

ANALYSIS OF HISTORICAL AND CULTURAL IMPORTANCE OF KASHMIR

Ghulam Akbar Mahesar*
Dr. Shuja Ahmed Mahesar**
Ghulam Mustafa Gaho***
Ms. Fehmida Aslam****

Abstract

This article is focused on the historical and cultural significance of the issue of Kashmir. The first part of the article justifies strategic importance of the Kashmir region and gives an overview of its geography, economy and social structure. In addition it also gives brief account of population trends in the Kashmir. The second part of the paper analyses the status of Kashmir as a princely state before the establishment of colonial rule in India and it discusses political change in the Kashmir during the British period. The third part of the paper examines the issue during the post-partition period. It is argued in the paper that the issue of the problem was an outcome of the unjust partition of British India. The state of Jammu and Kashmir was supposed to join Pakistan according to the principles of the Partition plan. Nevertheless, the violation of the principles in the distribution of territories between India and Pakistan gave India a passage to the Kashmir valley. Thus, India was able to claim over Kashmir as its constituent part.

Key words: *Colonial history, Culture, Geopolitics, Partition Plan, British Policy*

1.1 Geostrategic Significance of Kashmir

The total area of the State of Jammu and Kashmir is about 84, 471 square miles, according to 1941 census, the population of Jammu and Kashmir State was 4, 21, 616, majority 77.11 % were Muslims, 20.12 % Hindus and 1.64 % were Sikhs. The Vale of Kashmir is the heart of plateaus is called Jammu and Mount Goodwin Austin, K2 is topping in the northern regions. Vale of Kashmir is in the center, Jammu province in South, Ladakh in east, and Baltistan in the north, Hunza and Nagir in farther north, in Gilgit Agency in the west, Mirpur, Poonch, Riasi and Muzaffarabad are in the west of vale.

1.2 Pre-British Period

Since the Alexander of Macedonia¹ in 32 B.C Kashmir was a beautiful place for historians, invaders, travelers, visitors and tourists. Throughout centuries Kashmir was center of art and structural design. History tells us, that Mohammad Bin Qasim² arrived in Kashmir by using track to Sindh. Kashmir was geographically important to sub continental security as Soviet Union and China are its neighbors.

The historians mentioned the state of Kashmir among few in the world which can have had not as good luck in the matter of Government. (Vincent H. Smith, 1983) The people of Kashmir remained target of massacres of Pandava, Mauria, Kushan, Gonandya, Karkota, Lohara, dynasties³. During the course of centuries, Kashmir was part of Kushan Empire, till second century, while for 600 year became a part of China.

Next six centuries, this land was free, from the eighth to the fourteenth century, Muslims hoisted the flag of Islam in Kashmir and during Muslim rule the land of Kashmir touched height of glory and it is called the 'Golden Age' in the fourteenth century, in addition to Mughal emperor Jalal Uddin Muhammad Akbar⁴ included the state of Jammu and Kashmir into Mughal empire, in the Mughal are the people of Kashmir enjoyed the engagement of ownership. Muslim rule was eliminated by Sikh rulers in 1819, Raja Gulab Singh⁵ of the Dogra family, who was supported by Sikhs, seized power of Jammu province, Tibet⁶ the Northern Areas, Laddakh and Baltistan in 1837 (Korbel, Joseph, 1954).

British Crown⁷ declared Sikhs as rivals and confirmed war against them. On the other hand, Gulab Singh, who was famous due to his shrewd nature and conspiracy, succeeded to survive, and joined without conditions to the British

¹ Alexander of Macedonia (356 -323 BC) He created one of the largest empires of the ancient world, stretching from Greece to Egypt and into present-day Pakistan.

² Mohammad Bin Qasim (695-715 AD): He was the conqueror of Sindh and Multan.

³ A dynasty is a sequence of rulers considered as members of the same family. Examples of dynasty rule in Kashmir: Pandava, Mauria, Kushan, Gonandya, Karkota, Lohara.

⁴ Jalal Uddin Muhammad Akbar (1542-1605) is also known as *Akbar the Great*. He was a Mughal Emperor.

⁵ Raja Gulab Singh (1792–1857) was the founder of Royal Dogra dynasty and first Maharaja of the princely state of Jammu and Kashmir, the second largest princely state in British India, which was created after the defeat of the Sikhs in the First Anglo-Sikh War. The Treaty of Amritsar, 1846, formalized the sale by the British to Gulab Singh for 7,500,000 rupees of all the lands in Kashmir that were ceded to them by the Sikhs by the Treaty of Lahore.

⁶ Tibet is a plateau region in Asia, north-east of the Himalayas, in the Peoples' Republic of China. It is the traditional homeland of the Tibetan people as well as some other ethnic groups such as Monpas, Qiang and Lhobas, and is now also inhabited by considerable numbers of Han and Hui people. Tibet is the highest region on Earth, with an average elevation of 4,900 meters (16,000 feet).

⁷ In English jurisprudence, the Crown is the state in all its aspects. In countries that do not have a monarchy, the concept may be expressed as "the State" or "the People", or some political entity, such as "the United States", "the Commonwealth" or "the State of [name]". The concept spread via British colonization, for instance British Colonization of India and is now rooted in the legal lexicon of the other 15 independent realms. In this context it should not be confused with any physical crown.

camp and accepted official rank of facilitator for the British Crown (Vincent, Smith, 1983).

On the other hand, the British forces ordered the Sikhs to leave Kashmir immediately by hook or crook but Raja Gulab Singh, a well-known jargon, played his various tricks to buy the land of Kashmir by paying the sum of 7.5 million rupees (7, 50,000 Pounds) to purchase the Vale of Kashmir from British. In 1846 the "Treaty of Amritsar" was signed between British Crown and Gulab Singh, and history is witnessed that a country was sold for financial gains while ignoring moral, legal and international norms by the signatories of the Treaty of Amritsar (Treaty of Amritsar 1846).

1.3 British Period

Due to the cultural, ethnic and geographical divisions the people of Kashmir have slight identification about their national unity, but they are rich in art and literature, the language they speak is called Koshur, the people of Jammu and Kashmir remember their homeland by calling her Kasheer. Kashmiri Hindus prefer isolation from other communities, but they are property-owners, moneychangers and public servants. On the other hand, the Muslims of Jammu are known as combatants, dynamic and open hearted. The people of Laddakh⁸ are religiously associated to the Dalai Lama⁹ in Lhasa and spiritually connected with the Chinese Tibetans (Prem Singh, 1996). The State of Jammu and Kashmir was one of the princely states of sub- continent the Maharaja was deputized power of internal affairs of the state. The country's foreign affairs and defense were under the administrative authority of the British Crown.

By the end of foreign rule in India, the British Government announced partition of India in agreement with Indian Independence Act. Thus, on August 15 two countries India and Pakistan became independent states. According to the plan the areas were to be demarcated on communal lines, for example the majority areas of Hindus could join India while Muslim dominated regions could accede to Pakistan (Ijaz Muhammad, 1998).

⁸ Ladakh is a region of the state of Jammu and Kashmir that lies between the Kunlun mountain range in the north and the main Great Himalayas to the south, inhabited by people of Indo-Aryan and Tibetan descent. It is one of the most sparsely populated regions in Jammu and Kashmir and its culture and history are closely related to that of Tibet.

⁹ Dalai Lama is a high lama in the Gelug or "Yellow Hat" school of Tibetan Buddhism, founded by Tsongkhapa (1357–1419). The name is a combination of the Mongolic word *dalai* meaning "ocean" and the Tibetan word (*bla-ma*) meaning "guru, teacher, mentor"

Table 1.1 Population Trends

S. No.	Religious affiliation	Percentage
1.	Muslims	77.11%
2.	Hindus	20.12%
3.	Sikhs	1.64%

Source: The Census Report 1941

There were 584 princely states in India. Hyderabad State was nearly the size of Germany with 17 million inhabitants and its prince exercised absolute power. The British Crown composed its power through paramount power between princely states, in a “*Memorandum on States’ Treaties and paramountcy*” (Chibber, M.L., 2004).

The Cabinet Mission acknowledged that after the transfer of powers to the Government of India, the supreme power of the state would end to be used by the British administration and it would be practically transferred to Pakistan and India immediately. By exploring the Indian Independence Act, Lord Mountbatten explained that “*The States will have complete freedom*, and princes of all princely states could initiate draft Standstill Agreements with Pakistan or India, also they could withdraw their princely states in favor of Pakistan or India. Both the governments of Pakistan and India would exercise power to deal with the defense, foreign affairs and communications of these states. Nevertheless, both governments have no power to violate on the internal autonomy or the sovereignty¹⁰ of states. It was usual that the Hindu dominated States would choose to join India and Muslim States would join Pakistan.

The princes of three princely states of Junagarh, Hyderabad and Kashmir decided to remain neutral. Nawab Mahabat Ali Khan of princely state,¹¹ decided to grant permission to join the State of Junagarh to Pakistan through the act in September 1947, but Indian army intervened and occupied the state of Junagarh, it was explained by Indian authorities that majority of people belonged to Hindus and Muslim ruler had no right to accede to Pakistan. The people of Junagarh State will decide their right of self-determination by vote either to join Pakistan or India. Finally, people voted in favor of India and it became part of India (Chibber, M.L. 2004)

¹⁰ Sovereignty, in political theory, is a substantive term designating supreme authority over some polity.

¹¹ Nawab Muhammad Mahabat Ali Khan (1900 - 1959) was the last ruling Nawab of the princely state of British India from 1911 to 1947. He decided to accede Junagarh to the Dominion of Pakistan following India’s Independence led to the Indian Army taking military action. He is credited with pioneering a conservation effort that saved the world’s last few Asiatic Lions from almost certain extinction.

In Kashmir where Muslims were in mainstream, they were barred from armed forces of Maharaja while Gurkhas, Sikhs and Hindus employed. After refusal, the Muslim soldiers returned to their native areas, where Sikhs and Hindus were inhabited, while Maharaja was permitting their military to threaten Muslims. Lord Mountbatten¹² was fully alarmed from political crisis “so trying to somehow misused mandate by instructing to convince princes about agreement to any governments, India or Pakistan, the issue of Kashmir was intentionally created while using delaying tactics by the government of India, Maharaja of Kashmir State and Mountbatten (Korbel, Joseph 1954).

Mountbatten’s unexpected arrival in Kashmir raised many queries on the personal invitation of Maharaja on the final destination of the State of Jammu and Kashmir¹³ the Indian leadership (Both Mr. Nehru and Mr. Gandhi) were disordered and began to handle the situation in improperly, meanwhile, Nehru succeeded to release Sheikh Abdullah (Nehru’s old Companion) to plan scheme about the future of state of Jammu and Kashmir, additionally , Mountbatten was pushing to the Maharaja and other state officials for astonishing result, so the people of Jammu and Kashmir could not use their free will on the day of independence.

1.4 Post-Partition Scenario

The governor general of India, Mountbatten firmly specified that if Kashmiris decided to join Pakistan, the government of India will have no objection; this announcement reproduced the actual position which should have been taken by the Indian side.

By evaluating current political situation of Kashmir one judgmentally observe deadlock of power, although it was expected that, the Governor general of India had better to be straightforward to support just and fair workout to the right of free will to the people of the state of Jammu and Kashmir, and enthusiastically perform his nonaligned role in individual capacity. Mountbatten acknowledged call for consultation asked by Maharaja, the meeting was though, cancelled due to sickness of Maharaja, but Mountbatten was disappointed with these changes and he was irritating to neutralize his presence, although the Government of Pakistan

¹² He was the last viceroy of India (1947) and the first Governor –General of the independent Dominion of India (1947–48).

¹³ Jammu and Kashmir is a state in Northern India, Northern India granted autonomy under article 370 of Indian constitution. It is located mostly in the Himalayan Mountains and shares a border with the states of Himachal Pradesh and Punjab to the south. Jammu and Kashmir has an international border with China in the north and east, and the Line of Control separates it from the Pakistani-controlled territories of Azad Kashmir and Gilgit- Baltistan in the west and northwest respectively.

was thinking that he betrayed them while convincing Maharaja to consent Kashmir to India (Korbel Joseph 1954).

When Mountbatten arrived in London after unproductive task to settle the issues of partition of India, accessions of princely states as per legal and moral means, he said that, *"I took up the argument of Kashmir issue before Maharaja, while waiting many days to influence Maharaja"*. *"Accept the will of Kashmiri people to some extent and respect their mandate so they join any of government of Pakistan or government of India, according to their own desires on the day of independence"*. Maharaja Hari Singh, dishonored term of reference of partition plan¹⁴ while refusing to accede to Pakistan. Compliance of the State of Jammu and Kashmir to Pakistan, was legal, political, moral and constitutional because majority of the people of State of Jammu and Kashmir were Muslims so they should have been given opportunity to exercise their will in a similar way as used by the people of other states, (Junagarh State and Hyderabad State as well as 584 other princely states).

It was complete failure of the Indian government not to implement positively the obligation to conduct representative, fair referendum which was assured by India for the future of Kashmir also as advocated by the context of partition plan and same was applied to decide the disputes of other princely states. Prime Minister Winston Churchill's¹⁵ military adviser Lord Ismay, tried to persuade, Maharaja to follow the tracks of princes of other princely states to decide Kashmir issue, if not, it would be terrible for India and Pakistan. Unfair and unjust partition of sub-continent would raise the questions about the neutrality, integrity, reputable standing and credibility of British Crown (Korbel Joseph, 1954).

On the insistence of Indian government to assent the willingness of joining the state of Jammu and Kashmir to India, by any price or logic, the Maharaja of Kashmir, closed all his rational abilities as well as motivation to take decisions as

¹⁴ The Partition of India was the partition of the British Indian Empire that led to the creation of the sovereign states of the Dominion of Pakistan (it later split into the Islamic Republic of Pakistan and the People's Republic of Bangladesh) and the Union of India (later Republic of India) on 15 August 1947. "Partition" here refers not only to the division of the Bengal province of British India into East Pakistan and West Pakistan (India), and the similar partition of the Punjab province into Punjab (West Pakistan), and Punjab, India, but also to the respective divisions of other assets, including the British Indian Army, the Indian Civil Services and other administrative services, the railways and the central treasury.

¹⁵ Sir Winston Leonard Spencer-Churchill, (1874 – 1965) was a British politician who was the Prime Minister of United Kingdom from 1940 to 1945 and again from 1951 to 1955. Widely regarded as one of the greatest wartime leaders of the 20th century, Churchill was also an officer in the British Army, a historian, a writer (under the pen name Winston S. Churchill), and an artist. Since its inception in 1901, Churchill is the only British Prime Minister to have won the Nobel Prize in Literature, and was the first person to be made an honorary citizen of the United States.

per statesmanship, in addition to address this grave situation he prejudiced the situation according to his own needs, as a matter of fact if a chief himself became a party in supporting to the other discriminatorily and unethically while keeping others in darkness, the end result was to be chaos. Lord Birdwood, a British expert shared practice that “the truth of that position”, he mentioned that there was dual plan-game between Indian Government and Maharaja Hari Singh to create an fake position so that Maharaja persuade to accede to India. In connection to this hostile situation, Hindu Maharaja was dropping Muslims blood as water and detained main political leadership of Kashmir, so there was no option for them to protest against influentially agreements of Hyderabad and Junagarh, princely states, by Indian armed forces, both states were ruled by Muslim Nizam and Nawab.

Meanwhile, the Maharajas’ of Patiala, Kapurthala, Faridkot and Congress President individually inclined Maharaja and Mountbatten who declined them to do so. Furthermore, “London Times” published a story about the mala-fide objectives of Indian government to induce, Hari Singh, Maharaja of Kashmir at any cost to join India. Government of Pakistan raised complaints, about Indian leaders’ repeated visits to Kashmir, the logic behind these objections were, that the Prime Minister of Kashmir, Pundit Kak, had signed the Standstill Agreement with government of Pakistan, later on was removed from his post by Janak Singh then Mehr Chand, both were supporters of India.

The clouds of unhappiness, uncertainty, undue and bias were moving about the future development of Kashmir, when leaders become unreliable, deceitful, and desirous the nation suffers. When the Independence Day was celebrated with flags of Pakistan hoisting everywhere in Kashmir the Maharaja lost his intellects and issues strict orders to stop all activities even closing newspapers.

The Maharaja Hari Singh continued his double faced policy by engaging both the governments of Pakistan and India to resume a standstill agreement with both on August 12, 1947, this agreement authorized government of Pakistan to resume its duties to control communications, postal and telegraph services. In fact such an agreement was never contracted by Maharaja Hari Singh of State of Jammu and Kashmir with government of India. After five years later on, Sheikh Abdullah unveiled that, due to discontentment of peoples representatives said the Indian government; it was unwilling to justify its legal position so, refused to do so.

It contradiction to, the Indian government signed “Instrument of Accession” with dictatorial leader Maharaja Hari Singh, later on two months. The people of the State of Jammu and Kashmir never accepted their accession to India, so they stood against occupied forces; the whole vale resulted in turbulence and law and

order problem. However, Mountbatten refused to deploy forces in Kashmir before offering them, the right of accession according to their wishes and aspirations. Again he contended that, it was illegal act to enter into a neutral State. Mountbatten proposed that, a plebiscite be held, after normal conditions. For the time being, provisional accession is need of situation, Maharaja Hari Singh was supported by India through military assistance. The idea of unconfirmed accession to the State of Jammu and Kashmir was the brain child of Mountbatten (Korbel Joseph 1954).

The settlement of the issue in such a manner raised so many questions in the minds of historians and critics. As a viceroy of Indian sub-continent Lord Mountbatten was not remained neutral, while dealing the sensitive issues of accession of Princely States.

On what ground did Mountbatten proposed for conditional accession, followed by plebiscite, to Kashmir, so that Indian government may use of force in favor of Maharaja Hari Singh of the State of Jammu and Kashmir? Why did Lord Mountbatten validate, the legitimacy of Kashmir which was a sovereign state during military occupation of Indian army? Had he referred Pakistan government before accepting the procedures of the accession of the State of Jammu and Kashmir? Without addressing the legal and procedural phases of accession process, there was dangerous, war like situation between two countries established; Was Mountbatten ready for this situation? Why did so called government of Kashmir, or India not request United Nations to interfere at this serious moment?

The letter of accession written by Maharaja Hari Singh to the Lord Mountbatten in 1947 reveals the mala fide intents of Hari Singh and the letter further supports belief in conspiracy theory. It also shows mutual understanding between Hari Singh and Lord Mountbatten. Both shared the collective considerations on the issue of Kashmir.

“I have to inform Your Excellence that a serious crisis has arisen in my state and request the immediate support of your government. As Your Excellence is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or Pakistan. Geographically my state is neighboring with both of them. Above and beyond, my State has a common border with the Union of Soviet Socialist Republic and with China. In their external relations the Dominion of Pakistan and India cannot ignore this fact.”

I wanted to take time to select to which State I should accede or whether it is not in the best interests of the both Dominions and of my State to stand autonomous, of course with friendly and pleasant relations with both. I therefore advanced the

States of India and Pakistan to enter a Standstill Agreement with my State. “The Government of Pakistan accepted this agreement”. The Dominion of India wanted further dialogue with agents of my government. I could not organize this in view of the improvements indicated below. In fact the Pakistan government under the Standstill Agreement is working the post and telegraph system inside the State.

Though we have got Standstill Agreement with Government of Pakistan, it has allowed a secure and accumulative option of supplies like food, salt and petrol to my State. Afridis, fighters in plain clothes are equipped with modern weapons have been allowed to gain access to the State. First in the Poonch area, then from Sialkot and finally in a mass in the area adjoining the 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 spread and thus had to face the enemy at several points at the same time, so that it has become difficult to stop the destruction of life and property and the looting of Mahura power house, which supplies electric current to the whole of Srinagar and which has been burnt.

The number of women kidnapped and makes my heart bleed. The enemy forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer capital of my government, as a first step to over running the whole State. The mass infiltration of tribesmen drawn from distant areas of the North-West Frontier Province, coming regularly in motor trucks, using the Mansehra-Muzaffarabad road and fully armed with up to date weapons, cannot possibly be done without the knowledge of the provincial government of the NWFP and Government of Pakistan.

In spite of repeated appeals made by government no attempt has been made to check these raiders or stop them from coming into my State. In fact, both the radio and press of Pakistan have reported these occurrences. The Pakistan radio even put up the story that a provincial government has been set up in Kashmir. The people of my State, both Muslims and non-Muslims generally have taken no part at all. *“With conditions obtaining at present in my State and 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 people to free booters. On this basis no civilized government can exit or be maintained. This alternative I will never allow to happen as long as I am the 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 to ask Sheikh Abdullah to carry the

responsibilities in the emergency with my Prime Minister. "If my State to be saved, immediate assistance must be available in Srinagar, Mr. V.P. Menon is fully aware of the gravity of the situation and will explain it to you, if further explanation is needed". In haste and with kindest regards, yours sincerely, Maharaja Hari Singh of the State of Jammu and Kashmir (Burke, SM, 1988).

The accession letter written by Maharaja Hari Singh of Kashmir was discussed at the Defense Committee of government of India, Mountbatten revised his previous declarations about the legalities of Kashmir accession" was not just an act of purchase". Mountbatten highlighted to the defense committee, that the conditional instrument of accession be made on Maharaja's proposal while accepting the will of the people of Jammu and Kashmir State, upon the peaceful conditions there.

Lord Mountbatten's reply to the Maharaja Hari Singh:

"Your Highness's letter dated 26 October 1947 has been delivered to me by Mr. V.P Menon. In the special conditions mentioned by your Highness, my Government has decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy that in the case of my State where the issue of accession has been subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State of Jammu and Kashmir.

"It is my government's wish that, as soon as law and order have been returned in Kashmir and it's 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 honor of your people. My government and I am not satisfied that your highness has decided to invite Sheikh Abdullah to form an acting government to work with your Prime Minister."

After one episode to another, the drama of the accession of the State of Jammu and Kashmir to India was become controversial. Later on Sheikh Abdullah was nominated chief emergency administrator by Maharaja Hari Singh, step by step all these developments created, sense of planned conspiracy of Indian government, while Hindu Maharaja, Hari Singh, was used as a mere tool.

When all refined and nonviolent efforts of just and fear solution of the accession of the State of Jammu and Kashmir was made unproductive by the Indian government then, they decided to send their Military troops to Srinagar, the First Sikh Battalion of three hundred and thirty men landed to fulfill their masters hegemonic designs in Kashmir. The government of Pakistan frequently

pronounced that they are only sending medical aid, food and other humanitarian material to Srinagar. General Sir Frank Messervy, who was the commander-in-chief of the Pakistan army (August 15, 1947 to February 15, 1948) expressed that there was “much evidence that this accession had been calculatingly planned for some weeks, before the event.

The Governor-General of Pakistan, Quaid-I- Azam Muhammad Ali Jinnah while quickly responding to Indian military activities in Kashmir, instantly ordered the acting commander-in-chief, General Sir Douglas D. Gracey for action. In addition to, Quaid-e-Azam Muhammad Ali Jinnah decided to gain another opportunity to peace so, he invited Prime Minister of India Nehru, and Lord Mountbatten to Lahore for table talks. However Pakistan protested on Kashmir’s illegitimate and unfair accession and called it “fraud and violence and refused to recognize it.

Bilateral consultations between Quaid-e-Azam Muhammad Ali Jinnah and Lord Mountbatten was held in Lahore, result was expectedly fruitless because of balance of power between two. Mountbatten has constitutional limitations while Mr. Jinnah was all in all. To put an immediate stop to fighting, both Governors-General should be sanctioned and conferred with full powers by both Dominion governments to issue a declaration immediately giving forty-eight hours’ notice to the two opposing forces to truce.

The government of Pakistan categorically announced that they have no control over the forces of the Provincial [Azad] government of Kashmir of the tribesmen busy in the fighting, but we will warn them in the clearest terms, that if they do not obey the order to break in fighting straightaway the forces of both Dominions will make war on them; Both the forces of Indian dominion and the tribesmen to withdraw at once, and with the ultimate journey from Jammu and Kashmir State. *“With the sanction of the two Dominion Governments, the two Governors-General to be given full powers to restore peace, under take the administration of Jammu and Kashmir State, and arrange for a plebiscite without delay under their joint Control and Supervision”* (Burke SM,1988).

Quaid-e-Azam Muhammad Ali Jinnah’s proposal was not accepted by India; due to Mountbatten’s limited political position, he proposed a referendum under the promising of United Nations, but Quaid-e-Azam urged to organize it by two Governors-General. The Prime Minister of Pakistan, Liaquat Ali Khan’s press statement issued on November 16, 1947 he said: “The fundamental principle of the Charter of the United Nations is to prevent might prevailing over write. The whole dispute should, therefore, be brought before the bar of international opinion. We are ready to request the United Nations Organization immediately to appoint its representative in the Jammu and Kashmir State.

In order to put stop to fighting and to the subjugation of Muslims in the State, to arrange the program of withdrawal of outside forces, setup an impartial administration of the State until a plebiscite is held, and undertake the plebiscite under its direction and control for the purpose of establishing the free and autonomous will of the people of the State on the question of accession. Since the United Nations Organization have no (repeat no) forces at their disposal, we do not see how they can put stop to the fighting or to the suspected control of Muslims. This can only be done by an organized military force, and is being done by our troops.

The fighting would also stop as soon as raiders were made to withdraw, and I have continually asked your cooperation in stopping transportation of goods to raiders through Pakistan territory. "It is not clear to me what the United Nations Organization can do in the present conditions in Kashmir until peace and order have been established. We are doubtful that Sheikh Abdullah's administration is based on the will of the people and is impartial. Only he who goes to Kashmir and sees things for himself can appreciate this.

Moreover, we have guaranteed that, so long as our forces are in Kashmir, protection of all sections of the community will be their first and sacred duty. This duty will be honored without fear or favor. 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 or referendum under international auspicious such as those of the United Nations Organization. It is very clear that no such reference to the people can be made when large bodies of raiders are damaging the country and military operations against them are being carried on. By this declaration I stand Pundit Nehru's another telegram dispatched to Karachi on December 12, 1947: We have given thought to the question of inviting the United Nations Organization to advise us in this matter. While we are prepared to invite United Nations observers to come here and to conduct the proposed plebiscite, it is not clear in what other capacity United Nations help can be sought.

I admit, however, that I find myself unable to suggest anything beyond what I have offered already; namely, to ask the United Nations to send impartial observers to assist us regarding the plebiscite".

The government of India filed an application under article 35 of Chapter VI of the United Nations Charter which states to "pacific settlement of disputes" on the question of Kashmir against government of Pakistan in the United Nations Security Council. Professor Rush brook Williams, a noted British Historian said, that the Kashmir problem would have been solved if India had followed Mr.

Jinnah's plan. According to him on November (1947) first he suggested that Lord Mountbatten and himself, as Governor General, should issue an immediate cease-fire order; if it were not obeyed everywhere in Jammu and Kashmir.

Pakistani and Indian troops should cooperate to enforce it. Both Governors General should, when fighting had ceased, jointly take over the administration of Jammu and Kashmir and organize a plebiscite which would enable Kashmiris to decide their future for themselves.

Conclusion

This article provides an overview of the historical background of Kashmir. It was one of the six hundred princely states at the time of the partition of India. The legal position of these princely states was that they could only join India or Pakistan. However, Kashmir was forcibly occupied by India. Illegitimate occupation of Kashmir by India not only undermined the legal status of the state of Kashmir but also violated the main principles of the Partition Plan, according to the plan the areas joining India or Pakistan were to be considered on the basis of geographical proximity, communal lines and cultural affinity. Thus, the history and culture of Kashmir indicate that Kashmir remained an important region throughout the centuries. It enjoyed unique geostrategic importance.

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