United Nations dated 24th, January, 1957. This being the admitted position, it has been accepted by the Government of India itself that the accession of the State is only provisional and Conditional. The Instrument of Accession: dated 26th, October, 1947. is subject to the people's ratification.

JAMMU KASHMIR LIBERATION FRONT demands, that plebiscite be held in the State of Jammu and Kashmir as promised by the Government of India in its communication dated 27th, October, 1947.

We believe that asking the Government of India to abide by its promise and commitments is not an unlawful Act. The provisions of the Constitution of India declaring the State of Jammu and Kashmir to be an Integral, part of India are subject to holding of Plebiscite is neither: unconstitutional nor illegal nor is covered by the provisions of Criminal Law Amendment Act of 1983. The International Law justifies demand of Plebiscite. Viewed thus, the contention of the State is totally misconceived and in fact the State should itself support the demand of Plebiscite and hold it under the auspices of United Nations.

The State of Jammu and Kashmir has a peculiar position. Part of it has "become Azad Kashmir" and part of it is under the occupation of Indian forces. The dispute is pending settlement before the United Nations. This state of affairs has caused considerable damage to the people of Jammu and Kashmir. Within the Constitution of India, the State has a special position. It has its own flag and has a separate Constitution. Can status-quo be allowed to continue? Jammu Kashmir Liberation Front intends to bring an end to status-quo. It wants that the Government of India must ascertain the wish of the people on the question of accession by referendum and abide by the resultant collective political view.

For the last forty years democratic methods were adopted to impress upon the Government of India to abide by its promise of holding of Plebiscite. But it never cared to listen to the voice of the people. It continued to adopt its lethal policies through its agents to evade the issue of Plebiscite. Its policies gave rise to rampant corruption, bad practices, inefficiency, political uncertainty and divided loyalties, etc.

JAMMU KASHMIR LIBERATION FRONT having regard to existing state of affairs, which had uprooted the very moral basis of our society, decided to intensify the efforts for bringing to end the political structure of the State. The primary object of the party is to persuade Government of India to hold plebiscite in the State of Jammu and Kashmir and to make efforts for the reunification of two parts of our State. How the people of the State would like their political structure to be in future it is for them to decide. It is the view of the Jammu and Kashmir Liberation Front that having regard to the geographical position of the State, in particular the five neighbouring countries with whom the State shares borders, it will be in the interest and welfare of the people if the State becomes an Independent, Sovereign Country.

The object and the purpose of the activities of the Party is only to persuade the Government of India to adhere to its promise. Jammu Kashmir Liberation Front is a people's party and has wide public support. This is evidenced by the strikes, bandhs, civil curfew etc. The people do not show any obedience to the Government. The issue of accession has public support. People themselves have supported the demand of the party. The adverse reaction exhibited by the people against the Government of India is natural because the Government of India has cheated the people of the State. It refuses to abide by the condition of accession. If the Government of India believes that on State's accession with India is supported by the people, there is no reason why plebiscite should not be held, to fulfill conditions of accession.

We believe that since the people are not with India, therefore the State Government, which is under Governor/ Presidents Rule makes false allegations. All the alleged facts mentioned before the Tribunal are based on the assumption as if it is only a section of the people demanding Plebiscite and not everybody else. The situation in the State of Jammu and Kashmir points to the fact that the people are no longer interested in continuation of status-quo. Jammu and Kashmir has been declared as Disturbed Area.

Powers have been conferred on the armed forces to let loose a reign of terror and to kill people at their own sweet will. No elections have been held in the State. Entire administrative, political system has broken. People have revolted. When large number of people (five million) do not show any obedience to the Government, to prosecute some people for offenses and to declare parties as un-lawful, are all meaningless. The matters stated before the Tribunal hold true in normal circumstances. They do not hold true when masses take to revolution. The history of freedom movement of "Bharat" bears ample testimony to this fact. There are always martyrs in the movements. Nations do not forget their martyrs. People remember them and their days of birth or death become important days in the movement. Late Mohammed Maqbool Bhat is considered by our party as the leading martyr. We cannot forget him nor can we forget the date when he was murdered by the Indian Government.

All the parties in the State are unanimous on the question of accession. They all demand that consequent to demilitarization, Plebiscite under the auspices of the United Nations should be held. This demand is supported by the people of the State.

Thousands of people have laid down their lives for the cause. The paramilitary forces have no justification to kill people. Our party did not become a silent spectator to these un-justified killings. People revolted against the State terrorism. In this situation it is possible that some person other than armed personnel may have got killed. The intention was not to kill any specific person but to begin a process of retaliation against State terrorism. How can complainant be judge in his own case? If the State is aggrieved by the killings it cannot justify its own killings of thousands of persons and proceed against those who have voiced against these killings. Jammu Kashmir Liberation Front is not a party of terrorists. It has respect for human life but it can not allow the State to resort to killings and itself remain a silent spectator. Religion of Islam preaches the principle of, "Tooth for Tooth" And 'Eye for Eye". It teaches us to fight for our rights and justice. Our activities are in accordance with Islamic precepts. We have, therefore, complete moral basis in our activities. The laws which our party has allegedly violated are subordinated to the question of accession. How can the State on the one hand promise plebiscite and on the other hand take away the right to enforce it? People of the State possess the right of self-determination and correspondingly State is under an obligation to hold the plebiscite. When the people including our party demand discharge of obligation, no law can punish them for doing so. Any such law would not be a law but an act of State tyranny. The provisions of Criminal Law Amendment Act 1983 have no application and deal with an absolutely different situation.

As regards the allegations of one community having migrated, it is pointed out that the migrated community left of its own for reason directly attributed to the State.

JAMMU KASHMIR LIBERATION FRONT is a party which does not exist only in the Valley but also is spread in Azad Kashmir. It is submitted that areas beyond cease- fire line are a part of our State. There is thus nothing in the allegations that our party is getting instructions from, "across". People associated with our Party are not confined to our State only. They have a right to travel and can go to any place.

Having regard to the statements made, we feel that the Tribunal, in accordance with the voice of its conscience must rise to the occasion and hold;

a) that the accession of the State is subject to the plebiscite.

b) the State must make appropriate recommendations to the Government of India to make arrangements for holding plebiscite in the State of Jammu and Kashmir under the auspices of the United Nations to ascertain the collective political view of the people on the question of accession.

c) Our party, "Jammu Kashmir Liberation Front" be declared a lawful political party as understood under International law and the State action of banning our party be declared as mala fide, unrealistic and contrary to commitments made by India.

There is another aspect of the case also, referred to the Tribunal by the Government. In the plaint the Government has leveled allegations against certain persons who are shown to have committed certain offences. It is submitted that criminal challans have also failed before the Designated Court. In the event of an enquiry being held by the Tribunal it is obvious that prejudice will be caused. The Government is required to produce evidence in support of its case which evidence coupled with unfolding of defense will operate to the prejudice and detriment of the accused person. There is bound to be overlapping of evidence. The evidence before this Tribunal or the evidence placed before the court is bound to have a bearing on each other in view of the position that provisions of Evidence Act apply to both proceedings. Even if it is the association which is declared as unlawful, the government has relied upon alleged criminal misconduct of certain persons in support of its case who may not subscribe to the object of the party. In view of these circumstances and with a view to avoid conflict of findings it is necessary that no enquiry is held and reference rejected in view of government's own conduct of invoking jurisdiction of two different forums simultaneously.

LAND OF BEAUTY AND LOVE

Prior to the present state of affairs, Kashmir had been invaded and ruled with oppression time and time again by Mughals, Afghans, Sikhs and Dogras. Each of these invaders and rulers tried their utmost to leave their mark on the people of Kashmir. But history testifies without any prejudice and ambiguity, they failed on this front and instead Kashmir enveloped them. The Kashmiris have a distinct, peculiar way of life, character, culture and identity, which is unique in the world. The Nagas, Aryans, Persians and Central Asian Muslims have contributed in making of Kashmir society. The basic character and ways of life set by Kashmiris was not altered by any of these aliens. The distinct peculiar and composite entity is -the product of cultures, creeds and people of many race down from ages. May be the high mountains surrounding the country from the rest of world and typical climate have played important role in moulding their distinct and separate identity and character. Whatever factor may it be but it is hard and undisputed reality. The famous nature loving King Jehangir, son of Mughal emperor who finally brought annexation of Kashmir to his kingdom describing Kashmiri people wrote:

"The merchants and artificers of this country are mostly Sunnis, while the soldiers are Immiyya Shias, There is also a sect of Nurbakhshis. There is also a body of Faqirs, whom they called rishis, they are about 2000. There is also a body of Brahmins living from ages in this country -outwardly one can't distinguish them from Mussalman's. This is a historic observation, written centuries ago, signifying the Kashmiri society: which created composite culture which is tolerant, humane and kind at the same time. Such a happy blend of culture is peculiar and has influenced people of society, knitted them closely and synthesized them cementing their relations and way of life that is why it is difficult to differentiate people. To further understand it and make clear, it is necessary to study in detail the character and culture of society. The factors which are responsible for developing the culture and identity of society are (1) Religion (2) Economy (3) Social behaviour or habits.

1. Religion

The religion in one form or other has been associated with men right from their existence. It is hard to define religion. However, a noted scholar defines it "as a system of beliefs and practices and objects governed by faith rather than knowledge, which relates man to an unseen supernatural realm beyond the known and beyond the controllable."

The forces that govern the life of nation are many such as politics, social order religion etc. The religion tops all these forces. The religion has profound, tremendous influence and impact on life of people. The objective of all religions philosophies is often to be more or less same. All religions hold the same truth and preach same things about mankind, their ultimate-end is the attainment of salvation or to be with God. There are different religions prevalent in the world, but in Kashmir there are three major religions, which are professed by people.

(a) Buddhism (b) Hinduism (c) Islam

(a) Buddhism

Buddhism came into existence in 6th century B.C., in protest against increasing ritualism, animal sacrifices and the hegemony of Brahmin priests. Buddha who is founder of the religion recommended a life having equal status, freedom for all. He stressed on orders to follow eight principles throughout life, in order to achieve salvation, the principles are (i) right belief (ii) right desire (iii) right speech (iv) right action (v) right living or livelihood (vi) right effort (vii) right recollections (viii) right meditation.

Buddhism came into existence in India in 6th century B.C. but in Kashmir it came in 3rd century B.C. The teachings of Buddhism attracted people of Kashmir and received tremendous impetus and progressed with the passage of time, reached to its glory in the time of Atoka's rule. During Kushan Kings it was at its peak. The pioneer chronicler Kalhana says about Buddhism:

"The Land of Kashmir was to a great extent in the possession of Budhas, who by (practising) the Laws of religious mendicancy (pravajya) had acquired great reknown."

According to Hieun-Tsang great Chinese travelers who visited Kashmir in 7th century A.D. The 4th international Buddhist council was held in Kashmir in the first century A.D. during the reign of Kanishka. The council gave a new progressive shape to Mahatma Buddha's message which was then termed as Mahayana. This doctrine penetrated into Kabul, Kandhar, Central Asia and Tibet. Kashmiri Buddhists at that time were pioneers of progressive ideas even in those days and they were leaders of a definite school of thought in Buddhist philosophy. The Mahayana bloomed here and was carried out from here to China, Korea, and then to Japan. Kumarajiva, Gunavarman were great Kashmiri Buddhist scholars who carried Mahayana to Central Asia and Tibet respectively. The end of Karkota rule in Kashmir marks the decline of Buddhism in Kashmir. When Utpalascended to throne they revived Saiva and Vaisnu faiths. But they did not altogether cease to patronize Buddhism. The festival of Budhapurnima was observed with great fun and fare. However, by the end of thirteenth century this creed practically disappeared from the valley. The persecution of Buddhists at the hands of some kings and opposition by Hindu Brahmins may have played major role in vanishing off the Buddhism. However, it was not completely erased, some Buddhists migrated to more hospitable Land of Ladakh where it is still flourishing. Buddhism managed to leave an indelible impact on the spirit of Kashmiris. Tolerance, compassion and fellow feeling which still, "pervade the life of

people of Kashmir may be traced to Buddhism.

(b) Hinduism

It is an amalgam of the traditions from pre-Dravidian, Dravidian and Aryan sources. It is religion without founder, a revealed truth, a doctrine. Its important elements include submission to Brahmans, practice of rituals in honour of Divine and Deity, belief in reincarnation. For Hindus creator and his creation are one and inseparable, as such God was pervading cosmic spirits to whose manifestation there would be no limit. Due to this thought Hindus worship God almost in all forms, in animals, sages, spirits, natural forces, divine incarnation snakes, phalluses, water, fire, planets and stars, festivals to commemorate legendary heroes and gods, pilgrimage to sacred rivers, mountains and places, and concept of individual destiny as perceived by Karma, reincarnation and Moksa. The religion is further bound up with caste system. The concept of triad formed by Brahma, Siva and Visnu. Brahma-the Creator, Siva- The Mighty and Destroyer and Visnu-the Gracious Preserver. The power is concentrated in the hands of the priest class or Brahmans. Brahmans are masters of Vedas or hymns and they recite it aloud during rituals and sacrifices. The Bhagavad Gita, is the supreme scripture of Hindus. The Hinduism was brought to Kashmir from the people who fled from India to settle in Kashmir centuries ago. These people finding congenial atmosphere here made it a great nursery of Hindu culture. Many school of thoughts were developed including the most popular Trika philosophy, called Kashmir Savisim based on humanistic approach.

The Trika philosophy is based on Para, Parapara and Aparā (Supreme, Intermediate and Inferior) energies of Lord Shiva. A human being is said to be residing in inferior energy, and the Trika Sastra teaches him how to achieve highest stage, where he has no sorrows and sufferings. To transform from Aparā to Para there are three means Sambhavopoya (Supreme) Shaktopaya (Intermediate) and Anavopaya (Inferior) depending on ability of seeker. The tradition of Guru- Shishya (teacher-disciple) was established. Everyone had to learn at least four Vedas, six Angas, Astrology and Music. Hinduism was fully patronised by rulers. Seeing and studying earlier civilizations Kashmir surpasses India' as is reflected in the grand ruins which still exist at places like Awantipora, Pat tan and Mat tan. Many temples consecrated by a large number of Lingas still exist in Kashmir.

(c) Islam

Islam was founded by Prophet Muhammad (PBUH) in the beginning of 7th Century A.D. The meaning of Islam is "submission to God's will". The five pillars of Islam are :

- (1) Kalima, confession of faith and absolute acceptance that there is no God but Allah; Muhammad is the Messenger of Allah.
- (2) Nimaaz, five times prayer daily -facing in direction of Mecca, with clean clothes put on and head covered, at a clean place (especially at mosque in a group).
- (3) Roza (fast) -for whole month of Ramzan a believer has to fast from dawn to dusk every year.
- (4) Zakat- Muslim must give alms generously as an offering to Allah as an act of piety.
- (5) Haj -once in his or her life, a Muslim, if able, must make pilgrimage to Mecca or Haj.

The concept of God is that he does not assume any form and is free from needs and imperfections, He is one invisible, eternal, beneficent, almighty, all knowing, omni-present, omni- potent, merciful, loving and forgiving. The Muslims must have faith in the teachings of Quran and Hadees. Ouran is a book revealed by Allah, through Prophet Muhammad (PBUH). Belief should be also in unity of God, the Angels, Ouran, the

Prophets, Day of Judgement and" Predestination or Decrees of God.

The rituals provide the believers with an extra ordinary powerful social cement. They pray and fast together, they journey to Mecca together, assume responsibilities for their less fortunate fellow Muslims. It gives a strong lesson of equality as humans, there is no discrimination amongst its believers- rich or poor; brown, white or black all are equals. Quran provides guidance for all phases of the life of faithful for manners, hygiene, marriage, divorce, politics, commerce, crime, punishment, peace and war. Islam is not only religion but a social code and a political system. Briefly summing up, the message of Islam is unity of mankind under the fatherhood of God

Islam came to Kashmir through gradual conversion and persuasion, not through conquest as it came to India. Kashmir has always been a seat of learning and wisdom, finding the teaching of Islam simple and attractive, these hit the inner sentiments of Kashmir and they adopted to the new faith from the' core of their hearts. The spread of Islam was undertaken by the missionaries like Syed Sharaf-ud-din (Bulbul Shah), Mir Sayid Ali Hamdani, Sayid Mohammad Hamdani. Islam flourished due to the fact that it struck the spirits of people and suited their inner feelings and psyche. The first historian who undertook first work to record history of Kashmir wrote about nature of Kashmiris:

"The country may be conquered by the force of spiritual merit, but not by force of soldiers. The inhabitants are afraid only of the world beyond."

These words though written decades ago, seemed to be written by one who is analyzing the behaviour and natures of people at present. The Sufis and missionaries while spreading the message laid emphasis on spiritual aspect, as such they ~ere able to profess their religion without any hinderance as it had an appeal for the people. The religion, as I have mentioned, plays crucial and important role in moulding the way of life of people and right from human existence it is associated with humankind. Religions also play great part in curbing evils and bad ethos. Almost all religions when studied deeply and carefully without losing insight profess harmony, peace, love and liberty. And keeping these factors in view in Kashmir, Sufis and Rishis play an important role in moulding the way of life of people. Mostly the religion as professed by these is not contrary to the basics of that religion, but emphasis have been laid on the teachings that laid stress on harmony and peaceful co-existence .

Kashmir as stated had always been throughout its existence a seat of learning and wisdom. The people had aptitude for learning and Kashmir produced a large number of intellectuals. Great and renowned scholars, philosophers, rulers and littérateurs were bestowed to the world from this land. The great oriental poet Allama Sir Mohd. Iqbal is a production of this land. The Nehru family who ruled post-independence India for maximum period of time are ascendants of this land. The people who are at core positions and were almost responsible for running governments are sons of this soil- to name a few, Dr. Karan Singh, P.N. Haksar. The Prime Minister of Pakistan who is credited with establishment of democracy in Pakistan also has his roots in Kashmir (as he hails from. Leepa valley of Kashmir). The revolutionary leader who brought an end to centuries old dynastic rule in Iran by dethroning the King and paving way for democracy is also said to have ascended from the valley. These men of intelligentsia and integrity have influence of hereditary background which played a great role in lifting them to lofty heights of fame in world.

From the period we became aware of civilisation in Kashmir the people always had great attachment with religion. But it had a distinction, which differentiates it from others. Though Hinduism came to Kashmir from India and Islam from Central Asia, but Hinduism and Islam which nurtured and is practiced in Kashmir has

a different look, which is not contrary or disturbing to the basic tenets of these religions. But those principles and teachings of these religions which enabled them to develop a homogenous and harmonious society made an impact on the life of people. A society wherein people live in peace with the principle of live and let live. An individual, who reaches the pinnacles of success and progress but does not feel pleasure in other's success and progress is not considered a civilized person. Similarly a society can be termed as civilized only if it believes in the motto of peaceful co-existence, which is possible only if it can control jealousy, anger, prejudice and hatred, which are part of human behaviour as is the tendency to love. As long as these traits remain balanced, society remains peaceful and harmonious. If there is a slight tilt towards these traits, the very fabric of society gets imbalanced and a culture that breathes of harmony gets weaker and finally peace gets disturbed. Kashmir has been a peaceful state and a land full of love. Religion plays an important role for moulding these factors. The core which gave birth to these factors is the Sufi and Rishi order, which directly hits the spiritual disposition of people of Kashmir. Sufism and Rishism came into existence here with advent of Islam.

Sufism

It is a spiritual movement and represents essence of Islam. The Sufis are firm believers of basics of Islam but lay great stress on inner purification, advocate piety, simplicity and purity of life. They believe that true enemy of man resides inside man. As such to achieve success, he has to curb the desire and adopt austerity in every walk of life. The Sufis played a major role in spreading Islam in Kashmir. The first Sufi to enter Kashmir was Sayed Sharaf-ud-din Bulbul Shah. He came from Central Asia, Turkistan, in the time of King Suhadeva. He was a disciple of Shah Niamatullah Farsi of Suharwardya order of Sufi. He is remembered for converting a Ladakhi Buddhist King, Rinchanna to Islam, who became the first Muslim ruler of Kashmir. He died in 1326 and stands buried at Bulbul Lankar (Rainawari).

However, the most prominent Sufi, who topped the list which came to Kashmir was Sayid Mir Ali Hamadani Amir Kabir (Great Amir) popularly known as Shah1-Hamdan (King of Hamdan). He was born at Hamdan in 1314 A.D. and received his early education from his maternal uncle, Sayyid Ala-ud-daula, who was a learned Sufi. During his early education he grasped things with ease and in a very short period he specialized in the knowledge of Islamic theology and mysticism. He became Hafiz-i-Quran in his early boyhood and his spiritual guide advised him to take extensive travels. Therefore, he understood various travels around the world. He gained extensive knowledge about world and he wrote many books, famous among them is Zakirat-ul-Muluk and Gayat-ul- Makaan. His works set down principles for a good Muslim ruler. According to it a ruler has no "halo of divinity around him," he is the servant of people and while promoting welfare of people, should not make distinction between faiths of people. He further emphasized in his works that people having materialistic pursuits are not fit to hold a candle to a Sufi. He had deep faith in God and himself. He came to Kashmir thrice in 1372, 1379 and 1383 with a large number of disciples. He left his disciples in Kashmir at various places in Kashmir to implement his ideology in hearts of people. He stayed in Srinagar at Kahanqah-i-Mualla. established Khankas and Madrasas (schools) from where he spread his message. Various other Sufis who professed the message after Shah Hamdan include his son Mir Muhammad Hamdan..

Rishism

Sufism was further carried to people in a modified and simple form by a sect known as Rishis. The Rishis were all natives and therefore had greater impact on life and character of people of Kashmir. The two stalwarts of this order who are responsible for moulding the Kashmiri psyche as we find it today are Lal Ded

and Sheikh Nur-ud-din Wali. They devised a common platform for both the Hindus and Muslims, created a new phase of culture in Kashmir which is termed as Kashmiriat, which is a blend from both religions and its important aspect is love and peace. The Rishis preached a message of love to mankind. They adopted a secluded life wherein they spent lot of time on meditation, they did not take to luxuries, did not eat meat, mostly lived on fruits. They kept their sexual urges under control (even abstained from marriage), moved from place to place, planting shady and fruit bearing trees for benefit of common masses without getting any benefit for themselves. They were careful about environment, pollution and preached to look upon jungles and trees. They abused no one and they possess almost no desires.

Lal Ded

Laleshwari, popularly known as Lat Ded was born between 1317 to 1320 in Pampore. She was married at the tender age of twelve years. Marital life proved to be a disaster for her. Her husband and mother-in-law began to ill-treat her. Laleshwari, for some time, bore these hardships but as they increased with passage of time, she at last came out against the tyranny. She found her release not in revenge but in renunciation. She went into tapasaya in forests, where all alone in meditation, she found herself and returned to the world as a naked mendicant without any material attachment and with a message of inner spirit. She spread the message of unity of God, rejection of idolatry and practice of meditation or yoga. She challenged the rituals with strong faith, and said God does not exist in stone, nor in tyranny of the priest; the stone of idol in the temple has become a millstone around the neck of the poor, religion an exercise of exploitation at the hands of priests, She introduced vakyas (songs). Her works carried the message of love, service, unity, harmony and meditation. She rejected barriers in the name of religion. She sang :

**Shiv Chi Tahli Tahli Rozan
Mo Zan Hund Ti Mussalman
Turki Chi Paan Pannun Par Zinav
Su Chi Sahibus Seeth Zaney Zan**

(Siva is everywhere, do not recognise yourself as Hindu or Muslim use your power to recognise yourself, that is how you can know God).

Against discrimination of man and man she said :

I taught my mind to see the one in all my fellowmen
How can I discriminate between man and man
And not accept the food offered to me by brother man.

About presence of God, she professed that God was everywhere and if anyone was able to recognise God, then he becomes powerful and fears no one. Lal Ded says when you are able to recognise your own self, you achieve the objective.

"The pilgrim Sanyasi goes from shrine to shrine,
Expecting to meet 'Him who abides within his own self. "

Sheikh Nur-ud-Din

The Rishis, though existing in Kashmir before Sheikh Nur-ud-din became prominent, but it flourished and came into full bloom during his time. As such he is termed as the real founder of Rishi order. He was born in 1356 (according to Daud Mishkati in Asrar-ul-Abrar) at a place Kaimuh in Anantnag district. His parents Salar-ud-din and Sadra were converts at the hands of famous Sufi Yasman. The Sufis arranged their marriage also. Nur-ud-din from early age showed no interest in domestic affairs, but developed a meditative mind. His parents married him at an early age and he had children also. At the age of 30 (thirty), he revolted against the materialistic world and secluded himself from the world in meditation in a cave away from population. It is said that his mother made many attempts to bring him back home but she failed in every such effort. In meditation he moulded all his desires and took all necessary steps that effect self-purification of man. He curbed his desires to such an extent that during his last years he used to take only a cup of milk and in his last days he even gave up to take that for a cup of water. He passed away at the age of sixty three years and Sultan Zain-ul-abidin attended his funeral. Such was his impact on the people. This message which was understood by a common person in the street can be felt when centuries after his death, one Afghan Governor issued coins in his name. The Hindus call him Nund Rishi and Muslims Sheikh-ul-Alam. His sayings are preserved in Nurnama and are still on the tips of every Kashmiri.

During those days the message he gave for protection of forest and environment does not find any equivalent in this age though world fs these days much more conscious about environment and pollution.

Ani poshey teli yeli wanna poshey
(Food will last as long as forest lasts)

The message is today the theme of every organization who care about forest protection and environment, but very few persons are aware from where it originated. Sheikh Nur-ud-din was greatly upset by the exploitation of common people by the priests in the name of religion. Their hypocrisy and cheating of innocents moved Sheikh Nur-ud-din and he said, describing their hypocrisy:

**"Oh mulla your rosary is like a snake
When you begin to count beads,
Your disciples come near
You eat six meals one after the other,
If such are the mullas
Who are the thieves. "**

He laid stress on spiritual knowledge rather than theoretical knowledge.

**"A spiritual guide seems like a pot of full of nectar
which may be trickling down in drops
having a heap of books he may become
confused reading them
on examining we find his mind empty. "**

The Sufis and Rishis grasped the basics and truth of life and religion and expressed it in simple idioms which reached common people and these hit their inner instincts. The virtues of Sufism and Rishism were - simplicity, renunciation, self-purification and co-existence, tolerance, peace and love. These were professed and adopted by Kashmiris. As such they developed a society which had a perfect blend of these virtues. The Rishi and Sufi order had a deep impact of humanism on the ideology of Kashmiri mind and

culture, thereby moulding a unique society wherein harmony, peace, love and liberty was at core. This faith preserved Kashmiri people from not falling in the trap of bloodshed on account of religion which was witnessed almost all over the whole world. It is this faith, which impresses anyone who visits the valley. This faith breathes in every nook and corner of Kashmir and a visitor sees this beyond the extra ordinary beauty of mountains, lakes and forests.

Economy

Economy" always plays a crucial part in behaviour and culture of society. Kashmir is a state where agriculture and tourism (which includes arts and crafts also) are prime and main source of economy. The majority of population depends on it and its subsidiaries. Agriculture needs lot of efforts and manpower (i.e. labour). Being mountain locked, these professions became inter-dependent on one another. This factor enables them to take help from one another which results in their better harmony. People of different faiths visit valley, and to receive maximum benefit out of it, it is necessary that people should not be fanatic but, broad-minded and tolerant. Therefore this also helps in harmony, tolerance and peace of the society. Also due to low economy, there is a feeling of unity and oneness as almost all habits and tastes are same and identical.

Social Life

The social relations tend to have an impact on the culture and identity of people- The social habits and life of people of Kashmir, irrespective of their religion affinity are almost same. This helps them to strengthen the bonds of brotherhood and cordiality. At the time of marriage especially in villages it is customary to invite all inhabitants, even if they are of different religions. On social occasions, such as harvest and sowing crops people share their joys together. All communities come to console the bereaved family on loss of life, property or any other thing.

W.R. Lawrence says, "If comparison be made between the customs of Hindus and Muslims it will be seen that there are many points of resemblance, and the curious prominence of the walnut and salt and use of Mendhi dye, will be noticed. Besides on marriage Menzrat, use of Mendhi dye, in both religions, there is Lagarchir (or the fixing of marriage days), Phirsal (the visit paid by the bridegroom to visit in-laws after marriage), Gilimiut (the giving of money and jewels to bride and bridegroom), the dress and title of bridegrooms as Maharaja and bride as Maharani, Chudsu (4th day after death) Wahrawari and the Barkin celebration of death and birth are similar. There is not much difference in these social habits and life on account of religion."

These were the factors which are responsible for moulding and shaping society of Kashmiri people, with unique and distinct identity. The identity which knitted the society so closely that the identity formed their faith which they loved over and above every other thing. This identity is termed as Kashmiriyat, which made them more patriotic and nationalistic than any other nation of the sub-continent.

The essence and basic of Kashmiri identity lies in harmony, tolerance, peace and love. This is the psyche of the people of Kashmir. The main factor was message of Rishi and Sufis, which went straight to the hearts of masses and subsequently gave birth to a society with a peaceful, harmonious and tolerant attitude. The economic, social, geographic and climatic conditions further bolstered the formation of a synthesized society.

The nature has been always been kind to the people of Kashmir and history bears testimony to climatic conditions acting as a guard in order to preserve its sovereignty, freedom and independence (as was evident when Mughals and Mohammad Gazni tried to annex Kashmir). Sadly, it has been a historical misfortune that neighbours, from centuries, never behaved kindly with this heaven on earth they always looked upon it as a target of their vicious intentions to grab it and submit her to their slavery and suppression.

The Britishers ruled South Asia region with a strong and vigorous policy of divide and rule. First of all to establish their foothold they instigated various princes and rulers against one another. The rulers then fought each other, they were exhausted and then were easily subjugated by Britishers. After subjugating the rulers, they managed to keep a fragile balance between population, which consists of Hindus and Muslims. They succeeded in it and ruled for about two centuries and at the end while granting independence to the sub-continent they were able to divide the sub-continent on communal lines. Those who rejected division and remained with India and Pakistan, not falling in the trap of division on communal lines, had to taste the anger of fanatic zealots at regular intervals. Minor issues were flared up by these fundamental zealots leading to riots wherein hundreds of men, woman, children, lost their lives. Assets worth crores were destroyed, arson and loot were common things to be carried out, pushing people further in this trap of communal hatred.

Kashmir never nurtured communalism. The tolerance, co-existence and harmony had been engraved upon the hearts of people. As such it was not easy to divide and exploit the people on communal lines. People have failed the attempts which were on various occasions carried out by the forces of fundamentalism. Though there were few occasions during the period of King Harsha and Sikander to divide the community on religion, but history testifies that they failed badly and the strengthening power to unite the society increased and bond of harmony and love prevailed once again better than the earlier period when their rule came to an end. Budshah, who is still held in reverence and respect by every Kashmiri came to cool the heels of those who were oppressed by Sikander. When the entire sub-continent fell a prey to communal carnage in 1947, history became a witness to the great apostles of peace like Gandhiji, others and the essence of Kashmiri psyche. Tallest of the leaders did not hesitate to admit that "Kashmir is a ray of hope in this hour of distress and agony. ~ Kashmir unfortunately passed to present phase, how and when is stated in preceding chapters. To strengthen the position each occupational party tried their best to get the society divided on various issues, i.e. region, language and religion. When such exercise is carried out, it is aimed to demolish the strongest shield. The strongest shield was Kashmiri identity and culture which has induced in people tolerance, amity, co-existence and religious brotherhood.

It is a universal fact that everybody wants to secure his position and status wherever he may be, under same principle rulers who want to rule and will never try to lose it even if it may be highly immoral and illegal. They want to strengthen their position even though they may indulge in acts which are highly detrimental to humankind merely for their petty gains, not caring for human values and mankind, nor bothering about ethnic values and cultural amity. Under these principles we have seen how Britishers ruled the sub-continent and how India and Pakistan are pushing Kashmir in cold store for the last four decades. Whenever they apprehend any danger from any quarter, they do not hesitate to take benefits from the things which are harmful to survival of mankind in the long run. Different cards have been played at different times to create wedge between different communities of people, region, creed, caste, language which are the main objects of exploitation of these occupational forces. Indian government played a key role in this direction, they took every opportunity to culminate and nurture the germs of communalism in the

people of Kashmir, the psyche of which have been discussed in detail above. India being a hot bed of communalism spared no effort to spread it to Kashmir. The government gave full support and patronage at various times to fundamental groups such as Praja Parishad and Bharatiya Janata Party, RSS in Jammu and Jamait Islami in Kashmir. These forces were encouraged at various times with due intentions. To tame the Plebiscite Front movement, which has people's support and to bring in submission to their leaders, these fundamentalists were encouraged and patronised openly, without bothering what effects they will inflict upon the society of people of Kashmir and their culture.

Under a pre-planned and treacherous plot Jamait Islami was persuaded to participate in elections of 1972, which were boycotted by Plebiscite Front, which was popular among Kashmiris. Under the agreement, five seats were bestowed to them by government, knowing fully that their support from people was almost negligible. This is how Jamait Islami was enforced upon political horizons of Kashmir under due patronage and backing of Government of India. The votes polled and secured by Jamait Islami will clearly show how much popularity it had in the people of state. Contrary to progress with passage of time it declined both in existence and popularity as it could not reflect the feelings and psyche of people due to its fundamentalism and preaching of religious fanaticism.

The regional aspects were also flared up from time to time to strengthen the hold for a limited and short duration of time. As far as religion is concerned Kashmir valley is Muslim majority area, while Jammu is Hindu majority area and Ladakh a Buddhist majority, though Buddhist maintain a slight edge over Muslims in this respect. As mentioned already, to divide the communities and the spirit of amity, fundamentalists and religious fanatics were encouraged. In Kashmir, Muslim factor was exploited by Encouraging Jamait Islami, in Jammu Praja Parishad was given full backing. The Praja Parishad was offshoot of "Jana Sangh and RSS. The Praja Parishad was responsible for the killings of Muslims in 1947, when Pakistani intruders invaded Kashmir. They spread openly communalism based on hatred and narrow bigotry. They never bothered about wishes and aspirations of majority of population but always preached and advocated for Kashmir being part of India. Ladakh is although shared the Kashmiri spirit of tolerance, compassion and fellow feelings due to teachings of Buddhism, were exploited on the basis of development which pushed them towards communalism and disturbed their harmony which they developed centuries ago, Ladakhi Muslim turned against Ladakhi Buddhist and both saw each other with a suspicious eye. The social boycott, which started four years ago is no more but vested interests are making all out attempts to push them further away from one another. Indian Government has been able to keep them away from the basic issue of Kashmir dispute.

Like any other nation of this universe, history of Kashmir passed through various vicissitudes. Conspiracies and collusions, intrigues and counter intrigues, played a role to end the independence of this paradise on earth. Rumour and mischief mongers had at times effected upon historical events of Kashmir, some kings were installed and some made to abdicate the throne on this aspect. Kashmir possesses great skill and art in this field and exploiters have used it on various occasions to meet their ends. Communalism, as seen while analyzing history of Kashmir came here from India. Punjab had been a hot bed of communalism in 19th century. Being in close contact and socially connected with Punjab, it came here with ease. Though it took time to spread and make an intrusion in Kashmir due to indelible etch of amity and brotherhood that had been carved in the heart of each Kashmiri.

First Communal Clash

The first major communal clash, which was highlighted by the fanatic Hindu zealots and compared with the holocaust of Jews, was that of February 1986, although in the holocaust millions of Jews were killed, while no causality was reported here in Kashmir, but it was exaggerated to such an extent with active support of Government of India and authorities that people were made to believe that massacres had been carried out. Rumours and false propaganda was responsible for this first outbreak of communal violence. In February, which is winter month with temperature dropping to below normal, the Secretariat is stationed at Jammu which has been a practice of past and was started by Dogra Maharajas when they were ruling Kashmir as they were not used to the harsh winter of Kashmir. Since Kashmir is most populous region as such majority of employees are of valley of Kashmir. A rumour was spread in Kashmir that a riot has broken out in Jammu and hundreds of Kashmiris have been either murdered or injured or subjected to harassment by a particular community at Jammu. The rumour was spread from the area which was at that time the constituency and native land of then the President of Pradesh Congress Committee, Mufti Mohd. Sayeed. As already mentioned the people of Kashmir are prone to rumours, therefore people fell to it and became restless and anxious to know about the welfare of their near and dear ones. This passion of people was exploited by vested interests and few minor and stray accidents occurred which were lead by Congressmen. Active workers were participating in immoral acts wherein some temples were subjected to stoning, but due to inheritance of synthesized and harmonious identity, people smelt rat before it went out of bag. The incidents were restricted to Anantnag anj Sopore (area where Gh. Rasool Kar, present President of Congress has his hold).

This fully exposed the designs of Congress party and Delhi Darbar. Though minor damage was done to some property of minorities but press highlighted it to a great extent and even Governor at that time, Mr. Jagmohan described it as a holocaust wherein loss of humans was more than the total population of Pandit community and not a single casualty occurred; nobody was killed. The incident was outcome of totally untrue and false rumour, which marked the beginning of communal violence in Kashmir.

Though Anantnag and Sopore witnessed some incidents of stoning and arsoning, Srinagar remained calm, but full of tension. A minor accident, however, occurred at Akahara Building at Budhshah Chowk. The building was occupied by CRPF at that time and there is a temple in the building also. Fire broke out in the building, the mystery of how fire broke out when CRPF was present in full strength, further signifies clearly the government abetting to the incidents of rioting as it was not possible for a civilian to enter the building and set it on fire when CRPF was present for its vigilance. This incident when probed deeply exposes the Delhi Durbar and Indian authorities, which came forefront to disturb the peace and harmony of Kashmir which it had nurtured all through its past.

Why the incident of communal riot was engineered by the Government of India? It has three basic reasons: First, was to topple puppet government of G.M. Shah, which was installed after effecting defection of some MLAs; it has been always government of India's policy to install puppet governments in Kashmir, which were changed within a flicker of eye by Centre for they never dared to have a strong government in Kashmir. Immediately, few days after the incident, G.M. Shah's govern- ment was brought down and Governors rule imposed on 7th March, 1986. It continued for six months, thereafter State was brought under President's rule for two months. During this period various other developments took place with the objectives to :

(1) Pave way for return of Farooq Abdullah as a puppet of Government of India. It has been an essential aspect of Indian authorities to install governments in Kashmir, which dance to their tune, the governments were installed at wish and whims of Delhi Durbar. During the period, puppets such as Sheikh M. Abdullah,

Bakshi G.M., Shamasudin, G.M. Sadiq, Syed Mir Qasim and G.M. Shah were installed at their own wishes and were changed unceremoniously when desired.

(2) Though they were eager to reinstall Farooq Abdullah back to throne, but they made him act in such a manner that his mass base, Which he Inherited from father dwindled swiftly. Every step was taken in this regard.

(3) Some more puppets were introduced before people of Kashmir to use them in near future. In this direction, the installation of Qazi Nissar, who was an Anantnag based fundamentalist, created lot of doubts and suspicious in the minds of the common people. He was projected as Bhindranwale of Kashmir. As such he became centre of attraction for young generations.

These were the objectives and to fulfill these objo of Kashmir, an intricate act was carried out by him on Shivratra day. There had been a tradition for centuries in Kashmir that people, Muslims in particular, to show amity and unity with Hindus, used to boycott meat on this day. It was all without any force, out of their own will. But on the day in 1986, Governor issued proclamation and announcement was made via government that is Radio and TV stations that sale of mutton has been banned on Shivratri. What was the purpose of all this was revealed on the day when Qazi Nissar came out openly in full public view and slaughtered a sheep thereby introducing himself to the political arena of Kashmir by sacrificing the traditional custom of Kashmir, at the direction of Delhi Durbar.

Farooq Abdullah after witnessing his own toppling was succumbed before the wishes of Central government, after remaining out of power for about more than two years. He was force to enter into an accord which was termed as Rajeev Farooq Accord, wherein he was forced to share government with Congress (I) and was reinstalled as Chief Minister on November 7, 19~6 with fresh elections in March 1987.

To add the germs of communalism in the hearts of people of Kashmir, Pandit community which a'l along shared political platform with the majority community throughout history, were encouraged to breakout from this setup and set out their own political stage. Jagmohan played a key role, he was able to win a member of community who was having an influence on the small group of people, namely H.N. Jattu. He formed an organization called All Kashmiri Pandits Conference proclaiming himself as its president. He arranged a meeting of some Pandits at Sheetal Nath Mandir against arson of Akhara building and other incidents. He was patronised by authorities. Indian national press played a biased role and "Hind Samachar" group of newspapers lead the disinformation campaign that spread communal feelings in Kashmir. This is the incident sparked communalism in Kashmir.

Though Kashmiris believed in perfect communal harmony -the disturbances of February 1986, greatly disturbed them and finally constantly working at a subtle pace, Indian forces were able to effect the psyche of people in such a way that they were convinced to divide themselves on religion basis and even the movement which was started for honouring the views and aspirations of people was dubbed in such a way that it effected our division. But if yet, we can see the evil designs of vested interests and make efforts sincerely for restoring our glorious past, a time will come when we will see that a Budhshah will emerge and he will definitely evil out the roots of communalism and will restore the amity, brotherhood, harmony and co-existence, a tradition we maintained for centuries.

ECO-POLITICAL SKETCH OF J&K

The issues relating to economic and geographically independent unit of J&K State as a nation has been debated vigorously at different for a worldwide. The economic sketch and geographical viability is being presented as under:

- 1, There seem to be some reservations or otherwise with people who try to analyse the status of the State in case of its being accepted as a geographically independent unit.
2. Let us see and find out if the State can be an economically viable unit:

1. Geography:

1. Area of the Territory - 84,000 Sq. Miles.
2. Regions:
 - a. Jammu as a Divisional unit Elevations between 800-15000 Ft.
 - b. Kashmir- Elevation between 5000-10000 Ft.
 - c. Kargil & Ladakh -Elevation between 9000-15000Ft.
3. Climate:
 - a. Jammu -Hot and temperate in winter.
 - b. Kashmir -Temperate in summer but cold in winter.
 - c. Ladakh- Extremely cold touching even minus 40°C. Drass as a town is the second habited coldest place in the world.
- 4 Resources:
 - a. Jammu -inclusive of Doda, Rajouri, Poonch districts. Some resources are water; power; tourism for newly developed area of Vaishno Devi, Patni Top, Sanasar, Surinsar, Mansar, Mantalai; forests, milk; mining.
 - b. Kashmir- water; power; tourism; forests including big and small games; needle handicrafts as shawls, jamawars, bed- sheets, bed-covers including shahtoos; handicrafts as wicker work, silken and woollen carpets, cloth; blanket weaving; pa pier machie; wood carving; iron- smithy; agriculture; horticulture; poultry and sheep breeding; marble mining; bottling Cheshmshahi and Kokernag spring water; water nuts; water fowls; fish; ducks (as games).
- 5 Population Estimated as 80 lacs including portion of

the State beyond Uri as per limits of the State in 1947 August.

6. Comments:

Irrespective of minute details the following would be of interest:

6:1. Water Power/

Electricity: {Remunerative}

The State has an unharnessed potential of about 20,000 MW. At present only about 300 MW are generated from water power.

All the water resources are within the State, but it is a sad affair that power generated from or to be generated from Salal, Dul Hasti, Uri would be utilized more than 80% outside the State. We do not know if at all "Royalty for using a water source of our State but taken up by Central Government is paid as power to us and not as finances, which the State may not require."

If according to State Government, our need for power is 800 MW to which we may add one thousand more for heating tenements and apartments, hot water arrangements and electrical transport, we would be having a surplus of about 15000 MW (balance accounting for future expansion) which at Rs 1000/- per hour would mean

$$15000 \times 1000 \times 16 \times 30 \times 365 \text{ in a year} = 1000 \times 1000 \times 2628000 / 100,00,000 \text{ crores} = 262800$$

which at present levels for 6 months only crores = 131400 almost about the budget of the India.

b. Water power for industry would be abundantly available as the same is not of such huge quantities as to be problematic. The same is directly paying.

c. Water power for attraction like railways on hill slopes as part of tourism.

6:2. Tourism:

Not considering the decentralization of wealth through tourists for airlines, transits, transport etc. wherein others will be benefitted, the State may be expected to gain as under:

Tourist to Vaishno Devi = 30,00,000 Nos.

Tourist to Kashmir Valley = 20,00,000 including 2.00 lacs of Vaishno Devi pilgrims.

Even at ridiculously lower expenditure of about Rs 1000/- to 1500/- per head for Vaishno Devi and 2000/- per head of Kashmir pilgrims, the State would gain:

$$\text{From Vaishno Devi pilgrims} = 30,00,000 \times 1500 = 4,50,00,00,000$$

From Kashmir Tourist = $20,00,000 \times 2000 = 4,00,00,00,000$

6,50,00,00,000

Add a levy of Rs 10/- per tourist as charges = 500,00,000

Add a levy of Rs 50/-
per head for entry charges
to Vaishno Devi, Sanasar, Surinsar,
Cheshmashahi, Nishat, Shalimar,
Harwan, Dachigam Rakh, Tral Vall"ey,
Pahalgam, Aadow, Amarnath etc.
(G.O.I. has levied Rs 150/- per head
for Taj Mahal which will only
take one or two hours to see) = $50,00,000 \times 50$
= 25,00,00,000

Total finances got both by
authorities and people in crores = $650 + 5.00 + 25$
= 680.00

Add for Toll (road)
and Excise (rounded) = 23.20

703.20 crores

This is a very conservative figure.

6:3. Forests:

It is expected that State forests can fetch a sale revenue of about 300 crores per year. It can be said that transportation charges would be nothing till rail heads both at Jhelum, Sialkote (probably called Merala Head) and Jammu City.

For minor forest products one could add about 50 crores per year as revenue.

So total revenue = 350 crores

6:4. Handicrafts:

Our artisans and craftsman have hands of gold in whole State in various fields particularly shawls and cahoots.

Consider on average that a tourist takes on shawl each which as well would fulfill the need of presents to relatives/ daughters/officers/neighbours etc.

Let that mean that 50% of tourists take a shawl each. The total amount fetched would be 5000000 x 50% x 500

= 125,00,00,000
(125 crores)

Shahtoos sales, jamawar, etc. (50 lacs)
For wicker work add

125.5 crores
0.2 crores

125.7 crores

6:5. Carpets:

Figures with Emperia/Ministry of Industries are not available but on a rough estimate, we must be getting a revenue of about 500 crores from the same. Reducing it on safer side let us take it as 400 crores. A full detailed 400crores Note: For this is necessary.

6:6. Blanket Weaving:

(Done by agriculturist and their women folk in winter) Export quality = 0.50 crores

6:7. Papier Machie and Wood Carving:

(Sensitive items) =

10crores

6:8. Iron Smithy:

For domestic consumption only

6:9. Agriculture:

It is said that in Budshah's time in 15th century, Kashmir produced food for about 50 to 60 lacs people. We have reached a point where Jammu and Kashmir people would have to change much of food habits and take wholesome diets. In any case even if the State may not be surplus in paddy, it can as well not be deficient as well. Like Nepal; the State still be considered self-sufficient for self-consumption with no surplus, but no liability as well, small well, canal, tap-irrigation may be necessary to become productive-right from the third year.

6:10. Horticulture:

We are told we have 160 varieties of apples only, besides that we have pears, etc. from quantities of wet fruits exported from Kashmir valley was about 100 crores on an average out of which the real owners got about 25 to 35% only. Reducing the amounts for boxes and transport, one can safely place this figure at 150 crores"

= 150 crores

Add for dry fruit

= 10 crores

Add other products like honey cherries etc.

= 0.5 crores

Total

= 160.5 crores

6:11. Poultry and Sheep Breeding:

It is said that only the Valley in the State consumes meat worth about 200 crores per year. Import of meat from Rajasthan at very high price, transport, casualties in way and profits of Kothdars are all to be paid by the consumer. Even, if all the poultry products and reared sheep in the Valley, Kandi areas of Jammu and grass lands of Ladakh are consumed by the locals the charges for transports, extra and middleman profits would reduce the expenses of consumer by about 20% which would be an income which was otherwise payable by the consumer to people outside the State.

After development; if the consumption comes to 300 crores the saving would be $300 \times 20\% = 60$ crores

6:12. Marble Mining:

At Kupwara, Bottling Cheshmashahi and Kokernag water, water nuts, water fowls, fish, ducks etc.
(rounded)

= 10 crores

So income would be:

Water Power = =13,1400.0 crores

Tourists = = 70.0 ,,

Forests = = 350.0 ,,

Handicrafts = = 125.7 ,,

Carpets = 400.0

” Kasmir and Kishtwari Blankets = = 0.50 ,,

Papier Machie Wood Carvings = = 10.0 ,,

Agriculture = = ,,

Horticulture = = 160.50 ,,

Poultry and Sheep Breeding
(rounded) = = 60.00 ,,

Other items of transport charges

Octroi, Excise, Tolls, Minor products big games etc.
(rounded) = = 10.3 ,,

Pickles, oil preparations of
Monjrurus, etc. and export of meat
preparation of Wazwan less cost of meat and
other dishes. = = 10.0 ,,

1,33,227.00 crores

If one may say that huge revenue from water power is only possible when all such schemes have been commis- sioned, for start we may say that revenue may be only for 5% schemes still the income would be more than 6000 crores to be available after about six years, the period of construction of such project~; still without this item the State could have about 1500 crores on other items.

It is now for the politician, economists and engineers to say how would the State fare if left alone.

Switzerland has only watch industry and tourism which does not at all compare well with our State of Jammu and Kashmir. Still it is thriving as one of the old democracies of the world.

The whole canal system in India and Pakistan was overhauled after Indus Treaty by grants, technical knowledge and assistance of World Bank, International Monetary Fund etc. The same should be available to us as well. Are not there lot of land locked countries in the world. Do they not exist under world organization guarantees, Why can't we do the same way.

Present world does not allow any country to live alone without any help from others. Similarly, our requirements of Industries, chemicals, fertilizers, technical knowledge can be met quickly by giving some of our resources or products in exchange.

The above reasoning may hold good at the beginning and it is hoped that economic development would be tremendous in a very short time because of the above figures, to which additional figures (amounts) for forests, tourism and transport would be added for the portion considered under Pakistan at present. That would be besides saving of huge expenditure from 'Defence' of about countries, out of which the State may claim only a meager amount of 5% for bringing the two countries together to live as brothers and good neighbours. This 5% could be spent for security on the borders of the State then.