European Journal of Business & Social Sciences
Available at https://ejbss.org/
ISSN: 2235-767X
Volume 07 Issue 02
February 2019

The Kashmir Problem: An Unsolved Riddle in Indo-Pak Relations

Ruchika
M.A. & NET (Political Science)
V. & PO. Yakubpur, Distt. Jhajjar (Haryana)
Email: gulia.ruchika@gmail.com

ABSTRACT: The Kashmir question, though it concerns mainly India and Pakistan, has attracted world-wide attention for nearly seven decades. And one of the most important states, outsider to dispute, which has thrown its interest in Kashmir, is the US. The Kashmir issue has been one of the focal points of American foreign policy in India and Pakistan. The United States has also agreed that Pakistan must stop supporting terrorist groups operating from Pakistani soil if the Kashmir issue was to be resolved amicably. However, the US has not given up its basic position on Jammu & Kashmir. It regards it as a disputed territory and wants its just and amicable solution through bilateral dialogue between India and Pakistan. The present research paper highlights the emerging trends of Kashmir issue from 1948 to 2018.

KEYWORDS: Kashmir Problem, Unsolved Riddle, Terrorism, Instrument of Accession.

INTRODUCTION: Most of the scholars agree with the fact that the Kashmir issue arose as a major irritant in the Indo-US relations soon after Indian independence. Though Kashmir had acceded to the Indian Union on 16th October 1947, border skirmishes had continues. India had appealed to the Security Council on 1st January 1948 to prevent Pakistani use of its territory as a base against India and as a passage for military and other supplies. The US disappointed India by not giving its support in the UN and refusing to declare Pakistan as the aggressor. Instead, the American delegate emphasized the necessity of plebiscite, claiming it to be one of the conditions of Kashmir's accession. In August 1948, the British Prime Minister, Mr. Atlee and President Truman of the US issued a joint statement appealing to the Prime Ministers of India and Pakistan to accept the arbitration of Mr. Nimitz. India was greatly annoyed at the proposal which treated India at par with Pakistan, which India viewed as the aggressor. It gave a great set back to the beginning

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

of Indo-Pak relations. After this event the Kashmir problem became an unsolved riddle and it was identified as a major irritant in the coming years.

ORIGIN OF THE PROBLEM: Jammu and Kashmir constitute one state of Indian Union with an area of 86023 sq. miles and include besides the valley of Kashmir, the area of Jammu and Ladakh, the Hill district and the Tribal areas. Under the present de fact position of the state, Jammu, the valley and Ladakh are in India. The tribal areas are in Pakistan, and Hill Districts (mainly Poonch) stand divided between India and Pakistan. Because of its strategic situation and geographical position Kashmir is intimately connected with the security of India. Here it is noteworthy to say that Jammu and Kashmir was one of 565 princely states of India on which the British paramount of lapsed on 15th August 1947. As per the terms of the British with drawl and partition of India, the rulers of all the princely states were given the option of joining either of the dominions – India or Pakistan, basing their decisions on considerations of geographic embedded-ness in or contiguity to India or Pakistan and the wishes of their population. However, despite seeming simplicity of these principles, in fact, they were not easily applicable to J&K. The state had a predominantly Muslim population and a Hindu ruler. It made the problem complicated. Apart from the territorial claims, the possession of J&K, a Muslim-majority region, had significance both for India and Pakistan though for different reasons.

Some of the scholars assume the fact that the issue of Accession acquired further complexity due to the political situation as it had evolved within the state from the beginning. The reigning Maharaja of J&K, Hari Singh, was facing a significant opposition from his own subjects, primarily from the majority Muslim population. The leaders like Mahatma Gandhi and Jawahar Lal Nehru espoused the cause of the people of J&K seeking political freedom from the autocratic rule of Hari Singh. Things within J&K became further complicated when Maharaja evaded the question of the political future of J&K. He was wooed by both the newly independent countries and at the same time was facing a formidable challenge from the people. However, his indecisiveness became a problem and laid the foundation of the subsequent conflict.

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

However, Hari Singh requested for a stand-still agreement to both the newly independent states. According to it "the existing arrangements should continue pending settlement of details". But much is disputed about the events that preceded the signing of the instrument of Accession by Maharaja. Many of the legal and moral arguments underlying India and Pakistani claims regarding J&K flow from differing interpretations of the historical events. It is argued that to put pressure on the Maharaja indirectly, Pakistan many times stopped the regular supply of the material to the state. Faced with situation arising out of repeated violations of the "Standstill agreement" by Pakistan, the Maharaja set Skeikh Abdullah free on 29th September, 1947. Meanwhile, the uprising in Poonch against the ruler and subsequent infiltration of armed groups from Pakistan complicated the problem. India contended that Pakistan intending to grab J&K by force sent its troops disguised as local tribesman.

Pakistani acceptance of the 'Standstill agreement' was only superficial as within a month of the agreement it started harassing the people of Kashmir by stopping economic activities, food and fuel supplies from Pakistani side to Kashmir. This economic boycott appeared to be designed to force Kashmir's accession to Pakistan. It was inconceivable to Pakistan that Kashmir should become a part of the new Muslim state. It consequently, engineered a tribal invasion of Kashmir. In October 1947, armed tribesman started invading Kashmir. On October 15, 1947, nearly 5000 raiders began the seize of fort Owen inside Kashmir, and by October 22 infiltration and raids were transformed into full scale military attack upon Kashmir. These raiders were openly supported by Pakistan and were in fact Pakistani soldiers in tribal clothes. The Maharaja of Kashmir requested India for help. He appealed to Nehru, Vallabhabhai Patel and Mountbatten for help. He also sent a letter duly signed the "Instrument of Accession". Indian troops were sent to J&K on 27th October 1947, and this led to full scale war between India and Pakistan. The India troops succeeded in arresting the advance of the Pakistan-backed forces. On 30th October 1947, an emergency government was formed in the state with Seikh Mohammad Abdullah as its heads. This government supported the decision of Maharaja to join India and helped combat advancing Pakistani forces.

European Journal of Business & Social Sciences
Available at https://ejbss.org/
ISSN: 2235-767X
Volume 07 Issue 02
February 2019

KASHMIR ACCESSION TO INDIA AND ITS CONSEQUENCES: Eventually on October 23, Maharaja Hari Singh decided to accede to India. On 26th October 1947, he signed the instrument of accession and made Kashmir a part of India. By this act of the lawfully constituted Govt. of Kashmir, of which, the Maharaja was the head and with whom, Pakistan had earlier entered into the standstill agreement. Kashmir became a part of India. India immediately flew its troop into Kashmir and the Indian army went into action against invaders. Through a quick and efficient military operation India was successful in saving Srinagar and in driving out the in invaders to Uri. So the position on 27th October 1947, was that both the ruler and the people had acceded to India, but to keep the matter completely above board, the Govt. of India unilaterally offered the people of Kashmir a chance to decide their future by the recognized democratic method of plebiscite or referendum, which in order to ensure complete impartiality might be held under international auspices once the soil of Kashmir has been cleared of the invaders. India, therefore, felt justified in requesting the Security Council to ask the Govt. of Pakistan. On 15th January 1948, Pakistan replied to the Secretary General of the U.N. with a request that this might be forwarded to the Security Council for appropriate action.

Therefore, elaborating her views on Kashmir, Pakistan held that the Hindu Maharaja of Kashmir knew very well that his subjects wanted to accede to Pakistan. In order to mislead them, the Govt. of Kashmir concluded a Standstill Agreement with Pakistan but at the same time came out with a well thought out plan to accede to India. Pakistan requested the Security Council to examine her case in total and not to concentrate on the Kashmir dispute which was only one alone of the many facets of the unhappy relations between India and Pakistan. During the first few U.N. debates over Kashmir, India justified Kashmir's accession to India but accepted that for a final settlement it was essential that Pakistan should withdraw all the invaders from Kashmir. India admitted that after normalization of condition a plebiscite under the supervision of U.N. representatives would be held to settle the question of Kashmir' accession. Pakistan described Kashmir issue as an Indo-Pak dispute but denied Pakistan's involvement in the tribal attack. In the discussion of the Security Council emphasized the right of self-determination by the people of Kashmir and this questioned the state's accession to India.

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

Furthermore, it is to say that the Security Council passed a resolution and appointed a commission in June 1948 for investigating the Kashmir dispute. When it reached the subcontinent in July, the Pakistan Govt. informed it that two months earlier Pakistani regular troops had been sent to Kashmir for meeting the increased Indian Military Operation. The commission after investigating the matter and after holding talks with the Govt. of India and Pakistan submitted its first report on 3rd August 1948. This resolution was accepted by India but rejected by Pakistan. Therefore, the commission issued fresh proposals on 11th December 1948 and on 5 January 1949. But both India and Pakistan failed to implement them. Pakistan persistently refused to withdraw its forces from Kashmir. Moreover, the Security Council appointed the Graham Missions in 1951 and 1957. But the commission failed to solve the Kashmir dispute. In the summer of 1953 India and Pakistan initiated bilateral talks for setting the Kashmir issue. The talks began in an atmosphere of goodwill but soon these became clouded because of narrow thinking. India and Pakistan once again seemed to be engaged in sharp interactions over Kashmir in the Security Council in 1957. The Security Council gave its proposal for Arbitration over Kashmir but India rejected it.

A NEW TURN IN KASHMIR ISSUE: However, India made many efforts to settle the Kashmir dispute with Pakistan till 1965 but failed. In 1964 Security Council passed a resolution proposing that Kashmir dispute should be solved through mutual negotiations. But Pakistan attempted to secure Kashmir by force in 1965. Therefore, in August, 1965, Pakistan sent a large number of infiltrators into the Indian side of Kashmir for instigating Kashmir against India and for fomenting trouble in J&K through acts of sabotage. Disturbed by this development, India appealed to the Security Council for directing Pakistan to withdraw the aggression. But Security Council showed partial attitude in this matter. India got irritate by this partial attitude and decided to take military action against the aggressor. On 15th August 1965, after crossing the cease-fire line in Kashmir, India forces went into action and captured the strategically important posts in Kargil, Tithwal, Hajipir and Uro-Poonch from where Pakistani infiltrators were being sent. On September 1, Pakistan launched a massive attack on India. India forces met the attack and launched a three prolonged attach in Lahore Sector and a day later in the Sialkot sector. The war continued till

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

23rd September 1965. By the peace mediation done by U.N. Secretary General U. Thant, both the countries agreed to a cease-fire.

After the cease-fire, a meeting was held at Tashkent in the earnest efforts of Soviet Union from January 3rd to 10th, 1966 to formalize peace between India and Pakistan. The President of Pakistan announced that he would agree to a "just" settlement of the Kashmir issue. In the mediation of Soviet Union, the Tashkent agreement was signed by the two countries in the hope and promise of a peaceful future.

Unfortunately, the Tashkent declaration did not deal with the Kashmir issue. In effect, it suggested that the issue should be put into cold storage. The promise contained in the Tashkent Declaration, that India and Pakistan would continue meeting at the highest level. In this sequence, an Indo-Pakistan conference was held on 1st and 2nd March 1966. The Pakistani side pointed out the special importance of reaching a settlement of the J&K dispute. But Pakistan did not show any positive approach to solve the Kashmir issue. That is why the development between 1966 and 1971 are of no major significance in the history of Kashmir dispute.

SHIMLA AGREEMENT 1972 AND KASHMIR ISSUE: After the second war with Pakistan, in the Shimla conference of 1972, Prime Minister Bhutto did raise the Kashmir question but purely at the surface level. The Shimla Agreement included a sub-clause of Clause – IX and it said, "In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17th, 1971, and shall be respected by both the side without prejudice to the recognized position of either side. Neither side shall seek to alter in unilaterally, irrespective of mutual differences and legal interpretations. Both the sides further undertake to refrain from threat or the use of force in violation of this line." Therefore, after the Shimla Agreement, India got better place and position in Kashmir. The line of actual control has now come to be the de fact boundary between India and Pakistan. Now India's stand has been clearly enunciated that Jammu and Kashmir is an integral part of India.

KASHMIR ISSUE AFTER SHIMLA AGREEMENT: After Shimla Agreement, India and Pakistan enjoyed period of "cold peace". But the first event to shake the relative calm of Post War Indo-

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

Pakistani relations was the explosion of a nuclear device by India in May 1974. Meanwhile in Kashmir, on 13th November, 1974, an accord was signed between Govt. of Kashmir and Indian Govt. The new accord accepted the state of J&K as a part of the Union of India. But as the liberation of Kashmir, continued to be the national objective of Pakistan. That was why Pakistan started subversive activities in J&K. By 1988, terrorism in Kashmir had grown to menacing levels. To increase the terrorist activities in Kashmir, Pakistan enhanced the supply of weapons, more money and more Mujahideen to the terrorist groups. This continued till 1998.

After nuclear test (11 and 13 May, 1998) the relations between the two countries became very hostile and Kashmir issue took a very serious turn. India used "bus diplomacy" to break the ice and Vajpayee visited Lahore. But Pakistani's main efforts after the nuclear test (May, 1998) was to focus on Kashmir as the "core issue" in the bilateral relationship. Meanwhile, the large scale military aggression launched by Pakistan across the LOC in Kargil in the summer of 1999 was an operational expression of this. It was cynical breach of the trust on which the Lahore process was based. The Kargil war demonstrated that Pakistan will continue persist with its quest of highlighting the issue of Kashmir. The over nuclearisation of India and Pakistan in 1998 have given a new dimension to the Kashmir issue in South-Asia. It is feared that the nuclear tests have made the region more dangerous and insecure as both India and Pakistan have a long-standing conflict as Kashmir and are still locked in an antagonistic relationship.

Nevertheless, Pakistan's continued ambitions in Kashmir indicate that it is not willing to learn lessons from setbacks it faced in 1948, 1965, 1971 and 1999. It has been proved during the last 60 years that armed conflict or war can't resolve Kashmir issue. Kargil was a desperate attempt on the part of Pakistan to capture Kashmir. But it was terminated before it could escalate into an all-out war between India and Pakistan. The crisis situation in Kargil was managed by India's restraint and US diplomacy, which led to cease fire and status quo in Kashmir. Post Kargil, the ISI is trying to expand its network to execute its plans and Pakistan still considers Kashmir as a part of the unfinished agenda of Partition to be completed by force. Pakistan Considers Kashmir a core issue. It demands that U.N. resolution calling for plebiscite in Kashmir be observed, this clearly rejecting the Shimla Agreement. However, there was a clear proof of the terrorists being

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

Pakistani nationals in Kashmir during Kargil war. But Pakistan did not admit it. Soon after Kargil, Pakistan started her terrorist activities in Kashmir. She tried to interfere in the elections in the state of J&K in 2002. But the people of J&K braved all threats and came out to vote. Meanwhile, the Prime Minister Mr. Vajpayee highlighted this issue at Non-Alignment-Movement Summit to Kualalumpur in February 2003. In reply General Musharraf allegated that India is suppressing Kashmiri people by denial of their rights and freedom and torture by her security forces.

Furthermore, Prime Minister Vajpayee once again extended his hand of friendship during his visit to Kashmir in April, 2003. After Vajpayee, Manmohan Singh also asserted to continue the peace process. But Pakistan's attitude has been indifferent. Pakistan has been raising Kashmir issue at various level bilateral talks as well as international platforms. Even on 18th September 2005 at New York Musharraf raised the Kashmir issue in U.N. General Assembly meeting. Furthermore, Prime Minister Dr. Manmohan Singh announced setting up of a high level task force on April 04, 2005 to prepare a long term plan for J&K's social and economic development. Well before, it could submit the report deadly earthquake struck Kashmir in October 2005. Therefore, India continued engaging in Kashmir, through the Round-table Conference on J&K on February 25, 2006. Dr. Manmohan Singh offered to work for "A Naya Jammu, Kashmir and Ladakh, which is symbolized by peace, prosperity and people's power." Concluding the first round of the conference, Dr. Singh requested Home Minister to form a high level group of officials to examine all current cases of detention and see the possibility of releasing all detainees against whom there were no serious cases. On March 30, 2007 Delhi decided to set up mechanism to examine some of the problematic aspects of the current situation, including measures to determine whether there is need to relocate and reconfigure Security Forces.

Furthermore, Dr. Manmohan Singh chaired All Party Meeting on August 06, 2008 in Delhi and suggested that immediately initiating the process of a dialogue that would facilitate the suspension of the agitation and its peaceful resolution. The all party delegation visited Kashmir as well. It lacked an outcome. Dr. Singh personally flew on October 06, 2008. But it was necessary to do so to prevent violence and loss of life and property. It was the same sadness that he recorded while chairing the All Party Delegation on August 10, 2010. Then Dr. Singh had grief in

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

his heart and hope in my mind. But Dr. Manmohan Singh in the perspective of his Pakistan engagement started soon after and he met Parvez Musharraf in New York on November 24, 2014. Both the leaders agreed that possible options for a peaceful, negotiated settlement of the issue should be explored in a sincere spirit and purposeful manner. They agreed that CBMs will contribute to generating an atmosphere of trust and mutual understanding.

Now it was the turn of PM Modi in 2014 after taking the oath as Indian Prime Minister. Actually, PM Modi's Kashmir strategy is two-pronged: financial support for Kashmir's development, and simultaneously using force against separatists. The policy hasn't really been successful as resentment against the state government and New Delhi has increased manifold in the past few years. India has always hoped for the normalization of the relations with Pakistan especially on Kashmir issue, but Pakistan has always supported terrorism and disturbed the peace of Kashmir valley. That is why; Kashmir issue has always been an unsolved riddle and a major irritant in Indo-Pak relations since its origin in 1948.

CONCLUSION: Now we can conclude that the partition of India created the problem of Jammu & Kashmir. The accession of Jammu &Kashmir to India was not accepted by Pakistan. She sent her troops to disturb this region. India also dispatched her troops. On January 1, 1948 India laid the Kashmir dispute before the Security Council, charging Pakistan with an act of aggression against India. Pakistan also refused to recognize the accession, calling it a violation of the 'Standstill Agreement'. Therefore, from the very beginning the Kashmir issue became a bone of content in Indo-Pak relations. India made many efforts to solve the Kashmir issue with Pakistan but Pakistan supported terrorism always deterred the peace process.

REFERENCES:

- Bandyopadhyaya, J., The Making of India's Foreign Policy, (New Delhi: Allied Publishers, 1973).
- Appadoria, A and Rajan, M.S., India's Foreign Policy and Relations, (New Delhi: South-Asian Publishers, 1983).

ISSN: 2235-767X
Volume 07 Issue 02
February 2019

- Haider, S.M., (ed.), Kashmir and South Asian Security, (Rawalpindi [Pakistan]: Friends Publication, 1992).
- Parasher, S.C., "America, India and Pakistan", India Quarterly, Vol. LII, No. 4, October-December 1996.
- Chaturvedi, Arun and Lodha, Sanjay, (ed.), India's Foreign Policy and the Emerging World Order, (Jaipur: Printwell Publishers, 1998).
- Asthana, Vandana, India's Foreign Policy and Sub-Continental Politics, (New Delhi: Kanishka Publishers, 1999).
- Ali, Masood, Perspectives on Indo-Pak Relations, (New Delhi: Cyber Tech Publications, 2006).
- Tourangbham, Monish, "The Pakistan Factor in Indo-US Relations: Is it finally muted?", World Focus, Vol. XXIX, No. 7, July 2008.
- Chatterjee, Aneek, World Politics, (New Delhi: Pearson Edu., 2012).
- Ganguly, Sumit & Others, "India, Pakistan, and the Kashmir Dispute: Unpacking the Dynamics of a South Asian Frozen Conflict", Asia Europe Journal, August 2018.
- https://timesofindia.indiatimes.com/india/kashmir-issue-one-of-modi-govts-biggest-failures-congress/articleshow/64623099.cms
- https://www.dw.com/en/kashmir-violence-has-modis-policy-failed/a-43247175.
- https://www.orfonline.org/research/41733-modi-government-needs-a-fresh-strategy-for-jammu-and-kashmir.