

CHAPTER-VIII

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The problem of Kashmir assumes an international character so far as more than one third of the territory of the State remains under the illegal possession of Pakistan and China. The evoking of the UN on Kashmir in 1948, subsequent conflicts over Kashmir and super power rivalry in the region that gave Kashmir an exceptionally strategic importance added to the complexity of the problem. Nevertheless, the ethic of bilateralism evolved by India and Pakistan at Simla in July 1972 confined the scope of the problem at international level and made it obligatory for the two countries to attenuate the traditional confrontation and prepare the ground for a peaceful solution of the problem through negotiations.

The strategic location of the State of Jammu and Kashmir speaks of its international significance as it touches the borders of Pakistan, Tibet, China and Afghanistan. The territory of the new Republic of Turkmenistan, a breakaway part of former Soviet Union also lies at a distance of few kilometers. This strategic location of the State, which is of immense importance, at least to the adjoining nations, has attracted the attention of the world.

The State of Kashmir has undergone several changes for the last few centuries. The present structure of the State owes its origin to the Treaty of 1846, between Maharaja

Ghulab Singh and Britishers, under which Britishers sold the kingdom to the Maharaja and this bound the two regions of Jammu and Kashmir together legally. In 1947, it acceded to India under the influence of circumstances which became an issue of hot debate. Maharaja of the State, Mr. Hari Singh decided to remain independent and entered into a 'Standstill Agreement' with Pakistan. He had also proposed the same to India but India invited him for further talks. But because of Muslim majority character of the State, Pakistan forced the Maharaja to join and sign the accession in favour of it, first verbally, but when did not receive a positive answer it decided to impose a forcible solution. Pak staged a tribal invasion of Kashmir in September, 1947, fully backed by arms and soldiers, and occupied about half of the state territory. Under the shadow of aggression, Maharaja, compelled by Sheikh, acceded to India on October 26, 1947, and cried for help to save his State.

Thus by committing aggression, first denying it, and then accepting it, Pakistan became a party to the problem. This gave an international character to the problem as the territory of the State (about 40 percent) of J & K remained under Pakistan in gross violation of international law, even after ceasefire on January 1, 1949. After completing the formality of handing over a note of protest to the Prime Minister of Pakistan, the Indian Government invoked Article 35 of the UN Charter to draw the attention of the Security Council to the fact that the situation in Kashmir

was likely to lead to 'international friction'. Pakistan was alleged of supporting and abetting the tribal invaders.¹

Thus, the five member UN Commission on India and Pakistan was formed on April 21, 1948, that visited India and Pakistan in July, 1948. On July 5, 1948 when the Commission landed in Karachi, it was informed by Pakistani Foreign Minister Mr. Zafrullah Khan that at least three of Pakistani Brigades were in Kashmir since May 1948.² Earlier the same man had refuted the involvement of Pakistan in Kashmir on January 15, 1948. Commission adopted a resolution on August 13, 1948 in which India was authorised to defend the territory of whole of J & K, Pakistan had to evacuate the grabbed area, sovereignty of J & K Government was not to be questioned and a provision for plebiscite. However, Plebiscite will not take place unless Pakistan fulfils first and second part of the resolution which meant it was to be excluded from all the affairs of the State. Commission succeeded in managing ceasefire between the two countries on Jan. 1, 1949.³ However, UNCIP was doomed due to its failure to dub Pakistan an aggressor and equating the two parties.

This was followed by Mac Naughton Mission (Dec. 17, 1949), Dixon Plan (June 1950) and Graham report (April, 1951). McNaughton's proposals of demilitarisation of the whole territory of the State by both India and Pakistan was in blatant disregard to August 13, 1948 resolution was outrightly rejected.⁴ Dixon plan also met the same fate, though his proposals were interesting and even acceptable to many people.⁵

He advocated the partition of Hindu and Muslim majority areas of State and their giving to either of country if the will of the people is easily readable and where doubt prevails, plebiscite should be exercised. Graham's forcing both India and Pakistan to withdraw the military forces was again in violation of August resolution of 1948 and thus his proposals also didn't succeed.⁶

In August 1953, Prime Ministers of India and Pakistan entered into negotiations over Kashmir and agreed that preliminary demilitarisation was necessary and when this task is completed, a plebiscite administrator would take the necessary steps to secure a fair and impartial plebiscite.⁷ But strong campaign against the plan and later on instead of demilitarisation, Pakistan's entering into Western security system foiled the progress made and the issue died for ever. By entering into Simla Agreement in 1972, the philosophy of bilateralism finally shut the doors to the role of any third party as arbiter and the Kashmir issue became the issue between India and Pakistan.⁸

It is worth mentioning here that during the crucial years of Kashmir, its accession to India, Communist party of India, Champion of right of self-determination, championed the cause of more autonomy to the State and it seemed even sympathetic to the idea of independent Kashmir. It too would not have minded separation of Jammu and Ladakh from the Valley. The idea got indirect support from Dixon plan.

The Communist Parliamentary Party leader, Mr.P.Sundrerayye is quoted citing that "the attempts of Kashmiri chauvinists to overthrow the Indian domination served a progressive cause".⁹

Dixon plan was favourable to communists for it gave an ample opportunity to Kashmir to choose its future outside India, whereas the Jana Sangh and Parishad leaders were attracted towards it for it gave them an opportunity to pull the region of Jammu and even Ladakh out of Kashmir and join the Indian Union.

It was a phase of international politics when India's relations with the Soviet Union were not very cordial. Within India, the CPI had adopted Telengana Model- of violent struggle- to the solution of the nationality question. The party literature of the period contains numerous and eloquent reference to the liberation of Kashmir, withdrawal of Indian troops, right of self-determination for each nationalist of the State and, above all, to "independent Kashmir".¹⁰ The official organ of the party "Cross Road" condemned the State's accession to India as treacherous¹¹ and India was dubbed as a stooge of Anglo-American imperialism.

Meanwhile, CPI also supported the Soviet proposal for a Plebiscite Commission consisting of USSR, China, India, Pakistan and Afghanistan for the "UNO cannot be trusted to ensure a democratic supervision of the plebiscite."¹² It urged all the progressive forces of the State to unite and "to establish a genuine democratic Government free from the interference of Anglo-American, Indian and Pakistani

reactionary forces."¹³ Communists functioned in the State not only through the National Conference but also through organizations like Cultural Front, Youth League and Peace Conference.¹⁴ On the conclusion of Delhi Agreement, Communist leaders like P.Sunderayya, Hiren Mukerjee and Ajoy Ghosh met Sheikh in New Delhi to impress upon him that he need not have surrendered to Nehru.¹⁵ Justifying the idea of independent Kashmir, a Communist leader B.P.L.Bedi said, "with USSR and China at our backs, we can turn Kashmir into an arsenal for revolutionary movements in India and Pakistan." He also added that "this call will one day come from the mouth of Sheikh Sahib himself. After all I am not sitting idle here."¹⁶

While the activities of communists were clearly visible in the State, the voices of the Western powers mainly United States in the politics and future content of the State, the State of J & K became a centre of world politics and cold war. American calculations took Kashmir as an important State which if it succeed to turn into a satellite state could prove an important check against the expanding communism from the north. Guided by such perception USA indirectly involved itself in the cause of independent Kashmir. While American Ambassador in India, Loy Hinderson claimed to have established secret contacts with Sheikh Abdullah in September 1950 and discussed with him the idea of independent Kashmir, it was the visit of the American statesman Adlai Stevenson in May 1953 that touched a spate of rumours which made the Communists suspicious of the role of Abdullah.¹⁷ Stevenson met Abdullah from 1 to 3 May; the last meeting lasted seven hours. In August 1953, Sheikh publically stated that "the best

status for Kashmir could be independence both from India and Pakistan.¹⁸

Writing about the external forces that were in operation in impelling Sheikh to harp on independence, Korbelt wrote, "on top of these reports came the highly inflammatory rumours that United States was backing the idea of Kashmir's independence and that Sheikh Abdullah had been encouraged in it when Adlai Stevenson had visited Srinagar in May 1953."¹⁹ Pt. Nehru, however, declared later that "if there is a modicum of truth in them that is greatly exaggerated..... I would say in the course of last few years or months..... the cases that have come are of individual interference, and it will not be proper to call them as governmental interferences, but individuals have not behaved properly, because again you must remember the basic fact that Kashmir is a highly strategic area."²⁰ It was also reported that US Secretary of States, Dulles who visited India on 24 May 1953 also canvassed support for the move for independent Kashmir.²¹ Thus it was a high time of super-power struggle in the region, though, with the change of leadership in Soviet Union the attitude of the new leader, Khrushchev was more friendly and sympathetic, towards India. The change in Indo-Soviet relations after Stalin, therefore, changed the policy of CPI also which now started advocating indissolubility of the Indian State.

At the same time, Pakistan's tilting towards America was more visible and later in 1954, this culminated in Pakistan's entering into anti-communist military alliances

like CENTO and SEATO with America for getting military assistance. These developments had an obvious impact on the perceptions of Soviet who now thought of checking US influence by strengthening India and this, in fact, brought the cold war between the two super powers to the Indian sub-continent.

The talks between the two Prime Ministers of India and Pakistan over plebiscite also influenced the Kashmiri mind who felt that they had still the opportunity to decide their future. On January 2, 1957, Feroz Khan Noon, the then Foreign Minister of Pakistan, wrote to the President of the Security Council to secure a sort of stay order in respect of the new Constitution of Kashmir which was to come into force on 26 January 1957.²² Noon alleged India of foiling bilateral negotiations and also of unleashing a reign of terror in Kashmir, and demanded a firm action by the Security Council.²³ When Pakistan raised the issue in Security Council, on Jan. 2, 1957, its diplomatic missions circulated all over the world a letter written by Sheikh Abdullah which had been smuggled out of jail.²⁴ The draft resolution (containing provisions of introduction of UN Intervention Force for Kashmir for its demilitarisation) put before security Council on Feb., 2, 1957 was vetoed by Soviet Union that now regarded Kashmir as an integral part of India.²⁵ This development formally closed the role of UN in Kashmir so far as USSR held Kashmir problem settled. On October 9, 1957, Krishna Menon refuted the Pak allegations and rejected the Pakistan's demand of stationing of UN troops in Kashmir and brought to the notice of the General Assembly the airfields that Pakistan had been

constructing in occupied area. He also referred to the hostile utterance of Pakistan's responsible people and subversive activities in Kashmir which were inspired by Pakistan.²⁶

Aggression of India by China in 1962 and its occupying the area of Aksaichin of Ladakh region reduced the State in territorial respect. In 1963 Pakistan illegally transferred to China a large chunk of POK territory of about 5,180²⁷ sq. kms. Trying to take the advantage of the weakened India after Chinese attack, Pakistan also tried to grab Kashmir by force in 1965. Being beaten badly by Indian armed forces it came to realise its real size and in January 1966, Tashkent Agreement was signed to end the deadlock with the help of Soviet mediation. The resolution of Security Council was not successful in anything more than ordering a ceasefire. The peace treaty, however, was signed as a result of mediation not by a UN representative but by a super-power at Tashkent.²⁸ Tashkent Agreement, however, did not endure for long as another war broke out between India and Pakistan in 1971, the bone of contention being East Pakistan and not Kashmir. Pakistan was bifurcated and the war was a severe blow to Pakistan's armed forces, "both ideologically (failure of two nation theory) and militarily, it was a catastrophe for Pakistan."²⁹

The war, was an awful moment for Kashmiri nationalists also. They might have opposed Pakistan, but since they had a troubled relationship with India— often seeking a divorce from what they viewed a forced marriage— they ended up

getting an ally with Pakistan. The 1971 defeat of Pakistan weakened Kashmiri nationalists, and a plea for divorce had to be turned into a compromise.³⁰ Sheikh finally made peace with India and held that "our dispute with Indian Government is not about accession but about the quantum of autonomy."³¹

The period between the two quick wars between India and Pakistan was characterised by Pak's continuous involvement and supporting of Kashmiri nationalists. During the 1965 debacle, the general expectation in Pakistan was that Kashmiris would revolt simultaneously against India and for this reason several hundred, by some calculations, nearly 7000- army men or para-military personnel in civilian guise were sent into the Valley to generate an uprising.³² In fact, these designs of infiltration had begun as early as in 1958.³³ But instead of creating such uprisings in Kashmir, many of them were arrested and their designs were foiled by Kashmiris- Muslims, Hindus and Sikhs standing together shoulder to shoulder.³⁴ Had the 1989 uprising in Kashmir, taken place in 1965, Pakistan's military chances in Kashmir would have been strong.³⁵ It was during this period that several secessionists groups like Al Fateh, JKLF etc. became active. In fact, Al Fateh was found involved in sky-jacking of an Indian Plane to Lahore, spying and its collusion with Pak authorities.³⁶

On July 3, 1972 was signed the historic Simla Agreement by the two countries to end the strained and tensed relations that had come to govern during the 1971 war period. With this Agreement the two countries decided to put an end

to the conflict and confrontation that had hitherto marked their relations and to establish durable peace in the sub-continent. They also affirmed their faith in UN charter and agreed to resolve their differences by negotiations and most importantly 'bilaterally'. Both the sides decided to withdraw their forces to their respective sides of the international border and in the case of pending problems, no side shall unilaterally alter the situation. Faith in peaceful co-existence, non-interference and respect for each other's territory was shown.

While the agreement was welcomed in India (except Jana Sangh) and also at the world level, and even in Pakistan yet many of the Pakistani leaders regarded it as a sell out to India. For instance, Gen. Zia, later on expressed his unwillingness to accept the term that Pakistan commits to bi-lateralism.³⁷

The post-Simla Agreement era has witnessed the consistent denial and violation of the spirit of the agreement on the part of Pakistan. It was with the emergence of General Zia-ul-Haq as the military ruler of Pakistan that saw the revival of the Manzur Qadir strategy followed from 1958 onwards, that the key to obtaining success in Kashmir lay in destabilising the situation in Punjab (or other parts) by sowing the seeds of disaffection in the minds of Sikhs. In brief, the entire effort is to undermine Indian democratic and secular structure.³⁸ In Kashmir too, Zia's strategy remained the same as in Punjab. The Pakistani establishment kept its links open with JKLF and the fundamentalist groups like Jamaat-e-Islami. There was a

continuing effort to encourage successionist groups in the Valley.³⁹ "The hallmark of Zia's strategy towards India was a perpetually hostile confrontation but always short of an open war. But the December 1987 adventure (when Indian troops landed in Srilanka following Rajiv-Jayawardane Pact and Pakistan's opposition to the Indian move of showing hegemonic postures at SAARC Summit of 1987) was too close and the two countries almost came to the brink of an actual war. In his time Pakistan kept on meddling in India's internal ethnic problems".⁴⁰

Sponsoring international terrorism and separatist subversion and insurgency is not new to Pakistan. Since 1970s Islamabad has been training Sikh and other Indian separatist movements (Kashmiri) as part of Zulfikar Ali Bhutto's strategy of "forward strategic depth", and also as part of his efforts to gain revenge from India's support for independent Bangladesh. Thus when in the early 1980s the SGPC began to establish a tight control over the Sikh economy in the Indian Punjab and also began its efforts to enforce the imperatives of Sikh traditionalism and conservatism on Punjab society, Pakistan was quick to exploit the opportunity.⁴¹

Pakistan that remained the source of "Afgan Support Infrastructure" till the withdrawal of Soviet forces turned the military supply available to it (through US, Saudi Arabia and some other foreign countries) towards Kashmir and Punjab in the mid-eighties. The ISI's assistance to Kashmiris was even funded through Afgan rebel leader Gulbudin Hikmatyaaar's

Hazb-e-Islami group, thus providing Islamabad with deniability. After gaining experience in training and organizing the Afgan Mujahidden, Pakistan began expanding its operation to sponser and promote separatism and terrorism primarily in Kashmir especially since 1986. As a strategic long-term programme, the chief objectives of ISI were to propagate religious fundamentalism in small but lethal doses to promote separatist and communal outlook, training and indoctrination of selected Kashmiri leaders to create militant cadres, training Kashmiri youth in weaponry and training special teams to organize hartals and bandhs to damage the democratic and secular image of India.⁴²

During 1978 and 1979, a lot of foreign funds were said to be poured into the Valley to finance anti-Indian groups. According to one estimate the funds counted for about 100 crores coming mainly from Pakistan, Libya and Saudi Arabia.⁴³ Even Sheikh, the then Chief Minister of the State alleged Jamat-i-Islami getting funds from the West Asian countries and held it responsible for the fomenting of communal disharmony in the State. He also did not rule out the possibility of Pakistan's involvement in abetting terrorism in Kashmir.⁴⁴

According to the opinion Survey, 59 respondents have endorsed in affirmative yes that Pakistan and other countries have been inciting terrorism and extremism in the State. All the four Kashmiri Panlits and 3 Shia respondents have agreed with the view. Except Pakistan, Libya, Saudi Arabia, Iran, Afghanistan and Bangladesh are the other countries that have encouraged successionist struggle in Kashmir.

The approach of the Pak leaders towards Kashmir has remained ambiguous and opportunist. As soon as in 1981, General Zia, Pak President remarked that India's attempt to turn 'LAC' into a natural boundary will not be allowed.⁴⁵ In January 1982, Pakistan also raised the Kashmir issue at Geneva meet.⁴⁶ This policy of Pakistan made it clear that it will continue to poke its nose in the internal affairs of India. However, on November 1, 1982, at a short summit level meet with Indira Gandhi President Zia described the issue as an irritant between the two countries but deposited full faith in Simla agreement.⁴⁷ In the ensuing years, however, Pakistan continued to raise the issue at UN, NAM summits and other international meets.

The seizure of arms and ammunition and arresting of Pak spies and guerillas from the border areas later laid credentials to the Pakistan's active involvement in inciting and abetting terrorism in Kashmir. Infiltration of the boundary of the State by Khalistanis of Punjab and Pakistanis, seizure of arms and ammunition, rise of anti-India activities in the Valley and arrest of 3 Pak spies in January 1984 revealed the Pak's designs of destabilising India.⁴⁸

In February 1985, about 50 anti-nationals were arrested who were connected with different militant groups including Bashir Ahmed, General Secretary of Mahaze Azadi. These extremists had been propogating to observe a 'bandh' on February 11, 1985 on the first death anniversary of Maqbool Batt and distributing papers carrying anti-national remarks.⁴⁹

In the same month 4 Pak guerrillas were grabbed by the security forces in Nowshera area of the border district of Rajauri while attempting to cross LAC.⁵⁰ In October, 1985 a terrorist gang code named 'Saffron Tigers' was also smashed. DG Police of Punjab M.M.Khajooria reported on October 10 1985 that the members of the gang were being recruited from AISSF and United Akali Dal and interrogation revealed that they had links with the Khalistani terrorists of Punjab and Pakistan and were actively involved in Punjab, Kashmir and Delhi.⁵¹

Nevertheless, it was during the regime of G.M.Shah that anti-India elements flourished rapidly in the Valley. Holding of secret meetings by the extremist youth under the garb of religious congregations, the spurt in the activities of KLF and the alleged involvement of State police officials in such developments that even caused the withdrawal of Congress support to Shah Government had become a common fact.⁵² On February 12, 1987 Counter-Intelligence Wing of India busted a Pak spy ring. The success came with the arrest of a person identified as Darshan Singh allegedly a Kingpin of ISI, from R.S.Pura area of Jammu.⁵³ To check the operation of anti-nationals, a special Anti-Terrorist Cell was also set up which was to be headed by S P to tighten the security measures at public places.⁵⁴ On June 28, 1987 two more gangs operating for the Pak espionage network were also un-earthened following the arrest of 13 persons by BSF.⁵⁵

The year 1988, witnessed an increase in the militant activities in the valley. During the year about 104 Pak intruders including 16 agents of the Field Intelligence Unit of Pak Army were apprehended by BSF on State border with Pakistan. More than 30 were shot dead.⁵⁶ P.V.N.S.Rao, the then External Affairs Minister of India alleged Pakistan for the increasing violence in the valley and held that the recent spurt of violence has been planned across the border.⁵⁷ Farooq Abdullah, the Chief Minister of the State also alleged Pakistan of its nefarious designs of destabilising India by feeding terrorism in Kashmir and brainwashing Kashmiris by vicious communal propaganda through organizations like Jamat.⁵⁸

In the ensuing days the situation in the valley deteriorated greatly and became intractable and unmanageable. The occasions like death anniversaries of Bhatt and Zia, the martyrs day on July 13 and the Republic Day and the independence Day of India came to be observed as protest days characterised by huge demonstrations, anti-national slogans and violence. Demand for independence (by JKLF) and the merger with Pakistan (by Jamaat and its supported groups) reached to the nook and corner of the country. Pakistan has become a feeding ground of anti-Indian secessionist forces of Kashmir.

The Indian Defence Review of July 1989 contains details gathered by RAW agents in Pakistan of a top level meeting of selected corps commanders addressed by Lt. President Zia in April 1988. The General spoke of a military operation codenamed Op-Topac,⁵⁹ that aimed at the liberation

of Kashmir. His dealing of the three phase strategy to be adopted by Pakistan is illuminating for it anticipates the present events in Kashmir.

Relevant excerpts from Zia's talk may be quoted: "As you know due to our pre-occupation in Afghanistan I have not been able to put these plans before you earlier. Let there be no mistake, however, that our aim remains quite clear and firm- the liberation of the Kashmir Valley. Our Muslim Kashmiri brothers cannot be allowed to stay with India for any length of time now".⁶⁰ He proposed the strategy which the Kashmiri mind can grasp and cope with-- in other words a coordinated use of moral and physical means, other than military operations, which will destroy the will of the enemy, damage his political capacity and expose him to the world as an oppressor. The aim, apparently, would be achieved in three phases. In phase one, the Kashmiri militants were to be encouraged to take the control of the power apparatus of the state by political subversion and intrigue. The strategy of low level insurgency was to be used and anti-India sentiment to be whipped up amongst students and peasants, preferably on religious issues.⁶¹

The second phase contains the exertion of maximum pressure on the Siachen, Kargil and Rajauri-Poonch sectors to force the Indian army to deploy reserve formations outside the main Kashmir valley. Base deposits and headquarters at strategic places will be attacked by covert action at a given time to attack and destroy airfields and radio-stations and block the Banihal tunnel and the Kargil

Leh Highways. The third phase envisaged drawing up detailed plans for the liberation of Kashmir valley and the establishment of an independent Islamic State.⁶² Surprisingly, the game plan envisaged by Pakistan seems to have a semblance with the events in the valley. Initiation of the trouble in the valley and later on its extension to the Doda and Poonch districts mark the well planned strategy of Pakistan that has, it now seems, entered into the second phase. The Op-Topac was also followed by Zarbe-Momin (the strike of the faithful), the most impressive military exercise ever of Pakistan. Pakistan Army Chief Beg, didn't even bother to conceal the identity of the enemy he had in mind. 'Foxland' was the pejorative term for India while the battle to be fought by 'Blue land' (Pakistan) was intended in future to be on enemy territory.⁶³

The collusion of the anti-India elements with Pakistan became evident when the death of Zia was followed by unprecedented incidents like blasts, arsons, kidnappings and indiscriminate killings. One of the targets of attack was the Kashmiri Pandits, a small minority. The trouble-makers were reportedly heard saying: "If we uproot this community from Kashmir, it will be easy for us to intensify our Iranian-type of revolution to get Kashmir separated from India and merged with the Islamic Republic of Pakistan."⁶⁴

In the increase of support for terrorism in India, Islamabad has been able to find a task for the Pakistani and Afghan cadres that Islamabad had developed during the Afghan war and must now keep from meddling in Pakistani domestic politics. Indeed, to secure that goal, Brig. (Retd.)

Imtiaz head of the ISI political section, has developed a long term programme called "K-2". This programme aims at unifying and better coordinating the Kashmiri and Sikh subversion efforts by bringing under one umbrella Sikh and Kashmiri extremists and muslim fundamentalists who would then intensify acts of violence in J. & K, Punjab and the Terai region of UP. Indeed, the escalation of terrorism and subversion since the early 1990s is believed to have been a direct out-growth of the ISI's implementation of the "K-2" long term programme.⁶⁵

The political successors of Zia in Pakistan- Benazir, Sharif and Moeen Qureshi have hardly succeeded in breaking away from the old Pak policy fabricated in the time of Zia. The introduction of democracy in Pakistan after a long gap of absence also fell short of expectations as Benazir talked of 'thousand year war' with India and declared her government's open hearted support on moral and diplomatic grounds to the cause of right of self-determination for Kashmiris. She even opened a welfare and relief fund for Kashmiris with an initial contribution of Rs.10 crore in April, 1990.⁶⁶ The new government of Sharif went a step ahead and continuously worked for the so-called jihad of Kashmiris. Surpassing the old rhetoric of Pak leaders he lucidly remarked that Pakistan was not bound by Simla Agreement. This statement of Sharif came as a surprise to the mandarins in the south block. He had also reiterated while in Male for the SAARC meet that his government would continue to provide moral, political and diplomatic support to the Kashmiris.⁶⁷

The new caretaker Prime Minister of Pakistan Moeen Qureshi also held on July 31, 1993 that there is no change in Pakistan's policy in Kashmir as it will continue its support for the cause of self-determination by Kashmiris.⁶⁸ However, it is evident from the political developments that have taken place in Pakistan that there is not one, two but three centres of power-President, Army Chief and Prime Minister. Any elected government since 1988 has failed to curb the influence of the rest of the two centres of power thus restricting softened stand on Kashmir. The difference of the approach of India and Pakistan lie in the handling of Kashmir problem. For Pakistan, Kashmiris should be given the right of self-determination through Plebiscite as per UN Resolutions of 1948 and 1949 whereas for India the problem is to be solved bilaterally as per Simla Agreement. For India, this agreement does not envisage the role of any third party including UN while Pakistan's interpretation is that this agreement does not forbid the role of UN in the matter. However, the latter's argument seems to be baseless as either it has failed to grasp the spirit of bilateralism or it is deliberately foiling the efforts regarding the matter.

Today, there are very few countries who reconcile with the Pakistani view and most of them including friends of Pakistan like China, US, Saudi Arabia etc. have stressed the solution through Simla Agreement. For these countries the UN Resolutions on Kashmir have become irrelevant and a fresh approach is required. The latest missive has come from the German Foreign minister, Dr.Kinkel. Felt, who said

that the UN resolutions have played a part..... but this goes back to the 40s and it is useless to behave as if the world has not changed. The world has changed. Hence, it is proper to reconsider and reassess the resolutions.⁶⁹

The same attitude has been adopted by US, Britain and China who have continuously stressed Pakistan to accept Simla Agreement.

In the whole of the eighties Pakistani leaders have raised the issue at international level at UN, NAM summits, OLC meets, SAARC and other such gatherings. Very recently, at Senegal, in the sixth OIC summit held on December 11, 1991 on the initiative of Pakistan the summit members for the first time expressed concern over the sorry plight of Kashmiris and called for a free and fair plebiscite to resolve the Kashmir issue.⁷⁰ A similar resolution was passed by ECO members at Teheran who called for an expeditious settlement of Kashmir issue by holding a plebiscite.⁷¹ Similarly, at NAM summit of Jakarta held in September 1992, Pak Prime Minister Sharif tried to raise the Kashmir issue but failed to gain support from the members except Afghanistan.⁷²

The increased involvement of Pakistan in engineering terrorism in Kashmir has of late become a matter of great concern not only for India but also to the West. There are, according to authentic sources like RAW, a large number of training camps in Pakistan mainly in POK region which number about 46.⁷³ In the spring and summer of 1992, the ISI established new training camps for Islamic terrorists where they are trained to handle the latest weapons. The director

of this effort is ISI's Brig. Javed, a veteran of the Afgan support effort. The main training camps are in Gohat, Larkana, Sangli, Sargoda, Cuttock, Murree, Sialkot and Lahore.⁷⁴ Farooq, the former CM of the State held that the ugly incidents were engineered by pro-Pakistan elements who were either in Pakistan or in some foreign countries.⁷⁵ He also held Lt. Zia as the main culprit. "He was the most cunning and working in close conjunctions with the ISI Unit, he plotted the perfect murder. The Afgan Front was closed so the weaponry was no problem. Finance came through the drug cartels. War by proxy was Zia's idea because he knew he could not afford another battle with India."⁷⁶ To quote the former Governor of the State Girish Saxena, "there is no doubt about the fact that militancy in Kashmir is being aided and abetted by Pakistan. They have been giving militants the machine guns, LMGs, rockets, rocket launchers, rocket telescope sights, telescopic rifles, sophisticated mines, electronic detonators and things like that".⁷⁷ In another interview Saxena held that ISI is fully involved. They have motivators here who send youth across the border for training. Sometimes they send Afganistanis to reinforce their version that it is the Afgan Mujahiddin who have been training Kashmiris but it is all done under the auspices of ISI.⁷⁸ According to B.S. Bedi, former Director General of J & K Police, in 1992 alone about 14000 trained militants were arrested on their return to the valley. About 7000 were let off by security forces on the spot while 4000 were freed by the State Screening Committee. He also remarked

that in 1993 about 1500 to 2000 militants were active in the valley.⁷⁹ It has been also reported that militants have acquired RDX which was used in recent land mines against the security forces. A hunt was on to grab the Pak ballistic experts behind the matter.⁸⁰

In reply to the question of Syed Shahabbudin about the infiltration at the border areas of the State of J & K the Minister of State for Internal Security Rejesh Pilot reported in Lok Sabha in March 1993 that during the years 1990, 1991 and 1992, the infiltrators arrested numbered 534, 233 and 84 respectively. During the same years the infiltrators killed numbered 314, 379 and 123 respectively. In the same years people trying to cross the border from the Indian side counted for 560, 127 and 38 respectively. In the attempt to cross the border about 73, 59 and 12 persons were also killed in the same years respectively. One Afgan infiltrator was also arrested in 1992.⁸¹

During 1993 about 242 infiltrators are reported to be killed at the border areas.⁸² By October 1993 about 5000 to 10000 trained militants were reported by Governor K.V. Krishna Rao waiting across the border to infiltrate into the Valley.⁸³ Yet another important development is the spread of militant network to the cities where Muslims are largely concentrated and the use of Indo-Nepalese border by Kashmiri militants for infiltration and maintaining contacts with their ISI mentors in the Pakistan embassy at Kathmandu.⁸⁴ The arrest of a college student on November 10, 1993 in Hyderabad revealed that Iqwan-ul-Muslimeen, a pro-Pak militant outfit has struck

roots in the South to recruit Muslim youths for training in Pakistan for subversion. He also revealed his contacts with Nisar Ahmed Bhat, a Kashmiri based in Calcutta, who took charge of the youth, sent there from Hyderabad and arranged their journey for Pakistan via Dhaka. A revolver, ammunition and money was also seized from Nissar Bhat later on. Farhat, a son of Amanullah Khan (JKLF chief) was also arrested in November 27, 1993 in Hyderabad. He was a student of an engineering college in Hyderabad. Mehboob Ali, a chief of "Dargah-e-Jahad-o-Shah" an organisation also engaged in recruiting youth for training in Pakistan was also arrested. The new recruits were sent through Dhaka to Pakistan.⁸⁵ Hyderabad Police has also arrested 7 members of a pro-pak ISI supported organization TIM (Tanzim Islamul Muslimeen) in the third week of January 1994. Explosives and ammunition was also recovered from them.⁸⁶

The role of ISI in fueling terrorism in Kashmir has been criticized by USA, Britain and other countries. Very recently, the Pak ambassador to USA Begum Abida Hussain was told by the US officials that parties like Jamnate Islami and the Tiblighi Jamaat, as well as some retired officials are training Kashmiri mujahiddin and sending them to Kashmir. US administration has also warned Pakistan to keep its hands off otherwise it may be declared a terrorist state.⁸⁷ Earlier British Under Secretary for Foreign and Commonwealth Affairs, Mark Lennox Boyd, has called upon Pakistan to abide by Simla Agreement and condemned the militant brutalities in Kashmir and supported India's efforts to deal with terrorist violence.⁸⁸ According to the US Congressional reports,

about 60 per cent of the sophisticated weapons were diverted by ISI for its own use. So was the position with regard to funds. In 1987-88 alone, it sliced away about 35 per cent of \$ 1.2 billion American aid to the Afghan refugees. If US wants to end effectively human rights violation in Kashmir, holds Jag Mohan rightly, it should cripple ISI's capacity to spread blood and terror.⁸⁹

Very recently, the visit of a US official John Mallot to India and his perception of Kashmir has created uproarings in India. Mellot's remarks that US considers all Kashmir on either side of the line of control as a disputed territory and Kashmir problem can no longer be left to be resolved bilaterally by India and Pakistan has surprised the concerned parties. US perception of Kashmir has also undergone a change in recent years especially after the disintegration of Soviet Union. The new US policy in Kashmir seems to derecognize the control of Pakistan, China and India over the State. This became evident from the views expressed by US officials like John Mallot and Robin Raphel who regarded the whole of the State as a disputed territory and latter even challenging the validity of the accession of the State to India.

In May 1993, John Mallot, on an official visit to India remarked that the US considers all Kashmir on either side of the line of control as a disputed territory and Kashmir problem can no longer be left to be resolved bilaterally by India and Pakistan. He also insisted on the role of a third party, the Kashmiris which revealed an intent to meddle,

once again, in Kashmir, an issue Central to India's secular polity, her unity and integrity and crucial to the national status and well being of 100 million Indian Muslims.⁹⁰

On October 28, 1993, the remarks of US Assistant Secretary of State Robin Raphel, in which she even questioned the validity of accession of Kashmir to India left no doubt in the minds of the mandarins of South Asia that US is seeking a role in Kashmir problem.⁹¹ The objective seems to be an independent Kashmir. This is what runs from the statement of Robin Raphel who in her visit to Islamabad in October 1993 remarked that "no past event could determine the future of Kashmir".⁹² The new development seems to be more irritating for Pak and China. Mallot defining J&K state as the entire region of J & K that existed before 1947 questions the integration of Hunza, Gilgit and Baltistan areas by Pakistan and Aksaichin and the territory ceded to China by Pak also. Therefore, the US interest in J & K seems to contain China to keep it involved in world mainstream so that it could be turned into a democracy and to compel India and Pakistan to sign NPT.⁹³

The US, seeking a mediatory role manifests a changed US perception of the whole of South Asia. The American policy in the region obviously reveals its interlinking of various issues like preparing ground favourable to US trade and investment, preserving maritime traffic rights, countering narcotics and terrorism, encouraging regional stability and non-proliferation and promoting democracy and respect for human rights.⁹⁴ It is suspected that people

who have a say in American policy on South Asia have started advocating that "the road to accession to Non-Proliferation Treaty runs through Kashmir."⁹⁵

The new US approach may suit people in Pakistan and men like Amanullah Khan, JKLF chief who hailed the mellot's views and expected a positive US role in solving the problem⁹⁶ but it would definitely harm the interests of India as the whole issue is tending to be inclined towards external forces. After the disintegration of USSR, Pakistan's policy in the central Asia has been guided by accumulating support on religions lines on Kashmir. In fact its attempt is to reduce the Indian influence in the region.⁹⁷ It has already succeeded in getting anti-Indian resolutions passed in OIC summit and its tirade of creating an anti-India environment, at least in the Muslim world is on. So far, it has succeeded in vitiating the minds of peace loving Kashmiris on religious grounds and it is this religious appeal of Pakistan that has helped it work in Kashmir. To speak otherwise, "the seriousness of the situation in Kashmir is only compounded by Pakistan's attitude to the whole matter".⁹⁸ Pakistan holds the key to much of what is happening. If there is a change in relations between the two countries the situation will change drastically..... a lot of hope is pinned on this imponderable factor.⁹⁹

In the differentiated world of today there is an unavoidable linkage between the internal and external milieu of the political system which influence the functioning of various sub-systems and structures operating within them.

The one of the major reasons behind the sustenance of secessionist forces in Kashmir is the external interference from the neighbouring states. The pumpingⁱⁿ of arms and ammunition, arms training, hides out are the major input to this problem from external environment. Of late, the international support has also become an important source of legitimization of secessionist forces. Guided by their national interests, the major world powers have caused integration or disintegration of several nation-states. The cases of Unification of East and West Germany and collapse of former USSR are exemplary. Infact, Kashmir also seems to have fallen a prey to such nefarious conspiracies as this is evident from the recent upsurge of secessionist terrorism in the State.

Kashmir Problem and Human Rights:

At present there exists a growing recognition of the need for a normative role for ethics in international affairs. As Stanley Hoffmann puts it, "the claims of ordinary morality, the clamor for a kind of state conduct that does not almost inevitably lead to deceit and violence, cannot be suppressed. We must remember that states are led by human beings whose actions affect human beings within and outside; considerations of good and evil, right or wrong, are, therefore, both inevitable and legitimate".¹⁰⁰

The ethnic resurgence and growing ethnic conflicts that mark the world today inevitably evoke state repression and lead to unending clashes between the different ethnic groups striving for more autonomy or even secession and the state equipped forces attempting to maintain status quo. The resultant plight of the people (both sympathisers to such movements and innocent people) becomes a matter of concern for the human rights organizations which work as the eyes of the world community.

In Kashmir, since the escalation of violence in the late eighties and the militant take over of the valley, common Kashmiris today stand sandwiched between the armed forces of India and the secessionist elements.

In significant development, probably the biggest ever after the 14th and 15th century when Kashmiri pandits had to leave the valley or join Islam following the atrocities of Sikander the iconoclast, the Kashmiri Pandits have migrated from the valley en mass. A whole established society has been uprooted in the name of religion. It is because Pandits find it almost impossible to live in too suffocating environment of Islamic fundamentalism.¹⁰¹ Thousands of mosques in lanes and bylanes of the city Srinagar have become the hut of activity of the militants and the centres of Hizbul Mujahiddin to brainwash the Kashmiri youth.¹⁰² Between December 1989 to May 15, 1990, about 71 innocent Hindus were murdered¹⁰³ to propell the process of migration from Valley. In what is surely the one of the greatest refugee migrations in recent Indian history, some 90,000

Kashmiri pandits and other members of the minority community of a total about 1,40,000 (4 per cent) living in the Valley have fled their homes leaving property worth crores behind.¹⁰⁴ According to information given in Parliament, till the end of July 1990, 48,894 migrant families were registered in the Jammu region and 11,438 in Delhi. The other figures were UP (857), Rajasthan (61), Haryana (94), Punjab (1293), Chandigarh (216), MP(75), Himachal (66) and Gujarat (54).¹⁰⁵

Several myths have been aired about the migration of Pandits being state engineered mainly by Jagmohan. The local Urdu press of Srinagar has published certain letters creating the impressions that Pandits who had migrated have now realised their folly of becoming pawns of the communal games of BJP-Shiv Sena. One letter written by K.L.Kaul on September 18 in Srinagar daily Alsafa News, stated that Jagmohan had sent a message to the Pandits of the Valley in the first week of February to migrate to safer places since the government had planned to kill about 1.5 lakh Muslims and once the massacre was over they will be sent back.¹⁰⁶ Such fears were also expressed by several other people but without factual bases. Contrary to this, as Jagmohan would himself falsify such rumours, on March 1, 1990 in a press note released by the State Government, Governor appealed to the Pandit community not to leave the Valley, not even for a small period. Effective law and order situation and due protection was also assured to the people of minority communities.¹⁰⁷ The plight of Kashmiri Pandits is agonising as most of them in Jammu are living under inhuman conditions. Out of the meagre 1000 rupees of cash assistance almost half

of the money is to be spent on house rent. Most of the migrants in Jammu are living in Geeta Bawan, Nagrota, Mishrivala and Muthi. The camps are also laid in parade ground. In fact, it is intolerable for those who lived an affluent life in the Summer resorts of Kashmir. Most of the Kashmiri Pandits, almost all consulted by the present writer wanted a strong military action against the militants and full integration of the State with India. All the 4 Pandit respondents agreed with the view in our opinion survey. Recently, as conscious of the indecisiveness of the Centre, Kashmiri Pandits held a World Conference in New Delhi where a demand for "Panun Kashmir" (that will consist of about 12 Km. of area in north-east of Jhelam river in the valley) which will be an integral part of India was made,¹⁰⁸ Apart from Pandits several of Kashmiri Muslims have also suffered at the hands of militants. Custodial deaths, rapes, tortures and atrocities of security personnel as well as of militants have evoked the wrath of people in and outside the valley.¹⁰⁹

The excesses of the Indian security forces mainly by the BSF and CRPF have not only alienated the Kashmiris en masse but also presented the ugly face of the state repression. There are exaggerations about this but anti-Indian elements have found an opportunity in it to discredit India and demoralise the Indian security forces. The issue has been raised by Pakistan from time to time at the meetings of OIC, UN and at the very recently held Vienna Conference on Human Rights in June 1993. There are a number of front

organizations for the Kashmir terrorists being floated by Pakistan in and outside Pakistan. Inside Pakistan are organizations like Kashmir Human Rights Forum headed by Retd. Major Umar Hayat, J&K Human Rights Movement, International Kashmir Committee headed by Naemullah Qureshi, Kashmir Committee headed by Retd. Major Muzaffar Shah, Dukhtarane Kashmir headed by Sasima Jogezi, and J&K Action Committee headed by Nazir Ahmed Khalid. Outside Pakistan are world Kashmir Freedom Movement (UK) headed by Nazir Gilani, Kashmir American Council (USA), headed by Ghulam Nabi Fai, and Kashmir Association of North America headed by A. Sheikh.¹¹⁰ All these organizations have launched a tirade against the so-called 'State engineered terrorism' in the Valley and are actively involved in diverting the attention of the UN and other international agencies towards Kashmir.

The reports of Amnesty International and Asia Watch have also accused the Indian paramilitary forces of committing excesses in the Valley. Asia Watch, a US based agency, found the security forces as well as militants guilty of excesses. However, the report has also asked Pakistan to end all support to militant organizations in Kashmir, which, it says, have committed murders, rapes and assaults, issued threats to the civilians and indulged in grave violations of international human rights and humanitarian law. Unable to ignore any longer the human rights violations by terrorist groups supported by Pakistan, Asia Watch has urged the international community to condemn these acts by militants

and bring pressure on them to end all such abuses. It says these groups should abide by the provisions of common article 3 of Geneva Conventions which prohibits cruel, inhuman and degrading treatment and executions. The Asia Watch 1993 report devotes as many as 17 pages to human rights violations by the militants.¹¹¹

The report equally criticises the role of Indian security forces in violating international humanitarian law by summarily executing of detainees, killing civilians in reprisal attacks and using lethal force against peaceful demonstrations. It also refers to extrajudicial executions, disappearances and custodial deaths.¹¹² The report of Amnesty International has also castigated the Government of India for human rights violations. It listed about 415 deaths from torture and police encounters while enquiry was conducted in only 11 cases. Custodial deaths, setting ablaze the houses in retaliation, custodial rape, use of third degree methods by the police to extract information, overcrowding in the jails leading to degrading human living conditions, detention of undertrial prisoners in jails for an unlimited period of time and excesses committed during search, seizure operations etc. are the chief allegations.¹¹³ The PHR (Physicians for Human Rights) also condemned the Indian forces for rapes being used as a war weapon. India in response to these reports exposed their intention to demoralise security personnel by indulging in half truths and falsehood. It has also pointed out that hospitals in Kashmir had been used to hide weapons and militants by doctors

and nursing staff and the contention of the PHR of rape being used as a weapon of war was found to be malicious. The use of the words like 'medical neutrality' and 'armed conflict' in these reports were not only deceptive but also could give respectability to terrorist organizations and their activities.¹¹⁴

The World Conference on Human Rights held in Vienna from June 12 to 25, 1993 also witnessed the confrontation between India and Pakistan on the issue of human rights in Kashmir. Begum Nusrat Bhutto, Pakistan's representative at the Conference, describing India as a colonial power and Kashmir a colony of India, held that Kashmiris have been subjected to persistent and indiscriminate killings, tortures and staged encounters in which people were brutally murdered or raped. She further remarked that the conference must uphold the right of all peoples under colonial rule and alien domination to struggle for their right to self-determination.¹¹⁵ Countering the allegations Farooq Abdullah, former CM of the State of J & K rapped Pakistan for destroying peace in the state and for spreading lies and propaganda only to mislead the people. Holding Kashmir an integral part of India he described Pakistan a terrorism sponsoring state.¹¹⁶

L.M. Singhvi, deputy leader of the Indian delegation to the conference rebutted completely the Pakistan's demand for "effective self-determination" in "UN-recognised disat territory" - a veiled reference to Kashmir. He sa

it had been made clear by UN resolutions that secessionist conspiracies and terrorism could not masquerade as liberation struggles. He remarked that a particular country (Pakistan) was advocating an outlandish view of self-determination, which was contrary to the accepted international law. Singhvi also held that the real danger to the human rights came from systematic denial of democracy, disregard of rule of law, curbs on judiciary's independence, attitude of intolerance and extremism, oppression of minorities and excessive interference and political pressure of the military forces. He also took Begum Bhutto to task for violating the norms of the conference by naming Kashmir. He said that Mrs. Bhutto's words were "totally irrelevant, false, untenable, confused and specific reference. The Pak delegate has violated the rule of relevance, the rule of restraint, the rule of committee and the rule of truthfulness. His presentation made the Pakistani position appear quite untenable and indefensible in terms of international law and human rights norms."¹¹⁷

Coming to India, the reports of "Committee for Initiative on Kashmir",¹¹⁸ Rashtriya Seva Dal,¹¹⁹ Peoples Union of Civil Liberties of India and Indian Peoples Human Rights Commission have also brought to light the excesses of security forces mainly of BSF. The crimes like killings of innocents, arson, tortures, deaths, in custody, extortions, rapes etc. are continuing unabated during these years. The people of Kashmir have been steeled because of

the savage barbarities perpetrated on them through mass killings, mass humiliation of women, inhuman raids on residential areas in villages, small towns, lanes and bylanes of cities, scorching of their abodes and shops, numerous deaths in police custody, floating dead bodies of youths in river Jhelum killed in fake encounters, thousands languishing in Jails without trials and being tortured by third degree methods.¹²⁰ "The pain etched on their (Kashmiris) faces was haunting. Their stories are different but their charge is the same- the BSF's brutality"¹²¹

At present the face of India, that it presents in Kashmir, is ugly and insensitive. People are not apologetic for the use of guns by the militants but what alienates them is senseless and inexcusable killings and wanton destruction of properties belonging to the common man, of which Sopore (January 1993) and Lal Chowk (April 1993) are the most painful.¹²²

Taking notice of the violation of the human rights Indian Government decided to set up a National Human Rights Commission which will have the authority to investigate the members of the armed forces and para-military forces. The Commission will have eight members and the chairperson shall be person who is or has been a judge of the Supreme Court. This decision is in accordance with the chief-ministers conference of human rights held on September 14, 1992.¹²³

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