

## **IS KASHMIR DISPUTED TERRITORY**

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As if to give impetus to the floundering secessionist movement in Kashmir the US government is at pains to have it made known at regular intervals that as far as they are concerned Kashmir is disputed territory. But is it in fact so?

India's right over Kashmir stems from the fact that Maharaja Hari Singh of Kashmir, legally and lawfully, (under the provision of the Indian Independence Act passed by the British Parliament), acceded his State to the Indian Union. In this connection it would be interesting to note that Pakistan Governments stand on the issue of accession of States to one Dominion or the other as provided for in the said Act. As late as 21 September 1947 (i.e. a month before its invasion of Kashmir, Pakistan's Prime Minister, Mr Liaqat Ali Khan was to make the following statement in this regard :-

“The correct position is that the Indian Independence Act of 1947 has left all Indian States completely free to join either one Dominion or the other or to enter into treaty relations with either. Legally and constitutionally there is no question of putting limitations on this right of the State. Muslim League leaders before 15 August and the official spokesman of the Pakistan Government thereafter have publicly declared their agreement with this view and have since stood rigorously by it. No objection has been raised by Pakistan to any State acceding to the Dominion of India.”

Where then is the dispute and where is the question of Kashmir being considered as disputed territory?

If the US consider Kashmir to be disputed territory it is not because it is really so but because it has been the Anglo-US policy right from the beginning to treat it as such. As a matter of fact both the British representative in India, Lord Louis Mountbatten (first as the Viceroy of undivided India and then as the Governor General of the Indian Union) and the representatives of the Anglo-US block at the UN deliberately created a dispute, when none existed, to enable Pakistan to lay claim over Kashmir which it could not have done otherwise.

The seeds of dispute were first sown by Mountbatten to help Pakistan out of the unfavourable position that it found itself in with regard to Kashmir as a result of Maharaja Hari Singh's aversion towards and accession to that Dominion. Thus in his advice to the Maharaja, during his visit to Srinagar in June 1947, Mountbatten wished it to be recognised that the Maharaja's discretion under the Indian Independence Act should be “qualified by the geographical contiguity of the State to the successor Dominion, the communal composition of the State and a plebiscite if necessary to ascertain the will of the People” in this regard. The manner in which Mountbatten wished to qualify the Maharaja's discretion was obviously intended to favour Pakistan, but in order to bind the Maharaja further to a single option of joining Pakistan, he advised him not to declare independence under any circumstances – the will of the people of Kashmir in this case notwithstanding. To make it easier for the Maharaja to swallow the advice, Mountbatten pulled out an assurance from the Indian leaders to the effect that they would not take it amiss if the Maharaja were to decide in favour of Pakistan. The implication of Mountbatten's advice to the Maharaja were such that it would not be surprising if the colic pain, alleged to have been pretended by the Maharaja to avoid meeting Mountbatten were, in fact real.

It is ironical that the person who was responsible for conferring the discretion of deciding the future of their States irrevocably on the rulers should have now been talking of limiting the

rulers' discretion to just signing on the dotted line in accordance with the wishes of their people. This may have been morally correct but why could it then not have been made part of the Indian Independence Act itself. In any case what is intriguing about the whole affair is the fact that the stipulation was to be made applicable to Kashmir alone. Mountbatten made no such suggestion to the Nizam of Hyderabad, nor did he try to bind him to a single option of joining the Indian Union, although none other existed. He also showed no enthusiasm in extracting an assurance from Pakistani leaders that they would not take it amiss were the Nizam to decide in favour of the Indian Union in accordance with the wishes of his people as he had so painstakingly done in the case of Kashmir.

The introduction of the element of the "wishes of the people" in the process of accession, created the necessary dispute to provide Pakistan with an excuse for attempting to secure the accession of Kashmir by force. Mountbatten then lent his tacit support to Pakistan's invasion of Kashmir not only by feigning ignorance of Pakistan's intentions before it actually violated Kashmir's borders, but also by withholding the acceptance of the Maharaja's offer to accede to the Indian Union for full forty eight hours (by his own admission) as if to allow Pakistani raiders to capture Srinagar before the Indian Army could reach there. Even then to grant official recognition to the "dispute" the acceptance of the accession was made conditional and subject to the wishes of the people being ascertained on restoration of normalcy in the State. Ultimately when Srinagar was saved and the Pakistanis were in the process of being driven out of the State, Mountbatten, fearing that Pakistan's case would be totally lost, and the "dispute" that he had so assiduously created would vanish in case the Indian Army succeeded in pushing Pakistan out of the State completely, persuaded Nehru to take up the issue of Pakistani aggression with the United Nations – ostensibly in the interest of world peace and the high ideals that the Indian leaders stood for but actually to grant international status to the "dispute" and save it from extinction.

The treatment that India's complaint to the UN met at the hands of the dominant Anglo-US block is common knowledge. The issue of Pakistan's aggression was totally side-racked, the State's accession to India was disputed, (the provisions of the Indian Independence Act of 1947 notwithstanding), and Indian and Pakistan were put on the same pedestal as equal partners in crime. Hereafter, the representatives of the Anglo-US block at the UN and the British representatives in India seem to have worked hand in glove in the pursuance of their policy of creating a situation favouring Pakistan. While the former got the necessary resolutions passed at the UN, the latter ensured that these were accepted by the Indian Government. Mountbatten was also to use the full weight of his military authority to check the pace of military operations in Kashmir so as not to allow the Indian Army to advance beyond the Uri-Poonch-Naushera line – the line representing Pakistan's minimum strategic interests as appreciated by its British Commander-in-Chief, General Gracey, as early as April 1948.

The Anglo-US clique having worked so hard in creating the Kashmir "dispute", is it surprising that the US consider Kashmir to be disputed territory?