

**Consolidation and Integration of Jammu & Kashmir First (CIF-2)**

A Petition By Indian Citizens And People Of Indian Origin Around The World  
Addressed To The Parliament of India

July 2, 2001

# Consolidation and Integration of Jammu & Kashmir First (CIF-2)

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## Consolidation and Integration of Jammu & Kashmir First (CIF-2)

### **Press Release**

*Released simultaneously from Atlanta, Washington DC, Chennai and London.*

New Delhi, India, State Capitals of India & Other World Capitals, July 2, 2001 -- Members of Bharat Awareness Forum (BAF), India Think Tank (ITT), 'Vigil' public opinion forum, Friends of India Society International (FISI) and Indo-European Kashmir Forum (IEKF), have presented today, a petition signed by nationalist Indians at home and abroad, to the Indian Parliament and specifically to the Government of India (GOI), to express their concerns about Pakistan-sponsored and Taliban-inspired terrorism in the state of Jammu & Kashmir (J&K) and about the threat posed by terrorism to the security and integrity of the Indian nation.

This petition is a sequel to the Consolidation and Integration First (CIF-1) petition by the Bharat Awareness Forum, Atlanta, submitted to Hon'ble, The Prime Minister of India, the Leader of the Opposition in the Lok Sabha, and other senior GOI representatives around the world on June 10, 2000. That petition had called for complete consolidation and integration of J&K into the Indian Union. This petition, CIF-2, reiterates that demand with greater force and stronger voice, and the petitioners call for the complete consolidation and integration of the state of J&K in accordance with the Instrument of Accession signed by Maharaja Hari Singh and endorsed subsequently by the elected representatives of the People of Jammu and Kashmir. The Constitution of the state of J&K, which is the authentic voice of the people of the state and a clear reflection of their aspirations, as adopted by the J&K legislature, declares unequivocally in a non-amendable clause that "Jammu & Kashmir is and shall be an integral part of India," thus rendering the demand for a plebiscite absurd and meaningless.

This petition emphasises (a) the irrelevance of the demand for plebiscite, (b) the political imbalance which would result by having the 'autonomy' issue discussed in the context of Jammu & Kashmir, (c) the irrevocability of the accession of the state of J&K to the Union of India as enshrined in the state Constitution of J&K and (d) the hollowness of Pakistan's claim as being the protector and guarantor of the well-being of the Muslims of India.

The signatories to the petition, in India and around the world, are concerned by the decision of the GOI to hold talks with Gen. Musharraf, the self-styled Chief Executive and self-anointed President of Pakistan, not only because he has refused to rein in the Pakistani jihadis implementing their murderous agenda in India but also because the former Prime Minister, Benazir Bhutto, reacting to the proposed talks between Musharraf and our Prime Minister, has declared that no decision taken by the military government will be binding upon any future democratically elected government.

The above lack of firm national commitment and the glaring lack of national consensus to the peace process from within Pakistan's polity raises very serious doubts about the continuity of the said process to the extent it involves Pakistan, and the very real possibility of resumed hostility against India by any force or forces within Pakistan, which do(es) not feel beholden to honour any commitment undertaken during the process and in the proposed summit in July of this year.

The signatories to the petition wish to express grave reservations about the unrepresentative nature of the participants involved in the internal dialogue process undertaken by Shri K.C.Pant, Chief Interlocutor, GOI, Kashmir Peace Process. For one, no invitation has been extended to the people from the Rest of India to participate in the process, nor has any effort been undertaken by the GOI to find out thought processes, views and concerns of Rest of India. The state of Jammu and Kashmir is a National Heritage, and every Indian has a stake in it, and this must be respected.

The petitioners are concerned by the fact that the GOI has come forward to talk to Pakistan and to the militants in our country, thereby sending the unwitting signal that it pays to take up arms against the State and civil society and/or that it pays eminently to be a state-sponsor of terrorism. The petitioners' concern is compounded by the fact that the GOI is talking to militant groups and outfits, which like the fractured elements of the Pakistani polity, want different things, all of them irreconcilable with one another.

This current petition is being submitted to the Parliament of India and specifically to the GOI with a view to drawing their attention to the distortions and inadequacies mentioned above. The petitioners also seek to compel the GOI into acknowledging that the Rest of India, which is unambiguously committed to the unity and integrity of the nation, indeed has a stake in J&K.

The petition has been submitted to the Speaker of the Lok Sabha, the Prime Minister of India, the Leader of the Opposition in the Lok Sabha and the Chairman of the Rajya Sabha. Nominees of BAF, ITT, Vigil, FISI and IEKF have submitted copies of the petition to the President of India, Governors and Chief Ministers of some states of the Union, and to Embassies/High Commissions of India in major world capitals.

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Press Release

The petition seeks to:

1. Emphasize India's inalienable right to the entire territory of the state of J&K, which is linked to and is an integral part of the Indian nation, as per the Instrument of Accession provided for in The Indian Independence Act, 1947, of the British Parliament and as endorsed by the Constitution of the state of Jammu and Kashmir adopted in 1957.
2. Expose Pakistan's role in fomenting violence and terror in J&K and the hollowness of its demand for plebiscite as per the U.N. Resolutions of 1948 and 1949, both of which categorically require Pakistan to withdraw its unlawful entrants into the state.
3. Explain the details of the fine print of the said Resolution and its acknowledged irrelevance today.
4. Enjoin upon the Parliament to abrogate Art.370 of the Indian Constitution, which is preventing all human and material investment in J&K and which is posing the biggest impediment to the socio-economic development of the state and to the complete integration of the state of Jammu and Kashmir into the Indian union. This petition further emphasizes the fact that Abrogation of Art.370 of the Indian Constitution is a necessary and much desired step to address the long-standing just demands of the Kashmiri Hindus for their inalienable right to their homeland.
5. Exhort the GOI to involve the Rest of India and Indians abroad in the process to return the state of J&K to peace.
6. Express the concern of all signatories to the petition about attempts to pressure the GOI to resolve the problem hastily and in a manner not in the best interests of India and her people and exhort the powers that be not to succumb to malafide efforts that are aimed at undermining the unity and integrity of the nation.
7. Ensure that the voices of the Kashmiri Hindus and other state minorities -- the real victims of hatred, violence and terrorism in J&K and the silent and invisible victims of genocide, who are demanding their inalienable right to their homes and homeland, are heard and acknowledged by the GOI and also that integral to any solution to the problem should be the creating of an environment to make it possible for them to return. In essence, the petition exhorts the GOI to take such credible measures as would lead to a demographic rationalization of the state which will be essential for maintaining sustainable peace and prosperity in the state.
8. Enjoin upon the GOI to seek a solution to the problem in keeping with the Resolution of the Indian Parliament on Jammu & Kashmir, dated 22nd February, 1994, which declared firmly that -- "The state of Jammu & Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means."
9. Express their concern that the GOI may venture to arrive at a settlement with a leadership of Pakistan that has no democratic mandate.

The petition is aimed at cautioning the Government against taking any step with regard to J&K which may forever harm national interests and which may deprive Indians, present and future of their rightful national heritage, which includes the entire territory of J&K. Signatories to the petition believe that protecting and defending the integrity and security of the nation is the duty not just of the Government and the Armed Forces, but also of every citizen conscious of his or her responsibilities towards the nation. Indeed it is their inalienable right as well.

*Released jointly by signatories to Consolidation and Integration of Jammu & Kashmir First (CIF-2).*

### ***About The Signatories:***

- *Bharat Awareness Forum (BAF), [baforum@aol.com](mailto:baforum@aol.com), is an Atlanta, GA, USA based India-centric action group.*
- *India Think Tank (ITT), <http://www.indiathinktank.org> and [feedback@indiathinktank.org](mailto:feedback@indiathinktank.org), is a Washington DC, USA based umbrella organization engaged in India-centric educational, social and cultural activities.*
- *'Vigil' Public Opinion Forum is a Chennai, India based action and discussion forum focused on Indian nationalism and anti-terrorism.*
- *Friends of India Society International (FISI), is a Surrey, UK based India-interest organization.*
- *Indo-European Kashmir Forum (IEKF), is a Wembley, Middlesex, UK based advocacy organization dedicated to the protection of human rights of Kashmiri Hindus.*

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A Petition By Indian Citizens And People Of Indian Origin Around The World

## **Petition**

July 2, 2001

Atlanta, Washington DC, Chennai and London

Petition To the Parliament of India:

Submitted to:

1. The Speaker, Lok Sabha
2. The Chairman, Rajya Sabha
3. Prime Minister of India
4. Leader of the Opposition in the Lok Sabha

Honourable Distinguished Members of the Parliament of India and Functionaries of the Government of India:

***Subject: Consolidation and Integration of Jammu & Kashmir First (CIF-2)***

We, the undersigned petitioners and organizations, on behalf of millions of Indian citizens and People of Indian Origin around the world, seek to impress upon you and the Government of India, the following salient issues which are of grave and immediate concern, even as the Government of India embarks on yet another well-intentioned mission to bring peace and normalcy to Jammu & Kashmir.

This current petition is a sequel to the 'Consolidation and Integration First' petition (referred hereafter as CIF-1) submitted by the Bharat Awareness Forum, Atlanta (USA) on June 10, 2000 to the Prime Minister of India and to the Leader of the Opposition in the Lok Sabha.

In this petition, hereinafter referred to as CIF-2 Petition, the petitioners demand and affirm the following:

***1. India Has Inalienable, Constitutional and Legal Rights To The Entire Territory Of The State Of Jammu & Kashmir (J&K)***

Kashmir is the fountainhead of Indian civilization, not only because the great rivers that nurture the subcontinent are connected to the region, but also because the region has played a seminal role in the creation and development of Indian culture. The state of Jammu & Kashmir acceded to the then newly created Dominion of India when J&K's Maharajah exercised his legal and constitutional authority in signing, on October 26, 1947, the Instrument of Accession [2] as provided for in The Indian Independence Act, 1947, of the British Parliament. This accession was completely in accordance with the Terms of Partition of the British India, which made no provision for Partition of the Princely States. According to Jawaharlal Nehru, free India's first Prime Minister, even the legal advisors of the United Nations had not challenged this accession [14]. Similarly, the US Representative on the UN Security Council proclaimed, on February 4, 1948, that with the accession of J&K to India, sovereignty over that state went over to India. J&K's accession to India has been repeatedly found to be completely legal by international legal experts. The petitioners also note that the Constituent Assembly of J&K unanimously ratified the accession on February 6, 1954.

Jammu & Kashmir's Constitution [4], adopted by the J&K State Assembly on January 26, 1957, is crystal clear on the state's relationship to the Union. Section (3) states unequivocally, "The State of Jammu and Kashmir is and shall be an integral part of the Union of India," section (4), "The territory of the State shall comprise all the territories which on the fifteenth day of August, 1947, were under the sovereignty or suzerainty of the Ruler of the State," and section (5), "The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India". Furthermore, the state constitution unambiguously declares those sections to be non-amendable. The undersigned note that duly elected representatives of the people of the state of J&K adopted the state constitution in an irrevocable expression of the democratic will of the population of the state.

The petitioners enjoin that effective steps be taken by the Government of India and the Parliament to engender open discussion, to emphasize and to generate public awareness amongst the residents of the Indian state of Jammu & Kashmir, in the Rest of

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India and amongst the Governments and policy makers the world over that the accession of J&K to India is legal, inalienable and final.

### ***2. Pakistan's Unbridled Hypocrisy Regarding The Jammu & Kashmir Issue Must Be Exposed***

The petitioners implore both the august Houses of the Parliament of India to take immediate and effective steps to expose Pakistan's brazen hypocrisy on the Jammu & Kashmir Issue. In this context, the undersigned remind the representatives of the People of India that:

- Muhammed Ali Jinnah demanded, during his talks with National Conference Leader Gulam Mohammad Sadiq, that plebiscite in J&K result in Pakistan's favour [1].
- Pakistan's policy has been to demand plebiscite in public, but to avoid it in practice [15], as it has been afraid of the popular opinion of Kashmiri Muslims. The Muslim intelligentsia of the subcontinent (led by former President of India, Dr. Zakir Hussain), in their appeal to the UN [5], record that Pakistan has committed horrendous atrocities on native Kashmiris, including dishonouring Kashmiri Muslim women. Pakistan will want plebiscite in J&K only when it succeeds in coercively altering the demography of the state to such levels as would ensure a favourable verdict for itself. It is telling that reports indicate, however, that Muslim populations of Pak Occupied Kashmir continue to be oppressed [21], [22], [23].
- The UN Resolutions of August 13, 1948 and also of January 5, 1949 both impose upon Pakistan the categorical and explicit pre-condition that Pakistan must withdraw all illegal entrants from the state of J&K [6], [7].
- The possibility of an independent J&K, contained in the UN Resolution of August 13, 1948 was removed at Pakistan's behest in the Supplementary UN Resolution of January 5, 1949, thus establishing that Pakistan has never favoured independence for the people of J&K [7].
- The UN Security Council resolutions that mandated the complete and unconditional withdrawal of Pakistani forces have never been complied with by Pakistan. Because of this, as stated unequivocally by Mahomedali Currim Chagla, then India's representative to the United Nations, those resolutions are no longer binding on India [15]. Pakistan has shown no inclination to vacate the occupied part of J&K, known as Pak occupied Kashmir (PoK). In addition to PoK, Pakistan has illegally encroached in the Poonch-Mirpur part of J&K, beyond the LoC, which is not regarded as part of PoK but rather as Azad Kashmir. Furthermore, Pakistan has handed over a significant part of the illegally occupied territory in PoK to China, in violation of all international norms.

### ***3. Pakistan Has deliberately Fomented Violence And Terror Since India's Independence***

The petitioners observe that Pakistan, through its proxy war since the Indian Independence and the notorious Operation Topac, has vitiated the atmosphere in J&K, by the constant recruitment, training and induction of terrorists (including Pakistani regulars in the guise of tribals) into the valley. This terrorism is not limited to the valley, but has spread beyond J&K to other parts of India. Pakistan's hand has been found, undeniably, in many parts of India, including the recent church bombings conducted by a group named Deendar Anjuman [20].

### ***4. We Demand That Terrorism Be Very Firmly Dealt With***

The undersigned note with apprehension and frustration that terrorists in Indian custody are being spared, delivered to the enemy, allowed to escape and regroup. We express deep anguish over the fact that the Government succumbed to the demands of terrorists who had hijacked IC814 carrying innocent civilians on a commercial flight and killed one of its passengers in cold blood. The petitioners categorically demand that no effort be spared to destroy every terrorist activity, whether covert or overt.

### ***5. Parliament Should Not Consider The Baseless Cry Of Autonomy For J&K***

With regard to autonomy for J&K, the undersigned wish to draw the attention of this august Parliament to the view of constitutional experts that the state of J&K is already more autonomous than all other Indian states. Except for defence, foreign affairs and communications, no law of the Indian Parliament can be made applicable to the state of J&K without the concurrence of the J&K State Government. Furthermore, certain provisions of the Constitution of India such as inter-state migration and safeguard of minorities are not applicable to J&K. Even in times of war, the President of India is not empowered to declare a state of emergency in J&K unless so requested by the state government. In fact, several prominent laws made by the Indian Parliament are not applicable to J&K, including the ones with respect to CBI, the Indian Penal Code and the Prevention of Corruption Act.

The petitioners remind their representatives that the consideration of autonomy must not be driven by the J&K factor, as the current status of J&K is not the same as that of other states due to the limitations imposed by Article 370 of the Constitution of India (hereinafter referred to as Constitution). The undersigned insist that the centre-state relationships of all states, including

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that of J&K, be first brought on par with one another before autonomy for any one or more states of the Union is even considered.

### ***6. We Demand That The Voices Of The Kashmiri Hindus, Sikhs And Buddhists Must Be Heard And Acted Upon Promptly***

The undersigned are very distressed at the plight of Kashmiri Hindus and other minorities of J&K who are solidly behind a united India. These minorities have been the real and silent victims of genocide, hatred, violence and terrorism in J&K. That more than thirty Sikhs could be massacred in Chatsinghpora [18]; over a hundred yaatris to Anantnag could be attacked and killed in cold blood and in violation of all moral behaviour [17]; and hundreds of thousands of Hindus could be forced to leave their ancestral abode [19], without a finger being lifted to help them, by either the Government or Indian media is a heartbreaking commentary on how desensitised we as a people have become with respect to J&K's minorities, all in the name of political expediency. The general lack of awareness among the rest of the country in regards to the plight of those displaced is a clear reflection on the lack of any attempt by successive administrations to develop an articulate national policy and plan of action regarding the resettlement of those displaced.

It is essential that we treat with care, compassion and concern those who are the real and silent victims of genocide, and not the vested interests who loudly and falsely proclaim they are such. These vested interests, with access to media, influence and ready finances, are operating inside India and abroad; have woven a fabric of false history for Kashmir; and have anointed themselves as spokespersons of Kashmiriyat, even as that term has come to mean destruction for the state's minorities. The petitioners firmly demand that Kashmiri Hindus be treated as equal partners to peace, not as an inconvenient afterthought.

### ***7. Government Of India Must Involve The Rest Of India And Indians Abroad In Returning J&K To Normalcy***

The undersigned note with a deep sense of frustration that successive administrations have done little to involve the Rest of India in any dialog regarding J&K, choosing instead to deal with an antagonistic and diabolical neighbour and the purveyors of terrorism. J&K belongs to the entire Indian nation and civilization. Any attempts by the powers that be to exclude the Rest of India can only result in a ham-handed solution that will irreparably harm national interests.

Indians abroad have made significant contributions to the economic and social development of the nation. These Indians are in the unique position of democratically enlisting the help of other civilized nation states in combating the forces that have the diabolical intent of destroying India. Such help should be welcomed with open arms, not spurned.

### ***8. We, The People Of India, Reject Any Ad-Hoc Solution On Jammu & Kashmir, Such As Accepting The Line Of Control (LOC) As International Border Or Granting "Autonomy" To Jammu & Kashmir***

The petitioners note with alarm that some proposals call for accepting the LOC as the international border between India and Pakistan. Embracing such a move would only serve to legitimise Pakistan's 54-year illegal possession of POK and the Northern Areas comprising Gilgit, Baltistan and other portions of J&K, although the whole of J&K has belonged to India from October 26, 1947, legally and constitutionally. The undersigned bring to the notice of the Parliament that such a concession is humiliating and demeaning to the People of India and the brave selfless souls who have made the supreme sacrifice to protect the national, territorial and emotional integrity of the nation.

### ***9. We Petition The Parliament To Evolve A Solution In Keeping With The 1994 Resolution Of The Indian Parliament – The Voice Of The People***

The undersigned remind the Parliament of India of its own Resolution, dated February 22, 1994, in which the Lok Sabha voiced the resolve of the People of India to address the issue of J&K firmly and retake PoK [9] – "The state of Jammu & Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means," and, "Pakistan must vacate the areas of the Indian state of Jammu and Kashmir, which they have occupied through aggression." We demand that the nation's resolve expressed in the said resolution be honoured in both letter and spirit and through action.

### ***10. Article 370 Of The Constitution Of India Is Temporary, Irrelevant And In Fact, Inimical To National Integration, Security And Prosperity***

Article 370 [3] was included in the Indian Constitution 51 years ago only as a temporary provision until J&K's Constituent Assembly, then being put together, took a final decision on the nature of the state's relationship with the Union of India. Even though 44 years have passed since that final decision was taken by the state, Article 370 anachronistically continues in force and, as pointed out earlier, stymies the application of a very large number of laws passed by the Parliament. On the deleterious side,

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Article 370 has encouraged separatist thinking in J&K, has disabled the development of the state by preventing human and material investment, and prevented its emotional integration with the rest of the nation. The petitioners remind the Parliament that the late Prime Minister of India, Shri. Jawaharlal Nehru had promised the Lok Sabha, "Article 370 will be gradually eroded" [10], [11]. The petitioners therefore note with a deep sense of dismay that the crippling limitations imposed by Article 370 are still alive and demand its immediate and unconditional revocation as the only constitutional way to address the long-standing aspirations of all sections of the state, including the aspirations of its minorities.

### ***11. Revocation Of Article 370 Is Not Anti-Minority***

The petitioners implore the Parliament to disabuse the public mind of the general misconception that any effort demanding the revocation of Article 370 is anti-minority in nature. Such a misapprehension is unfounded and unwarranted as Article 370 has no bearing on the status of the religious minorities of the nation, to who equal rights are guaranteed by the Constitution of India.

### ***12. The Parliament Of India Must Evolve A Mechanism To Revoke Article 370 Of India's Constitution***

The petitioners note with concern that salient points of Article 370 and the resulting Appendix II of the Constitution describe in detail the precarious position of the non-integration of J&K into the Constitutional and legal mainstream of the nation. Therefore, the undersigned impress upon the Parliament that it is essential that Article 370 be immediately revoked. Most importantly, as noted earlier, the socio-economic development of the state of Jammu and Kashmir cannot be effected without human and material investment in the state, which are violently disabled by Article 370.

### ***13. Demographic Rationalization Of The State Of J&K Must Be Achieved Through Special Socio-Economic Packages***

The petitioners demand that notwithstanding the fact that the injustice done to Kashmiri Hindus can never be reversed, immediate and decisive steps be promptly taken to develop credible economic and security measures to enable them return with dignity to their home state. Such steps should include assured conditions of sustained measures to be taken for their security and socio-economic prosperity in their home state of Jammu & Kashmir. The undersigned also demand that intrinsic to any solution must be the return of the Kashmiri Hindus to their homes and homeland in the state of Jammu & Kashmir with honour and hearth fully restored.

The demography of J&K has been coercively altered through brazen and illegal invasion of the state by Pakistan. The undersigned demand that special packages be developed to introduce demographic rationalization aimed at restoring the population ratio of Muslims to non-Muslims to what it was historically (7:3) at the time of J&K's accession to India.

### ***14. No Agreement Should Be Reached With Any Government Of Pakistan That Does Not Have The Sanction Of Its Electorate***

The petitioners alert the Parliament that any understanding reached with the military ruler, or self-anointed President of Pakistan will not have the commitment and backing of the People of Pakistan. Both the means, and the will, to fulfil the promises that a military leader can or will make are questionable [16], as India has learnt repeatedly from recent history. The petitioners note that promises made by even the elected representatives of Pakistan have never been put into practice by that country's polity. In fact, even the present Pakistani leadership's motives in attending the proposed summit between the leaders of India and Pakistan are at best questionable.

The champions of freedom who initiated and participated in the struggle to throw off the colonial yoke overcame tremendous obstacles to herald the birth of the Republic. They faced the armed and mighty British Empire with nothing other than their steely resolve, selflessness and righteousness. Many perished in that just fight in order to guarantee that the nation could be freed from bondage and its people could achieve, as free souls, their aspirations. Solutions that have the potential to harm that great vision and negate such great sacrifices should be discarded without a second thought. India's integrity and unity must be preserved, not for the sake of our generation, but for the sake of future generations. That is the right thing to do and perhaps the best way to express our gratitude to the selfless generations that gave their everything to win us our freedom.

The petitioners also want to place on record their heartfelt gratitude and appreciation for our troops and members of Indian polity, who have made enormous sacrifices, including the supreme one, to fight terrorism, not only in J&K but other parts of the nation as well.

With Respect and Regards,

Signatories to CIF-2. (*List of signatories on separate sheet*)

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### List of Signatories

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<b>'Vigil' Public Opinion Forum</b> H 12/3, Pari Street, Kalakshetra Colony, Besant Nagar, Chennai-600 090, India	Mr. G. R. Swaminathan  Ms. Radha Rajan  Ms. M. C. Vijayanthi  Ms. Nancy Kaul
<b>Friends Of India Society International (FISI)</b> 786 London Road Thornton Heath Surrey, CR7 6JB, UK	Dr. S. Poshakwale  Mr. P. Sthankiya  Mr. Ramesh Desai  Mr. Bharat Shah
<b>Indo-European Kashmir Forum (IEKF)</b> Suite 38, Trinity House Business Centre, Heather Park Drive, Alperton Wembly Middlesex. HA0 1SU, UK	Mr. A. Tikou  Mr. Sunil Kumar Bakshi

## References

## Consolidation and Integration of Jammu & Kashmir First (CIF-2)

### References

#### **1. Brief History of Jammu & Kashmir's Accession To The Indian Union**

As the British left undivided India, they handed over the territories directly under their control to the newly formed nations of India and Pakistan. However, they left the Princely with an option to either accede to India or to Pakistan. Most of these states within the boundaries of present day India acceded to the nation due to the Herculean efforts of Sardar Patel. Others stood by, weighing their options. The Dogra ruler of the state of J&K, Maharajah Hari Singh, was toying with the idea of retaining paramount supremacy over his State under sovereign India (or under sovereign Pakistan) and offered a 'Standstill' agreement, which was accepted by Pakistan but rejected by India. Sardar Patel himself had sent a message, through a person no less than Lord Mountbatten himself, to the Maharajah that India would not take it amiss if the Maharajah were to accede the state to Pakistan. Even as the Maharajah still remained undecided, determined to get Kashmir by hook or crook, Pakistan launched a full-scale invasion of J&K on October 22, 1947. Maharajah Hari Singh then hastened to accede J&K to India and signed the Instrument of Accession on October 26, 1947, to guarantee the security and freedom of the state and a democratic and secular future for Kashmiris.

National Conference leader Sheikh Abdullah sent Ghulam Mohammed Sadiq to Rawalpindi to align Pakistan with a proposal for Kashmiri Independence on November 22, 1947. Jinnah underhandedly demanded that National Conference guarantee that any "self-determination" would actually result in accession to Pakistan and not true independence. Jinnah also categorically stated that local leadership would have no further role to play in the future of J&K if it were to become part of Pakistan. This made it clear to the National Conference leadership that accession to India was to the benefit of Kashmiri people, and that any other action would have resulted in rationalizing the invasion of J&K by Pakistan. These events, along with the changes Pakistan engineered in the UNCIP resolution of January 5, 1949 from the earlier position of August 13, 1948 Resolution, along with the observations of the Muslim intelligentsia, mentioned in Reference [5], establish beyond any doubt that Pakistan's claim to its interest in the freedom of Kashmiris is bogus.

#### **Sources:**

*Prithvi Nath Kaul Bamzai: 'A History of Kashmir - Political, Social, Cultural - from the Earliest Times to the Present Day' (Metropolitan Book Co., Pvt. Ltd. New Delhi 1973)  
(Foreword by Jawaharlal Nehru)*

*Campbell-Johnson, Alan: 'Mission with Mountbatten' (Ateneum, New York, 1985)  
(Author was special press attaché to Lord Mountbatten)*

*Y.D.Gundevia: 'The testament of Sheikh Abdullah' (Palit and Palit, New Delhi, 1974)  
(Author was Special Secretary, GoI and represented India in UN on Kashmir affairs)*

*B.L.Sharma: 'The Kashmir Story' (Asia Publishing House, New Delhi, 1967)  
(Author was Advisor on Special Duty to nine Indian delegations to UN between 1948 and 1965)*

#### **2. Instrument of Accession of Jammu & Kashmir State Dated October, 26, 1947**

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

And whereas the Government of India Act, 1935, as so adapted by the Governor General, provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, therefore, I Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir Naresh Tatha Tibbet adi Deshahhipati, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall by

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virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the state of Jammu & Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as "the Act').

2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make law for this State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of the State, then any such agreement shall be construed and have effect accordingly.
5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.
6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.
7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.
8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.
9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty seven.

Hari Singh Maharajadhiraj of Jammu & Kashmir State.

### **3. Article 370 Of The Constitution Of India**

#### **Part XXI**

#### **Temporary, transitional and special provisions.**

370. Temporary provisions with respect to the State of Jammu & Kashmir.-

#### **(1) NOTWITHSTANDING ANYTHING IN THIS CONSTITUTION,-**

(a) the provisions of article 238 shall not apply in relation to the State of Jammu & Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to-

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation.-For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu & Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

(c) the provisions of article 1 and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:

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Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

*A complete electronic copy of the Constitution may be accessed at <http://alfa.nic.in/const/a1.html>.*

#### **4. Constitution Of The State Of Jammu & Kashmir – Some Extracts**

We, the people of the State of Jammu and Kashmir, having solemnly resolved, in pursuance of accession of this State to India which took place on the twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof, and to secure to ourselves.

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among us all;

FRATERNITY, assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY This seventeenth day of November, 1956 do Hereby Adopt Enact and Give to ourselves this constitution.

#### **PART II THE STATE**

(3) The State of Jammu and Kashmir is and shall be an integral part of the Union of India.

(4) The territory of the State shall comprise all the territories which on the fifteenth day of August, 1947, were under the sovereignty or suzerainty of the Ruler of the State.

(5) The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India.

#### **On conditions for Amendments to the J&K Constitution:**

##### **PART XII**

##### **AMENDMENTS OF THE CONSTITUTION**

147. An amendment of this constitution may be initiated only by the introduction of a Bill for the purpose in the Legislative Assembly and when the Bill is passed in each House by a majority of not less than two-thirds of the total membership of at the House, it shall be presented to the Sadar-i-Riyasat for his assent and, upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill:

Provided that a Bill providing for the abolition of the Legislative Council may be introduced in the Legislative Assembly and passed by it majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting:

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Provided further that no Bill or amendment seeking to make any change in:

- (a) this section;
- (b) the provisions of the sections 3 and 5; or
- (c) the provisions of the constitution of India as applicable in relation to the State;

shall be introduced or moved in either house of the Legislature.

#### **Statement By Justice A.S. Anand**

"The Constitution came into force on 26th January 1957. For the first time in the history of Kashmir, the State assumed the status of a constitutional state --- because the constitution represents the supreme will of the people."

- Dr. A.S. Anand, Presently Chief Justice of the Supreme Court of India, in his book "*The Constitution of Jammu & Kashmir --- Its Development & Comments*," pp195.

#### **Source:**

*"The Constitution of Jammu & Kashmir --- Its Development & Comments"*  
Dr.A.S. Anand, Presently Chief Justice of the Supreme Court of India  
(Universal Law Publishing Co. Pvt. Ltd., New Delhi, Third Edition, 1998)

A complete electronic copy of the state constitution may be found at <http://kashmir-information.com/LegalDocs/140.html>.

### **5. Indian Muslim Intelligentsia's Appeal To The United Nations**

**Text of Memorandum Submitted by 14 Muslim leaders of India to Dr. Frank P. Graham, United Nations Representative  
14 August, 1951**

It is a remarkable fact that, while the Security Council and its various agencies have devoted so much time to the study of the Kashmir dispute and made various suggestions for its resolution, none of them has tried to ascertain the views of the Indian Muslims nor the possible effect of any hasty step in Kashmir, however well-intentioned, on the interests and well-being of the Indian Muslims. We are convinced that no lasting solution for the problem can be found unless the position of Muslims in Indian society is clearly understood.

Supporters of the idea of Pakistan, before this subcontinent was partitioned, discouraged any attempt to define Pakistan clearly and did little to anticipate the conflicting problems which were bound to arise as a result of the advocacy of the two-nation theory. The concept of Pakistan, therefore, became an emotional slogan with little rationale content. It never occurred to the Muslim League or its leaders that if a minority was not prepared to live with a majority on the sub- continent, how could the majority be expected to tolerate the minority.

It is, therefore, small wonder that the result of partition has been disastrous to Muslims. In undivided India, their strength lay about 100 million. Partition split up the Muslim people, confining them to the three isolated regions. Thus, Muslims number 25 million in Western Pakistan, 35 million to 40 million in India, and the rest in Eastern Pakistan. A single undivided community has been broken into three fragments, each faced with its own problems.

Pakistan was not created on a religious basis. If it had been, our fate as well as the fate of other minorities would have been settled at that time. Nor would the division of the sub-continent for reasons of religion have left large minorities in India or Pakistan.

This merely illustrates what we have said above, that the concept of Pakistan was vague, obscure, and never clearly defined, nor its likely consequences foreseen by the Muslim League, even when some of these should have been obvious.

When the partition took place, Muslims in India were left in the lurch by the Muslim League and its leaders. Most of them departed to Pakistan and a few who stayed behind stayed long enough to wind up their affairs and dispose of their property. Those who went over to Pakistan left a large number of relations and friends behind.

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Having brought about a division of the country, Pakistan leaders proclaimed that they would convert Pakistan into a land where people would live a life according to the tenets of Islam. This created nervousness and alarm among the minorities living in Pakistan. Not satisfied with this, Pakistan went further and announced again and again their determination to protect and safeguard the interests of Muslims in India. This naturally aroused suspicion amongst the Hindus against us and our loyalty to India was questioned.

Pakistan had made our position weaker by driving out Hindus from Western Pakistan in utter disregard of the consequences of such a policy to us and our welfare. A similar process is in question in Eastern Pakistan from which Hindus are coming over to India in a large and large number.

If the Hindus are not welcome in Pakistan, how can we, in all fairness, expect Muslims to be welcomed in India? Such a policy must inevitably, as the past has already shown, result in the uprooting of Muslims in this country and their migration to Pakistan where, as it became clear last year, they are no longer welcome, lest their influx should destroy Pakistan's economy.

Neither some of the Muslims who did migrate to Pakistan after partition, and following the widespread bloodshed and conflict on both sides of the Indo-Pakistan border in the north-west, have been able to find a happy asylum in what they had been told would be their homeland. Consequently some of them have had to return to India, e.g. Meos who are now being rehabilitated in their former areas.

If we are living honorably in India today, it is certainly not due to Pakistan which, if anything, has by her policy and action weakened our position.

The credit goes to the broadminded leadership of India, to Mahatma Gandhi and Pandit Jawaharlal Nehru, to the traditions of tolerance in this country and to the Constitution which ensures equal rights to all citizens of India, irrespective of their religion caste, creed, colour or sex.

We, therefore, feel that, tragically as Muslims were misled by the Muslim League and subsequently by Pakistan and the unnecessary suffering which we and our Hindu brethren have to go through in Pakistan and in India since partition, we must be given an opportunity to settle down to a life of tolerance and understanding to the mutual benefit of Hindus and Muslims in our country - if only Pakistan would let us do it. To us it is a matter of no smaller consequence.

Despite continuous provocations, first from the Muslim League and since then from Pakistan, the Hindu majority in India has not thrown us or members of other minorities out of Civil Services, Armed Forces, the judiciary, trade, commerce, business and industry. There are Muslim Ministers in the Union and State cabinets, Muslim Governors, Muslim Ambassadors, representing India in foreign countries, fully enjoying the confidence of the Indian nation, Muslim members in Parliament and state legislatures, Muslim judges serving on the Supreme Court and High Courts, high-ranking officers in the Armed Forces and the Civil services, including the police. Muslims have large landed estates, run big business and commercial houses in various parts of the country, notably in Bombay and Calcutta, have their shares in industrial production and enterprise in export and import trade. Our famous sacred shrines and places of cultural interest are mostly in India.

Not that our lot is certainly happy. We wish some of the state Governments showed a little greater sympathy to us in the field of education and employment. Nevertheless, we feel we have an honourable place in India. Under the law of the land, our religious and cultural life is protected and we shall share in the opportunities open to all citizens to ensure progress for the people of this country.

It is, therefore, clear that our interest and welfare do not coincide with Pakistan's conception of the welfare and interests of Muslims in Pakistan.

This is clear from Pakistan's attitude towards Kashmir. Pakistan claims Kashmir, first, on the ground of the majority of the State's people being Muslims and, secondly, on the ground, of the state being essential to its economy and defence. To achieve its objective it has been threatening to launch "Jehad" against Kashmir in India.

It is a strange commentary on political beliefs that the same Muslims of Pakistan who like the Muslims of Kashmir to join them invaded the state, in October 1947, killing and plundering Muslims in the state and dishonouring Muslim women, all in the interest of what they described as the liberation of Muslims of the State. In its oft-proclaimed anxiety to rescue the 3 million Muslims from what it describes as the tyranny of a handful of Hindus in the State, Pakistan evidently is prepared to sacrifice the

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interests of 40 million Muslims in India - a strange exhibition of concern for the welfare of fellow- Muslims. Our misguided brothers in Pakistan do not realise that if Muslims in Pakistan can wage a war against Hindus in Kashmir why should not Hindus, sooner or later, retaliate against Muslims in India.

Does Pakistan seriously think that it could give us any help if such an emergency arose or that we would deserve any help thanks to its own follies? It is incapable of providing room and livelihood to the 40 million Muslims of India, should they migrate to Pakistan. Yet its policy and action, if not changed soon, may well produce the result which it dreads.

We are convinced that India will never attack our interests. First of all, it would be contrary to the spirit animating the political movement in this country. Secondly, it would be opposed to the Constitution and to the sincere leadership of the Prime Minister. Thirdly, India by committing such a folly would be playing straight into the hands of Pakistan.

We wish we were equally convinced of the soundness of Pakistan's policy. So completely oblivious is it of our present problems and of our future that it is willing to sell us into slavery - if only it can secure Kashmir.

It ignores the fact that Muslims in Kashmir may also have a point of view of their own, that there is a democratic movement with a democratic leadership in the State, both inspired by the progress of a broad minded, secular, democratic movement in India and both naturally being in sympathy with India. Otherwise, the Muslim raiders should have been welcomed with open arms by the Muslims of the State when the invasion took place in 1947.

Persistent propaganda about "Jihad" is intended, among other things, to inflame religious passions in this country. For it would, of course, be in Pakistan's interests to promote communal rioting in India to show to Kashmiri Muslims how they can find security only in Pakistan. Such a policy, however, can only bring untold misery and suffering to India and Pakistan generally and to Indian Muslims particularly.

Pakistan never tires of asserting that it is determined to protect the interests of Muslims in Kashmir and India. Why does not Pakistan express the same concern for Pathans who are fighting for Pakhtoonistan, an independent homeland of their own? The freedom-loving Pathans under the leadership of Khan Abdul Gaffar Khan and Dr. Khan Sahib, both nurtured in the traditions of democratic tolerance of the Indian National Congress, are being subjected to political repression of the worst possible kind by their Muslim brethren in power in Pakistan and in the NWFP. Contradictory as Pakistan's policy generally is, it is no surprise to us that while it insists on a fair and impartial plebiscite in Kashmir, it denies a fair and impartial plebiscite to Pathans.

Pakistan's policy in general and her attitude towards Kashmir is particular thus tend to create conditions in this country which in the long run can only bring to us Muslims widespread suffering and destruction. Its policy prevents us from settling down, from being honourable citizens of a State, free from suspicion of our fellow-countrymen and adapting ourselves to changing conditions to promote the interests and welfare of India. Its sabre-rattling interferes with its own economy and ours. It expects us to be loyal to it despite its importance to give us any protection, believing at the same time that we can still claim all the rights of citizenship in a secular democracy.

In the event of a war, it is extremely doubtful whether it will be able to protect the Muslims of East Bengal who are completely cut off from Western Pakistan. Are the Muslims of India and Eastern Pakistan who sacrifice themselves completely to enable the 25 million Muslims in Western Pakistan to embark upon mad, self-destructive and adventures?

We should, therefore, like to impress upon you with all the emphasis at our command that Pakistan's policy towards Kashmir is fraught with the gravest peril to the 40 million Muslims of India. If the Security Council is really interested in peace human brotherhood, and international understanding, it should heed this warning while there is still time.

*Dr. Zakir Hussain (Vice Chancellor Aligarh University)*

*Sir Sultan Ahmed (Former Member of Governor General's Executive Council)*

*Sir Mohd. Ahmed Syed Khan (Nawab of Chhatari, former acting Governor of United Provinces and Prime Minister of Hyderabad)*

*Sir Mohd. Usman (Former member of Governor General's Executive council and acting Governor of Madras)*

*Sir Iqbal Ahmed (Former Chief Justice of Allahabad High Court)*

*Sir Fazal Rahimtoola (Former Sheriff of Bombay)*

*Maulana Hafz-ur-Rehman M.P.*

*Col. B.H. Zaidi M.P.*

*Nawab Zain Yar Jung (Minister Government of Hyderabad)*

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### References

*A.K. Kawaja (Former President of Muslim Majlis)*

*T.M. Zarif (General Secretary West Bengal Bohra Community)*

### **6. Resolution Of United Nations Security Council Dated August 13, 1948**

#### **THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN.**

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu & Kashmir; and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation;

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

#### **PART I: CEASE-FIRE ORDER**

- A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the state of Jammu & Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.
- B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu & Kashmir. (For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)
- C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the ceasefire.
- D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.
- E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

#### **PART II: TRUCE AGREEMENT**

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

##### **(A)**

1. As the presence of troops of Pakistan in the territory of the state of Jammu & Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.
2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the state of Jammu & Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.
3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

##### **(B)**

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu & Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu & Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.
2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu & Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which

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in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the state of Jammu & Kashmir will take all measures within its powers to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.
4. Upon signature, the full text of the truce agreement or a communiqué containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

### **PART III**

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

### **7. Resolution of the United Nations Commission for India and Pakistan Dated January 5, 1949**

**RESOLUTION ADOPTED AT THE MEETING OF THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ON 5 JANUARY, 1949. (DOCUMENT NO. S/1196, PARA IS, DATED THE 10<sup>TH</sup> JANUARY, 1949)**

#### **THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN**

Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948;

1. The question of the accession of the state of Jammu & Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed;
3.
  - a. The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu & Kashmir.
  - b. The Plebiscite Administrator shall derive from the state of Jammu & Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.
  - c. The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.
4.
  - a. After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.
  - b. As regards the territory referred to in A 2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.
5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.
6.
  - a. All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan.

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The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the state of Jammu & Kashmir will collaborate with the Plebiscite Administrator in putting this provision to effect.

- b. All persons (other than citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the state of Jammu & Kashmir will undertake to ensure in collaboration with the Plebiscite Administrator that:

- a. There is no threat, coercion or intimidation, bribery other undue influence on the voters in plebiscite;

No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan.

- b. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;
- c. All political prisoners are released;
- d. Minorities in all parts of the State are accorded adequate protection; and
- e. There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu & Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultation envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of first January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948, and by the foregoing principles.

\* UNCIP unanimously adopted this Resolution on 5-1-1949.

Members of the Commission: Argentina, Belgium, Columbia, Czechoslovakia and U.S.A.

### **8. United Nations Records On Kashmir Issue – Some Excerpts**

"On October 22, 1947, Pakistan Launched Full-Scale Invasion of Kashmir. Money, food, arms, petrol, ammunition, uniforms, military officers of the army, man-Pack wireless sets were used. Also, Mark V Mines, Army motor vehicles, Pakistan army signals, Bren & Sten Guns. 2" and 3" Mortars, 3.7 Howitzers and Anti-Tank rifles"

- *United Nations S.C.O.R. (Security Council Official Records)*

".... I believe ... units of regular Pakistani forces moved into the territory of the state (of J&K)... inconsistent with international law..."

- *Sir Owen Dixon, International Jurist, UN Security Council Representative*

### **9. Resolution Adopted By The Parliament Dated February 22, 1994**

This House

- Notes with deep concern Pakistan's role in imparting training to the terrorists in camps located in Pakistan and Pakistan Occupied Kashmir, the supply of weapons and funds, assistance in infiltration of trained militants, including foreign mercenaries into Jammu and Kashmir with the avowed purpose of creating disorder, disharmony and

## Consolidation and Integration of Jammu & Kashmir First (CIF-2)

### References

subversion;Reiterates that the militants trained in Pakistan are indulging in murder, loot and other heinous crimes against the people, taking them hostage and creating an atmosphere of terror;

- Condemns strongly the continued support and encouragement Pakistan is extending to subversive and terrorist activities in the Indian state of Jammu & Kashmir;
- Calls upon Pakistan to stop forthwith its support to terrorism, which is in violation of the Simla Agreement and the internationally accepted norms of inter-State conduct and is the root cause of tension between the two countries;Reiterates that the Indian political and democratic structures and the Constitution provide for firm guarantees for the promotion and protection of human rights of all its citizens;Regards Pakistan's anti-India campaign of calumny and falsehood as unacceptable and deplorable;Notes with deep concern the highly provocative statements emanating from Pakistan urges Pakistan to refrain from making statements which vitiate the atmosphere and incite public opinion;
- Expresses regret and concern at the pitiable conditions and violations of human rights and denial of democratic freedoms of the people in those areas of the Indian State of Jammu and Kashmir, which are under the illegal occupation of Pakistan;

On behalf of the People of India,  
Firmly declares that-

- (a) The state of Jammu & Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means;
- (b) India has the will and capacity to firmly counter all designs against its unity, sovereignty and territorial integrity; and demands that -
- (c) Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression; and resolves that -
- (d) all attempts to interfere in the internal affairs of India will be met resolutely.”

The Resolution was unanimously adopted. Mr. Speaker.

The Resolution is unanimously passed.

*February 22, 1994*

### **10. Statement Of Shri. Jawaharlal Nehru, Late Prime Minister of India, To The Indian Parliament Dated February, 1964, Regarding Erosion Of Article 370 Of The Constitution**

"Article 370 will get eroded in due course and vanish ultimately....."

*-Jawaharlal Nehru in the Lok Sabha.*

### **11. Statement Of Mahomedali Currim Chagla In The Rajya Sabha Dated 1964, On Article 370 Of The Constitution**

“The Prime Minister the other day spoke of gradual erosion of Article 370. I hope that this erosion is accelerated and I also hope that very soon that Article will disappear from the Constitution. After all it is transitional and temporary. I think transitional period has been long enough!”

*-Mahomedali Currim Chagla in the Rajya Sabha*

### **12. Statement By President, UN Security Council About Outside Intervention In J&K**

On May 18, 1964, The UNCIP debate ended with the President of the Security Council stating,“the negotiations between India and Pakistan might be complicated by any outside intervention”. USA, Great Britain and the Soviet Union asked for bilateral settlement instead of UN involvement.

### **13. Statement By US Representative To UN About Outside Intervention In J&K**

The US representative to the UN, Adlai Stevenson said, “the Kashmir question should be peacefully resolved.... We urged bilateral talks between the parties last year. An agreement cannot be imposed from the outside”

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### References

*As reported by the President of USA in a report to the US Congress on events in 1964 on 'Our (i.e. USA's) participation in the UN' (US State Dept. Publication 7943, released Feb.1966, pp.63-70)*

#### **14. Statements On The Accession Of Jammu & Kashmir**

"... Accession was complete in law and in fact... It is patent and no argument is required because accession of every state in India was complete on these very terms. When United Nations Commission accompanied by legal advisors and others came here, it was open to them to challenge it. But they did not..."

*-Jawaharlal Nehru to the Parliament of India on August 7, 1952.*

"The Instrument of Accession signed by Hari Singh was the same as those signed by the rulers of other princely states. According to it, once accepted, accession was full, final, unconditional and irrevocable."

*Sheikh Abdullah, in his Autobiography, Atish-E-Chinar.*

#### **15. Statement Of Mahomedali Currim Chagla To The UN Security Council In 1964**

"Jammu and Kashmir became an integral part of India... You cannot make more complete what is already complete... The two basic UN resolutions of 1948 and 1949 were conditional, and contingent on Pakistan vacating its aggression and the condition has not been complied with... The basis having disappeared, these resolutions are no longer binding on us... The only people who continued to suffer were the people of Kashmir for whom Pakistan felt no care... The resolutions of the UNCIP had lapsed, and under no circumstances would India agree to a plebiscite which Pakistan repeatedly avoided"

*-India's Representative to the UN, Mahomedali Currim Chagla to the UN Security Council, 1964*

#### **16. Future Pak Governments Need Not Honour Musharraf Deals – Some Excerpts**

*Thursday*

*7 June 2001*

*The Times of India News Service*

<http://www.timesofindia.com/today/07woru1.htm>

Former Pakistani prime minister Benazir Bhutto is disappointed by the Indian government's decision to invite military ruler Musharraf for talks. Ms Bhutto talked to Seema Guha extensively on the future of Indo-Pak relations in the context of Kashmir. Excerpts:

Q. Do you think India is doing the right thing by engaging with Pakistan's military leader? Are you disappointed that instead of refusing to talk to Gen Musharraf, on the grounds that he has overthrown a democratically elected leader, India, the world's largest democracy has invited him to Delhi?

A: The PPP advocates dialogue between India and Pakistan for a resolution of outstanding disputes between the two countries, including the Kashmir dispute. However, it is double-minded about the world's largest democracy dealing with a military dictatorship in Pakistan.

Q. In the unlikely chance of a breakthrough, will a democratically elected government abide by the decisions of a military dictator. Suppose you come to power, will you honour any agreement signed by Musharraf and Vajpayee?

A: An agreement signed by an unelected and unrepresentative military ruler would be of no legal binding on a future parliament or government in Pakistan. This is the view of the Opposition alliance for the Restoration of Democracy of which the PPP is a part. The ARD is completely in the dark about the proposed visit.

#### **17. Lashkar massacre 16 Amarnath pilgrims, 9 others**

<http://www.timesofindia.com/020800/02home1.htm>

The Times of India

SRINAGAR

Wednesday

## Consolidation and Integration of Jammu & Kashmir First (CIF-2)

### References

2 August 2000:

At least 25 people, including 16 Amarnath pilgrims, were killed and 60 others injured on Tuesday when militants attacked a camp for Amarnath pilgrims in Pahalgam, 96 km from here. The injured include 27 pilgrims. An official spokesman said the militant outfit Lashkar-e-Taiba has claimed responsibility for the attack. The Home ministry, however, put the toll at 23 and the number of those injured at 30.

The attack came within hours of Union home ministry officials contacting Fazal Huq Qureshi, a separatist leader named by the Hizbul Mujahideen as its emissary for talks with the Vajpayee government, setting in motion the process of negotiations.

Agency reports quoted Chief Minister Farooq Abdullah as saying that the incident took place at a kiosk from which food is served to pilgrims.

The reports also quoted officials as saying that a group of eight militants attacked a community kitchen (iflangar) at Ardoo Bridge at 7 p.m. The pilgrims were having food at the time. Two militants, believed to be part of a suicide squad, stormed the kitchen, firing indiscriminately. Twenty-one people died on the spot, the officials said.

The Army and para-military forces personnel on duty there retaliated. Two militants were killed in the ensuing gunbattle.

State Home Minister Mushtaq Ahmad Lone, however, told The Times of India a group of militants descended from a mountain to attack a CRPF post opposite Heewan Hotel. The security forces personnel retaliated, killing three militants.

The minister advised the pilgrims against coming out of their tents and said the incident would have an adverse effect on the Amarnath yatra. The district administration of Anantnag has imposed an indefinite curfew in Pahalgam.

Farooq, however, said the yatra would continue. In a statement issued late in the night, he claimed the attack was planned at the initiative of Pakistan to sabotage the peace process launched recently. He appealed the pilgrims to remain calm.

In a separate strike, militants attacked a registration camp for Amarnath pilgrims in Jammu, hurling grenades and opening fire from automatic weapons. One militant was killed as the security forces personnel returned fire.

In New Delhi, the Prime Minister condemned the attack and asked the state government to take necessary measures to provide adequate security to the pilgrims and treatment to the injured.

In Muzaffarabad, the capital of Pakistan Occupied Kashmir, an alliance of militant groups refused to join the peace talks with New Delhi. "We reject the offer of talks from India," a spokesman told reporters after a meeting of the 14-group United Jihad Council alliance. "We think India has never been sincere about talks and this is an Indian trick," the spokesman said, rejecting the Indian offer made after the Hizbul Mujahideen announced a three-month ceasefire on July 24.

*By Law Kumar Mishra & Agencies*

### **18. Thirty-Five Sikhs Massacred In Kashmir**

<http://www.timesofindia.com/220300/22home2.htm>

The Times of India

By Law Kumar Mishra

SRINAGAR: In the worst-ever massacre in the Valley, heavily armed militants killed 35 members of the Sikh community at Chatisinghpura village in Mattan block of Anantnag district late on Monday night. All those killed were men. Later, a woman died of shock on seeing the bodies.

The incident took place a few hours before US president Bill Clinton was to begin his official visit to India. National security adviser Brajesh Mishra said in New Delhi that Lashkar-e-Toiba and Hizbul Mujahideen were behind the massacre.

The massacre sent shock waves throughout the state on Tuesday. While curfew was clamped in Jammu, about 50 shops and houses were torched at Pattan and some journalists attacked by an irate mob at Anantnag, angry over the delay in the deployment of security forces. In Lal Chowk in Srinagar, shopkeepers downed their shutters in panic.

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### References

Tension also prevailed in Baramulla between the Muslims and the Sikhs but in adjoining Kupwara the two communities took out a joint procession. An All- Party Hurriyat Conference delegation visited the local gurdwara to express sympathy and solidarity with the Sikhs.

Giving details, Kashmir zone IGP Ashok Bhan said more than 40 militants armed with AK rifles and grenades descended on the village, herded the male members inside a school complex, lined them up in rows and fired at them, killing 34 persons on the spot and injuring two, one of whom died in hospital later. Those killed were aged between 16 and 55. At least two families lost all their male members.

The police said after the killings, the militants escaped in the adjoining forests and mountains, where Army Jawans have now fanned out. It said the militants were dressed like security men, spoke in Urdu and gave the impression that they were after militants suspected to be hiding in the village. The police suspect they may be from Afghanistan.

A team of senior Army officers has reached the village and cordoned it off. Many J&K ministers, including M H Lone, some Union ministers, a top Union home ministry official, the BSF DG and the state police brass have reached the village.

Meanwhile, the bodies of the 35 victims were cremated on Tuesday in the presence of J&K governor G C Saxena, CM Farooq Abdullah and Punjab CM Prakash Singh Badal. Minister of state for civil aviation Chaman Lal Gupta was also present.

This is the first large-scale massacre of Sikhs by the militants in the Valley. Hitherto, the militants had been targeting the minority Kashmiri Pandits in the Valley. Last month, the militants attacked a cluster of Kashmiri Pandit houses in a nearby village in the district forcing the remaining Pandits there to flee to Jammu.

Last month, the militants killed three Sikh truck drivers at Quazikund on National Highway-1 in Anantnag district's Tral area which has a sizable Sikh population, many of whom are in the security forces. A large number of Sikhs live in Srinagar and Baramulla.

The police say Monday's incident took place at the same place near the tourist spot of Pahalgam, where five foreign tourists were kidnapped and later killed in July 1995. The Army and BSF officers had apprehended such attacks by militants to attract the attention of the visiting US president.

Mainstream political parties and separatist leaders have condemned the massacre, saying it was a conspiracy to create communal disturbances in the state. Some of them accused the ISI of direct involvement in the massacre.

### **19. BBC News: More Hindus Killed In Kashmir**

[http://news.bbc.co.uk/hi/english/world/south\\_asia/newsid\\_660000/660797.stm](http://news.bbc.co.uk/hi/english/world/south_asia/newsid_660000/660797.stm)

Tuesday, 29 February, 2000

By Daniel Lak in Delhi

For the second day running, suspected Muslim militant gunmen have shot dead members of the Hindu faith in the troubled territory of Indian-administered Kashmir. In the latest incident, five Hindu truck drivers were separated from followers of other religions in a convoy of vehicles that were stopped by militants on the main highway. They were then shot dead.

On Sunday, four Kashmiri Hindus in a remote village in the south of the territory were murdered.

### **More vicious phase**

The killing of Hindus by Muslim militants in Kashmir usually comes as the conflict there enters a dangerous and more vicious phase. For centuries various religions co-existed relatively peacefully in Kashmir but about 10 years ago, attacks by Muslim separatist militants drove many tens of thousands of Hindu Kashmiris into exile.

Since then there have been more killings of those Hindus who stayed behind. Sunday's killings in a remote village is the sort of attack that has come more often in recent years of the conflict. It was also in an area of Indian Kashmir remote from the traditional Hindu areas of settlement in the Kashmir Valley.

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### References

As for the murder of the five truck drivers, it seems certain they were singled out because of their religion. Muslims and Sikhs who were part of the convoy stopped by militants on the highway south of Srinagar were not harmed as the gunmen shot dead the five Hindus.

#### **'Ethnic cleansing'**

The authorities in Delhi and Kashmir say Muslim militants backed by Pakistan have an agenda of ethnic cleansing as part of their violent campaign to wrest Kashmir from Indian control. Pakistan denies this and any active involvement in the insurgency.

But it appears that fears in India of heightened militant violence in Kashmir before President Clinton's visit to the region next month are coming true.

#### **20. Centre Blames Sect For Church Blasts**

<http://www.timesofindia.com/150700/15home1.htm>

Saturday

15 July 2000

The Times of India News Service

NEW DELHI: The Union home ministry claims to have found "significant" evidence showing the involvement of a small religious sect, the Deendar Anjuman, in the series of bomb blasts that have rocked churches across Karnataka, Andhra Pradesh and Goa in the past two months.

Sect leaders, however, have denied that the Anjuman is in any way connected to the mysterious bombings.

Home ministry sources said here on Friday that an explosion in a Maruti van on July 9 in Bangalore, which killed two occupants and injured a third, led to the unravelling of the case. Anti-Christian literature was recovered from the van. Though police reports at the time spoke of Urdu pamphlets, the home ministry released photocopies of an English handbill with the printed message "WARNING - Christian missionaries. Stop conversions or quit India" and the 'Om' symbol written in by hand, which it said was recovered from the van.

The injured man, Syed Ibrahim, who is under treatment, has apparently confessed his involvement and has admitted having made visits to Goa in March and May this year to purchase the Maruti van, officials assert.

The police in Bangalore say that explosives recovered from the van were found to have the same composition as those used in the various church blasts. They say that anti-Christian literature has been recovered from Ibrahim's residence in Bangalore and from the Vijayawada office of the Anjuman. "While the documents are being scrutinised, some of the titles like 'The God That Never Was - Jesus'; 'Is This The Bible You Believe In' are revealing", home ministry sources said.

'The God That Never Was' is a pamphlet written by the South African Muslim preacher, Ahmed Deedat, a polemicist who travels the world to engage in theological arguments with Christian priests and scholars.

Since May 21, there have been 12 cases of blasts in churches in southern India. The last was at the St Paul and Peter Church, Bangalore, on July 9.

"Though no one was killed in these low-powered explosions, there seemed to be a pattern as these blasts took place on Thursdays and Fridays, when there were hardly any people. The purpose appeared to be to spread terror among Christians and hatred between Christians and Hindus," a highly placed home ministry source claimed.

Though it stopped short of directly accusing the Pakistani intelligence agencies of planning the blasts, the ministry claims the Deendar Anjuman is headed by a Pakistani national, Zia-ul Hassan, who usually visits India once a year for the Urs of his father, Hazrat Maulana Siddiqi, the sect's founder. In Pakistan, Hasan has set up a group called the Jamaat Hizbollah Mujahideen, and operates offices in Mardan, Lahore, Karachi, Faisalabad, Rawalpindi and Sargodha, home ministry sources claimed.

Investigations also revealed that Zakir, one of the persons who died in the Maruti van on July 9, had visited Pakistan in September 1992 along with seven other Anjuman members who were subsequently granted visa extensions by the Pakistani authorities.

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Zakir had also been arrested in August, 1995, in Parbhani district of Maharashtra for apparently attempting to create sectarian tension by defiling a statue of Dr Ambedkar.

The home ministry said investigations are still going on and that more arrests are likely to follow soon.

### **21. Pakistan Shedding Crocodile Tears Over Kashmir: Pok Body**

<http://www.expressindia.com/news/june20/nation10.shtml>  
EXPRESSINDIA.COM, JUNE 20, 2001

New Delhi, June 20: Accusing Pakistan of dual standards on the issue of Kashmir, a conglomerate of political groups in Pakistan-occupied Kashmir (PoK) has said Islamabad is "shedding crocodile tears on the issue of self-determination for Kashmiris while denying the same in areas under its occupation".

All Parties National Alliance (APNA), a conglomerate of 13 political parties in PoK, Gilgit and Baltistan, said in a memorandum to the United Nations that: "Pakistan was denying the basic right to contest the elections to all freedom loving groups."

The conglomerate further said that Pakistani government has refused to accept any nomination form without the candidate accepting the accession of the occupied territory as a part of Pakistan. This has led to serious brawl between freedom-loving groups, including Jammu and Kashmir Liberation Front (JKLF), and Pakistani rulers who cracked down on JKLF activists in PoK, APNA said.

Flaying the military regime in Islamabad for having announced a farcical election in the occupied territory, convenor of APNA Sardar Shaukat Ali Kashmiri said the conglomerate was not opposed to any democratic means but "the military government has resorted to undemocratic means and is trying to impose a government on the people in the guise of elections."

(PTI)

### **22. JKLF Revolts Against Clause In POK Poll Papers**

<http://www.timesofindia.com/180501/18home3.htm>

The Times of India Online  
Friday 18 May 2001

ISLAMABAD: The Amanullah faction of the Pakistan-based Jammu and Kashmir Liberation Front (JKLF) on Thursday revolted against the Pakistan government for making it obligatory for candidates contesting elections to Pakistan-occupied Kashmir (PoK) Assembly to declare their support for accession of Jammu and Kashmir to Pakistan.

In a strongly-worded letter to President Rafiq Tarar, military ruler Gen Pervez Musharraf and other top officials, JKLF chairman Amanullah Khan said that the introduction of the pro-accession clause was tantamount to keeping 40 pro-independence candidates away from contesting the elections, scheduled for July 5.

The JKLF released selected contents of the letter in a statement here on Thursday.

Stating that the accession clause was a gross violation of human and democratic rights of the people of Pakistan-occupied Kashmir (POK) and Kashmiris living in Pakistan, Khan said that it negated Islamabad's stated position of supporting the right of self determination of Kashmiris.

"Pakistan advocated right to self-determination for Kashmiris and has never claimed any part of Kashmir to be her integral part, but the aforementioned provision of the nomination form for elections to PoK Assembly was total negation of that declared stand of Pakistan," he said.

Khan said that this provision would also deprive hundreds and thousands of their supporters of their right to vote for the candidates of their choice which was gross violation of their basic human and democratic rights.

(PTI)

### **23. In North Pakistan, A Kashmir In The Making**

<http://news.india-today.com/ntoday/newsarchives/100/12/1/n29.shtml#>

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### References

India Today Online  
ISHTIAQ ALI MEHKRI  
KARACHI, DECEMBER 1, 2000, 1230 HRS IST

While Pakistan cries itself hoarse over Indian repression in Kashmir, its own Northern Areas are simmering.

Strategically located, the serenely beautiful region is among the most poverty-ridden parts of the world. Bereft of socio-economic infrastructure the people here are leading a life of misery.

Riven by sectarian quarrels and ignored by Islamabad, the area is seething with anger. Denied legal recognition and political rights for years, the people here are now talking in terms of "freedom" from Pakistani rule.

For the last many years, August 14, the Pakistani Independence Day, has been marked as 'Deprivation Day' by the people of Gilgit-Baltistan.

Protests and strikes have become an everyday occurrence and the Pakistani national flag has been set on fire at several places.

But ominously, the political leaders of this area are now talking of an armed uprising.

### **Troubled History**

Historically, the Northern Areas, comprising the five administrative districts of Gilgit, Skardu, Diamer, Ghizer and Ghanche, voluntarily acceded to Pakistan on November 1, 1947 after revolting against Dogra rule.

Upon acceding to the newly created Islamic republic, the areas were put under the direct rule of Islamabad. According to the 'Karachi Declaration', a nominated Political Agent would regulate its affairs under the Frontier Crimes Regulation (FCR).

The Pakistani Constitution does not recognize the Northern Areas as a part of Pakistan as it says the region's status is linked to the resolution of the Kashmir issue. So the two-million-strong population, spread over an area of 72,500 sq kms, is politically unrepresented in Parliament.

Ironically, however, the people of the Northern Areas have Pakistani passports and national identity cards.

The people blame Islamabad of violating the 1949 UN resolution and say it is bound to grant self-rule to the locals and withdraw the armed forces of Pakistan within seven months.

"The former princely states are today under the tutelage of Pakistan with no recourse to civil liberties and fundamental rights," says Malika Balistani of the Gilgit-Baltistan National Alliance (GBNA).

"The intention is political. They want to use our vote bank for Kashmir in case of a UN plebiscite," says an office-bearer of Karakorum National Movement (KNM),

### **"Pakistan has no claim over Northern Areas"**

In May 1999, the Pakistani Supreme Court in a landmark judgment ruled: "Northern Areas are a disputed territory and the Government of Pakistan has no claim whatsoever over it."

Directing the government to lend self-rule within six months, the Pakistani apex court said! that people in the Northern Areas should be given fundamental rights at par with other areas of Pakistan.

However, nothing was done.

"The decision remains unimplemented to this date and all that the government is doing is to indulge in cosmetic face-saving measures such as devolution of power or polls to local bodies," says Khalid Athar, a lawyer of Sindh High Court, Karachi.

Elections to the 28-member Northern Areas Council are held every four years. However, these are boycotted by the local parties, who call it as a 'farce'.

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"The NAC is a rubber stamp of the Pakistan's federal government," says Raziuddin, a local politician and an ex-member of the NAC.

An all-powerful bureaucracy under the Northern Areas chief secretary actually calls the shots in this region. Though there is Minister of Northern Areas & Kashmir Affairs, he is dubbed "a stooge" of Islamabad.

Not only does the region not have political rights, Islamabad does not brook any criticism of its ! policies either.

Recently, a popular Urdu weekly newspaper 'K2' was closed down by the administration for criticising the Islamabad regime. Its proprietor Raja Hussain Khan Maqpoon is now fighting a legal battle and stands in danger of being charged with sedition.

Aitzaz Ahsan, former interior minister and veteran PPP leader, says: "Unfortunately the state apparatus in Pakistan has always been oppressive and extortionist."

#### **The cry for freedom grows**

However, the people of the Northern Areas are growing restless now. They are no longer, say their leaders, going to put up with Islamabad's high-handedness.

The local parties point to Azad Jammu & Kashmir, which enjoys an autonomous parliament, bureaucracy, judiciary as well as an elected president and prime minister. They want similar status.

"Pakistan can no more exploit our patriotism," says Major (ret'd) Hussain Shah of the Muttahida Qaumi Party (MQM). Unless Pakistan recognises their fundamental rights, he says the people will have to "explore new avenues."

However, others are not as diplomatic.

"My political party is seriously thinking of armed and political assistance from whoever it may be to get rid of Pakistan's unjust rule," says Malika Baltistani of GBNA.

She openly says that if their demand for autonomy and fundamental rights was denied, the people of the area "would not mind calling it a day with Pakistan."

At a recent press conference in Karachi, she went to the extent of saying that they would "go with any nation or country that ensured them their basic rights."

Her's is not an isolated voice.

Balawaristan Nationalist Movement's chief Nawaz Naji says: "If the locals can win freedom against the forces of the Dogras without any foreign assistance, they can do so against Pakistan too, if pushed to the wall."

*(The writer is a journalist with daily Dawn, Karachi)*