

KASHMIR CONFLICT: PROPOSED RESOLUTIONS AND FORMULAS 1947-57

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***Abstract:** Kashmir conflict is unending issue as a permanent agenda item on the charter of United Nations and most distinguished article in Indo-Pak dialogues and negotiations. This conflict is rooted on 3rd June plan for the partition of Subcontinent and further triggered up during Indo-Pak wars of 1965, 1971 including Siachen and Kargil limited conflagration. Moreover, this issue was presented by India in United Nations under Chapter VI which was notified from ceasefire agreement of 5th January 1948 followed by the resolutions of 13th August 1948 and 5th February 1949 respecting aspirations of the Kashmiris through plebiscite and provide them right of self-determination. In pursuance of UN resolution, Pakistan endorsed in PCA-1973 under Article 257 by valuing the aspirations of Kashmiris, offering them authority to decide their own future but Indian side always refused. Many mediatory roles, proposals and formulas were suggested, mostly welcomed by Pakistan and rudely neglected by India prolonging this conflict to play with lives of Kashmiris. This Study is an attempt to find out major efforts in first ten years of Kashmir Conflict in post 5th August 2019 scenario.*

Keywords: Kashmir Conflict, Kashmir Resolution, UNSC, Indo-Pak Relations

Being a trade junction in two main entities and connecting the Central Asia with South

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Asia, working like a bridge in geographic context, the land of Jammu and Kashmir enjoys its significant strategic position and located as a crown upon Subcontinent. The Indian aggressive political strategies, threatening and intimidating behavior woven a conniver scheme with assistance of Viceroy on the accession of the States, gave birth of many communal and racial tensions between India and Pakistan caused millions of casualties. Maharaja Hari Singh who was forced to appoint Justice Mehr Chand Mahajan as Prime Minister of Kashmir on 15th October 1947, who was former Indian representative in Punjab boundary commission,¹ removed the barriers and cleared the way for Indian occupation over the State of Jammu and Kashmir.

The dispute of Kashmir is not only complicated in the terms of manuscript but also lies a serious and threatening complexities in nature. It is not considerable coincidences which took place in a very meaningfully manner with a well-planned execution. The first ambiguity was in Indian Independence Act, there was not any determinant framework about future of States. In this regard, the first official statement of Liaquat Ali Khan.

*“The Indian States are free in agreement about their future either with Pakistan or India or they also declare completely independent status for themselves”.*²

Lord Mount Batten presided a meeting with Jawahir Laal Nehru, Vallabhbhai Patel, Acharya Kripalani, Quaid-e-Azam, Liaquat Ali Khan and Sardar Abdurrah Nishtar. Nehru had an opinion that the States will have not resources in establishment of International Relation or conduct a war, hence they had to make accession with any dominion while Quaid-e-Azam suggested that all the State will make their decision independently can choose third option as independent State also. On very next day, Congress Committee passed a resolution to abide all the States would not become as sovereign or independent because they would not remain separate from rest of India.³ It is further elaborated by Schofield:

“On 25th July 1947, the Governor General of British India Mount Batten informed Chamber of Princes that although legally and technically, all the States could not remain sovereign but there are some geographic complications which could not be rejected. So, it is advised to all rulers that they make an agreement with

¹ Abbasi Muhammad Sarwar, *Kashmiri Musalmanoon ki Jaddoo Jehd-e-Azadi*, (Azad Kashmir: Institute of Kashmir Studies, University of Azad Jammu & Kashmir, 1995), 245.

² Daily Dawn, 21st April 1947.

³ Ali Chaudhary Muhammad. *Zahoor-e-Pakistan*, (Lahore: Maktaba Karwan, Kachahri Road Lahore, 1981), 283.

*Pakistan or India to pursue their business matter and circumstances”.*⁴

Furthermore, before the announcement of Radcliff Award, the Private Secretary of Lord Batten Sir George Apple sent a map through a secret letter by Secretary of Sir Evan Jenkins Mr. Abbot to award Gurdaspur to India⁵ to make Indian free penetration into Kashmir. M. J. Akbar considered it successful diplomacy of Nehru and Batten cancerous meeting to conduct the division of Punjab.⁶ Lord Birdwood confessed that Gurdaspur was so important for defense transportation of India and Radcliff Secretary Christopher Beaumont admitted that Radcliff was persuaded for conducting dishonest division of Punjab in especially Gurdaspur division.⁷

Pakistan and India both were direly interested in the accession of the State of Jammu and Kashmir but in Valley, political chaos was on exaltation and Sheikh Abdullah and Chaudhary Ghulam Abbas both were arrested by Maharaja. July 1947 was the second July in the history of Kashmir which has the highest ever political temperature. On 19th July 1947 Muslim Conference has passed a milestone resolution named as *Resolution for the accession to Pakistan* under the presidency of Sardar Hameedullah Khan at the residence of Sardar Ibrahim Khan in Aabi Guzar, Srinagar.⁸ This resolution forced Maharaja to sign standstill agreement with Pakistan as power-sharing and seeking constitutional future of Maharaja. The proposal of Muslim Conference was look like quasi-sovereign status under constitutional kingship of Maharaja and accession with Pakistan.

Maharaja after a long nerve breaking delay and time-killing strategy by refusing Gandhi and Batten on their Srinagar tours by an attitude of procrastinate every time. He also refused Lord Ismay and any other influential person who started discussion on future of Kashmir, he diverted attention very cleverly.⁹ The reliable recorded discussion on these prospects explored out by Wajahat Masood which thematically represented a serious meeting between Mount Batten and Prime Minister Ramchandra Kak, narrating an explicit Indian intention towards Kashmir and clarifying the ground realities: -

“Lord Mount Batten had been trying to convince Ramchandra Kak with solid

⁴ Schofield Victoria. *Kashmir in the Crossfire*, (London: I. B. Tauris and Co. Ltd, 1996), 143.

⁵ Menon V. P., *The Transfer of Power in India, Volume-VII*, (Calcutta: Princeton University Press, 1957), 404-417.

⁶ Akbar M. J., *Kashmir: Behind the Vale*, (New Delhi: Viking, Penguin Books, 1991), 114.

⁷ Birdwood Christopher B., *Two Nations and Kashmir*, (Hale: The University of California, 1956), 46.

⁸ Khan Sardar Ibrahim, *Kashmir ki Jang-e-Azadi*. (Lahore: Classic Books, 1985), 96.

⁹ Schofield Victoria, *Kashmir in crossfire*, (London: I. B. Tauris and Co. Ltd, 1996), 121-22.

arguments and logical facts. Pandit Kak replied that Maharaja has made his mind that currently he is in not in position to make any obvious decision. Still, he want to observe the salient administrative features of Pakistani. He has decided to wait, although there is rambunctiousness but un-decidability will sustain in the thinking of His Highness until the atmosphere will clear and unambiguous".¹⁰

Quaid-e-Azam was very hopeful that the decision of Maharaja will be in favor of Pakistan, hence, standstill agreement was accepted and India asked for further details to grab Kashmir. The standstill agreement badly impacted after the forced resignation of Ramachandra Kak when he was put under house arrest.¹¹ No wonder after his departure, National Conference prosecuted and sentenced him to imprisonment and forced to pay fine on charges of corruption.¹²

The Indian conspiracies and successful diplomatic policies which revealed by Victoria:

*"Both Pakistan and India were actively trying to determine events so that Kashmir would accede to their respective Dominions. India retained the upper hand and despite of Maharaja's dislike for Nehru, he communicated more regularly and amicably with the Indian leaders than with those in military links with either India or Pakistan, on 13th September, he requested the government of India for the loan of an Indian Army officer to replace Major General Scott as his Commander-in-Chief."*¹³

The Indian intentions to gobble up Kashmir were strategically, diplomatically and politically which further revealed after publishing Nehru Paper, VP Menon book, Lord Mount Batten Papers and especially Patel Papers, writes Alaster Lamb:

"One of the most interesting revelation of the Patel Papers when they began to be published in 1971, was the extent to which this powerful congress politicians had directly involved himself in all planning directed towards an eventual Indian acquisition of the State of Jammu and Kashmir".¹⁴

With the advent of Indian Independence Act under article of 7 section (b and c) mentions the "future of the States", that all the States are free from all the treaties and agreements which

¹⁰ Masood Wajahat, *Masaula-e-Kashmir aur Taqseem-e-Hind*, 29.

¹¹ Jha Prem Shankar, *Kashmir, 1947: Rival Versions of History*, (India: Oxford University Press, 1998), 44.

¹² Panagariya B. L., *Kashmir Paradise in Turmoil*, (India: National Publishing House, 1994), 24.

¹³ Schofield Victoria, *Kashmir in crossfire*, (London: I. B. Tauris and Co. Ltd, 1996), 135.

¹⁴ Lamb Alastair, *Birth of Tragedy*, (USA: Rexford Books, 1994), 70.

they made between British Empire and the ruler of these States. This is clearly indicated as follows:

- b) “The suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise , and
- c) There lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas,”.¹⁵

After the arrival of Mehr Chand Mahajan who adopted well executed plans for Indian penetration into Kashmir. The infrastructure was developed, roads were repaired and maintenance of small pullies, constructions of the bridges and also railways line from Pathankot to Srinagar was re-modified. These improvements were traced by Victoria:

*“Main measures were adopted to update the communication with India, through the mean telegraph, telephone, wireless and roads..... A boat bridge was also being constructed over the Ravi River near Pathankot, which would improve the access from Gurdaspur. In addition, there were reports that the Kashmir government was constructing an all-weather road linking the valley of Kashmir with Jammu through Poonch instead Banihal Road which was impassable in winter. In Pakistan it was widely believed that India was preparing to announce Kashmir’s accession to India in the autumn. The Pakistani government alleged that India had violated the standstill agreement, because she had included Kashmir within the Indian postal system”.*¹⁶

The protracted Kashmir Conflict was triggered up when the Maharaja could not share the future and very quick up-gradation of the infrastructure of transportation were clear indications about the accession with India. This betterment of roads and bridges was for the Indian forces who were advancing towards Srinagar, and it was also reported that forces from Patiala crossed

¹⁵ https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga_19470030_en.pdf

¹⁶ Schofield Victoria, *Kashmir in crossfire*, 135-36.

the Pathankot in early October 1947 and Muslims in Jammu became aware of expected massacre to turn Muslims majority into and annihilations in Kashmir.

Kashmir was insecure after hearing news of massacres on the routine of daily basis. Soon, Kashmiris seek help to people of NWFP to get rid from endangered circumstances and confused King during October 1947 when a rumor of new setup of 4th October 1947 were became popular debates in Kashmir. Henry Lawrence Scott informed the Maharaja about expected revolts and uprisings in Kashmir¹⁷ while Civil and Military Gazette also well timely informed the Viceroy about the uprising in the Poonch region¹⁸ and the local community in Poonch made contact through telegram with Quaid-e-Azam:

“Atrocious military oppression in Poonch...kindly intervene”.¹⁹

On 13th September 1947, Vallabhbhai Patel made approval the request from Jammu and Kashmir as “Secondment of Colonial Kashmir”, Singh Katoch and appointed as military advisor of Maharaja Hari Singh after the acceptance of Mehr Chand Mahajan as Prime Minister of the State of Jammu and Kashmir.²⁰ Mahajan, after taken the charge as Prime Minister of Kashmir, he met with Nehru and Patel in Delhi and revealed the willingness of Maharaja Hari Singh for the accession towards India on the condition of delaying political reforms and in response Nehru demanded release orders of Sheikh Abdullah from Jail²¹ and after ten days he was released. During 17-18 October 1947, a battalion from “Patiala State Forces” arrived in Jammu while a mountain battery working as artillery regiment posted in Srinagar.²²

Foreseeing the hovering shadows of death and bloodshed, a wave of uneasiness forced the western residents of Kashmir and they asked for assistance and shelter. In response of their request and appeals *tribal Lashkar* was launched from Waziristan in which more than 18 major tribes’ men participated and they entered into Muzaffarabad and took control over the Jhelum

¹⁷ Snedden Christopher, *Kashmir: The Unwritten History*, (India: HarperCollins). 2013. 43 (Published as *The Untold Story of the People of Azad Kashmir*, in 2012 also).

¹⁸ Hiro Dilip, *The Longest August: The Unflinching Rivalry Between India and Pakistan*, (India: Nation Books 2015), 115.

¹⁹ Zaidi Z. H., *Quaid-i-Azam Mohammad Ali Jinnah Papers: Pakistan: pangs of birth, 15 August-30 September 1947*, (Pakistan: Quaid-i-Azam Papers Project, National Archives of Pakistan, 2001), 594.

²⁰ Mahajan Mehr Chand, *Looking Back: The Autobiography of Mehr Chand Mahajan, Former Chief Justice of India*, (India: Asia Publishing House 1963), 124-25.

²¹ Raghavan Srinath, *War and Peace in Modern India*, (USA: Palgrave Macmillan, 2010), 106.

²² Lamb Alastair, *Incomplete Partition: The Genesis of the Kashmir Dispute, 1947-1948*, (USA: Oxford University Press, 2002), 114.

River Bridge on 22nd October 1947. Instead of tackling this issue, Maharaja ran away to Jammu and local administration started disarmament the Muslims in Srinagar and ordered them to migrate to Pakistan on same day.²³ Two days later, on 24th October 1947, a provisional government formally established by declaring Junjal Hills Palandari as its capital under the youngest leadership, Sardar Muhammad Ibrahim Khan.²⁴ On the same day, New Delhi received news of tribal military assistance in western parts of Kashmir through Gracey communicated to General Lokhart and from R. L. Batra, the Deputy Prime Minister of Jammu and Kashmir.²⁵ On 25th October 1947, Indian defence committee meeting headed by Mount Batten overviewed the whole scenario as:

*“On 24th October, the Maharaja’s administration sent an urgent request to New Delhi for military assistance to repulse the raiders. After a quick assessment of the crisis, the top Indian leaders were more than willing to oblige. However, Nehru, Patel and others were advised by Mountbatten, Governor General of Indian Dominion, not to send in troops without first securing the accession of Jammu and Kashmir to India, since military intervention prior to accession would in legal terms be an Indian invasion of a neutral territory”.*²⁶

This was ever worst situation in the valley, the local community was once again disgraced by the local administration on the communal basis, and even the Muslim policemen were disarmed. Muslims were tortured and forced to migrate, a massive migration was placed in October-November 1947 which settled in Azad Kashmir, Punjab and Karachi in millions. Azad Jammu and Kashmir legislative Assembly constituted twelve elected members from the refugees settled in Pakistan as six from the Jammu and also six from the Valley of Kashmir.²⁷ The circumstances of 24th October 1947 were narrated by Karan Singh, an heir apparent which referred at heading off a chapter by Victoria:

“Death and destruction were very fast approaching Srinagar, our smug world has

²³ Snedden Christopher, *The Untold Story of the People of Azad Kashmir*, 53.

²⁴ Ibid. P. 61

²⁵ Cheema Amar, *The Crimson Chinar: The Kashmir Conflict: A Politico Military Perspective*, (UK: Lancer Publishers, 2015), 58.

²⁶ Bose Sumantra, *Kashmir: Roots of Conflict, Paths to Peace*, (New Delhi: Vistara Publications, 2003), 35-36.

²⁷ <http://www.ajk.gov.pk>

*collapsed around us, and the wheels of destiny had turned full circle”.*²⁸

On 26th October 1947, the Indian defence committee advised V. P. Menon to fly Jammu and in picture with real ground situation and ask Maharaja to sign *Instrument of Accession* and Menon confirmed to fly on 26th October²⁹ and he did not fly to Jammu, and there will be no *Instrument of Accession* was signed on same day and hence Indian claim is fake. Victoria claimed this argument with a special reference of Symon’s Dairy of events of 26 October, as reported in a “*top secret*” letter to Sir Archibald Carter at the *Commonwealth Relations Office in London*, tells a different story:

*“3.30 p.m. In view of the importance of establishing contact [with Mr. V. P. Menon] without delay, I went to the Willingdon aerodrome at once to try and see him before the aeroplane took off [for Jammu]. I was told that the aeroplane was leaving from Palam aerodrome to which place, I went at once. I found Mr. Menon on the point of returning to Delhi because he had left it too late for the aeroplane to reach Kashmir before nightfall. I arranged with Mr. Menon to see him at his house about 5 p.m.”*³⁰

On 27th October 1947, Quaid-e-Azad ordered General Douglas Gracey to send troops in Kashmir and Gracey Disobeyed as he had stand down order from supreme Commander Claude Auchinleck. On 29th October 1947 Quid-e-Azam and Liaquat Ali Khan entered into war officially by deciding to maintain a force of at least five thousand tribesmen in Kashmir.³¹ On 31st October 1947, Sheikh Abdullah was appointed as the head of emergency administration in Kashmir. The ambiguity created here into multi-dimensionally, which is still questionable that General Gracey disobeyed Jinnah in the shelter of stand down order. Mountbatten met with Jinnah at Lahore to explain Gracey refusal meanwhile Major Brown announced a provisional government in Northern Areas on 1st November 1947.³²

Kashmir dispute in retrospect further a bit more when the Muslims in Jammu were forced

²⁸ Schofield Victoria, *Kashmir Conflict: India, Pakistan and the Unending War*, (London: I. B. Tauris & Co. Ltd., 2004), 49.

²⁹ Hajari Nisid *Midnight's Furies: The Deadly Legacy of India's Partition*, (Chapter-VIII). (Boston: Houghton Mifflin Harcourt, 2015), 189.

³⁰ Schofield Victoria, *Kashmir Conflict: India, Pakistan and the Unending War*, (London: I. B. Tauris & Co. Ltd., 2004), 57.

³¹ Hajari Nisid, *Midnight's Furies: The Deadly Legacy of India's Partition*, (Chapter-VIII). (Boston: Houghton Mifflin Harcourt, 2015), 196.

³² Das Gupta. & Bhusan Jyoti. *Jammu and Kashmir*, (USA: Springer, 2012), 113-14.

to migrate and vehicles were provided and massive convoy started their travel towards Sialkot but in near borders Indian invaders, militant groups and army persons³³ were attacked on armless migrants and a very few survived³⁴ and 6th November became a *Remembrance Day of Indian brutality and massacre of innocents in Kashmir*.³⁵ On 31st December 1947, India at last referred the *Kashmir Problem to United Nations Security Council* while Indian forces in leading position, invaded into western and northern areas as they will occupy whole but very interestingly forced not only to freeze on current position but also to plea in UNSC which indicates that it is a *well-executed planned conflict in Kashmir*. On same day, British Commonwealth Office investigated from Alexander Cadogan about plea who endorsed that India appealed to charge Pakistan as aggressor under the chapter six, article thirty-five and to take defensive actions under article fifty-one including pursuing invaders from Pakistan³⁶ and on 1st January 1948 UN Security Council considered the Indian appeal as Kashmir problem.

Soon after the acceptance of Indian plea in United Nations, British decided to send a special delegation to handle Kashmir issue in UNSC by sidestepping Alexander Cadogan who was permanent British representative in UN and charge taken by Commonwealth Minister Philip Noel Baker. Baker put forward a proposal for resolution of this conflict in United States State Council which is much suitable but fails to win United States support and further assistance the draft was:

*“Kashmir to be put under an impartial administration under the supremacy of United Nations appointed Chairman; Indo-Pak joint military forces, along with United Nations troops, to operate under a UN appointed commander in Chief”.*³⁷

On 5 January 1948, Pakistan and India made their presence in United Nations Security Council where Pakistan imposed many allegations on India including the genocide of sixth November 1947, aggressively occupation over Junagadh and other many serious conspiracies while India asked for its original referral and Pakistan very wisely demanded of evacuation of

³³ Abbas Chaudhary Ghulam, *Kashmakash*. (Muzaffarabad: Z. A. Printers, 2010), 25.

³⁴ Snedden Christopher, *Kashmir: The Unwritten History*, 2013, 53–54.

³⁵ PuriLuv, *Across the Line of Control: Inside Azad Kashmir*, (USA: Columbia University Press. 2013), 31

³⁶ Ankit Rakesh, *Britain and Kashmir, 1948: “The Arena of the UN, Diplomacy & Statecraft”*, **24** (2): 2013, 273–290.

³⁷ Ankit Rakesh, *Britain and Kashmir, 1948: “The Arena of the UN, Diplomacy & Statecraft”*, **24** (2): 2013, 273–290.

both; raiders and Indian occupied forces.³⁸ United Nations passed its Resolution number thirty-eight which stressed upon both Indo-Pak to ceasefire and refrain from further aggression, moreover, both requested to intimate UNSC about *material changes* in whole scenario. In the pause of three days Security Council passed its Resolution number thirty-nine by establishing tri-member investigative commission to explore the realities behind Kashmir dispute which became functional in May 1948. On 17th January 1947, UN Security Council decision which unanimously accepted by India and Pakistan which is as under:

“The President of UN should invite the representatives of India and Pakistan to take part in direct talks under his guidance in an effort to find out some common ground on which the structure of settlement might be built. Resolution was supported by nine votes with two abstentions (Ukraine & USSR)”.³⁹

Belgium proposed to establish three members Mediatory Commission and in last week of January 1948, Sheikh Abdullah met US delegate Warren Austin and demanded for the further fragmentation of India and support for independent Kashmir.⁴⁰ US took no interest in this meeting but in the month of January 1948, Baker mission at last won the support of western world on this main prospect that withdrawal of raiders would be impossible without major change in the govt. of Kashmir and draft resolution compiled in the light of the proposals of 10th January 1948 by United States, Canada and France solidifying Pakistan version about *Kashmir Question*.⁴¹

In the start of February 1948 Indian Cabinet threatening the United Nations which narrated by the Dasgupta that how they tactically overwhelming the lost situation into fruitfulness:

“India requested an adjournment of the Security Council discussion. The Indian Cabinet was said to be in favour of withdrawing the UN referral unless greater consideration was shown to India’s complaints and Security Council discussions were adjourned on 12th February 1948 and resumed on 10th March 1948”.⁴²

³⁸ Schaffer Howard B., *The Limits of Influence: America's Role in Kashmir*, (USA: Brookings Institution Press, 2009), 17.

³⁹ Resolution no.38 (1948), document no. S/651, adopted by the United Nation Security Council at its 229th meeting on 17th January 1948.

⁴⁰ Schaffer Howard B., *The Limits of Influence: America's Role in Kashmir*, (USA: Brookings Institution Press, 2009), 217-18.

⁴¹ Dasgupta C., *War and Diplomacy in Kashmir, 1947-48*. (Delhi: SAGE Publication, 2014), 119-20.

⁴² Ibid. P. 120

The narration about United States role in this issue during 1948-50, somehow well involved which could be determined in shapes of serious differences between US and UK official's accordance to methods and plans and US focused upon Pakistan to refrain the assistance of raiders, taken place interim government with limited role of commission of United Nations for the conduction of plebiscite in Kashmir. The British Cabinet Committee for the Commonwealth affairs first time discussed Kashmir Question on 27th February 1948 and proposed *completely neutral attitude* of British into Kashmir issue on the recommendation of Neol Baker and he advised to formulate the new approaches in this case.⁴³ UN showed more intention towards settlement of *Kashmir Question* and passed its Resolution 47 by extending the three to five members and named as United Nations Commission for India and Pakistan (UNCIP) to effort on:- (a). Pakistan withdrawal its nationals, (b) India reduces its forces to minimal level and (c) arrangement for plebiscite. Both India and Pakistan rejected this resolution but very interestingly promised to work with commission.⁴⁴

According to Joseph Korb, a representative of UNCIP who secretly recorded the Kashmir dispute and his book is labelled by Levi as "considered comprehensive and balanced statement of a contested topic" entitled "Danger in Kashmir" mentions:

*"Then came the first bombshell. Sir Zafarullah Khan informed the commission that three Pakistani brigades had been on Kashmir territory since May. He explained that the measure as an act of self-defence. The Indian army has opened a large scale"*⁴⁵

In arrival of UNCIP at Karachi and statement of Sir Zafarullah Khan encouraged India to pressurize the commission to declare Pakistan "*as aggressor*" but commission "*broached the possibility of partition*". Here, India considered it favorable but Pakistan denied. India tactically stopped military operations in the Leh and Poonch⁴⁶ but it proved as an attempt to divert UNCIP intention and UNCIP passed first resolution on 13th August 1948. India restarted its aggression towards Skardu but forced by UNCIP. They went back to Zurich to compile an interim report for UNSC and India got the chance and took control over Zoji La, Daras, eastern Poonch, Kargil and

⁴³ Ibid. P. 122-25

⁴⁴ Raghavan Srinath, *War and Peace in Modern India*, (USA: Palgrave Macmillan, 2010), 131-32.

⁴⁵ Korb Joseph, *Danger in Kashmir*, (USA: Princeton Legacy Library, 1954), 79-125.

⁴⁶ Bajwa Kuldip Singh, *Jammu and Kashmir War, 1947-1948: Political and Military Perspective*, (India: Har-Anand Publications, 2003), 24.

Nowshera.⁴⁷

UN Security Council came into action and forced both India and Pakistan to freeze the position and ceasefire agreement was signed on 1st January 1949 and an agreement was signed between General Gracey on behalf of govt. of Pakistan and General Roy from India⁴⁸ and this ceasefire line latterly defined in *Indo-Pak Karachi agreement* dated 27th July 1949⁴⁹. After prime modifications and prime refining to make it implantable of resolution of 13th August 1947 and UNSC passed its resolution number ninety-one on 5th January 1949 which was an explanation of UNCIP resolution dated 13th August 1948 which assured Kashmiris that they will decide their future in the respect of their aspirations as self-determination through; Ceasefire, Truce Agreement and Plebiscite.⁵⁰ Initially, it was jubilated by considering complementary framework which further strengthening by proposing the plebiscite administer Chester W. Nimitz with reference of subject file S-0692 of archives of United Nations.⁵¹ At last United Nations commission for India and Pakistan dissolved on 14th March 1950.⁵² General McNaughton, also found a proposal to resolve this issue. In reply Pakistan showed unconditional assurance to India to stop the tribal incursion for demilitarization preparatory to plebiscite but India after given consent, latterly refused.⁵³

In response of this article Pakistan has signed an agreement with government of Azad Kashmir named *Karachi agreement* which kept confidential till 1990.⁵⁴ An announcement was made by Hari Singh that “his decision to abdicate, appoint his son Karan Singh, the Prince Regent”.⁵⁵ A major breakthrough for India on 17th October 1949, when Constitutional Assembly

⁴⁷ Ibid. 26.

⁴⁸ Schofield Victoria, *Kashmir in conflict, India, Pakistan and the Unending War*, (London: I. B. Tauras & Ltd. Co, 2000), 69.

⁴⁹ United Nations Peacemaker, “*Agreement between Military Representatives of India and Pakistan Regarding the Establishment of a Cease-fire line in the State of Jammu and Kashmir*” (Karachi Agreement). See: <http://peacemaker.un.org/indiapakistan-karachiagreement49>.

⁵⁰ "Resolution adopted at the meeting of the United Nations Commission for India and Pakistan on 5 January, 1949".

⁵¹ <https://search.archives.un.org/downloads/united-nations-commission-for-india-and-pakistan-uncip-1948-1950.pdf>

⁵² <https://www.canada.ca/en/department-national-defence/services/military-history/history-heritage/past-operations/asia-pacific/united-nations-military-observer-group-india-pakistan.html>

⁵³ Proposal of General A.G.L. McNaughton, President of the Security Council of the United Nations, pursuant to the decision of the Security Council taken at its 457th meeting, on 22 December 1949.

⁵⁴ Snedden Christopher, *Kashmir: The Unwritten History* 2013, 90, 342.

⁵⁵ Gupta Das, *Jammu and Kashmir* 2012, 185.

adopted article 370 ensuring the special status of Jammu and Kashmir, assuring internal autonomy and limited Indian jurisdiction with three items (Defence, Foreign Affairs, and Communications) as Indian subject under *Instrument of Accession*; Sheikh Abdullah supposed it conditional.

On 30th March 1951, after the termination of UNCIP, the UNSC decided to monitor 740km long ceasefire line of Jammu and Kashmir through a group named as United Nations Military Observer Group for India and Pakistan (UNMOGIP) whose functions were observe and report, explore and investigate the complaints of ceasefire line violations and report to Secretary General of UN actual realities and fact findings.⁵⁶ Somehow the functions of this observer group lapsed but UNSC continued the function of this group because there is no resolution about its termination.⁵⁷

A well reputed, characterful, highly distinguished personality whose career consisted upon thirty-four 34 years as a justice of High Court, 5th Chief Justice in Australia and also a leading jurist Sir Owen Dixon was nominated as mediator on Kashmir issue by United Nations on 14th March 1950.⁵⁸ After submission his proposal, he met with Nehru three years later, Dixon expressed his mastery about Kashmir issue which he recorded in his diary dated 1st June 1953 as:

"Of all the people who had dealt with the Kashmir question, I was the only man who came to grips with it".⁵⁹

Dixon worked a lot to resolve this conflict with multidimensional approaches: he proposed United Nations Security Council's resolution-based solution and later down few fragmentations plan in accordance with communal and geographical linkages of the state of Jammu and Kashmir with India and Pakistan. For the plebiscite, his proposal was duly quoted:

"He attempted to address the Azad Kashmir territory by suggesting that administrative responsibilities be assigned to the local authorities. These district magistrates would be supervised by UN officers. India rejected this proposal. Sir Dixon then suggested establishing a single government for the whole State of Jammu Kashmir during the period of the plebiscite. This coalition government

⁵⁶ <https://unmogip.unmissions.org/background>

⁵⁷ Christy Shucksmith, and White, Nigel, "United Nations Military Observer Group in India and Pakistan (UNMOGIP)", *The Oxford Handbook of United Nations Peacekeeping Operations*, (Washington: Oxford University Press, 2015), 139.

⁵⁸ <https://frontline.thehindu.com/the-nation/article30246359.ece>

⁵⁹ Ibid

*could be composed of the two hitherto hostile parties; a neutral administration by trusted persons outside politics; or an executive constituted of United Nations representatives. Even this alternative was rejected by India and Pakistan.”*⁶⁰

The proposal of plebiscite in whole valley was denied by Nehru which was reported by Dixon own:

“(But he was in no doubt, why they were put) as he mentioned privately in a letter: [If such a plebiscite was taken freely and fairly (India) would undoubtedly lose it.] Bajpai agreed, expressing his personal view”.⁶¹

Obstructing and barricading by India and Pakistan, Dixon proposed most applicable and amicable settlement of Kashmir dispute in alternative plans. The first plan was really impressive one that plebiscite should conduct on region-to-region impartially and transparent with the power of vote and every region should be independent whether it wants to go either with Pakistan or India. Here Pakistan made a categorical denial that India promised a full fledged plebiscite in whole valley and will access to any of the dominion on the result of majority vote casted while India slightly showed willingness to conduct plebiscite only in valley and its adjacent areas. The plebiscite will be supremely conducted under the formulas and authorities of United Nations officers after complete demilitarization.⁶²

Soon after Dixon came with another more applicable formula that made him fame in Kashmir dispute and known as “Owen Dixon Plan”. According to this plan, Ladakh will annexed to India and Northern Areas to Pakistan, Jammu spilt between the two on communal basis and envisaged an impartial and transparent plebiscite in the valley of Kashmir.⁶³ Pakistan be reluctant initially but after some time, Pakistan agreed and then Nehru rejected on the conditions of plebiscite which will lead by withdrawal of complete forces.

After comprehensive contribution of Dixon, Dr. Frank Graham sent by United Nations to ease the Indo-Pak tension on Kashmir dispute on 30th April 1951 and he made his trip during 30th June 1951 with the thematical approach to prepare a ground for the plebiscite by reduction of forces in the State of Jammu & Kashmir. Graham sketched a fresh draft on 16th July 1952 which

⁶⁰ Hussain Syed Rifaat, *Resolving the Kashmir Dispute: Blending Realism with Justice*. (Islamabad: The Pakistan Development Review, vol. 48, no. 4, 2009), 1007–1035.

⁶¹ <https://frontline.thehindu.com/the-nation/article30246359.ece>

⁶² A.G. Noorani, “*The Kashmir Dispute 1947-2012*”. (India: Oxford University, 2014), 235.

⁶³ <https://frontline.thehindu.com/the-nation/article30246359.ece>

shows the reduction of Indian and Pakistan forces in Kashmir. Pakistan can hold only 3000-6000 forces size while India 12000-18000 but these figures did not show the irregular official, state militia and Scouts in Gilgit Baltistan.⁶⁴ Pakistan hopefully accepted this India rejected it and asked to fix a number of irregular forces in Kashmir on Pakistan side and demanded for 21000 troops including state militia and Pakistan only allowed 4000 civilian forces. Graham tried to mediation further and seizing Pakistani forces in same size and increased Indian 21000 troops as per its demand. He wrote about his proposal which published in the US State Department Documents:

*“The heart of the integrated programme for demilitarization and the plebiscite, is the induction into office of the Plebiscite Administrator. This was made a central part of the twelve proposals, original and revised.... His induction into office follows upon the solution of the crucial problem of the character and number of forces to remain on each side of the ceasefire line at the end of the period of demilitarization”.*⁶⁵

In response of Graham proposal UN Security Council passed a resolution to ask Pakistan and India to direct negotiate on this question of Kashmir and negotiation conducted in Geneva and soon this approach resulted in vain and on 27th March 1953, Dr. Graham mediatory role came to an end. In the light of above discussion, the most suitable solution was presented by the UNCIP in its resolution of 5th January 1949. Respecting the aspirations of the people of Kashmir, Pakistan constitutionally guaranteed the in her constitutional under article-257 entitled:

“Provision relating to the State of Jammu and Kashmir

*257. When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State”.*⁶⁶

It's India, always relegated all those proposals which directly and indirectly linked with resolution of Kashmir conflict and peace in the region. On 5th August 2019, India abrogated article-370 of its constitution which undermined all useful and implacable proposal for the

⁶⁴ Foreign Relations of the United States 1951. United States, State Department. Volume VI, Asia Pacific, par-II. (Washington: US Government Printing Office). 1977. pp. 1830-70.

⁶⁵ Department of State, United States of America. Vol: XXVII, No: 680, Publication: 4654. (Washington: US Government Printing Office) Washington D. C. 1954. P. 630

⁶⁶ http://www.na.gov.pk/uploads/documents/1549886415_632.pdf.

settlement of this dispute. It is also an open assumption that whenever the Kashmir Conflict resolved peacefully, Dixon plan will be only choice otherwise, it wait for a “Big Bang” which not only defragmented India also disintegrated its vitality and position. Now, it’sup to both; Pakistan and India, a stich in time saves nine.