

India's Kashmir Policy and India: Pakistan Relations

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Abstract

The role of misperceptions and enemy images in Indo- Pak conflictual relationship has evolved since pre-independence period. Kashmir Problem is the bone of contentions between India — Pakistan relationship. Kashmir is not a mere territorial dispute. Kashmir is an integral part of India. India's Kashmir policy has two dimensions : one directed at the state of Jammu and Kashmir as a domestic problem of center-state relations and the other for dealing with Pakistan. India's attempts at assimilating the state of Jammu and Kashmir into the Indian mainstream have received setbacks due to Indian Government's errors as well as the Pakistani policy of extending two- nation theory to the state and its support to the militants fighting in the valley for self-determination, apart from the military interventions in 1947, 1965, 1971 and 1999. Over the years India's policy on Kashmir has proved to be more effective than that of Pakistan's. Kashmir has ideologically been nearer to India than to Pakistan — a factor which has made India's anti- irredentism more effective than Pakistan's irredentism. But with the erosion of Kashmiryat and the wounded psyche of the Kashmiri people that ideological advantage to India may well have been lost. Herein lies the challenge to India's policy-makers to face the twin ideological threats, one from Pakistan and the other from the erosion of the psyche of Kashmiri people based on Kashmiryat or harmonious coexistence.

Keywords: *Balkanization , Proxy War, Insurgency, Plebiscite, Geo-Politics*

Introduction

India and Pakistan- rather the whole of the South Asian region- have the ethnic, cultural, linguistic and historical commonalities which should have been factor for bringing the region together and promote cooperation. But it could have never happened without a political will. On the contrary, the South Asian leadership chose to exploit these very commonalities and turned them into potent security threats. India's diversities were perceived by Pakistan as its vulnerabilities which would eventually lead to India's 'balkanization'. Pakistani attempts at raising the issue of irredentism in Kashmir became a part of its larger

strategy to exploit India's vulnerabilities and thus tilt the balance of power with India in its favour. Pakistani irredentism based on two nation theory or religious ideology and Indian anti-irredentism based on one nation and secular ideology became a precipitating factor in the conflict over Kashmir. Involvement of external powers and internationalisation of the issue has on the one hand added to the complexity of the issue, making the resolution all the more difficult, and on the other it has enhanced India's threat perception. Kashmir Problem in the bone of contentions between India — Pakistan relationship. The role of misperceptions and enemy images in Indo- Pak conflictual

relationship has evolved since pre-independence period. Sisir Gupta traces the background of Indo-Pak ideological divergence and the dispute over Kashmir :

The major factors of the conflict are the images that India and Pakistan had created of themselves on the eve of Partition. For the Congress, the old India continued to exist as an entity, though the secession of some areas was agreed to in the conviction that what remained would be integrated into a stable, strong, secular and unified State. The Muslim League envisaged that the Muslim majority areas in the northwest and east India, constituted into a separate state, would grow into a strong, strategically vital Islamic State.

What was more, this latter State would become as important as India, or indeed even stronger than India, which might well be balkanized into independent units, due to the "Sovereign" rights of the princely States; there was no finality about the political map of the subcontinent when India and Pakistan emerged as independent States on 15 August 1947. (Gupta Sisir, 1966)

The origins of the conflict over Kashmir have been attributed to four major sources. They are : (1) the existence of two competing ideologies in the sub-continent, (2) irredentism on the part of the Pakistani leadership, (3) the strategic location of Kashmir, and (4) the lack of sufficient institutional arrangement by the British to ensure an orderly transfer of power. India's policy response to the threat over Kashmir has taken into account all these sources attributed to the continuing conflict. However, the most important factor in India's Kashmir policy has been the ideological one. Its possession has enabled India to "claim that Muslims could live without fear of discrimination or harassment in a predominantly Hindu state built upon secular principles. (Ganguly S., 1947)

Nehru intended to solve the Kashmir issue in a fair manner. He stated :

Even at the moment of accession we went out of our way to make unilateral declaration that we would abide by the will of the people of Kashmir as declared in a plebiscite or referendum. We insisted further that the Government of Kashmir must

immediately become a popular government. We have adhered to that position throughout and we are prepared to have a plebiscite, with ever protection of fair voting, and to abide by the decision of the people of Kashmir. (Nehru J., 1946-61) Nehru was committed to political approach, rather than a military solution to resolve India's problems with its neighbors. He took the Kashmir question to the United Nations at a time when Indian forces were pushing back the Pakistani invading tribesmen in late 1947. He did so for two reasons : One, it would vindicate India's political approach to resolve the Kashmir issue. Two, India did it as an act of faith in the Charter and the impartiality of the United Nations, particularly in its objective of pacific settlement of disputes.

Nehru observed: I must confess that I have been surprised and distressed at the fact that the reference we made has not even been properly considered thus far and other matters have been given precedence... our making a reference on the issue to the Security Council of the United Nations was an act of faith, because we believe in the progressive realization of a world order and a world government. In spite of many shocks, we have adhered to the ideals represented by the United Nations and its Charter. (Nehru J., 1946-61)

India's decision to taking the Kashmir issue to UN did not yield desired results. Nehru belatedly realized this and regretted having gone to an organization that was riddled with power politics. Soon the issue got internationalized. Great powers got an opportunity to play their games in the India-Pakistan dispute. It is considered a wrong diplomatic move on India's part to ask the Security Council to take action under the Chapter VI and not Chapter VII of the Charter. The Kashmir question was referred to the UN as "a situation" under Chapter VI of the Charter for pacific settlement, and not as case of aggression by Pakistan under Chapter VII of the Charter calling for enforcement action. The UN Security Council ordered a ceasefire, and on January 24, 1948 also voted on the holding of a plebiscite in Kashmir. The resolution envisaged complete withdrawal of

Pakistani troops from Pakistan occupied Kashmir (PoK) as a precondition to the holding of a plebiscite. That the UN Security Council could not get the Pakistani troops out of PoK further complicated matters, in spite of India's best intentions to holding a plebiscite. In fact, Nehru was confident if a plebiscite were held at that stage, the people of Kashmir would opt to be part of India than Pakistan. Ground realities changed soon.

India found the material change in the situation over the issue of Kashmir. Pakistan did not withdraw its troops from the state. Before that, Pakistan had already displayed its policy towards India based on aggression. Elections for a Constituent Assembly were held in the State of Jammu and Kashmir in 1951, and the Constituent Assembly as well as the State Legislative Assembly approved the State's accession to India. The preamble to the state's constitution reaffirmed that "the state is and shall be an integral part of India." Moreover, Pakistan became a partner in the Western Military alliance system. The Cold War influences and pressures in South Asia added new dimension to the security environment between India and Pakistan. By now India lost faith in the credentials of the neutral actors. Thus, geo-strategic and political environment necessary for holding a plebiscite in Kashmir was absent. India's calculations changed and the issue of conducting a plebiscite in Kashmir took a backseat in its Kashmir policy.

Moreover, India's attempts at imparting constitutional sanctity to Kashmir and integrating the state into the Indian Union further reduced the possibility of holding a plebiscite. According to India, Pakistan violated its own stand on the question of Kashmir's status by negotiating a part of Kashmir with China in 1963. India argued that the boundary alteration was illegal and, therefore, Pakistan had further complicated the Kashmir issue and virtually blocked any chances of holding a plebiscite.

India's approach of constitutional adjustments for integrating Kashmir have been subject to Pakistani protests. Pakistan has charged India with obstructing a fair settlement of the dispute. It has accused India of attempting to integrate Kashmir

by side-stepping the will of the people. However, India reiterated that the integration of Kashmir was irrevocable and not negotiable. Moreover, according to one view, Article 370, under which Kashmir's special status was defined, would be eroded gradually in accordance with the wishes of the state government until Kashmir was fully integrated. (Lok sabha debates 1963)

Krishna Menon outlined the basic Indian approach to Kashmir before the UN Security Council on February 21, 1957 : The state of Jammu and Kashmir is a constituent unit of India by law, by equity, by every moral and political consideration, and the only authority that can legally separate the state is the sovereign Parliament of India. The territorial integrity of the state of Jammu and Kashmir is inviolable, India cannot accept the situation of the so-called de facto occupation of part of Kashmir by Pakistan; this means that the sovereignty of the Jammu and Kashmir government over the whole area and the responsibility of the Union of India for the security of the Union as a whole cannot be questioned.

By the mid-sixties the great divide between India and Pakistan was complete with the US backing Pakistan, and India relying on the Soviet diplomatic support to block UN plebiscite resolutions on Kashmir. South Asia was now well within the orbit of the Cold War. Islamabad's abortive attempt to take Kashmir by force in 1965 made the peaceful resolution of the dispute all the more difficult to achieve. During 1971 war also Kashmir became one of the Pakistani targets. The very fact of the two countries having gone to war thrice over this issue has been a factor in negating any rational solution of the problem. Nehru, though genuinely searching for a solution on Kashmir, was always skeptic of Pakistan's real intentions :

Kashmir was not the cause but the result of Pakistan's ill will and Nehru believed that, even if a settlement on Kashmir were reached, it would be followed by further demands. (Gopal S. 1989) For Pakistan, Kashmir is an unfinished agenda of the partition; for it the resolution of the Kashmir issue is the prerequisite for any normalization of relations between the two countries As for India, the issue is no less significant.

J.N. Dixit elaborates: To India also Kashmir is the core issue affecting not only its security and stability but also geo-political equations between all countries within South Asia's land mass. It is the core issue because the manner in which India deals with the problem in Kashmir, the manner in which both India and Pakistan resolve this problem and the manner in which the international community reacts to the situation profoundly affects the existence of the Indian Republic as a democratic, multi-lingual, multi-religious and multi-ethnic pluralistic state. (Dixit J.N. 1995)

The above perspective of India on Kashmir forms the rationale of India's policy towards Pakistan on the irredentist issue.

The Strategic Context

The dispute over Kashmir has significant security dimension. The strategic context of the problem must be related to both domestic and external environments. However, the external environment determined India's policy on Kashmir in no less a significant way than did the internal political environment of Kashmir itself. Kashmir has been of great strategic importance to both India and Pakistan as well as to great powers. The strategic context of Kashmir needs further elaboration.

The geographic position of Kashmir has great strategic importance for India. The Jammu and Kashmir state is surrounded by Sinkiang province of China and Tibet in the north and east respectively, by Afghanistan in the northwest, by Pakistan in the west. After the disintegration of Soviet Union, the Central Asian countries are its close neighbors. The Indian states of Punjab and Himachal Pradesh are with its southern boundaries. Therefore, security of Kashmir is vital to the security of India. Nehru grasped the geo-strategic importance of Kashmir for Indian security thus:

Kashmir, because of her geographical position with her frontiers marching with three countries, namely the Soviet Union, China and Afghanistan is intimately connected with the security and international contacts of India. Economically also Kashmir is intimately related to India.

Since independence India has lost the western areas to Pakistan and the eastern area of Aksai

Chin to China. General Afsir Karim opines that India has been marginalized in Kashmir and, therefore, it should ensure against any further setbacks to its security. He elaborates :

Our Army faces two fronts here, one against the Chinese, the other against Pakistan, which includes our precarious perch over Siachen Glacier. Thus, between 1947 and 1962 India has been marginalized in this strategically and politically important region. We have to, therefore, hold and safeguard Shyok, Leh and Srinagar valleys resolutely. The occupation of North-western areas of Ladakh by Pakistan have precluded a direct overland route between Afghanistan, Central Asia and India. This is a major strategic setback from the Indian point of view; the country cannot afford any further such setbacks. (Karim K.M.J et. al. 2014)

Similarly, Pakistan has viewed Kashmir as integral to her security. Accession of J&K to India was considered as a 'threat to the security of Pakistan.' The Pakistani Prime Minister Liaquat Ali Khan observed that the security of Pakistan was bound up with that of Kashmir. He was of the view that Pakistan cannot defend herself against any Indian attack, given the strategic location of Kashmir. Pakistan has related the strategic importance of Kashmir to its national psyche on the dispute. Therefore, the Pakistani perception that without Kashmir "We would remain permanently exposed to a threat of such magnitude that our independence would never be a reality. Surely that was not the type of Pakistan we wanted." (Karim K.M.J et. al. 2014)

In fact, this psycho-strategic imperative explains the interest and role of the Pakistani ruling elite in precipitating the Kashmir issue against India's unity and integrity. It will not be wrong to say that the Indo-Pakistani conflict over the issue of Kashmir has originated and continued because of the recognition of the psycho-strategic importance of Kashmir by both countries. India's security and threat perception arising out of the strategic importance of Kashmir must be evaluated in terms of not only a range of threats originating from Pakistan within the subcontinent but also from outside the region. Kashmir's strategic importance,

therefore, is invariably linked to the cold war geo-politics and the interests of external powers.

The British rulers of India had recognised the strategic importance of Kashmir. British interest in India's northern frontier became alive after the communist regime was established in Russia in 1917, and this interest continued to occupy a central place in British strategic policy until the transfer of power. It may be recalled that Mountbatten played a crucial role in the fate of Kashmir.

He accepted the Instrument of Accession with the condition that after law and order had been restored, the question should be settled by a reference to the people. He was also instrumental in influencing Nehru to take Kashmir issue to the UN for settlement. In this regard, Ajit Bhattacharjee states that "Considerations of furthering British policy as well, however, may not have been entirely absent from Mountbatten's mind". (Bhattacharjee A.1994). It was through international agencies that "British help and influence both in India and elsewhere might be most effectively brought to bear". (Campbell A.-Johnson 1951) In other words, strategic importance of Kashmir was there while the policy-formulation took place in Britain towards India both before and after the partition. The onset of the Cold War and the foundation of the Communist regime in China in 1949 enhanced the strategic importance of Kashmir. The onset of the Cold War and the foundation of the Communist regime in China in 1949 enhanced the strategic importance of Kashmir.

However, India was more concerned at the dangers to its security from Pakistan's entry into Western military alliances in the fifties, and later in early seventies, the emergence of Washington - Islamabad - Beijing Axis. Pakistan took full advantage of the Cold War Super Power rivalries to further its interests vis-a-vis India. All this transformed Kashmir's geo-political context. Cold War came as a blessing for Pakistan's ruling elite, and brought unwelcome difficulties for India. Cold War, indeed brought unwelcome consequences for both India and Pakistan as they entered a vicious race for arms build-up at the cost of development, and

the resolution of Kashmir became all the more difficult.

The process of improvement in Indo - Pak relations that was underway since the Shimla Accord of 1972 was reversed after the onset of the second Cold War in the wake of Soviet invasion of Afghanistan in 1979. The Cold War geo-politics also reflected in the voting pattern of the US and the former Soviet Union in the United Nations over the Kashmir issue.

Internationalizing the Kashmir Issue

India has faced dangers to its strategic interests and secular principles due to Pakistani attempts at externalizing the Kashmir issue and also roping in the Muslim countries of OIC (Organization of the Islamic Conference) on the premise that Kashmir is the problem of the entire Muslim world. Recently, at the summit of member states of the Economic Cooperation Organization (ECO), Pakistan failed to get a resolution on Kashmir adopted. Noted that ECO being an economic cooperation is not a political organization and it is not an appropriate forum for seeking solution to political problems. Establishment of a 'Contact Group' on Kashmir by some member countries of OIC has not gone down well with India. According to India it amounts to interference in its domestic affairs. However, many Islamic countries have reposed faith in the Shimla Accord.

They cannot overlook the fact that India is a home to 201 Million's Muslims; therefore, raking Kashmir as an issue based on two-nation theory is untenable. The expanding economic ties with India have also been an important factor in the stand of the Muslim countries on the issue of Kashmir. Moreover, differences of the Muslim countries, notably that of Iran, with Pakistan and concurrence on policy matters with India (as on the issue of Pakistan's role in Afghanistan) have come as setbacks to Islamabad's overconfidence on getting blind support from all Islamic countries on the Kashmir issue.

Pakistan has accused India of indulging in serious human rights violation in Kashmir and has raised the issue at global forums to embarrass

India. However, Pakistan has not succeeded in its moves to garner much support on the issue. A Pakistani sponsored resolution on Kashmir at the UN Human Rights Commission conference in Geneva in 1994 had to be withdrawn by it due to pressure from the European Community, Iran and, notably, China.

Indo-Pak relations have suffered reverses due to Pakistani attempts at internationalization of the Kashmir dispute much against the Shimla spirit. As far as internationalization of the Kashmir issue is concerned, Pakistan has followed a rather inconsistent policy line. Abha Dixit says:

The Kashmir issue was put differently to different audiences. To the OIC, it became a Muslim cause, to China, it pitched its strategic alliance on Kashmir, and to the West, the linkage between a potential nuclear conflict in South Asia and Kashmir was stressed: (Dixit A.1995)

India believes the more the issue is internationalized, the less the chances of finding an amicable solution to the problem. Such a policy on the part of Pakistan will only complicate matters further and only serve to harden India's stand on the issue which is already visible. For instance, in response to what Pakistan calls Kashmir as the 'unfinished agenda of partition', the Indian Prime Minister Narasimha Rao reacted by saying that "the only unfinished task in Kashmir was the restoration of Pakistan occupied Kashmir to India. (Vinod M. J., 1995)

Insurgency: Pakistan's Proxy War

Pakistan has admitted to giving what it calls, 'moral, diplomatic and political' support to militancy in Kashmir. In fact, its support goes beyond it. Pakistan has engineered militancy, given training and supplied weapons to militants in Kashmir. President Zia made no secret of the fact that his Government was always prepared to give full support to secessionist elements in the state though such a policy was in flagrant violation of the Shimla Agreement. Such a support to insurgency in Kashmir has only complicated the issue and made the solution more difficult.

Pakistan has adopted the strategy of proxy war or low intensity war after the futility of its war

efforts to take Kashmir by force. In this proxy war the ISI has been deeply involved. It has evolved and carried out strategies for insurgency activities in Kashmir. Pakistani support to separatist and terrorist activities in Kashmir, as elsewhere in India, has entered the phase of psychological warfare in which both sides are trying to win the hearts and minds of the target group. India's success recently in starting the democratic process by holding elections to Parliament and Assembly in the state has turned the psychological warfare in India's favour and inflicted a severe setback to Pakistan's proxy war. For any meaningful dialogue on the intractable issue of Kashmir, material support to militancy must come to an end.

India's Kashmir Policy

The management of the Kashmir issue has been the greatest challenge to India's domestic and foreign policies. India's policy on Kashmir has an internal dimension as a problem of centre-state relations and the external dimension for dealing with Pakistan and the intrusive role of the external powers on the issue. India's policy in Jammu and Kashmir has faced two challenges: (1) curbing the insurgency and (2) restoring and consolidating the popular government.

Kashmir is an important issue in Indian politics. All the major political parties are unanimous on the finality of accession of the State to the Indian Union. Whatever solutions have to be found must be within the framework of the Indian constitution. It is considered an internal matter of India. Any questions raised about its status either by Pakistan or any other country are treated as interference in its internal affairs. However, this is the official line. Unofficially, at present a degree of introspection is visible over the Kashmir question. A lot of rethinking and reviewing objectively some of the actions and calculations of the past can be discerned, even in circles generally considered as pro-establishment.

All parties agree to Kashmir being an integral part of India. But there are differences among them on the question of how to deal with or approach the problem. The Congress Party's approach has been that of maintaining the status quo in Kashmir. It

wants the Article 370 of the Indian constitution to remain undiluted in the present form. Its strategy of curbing the militancy has included both military and political means but it is ready for any meaningful dialogue with the militants. The party believes in restoring democracy at the earliest. The Bhartiya Janata Party (BJP) has described the Congress approach as 'soft' and an appeasement policy. It has adopted a hardline attitude towards the Kashmir problem. Main ingredients of its approach on the issue are : abolition of the Article 370; hardline methods to deal with militancy; not ruling out right to hot-pursuit in Pakistani areas; and not to hurry up for restoring democratic process there until militancy is totally curbed on 5 August 2019 Modi led NDA Govt. abrogated article 370 from constitution of India and bifurcated the state of Jammu and Kashmir into two union territories namely Jammu and Kashmir and Ladakh. Janata Dal and other parties, 'left of the centre' and the Leftist parties, believe in giving greater autonomy to Kashmir for resolving the problem. Some strategically important questions arise over the issue of granting greater autonomy to Jammu and Kashmir : Will it not set a precedent for similar demands by other states where the problem of militancy has been witnessed and even secessionist demands have been made as in North eastern states, Punjab and Tamil Nadu? Will granting of greater autonomy make Pakistan give up the irredentist claim based on religion? Can "the wishes of the people" in the State be equated with greater autonomy? Will the granting of greater autonomy subsequently not stimulate and lead into the next stage-independence? Of course, these are hypothetical questions but they definitely carry strategic meaning in view of the complex problem where India's efforts alone are not enough for solving the problem. Pakistani attitude is more important for any solution to the intractable problem. However, about the policy outlines of various political parties on the Kashmir problem, one thing must be noted: populist motives have not been absent while formulating these approaches towards the Kashmir problem.

BJP led NDA Government in recent strategy to regain the political initiative in Kashmir was laid

on various measures such as : administrative overhauling; formation of a Unified Command to improve coordination of counterinsurgency operations among the security forces and between them and the civil administration; rehabilitation of detained militants; launching of various developmental, educational and employment schemes ; opening dialogue with Kashmiri political leaders and also militants.

These measures were directed at countering insurgency and restoring democracy in the state by a combination of political and military ingredients. The Governor to the state, Satpal Malik has extensively worked on Indian security. He emphasizes the appropriate mix of political and military ingredients in Indian counter-insurgency strategy. Insurgency is basically a political struggle and needs political actions to eliminate it. The use of force or military means on their own, will not solve the problem. Force is essential, is early necessary to bring the situation under control. He cautions against the alienation of the people but at the same time emphasizes on isolating the insurgents. He outlines his strategy:

Concurrently, political, economic and sociological measures will have to be taken to deal with the main causes of insurgency. Thus, it is a combination of the requisite force and political efforts, that would bring insurgency under control and restore normalcy. It is vital that there is great understanding, cooperation and coordination between the civil and military, for success to be achieved in counter insurgency operations. (I.T, 2019)

Ajit Bhattacharjee in his book, "*Kashmir the Wounded Valley*", explains the reasons of the failure of Indian government in emotionally integrating the state with the Indian Union and analyses erosion of Kashmiriyat and alienation of Kashmiris from India. Kashmiriyat, according to the author, underlies the urge for self-determination due to its unique and eclectic nature. This was bound to clash with the Indian government's objective of national integration. But this unique culture, called Kashmiriyat, also kept the Muslims away from joining Pakistan either. Natural tendency for the followers of Kashmiriyat was independence. But

given the choice between Pakistan and Indian (in case independence became unachievable) they would join Nehru's and Gandhi's secular democratic Indian Union. Moreover, the author's view is that 'social relations in the valley were not as sharply divided on communal lines as a superficial reading of the darker aspects of history may suggest. He contends that the Muslim separatism in the valley was fueled by Hindu revivalism. Bhattacharjea attributes the principal reasons for Kashmiri alienation from India to the erosion of special status accorded to Kashmir when it joined the Union, the emasculation of its leadership and political identity, leading to the dismantling of popular rule, and fears of Hindu revivalism. According to him, the challenge is "the reconciliation of local nationalism with Indian nationalism. (Bhattacharjea A.,1994) Bhattacharjea believes that the heart of the problem is the valley, where Kashmiriyat, Islam and post-accession ties to India are pulling in different directions. These anomalies must be corrected to bring peace in the valley. However, it may be added that what Sheikh Abdullah once thought holds water, that Kashmir would continue to suffer as long as it was the arena of Indo -Pakistan animosity.

Jagmohan was appointed for the second time the Governor of Jammu and Kashmir in January 1990. He formulated a Ten-point strategy to curb insurgency and restore democracy in the state. This Ten-point strategy included : putting strong and sustained pressure on pro Pakistani militants; concentrating on rebuilding the civil administration; eliminating indirect help to militants by way of civil works and "appeasement recruitment" ; organizing counter guerrilla groups; keeping an honorable line of retreat open for the new leadership not involved in heinous crimes; and finally, bringing home to all concerned that, if fair gestures are not responded to, Article 370, which is being currently misused to cause internal subversion and facilitate external intervention would be abrogated. According to him Kashmir is "not a problem of Kashmiri identity or Kashmiriyat, but a problem of poor development." He further added, "vested interests are stoking religious feelings to

cash in on people's gullibility. He has suggested a hardline approach towards greater autonomy and elections in the beleaguered state as he fears that elections will only boost secessionism.

He refuses to draw a parallel with the Punjab problem which was considerably improved after the elections to the state assembly took place and a popular regime was installed there.

As a matter of fact, such a hardline approach to Kashmir will not yield desirable results. India's any failure to restore and consolidate the democratic process in the state will (a) further alienate Kashmiris from the national mainstream, and (b) India's position on the issue in the international forums will become weak.

India's anti-irredentism and its policy on Kashmir as an inter-state issue is based on the Shimla Accord of July 1972. The Accord provided the framework within which Indo - Pakistan relations would evolve. India's policy towards Pakistan has been based on good neighborly relations and pacific settlement of all outstanding disputes between the two countries since the partition. The Shimla Accord emphasized the same approach but now the mechanism of bilateralism had to be adopted to solve the bilateral problems, thus minimizing great power interference in South Asia. Moreover, India has adopted a status quest policy on the issue of Kashmir.

A problem like Kashmir cannot be resolved without making some compromises. India, on its part, did not hesitate to make concessions at the Shimla Summit in 1972 to Z. A. Bhutto in the larger interests of peace in the region. India's sincerity of purpose for making peace with Pakistan is considered above board as it agreed to part with one third of the territory of J & K, returned the Pakistani area it had occupied during the war, released 90,000 prisoners-of-war and above all, did not force Bhutto into signing on the dotted line in regard to turning the LoC (Line of Control) into an international border. India used the Shimla conference for promoting peace-dividend between India and Pakistan. The sub-clause 4 (ii) of the Shimla Accord says : In Jammu and Kashmir, the line of control resulting from the ceasefire of

December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or use of force in violation of this line. P.N. Dhar, a key figure in Indo - Pak negotiations during the Shimla summit, says that the Shimla Agreement not only envisages how to solve the Kashmir problem but is in itself the solution. He further says:

The Shimla solution seemed the only way in which the political leadership of the two countries could resolve their conflicting claims over Kashmir. It is still the only way that remains open to them. To be sure, the aspirations of the Valley Muslims need to be satisfied. The Indira - Abdullah Accord which was an answer to this question has come unstuck, due largely to the growth of Muslim fundamentalism and the massive intervention of Pakistan, in flagrant violation of Shimla commitments. If Pakistan accepts the Shimla solution, the Kashmir problem will be reduced to manageable proportions. It will simply become an internal problem, one of altering the existing Centre-State relations in a manner that will satisfy the Kashmir demand for more genuine autonomy. (Dhar P.N., 1995)

There is a divergence of views on the Shimla Agreement. India considers it as an instrument of durable peace not only between India and Pakistan but for the whole South Asia region, as the agreement shunned the politics of confrontation. On the contrary, Pakistan has viewed the Shimla Accord with suspicion and whatever grand concessions India extended to Pakistan at the Shimla Summit are termed as "India's paternalistic gesture to a de-statured' partner willing to accept a dictated role. In regard to bilateralism, the belief is : "when Indian leaders have talked of bilateralism in respect of Pakistan, they have invariably meant a weaker Pakistan bowing before India's arbitrary will". (Malik Z.,1971). Abdul Sattar, a former Foreign Secretary of Pakistan as well as Ambassador in New Delhi and Moscow, who was also a participant at the Shimla conference, says about the Shimla Accord: Exploiting the

"Opportunity a Century" provided by shortsighted emotionalism, ruthless politics and a purblind military government in Pakistan, India cut Pakistan into two, first by instigating and aiding separatism in East Pakistan and then by military intervention in 1971. A visceral antagonism towards Pakistan was not yet satisfied, however, Indian diplomacy continued to wage war by other means.

He further states

Using occupation of territory and prisoners of war as instruments of duress in the post-war negotiations, it set itself three objectives:

- (1) legitimisation of the status-quo in Jammu and Kashmir,
- (2) construction of a bilateral framework for relations with Pakistan to circumscribe its rights under the UN charter; and
- (3) securing Pakistani recognition of Bangladesh. (Abdul Sattar A.,1995)

However, there has been a lot of ambivalence in Pakistani perceptions of the Shimla Accord. Pakistani leadership has not always missed the utility of 'Shimla Spirit' for establishing durable peace in the region, but however, at the same time it has invariably brought in the role of a third party or UN for the resolution of the problem. Benazir Bhutto said ambivalently: "Pakistan wants to achieve a peaceful and just settlement of the Kashmir problem in accordance with the relevant UN resolutions and in spirit of the Shimla Agreement". (Abdul Sattar A.,1995)

Indian policy on Kashmir does not envisage any role for the third party. India does not prescribe to UN resolutions any more as they have become redundant or unacceptable to it due to the UN's partisan role as well as the change in ground realities of situation in Kashmir. However, it must be conceded that third party mediation has been an effective problem solving approach for de-escalating international conflict. The objective of the third party should be to facilitate problem solving through improving communication and encouraging settlement rather than imposing specific settlements on substantive issues. The third party role in de-escalating conflict in West

Asia has been quite effective. But the complexity of irredentist problem between India and Pakistan rules out any third party role. Motives of the great powers in South Asia inter-state relations have been suspect. Great powers have sided with one country or another, induced arms race and followed ambivalent policies to further their global objectives. Against such a backdrop of complex India, Pakistan and great power relationships, it is hard to find a third party which can play an impartial role. Except for Great Britain, other great powers' knowledge of the sub-continent's diverse and complex social structure and history of the partition is also not good enough. Against the backdrop of the operation of great power geopolitical motives in South Asia, India's insistence on Shimla Accord or bilateralism for resolving all problems between India and Pakistan is a sound policy to further its national interests and minimize strategic concerns.

Indian foreign policy-makers have taken note of various options suggested to resolve the Kashmir issue. The important options suggested are : (a) acknowledging the current line of control in Jammu and Kashmir as international border, stabilizing the situation and then allowing normal intercourse between the Kashmiris in PoK (Pakistan Occupied Kashmir) and in Indian part of Jammu and Kashmir. (b) Holding plebiscite according to UN resolutions. (c) Joint India- Pakistan control over Kashmir. (d) Independence to Jammu and Kashmir. (e) The valley of Kashmir may be ceded to Pakistan while India keeps Ladakh and Jammu areas. (f) Place the state under the UN trusteeship mechanism. (g) The Tibetan solution in terms of demographic politics.

Out of these only the first option is realistic. All other options have been, and will be, opposed by both sides tooth and nail. The first option safeguards the territorial integrity of both India and Pakistan.

Given the present-political climate in South Asia and the nature of state compositions, the most viable option is transforming the line of control (LoC) into a line of tranquility and peace on the lines as agreed upon by India and China in case

of their boundary dispute. From India's point of view, all other options are unrealistic and fraught with dangers for its very survival as a state or nation- state. Acceptance of other options will have serious legal, political, and strategic implications for India.

Thus, from the above analysis, it can be said that India's Kashmir policy has two dimensions : one directed at the state of Jammu and Kashmir as a domestic problem of center-state relations and the other for dealing with Pakistan. India's attempts at assimilating the state of Jammu and Kashmir into the Indian mainstream have received setbacks due to Indian Government's errors as well as the Pakistani policy of extending two- nation theory to the state and its support to the militants fighting in the valley for self-determination, apart from the military interventions in 1947, 1965, 1971 and 1999. Obviously, the strategic importance of the state has turned into various security concerns for India. Overcoming these security concerns occupies the foremost importance in India's Kashmir policy.

Conclusion

India has adopted a principled stand on Kashmir. India cannot survive without protecting its organizing ideology which is based on democracy and secularism. Therefore, it has been insisting that if it relinquishes the possession of the predominantly Muslim territory, it will be compromising her ideology of secularism. Kashmir is not a mere territorial dispute. It is deeply intertwined in the domestic politics and ideologies of India and Pakistan. Kashmir problem has been made complex by the nature of domestic politics in Pakistan. The difference in political systems - India being a democracy and Pakistan most of the time ruled by military dictators - became a stumbling block in the resolution of the problem. Pakistani politics has remained in shambles. The military rulers in Pakistan were "too preoccupied with their own survival and lack of legitimacy to take a bold initiative on an emotive issue like Kashmir. Instead, they fanned the Kashmir flame to distract popular attention away from the real issues and problems confronting the country.

If Pakistan overplays the Kashmir card for the reasons of domestic politics, it will not only make a solution to the Kashmir dispute all the more difficult but it also will be detrimental to the overall security environment in the region. India's policy on Kashmir has faced various difficulties. On the one hand it has the task of establishing peace with Pakistan, on the other it has the challenge of nursing the hurt Kashmiri psyche. The problem has been compounded by India's apparent failure to achieve an internal settlement within the framework of Indian constitution. Dr. Karan Singh aptly sums up the concern on this count:

The monumental tragedy that is being enacted in that once most beautiful and harmonious State has to be brought to a close. In the last five years ... the Government has signally failed in moving towards an internal settlement in Jammu and Kashmir within the ambit of the Constitution as a prelude to a larger dialogue vis-a-vis the Pakistan-occupied areas and Pakistan itself in terms of the Shimla Agreement."

India has also drawn flak on its human rights record in Kashmir, both from within the country as well as, of course, from international human rights watch groups. No settlement of the Kashmir question is feasible without genuinely starting and consolidating the political process in the state. In this regard, the 1996 elections to the State legislative assembly are of great significance. Armed forces at the most can contain militancy, they cannot eliminate it.

Though India has the economic and military capabilities to sustain military presence in the valley for a long time but that will only alienate the Kashmiris further from the national mainstream. The future of Kashmir is, therefore, linked on the one hand to the decline of militancy and communalism in the state as well as the country, and on the other to the emergence of a powerful democratic alternative.

Installation of the popular governments in Jammu and Kashmir since October, 1996 will be a helpful factor in further integrating Kashmir into the Indian national mainstream. Moreover, it provides a big opportunity for India to resolve the

Kashmir problem as an internal issue in center - state relations. However, Kashmir as an issue in Indo-Pakistan relations will continue to figure until Pakistan rationalizes its Kashmir policy and overall confrontationalist policy towards India. The fact that Kashmir has become a symbol of both countries' national identities would create domestic constraints, making difficult any compromise on the part of India or Pakistan.

Over the years India's policy on Kashmir has proved to be more effective than that of Pakistan's. The ideological foundation of Pakistan based on two-nation theory was discredited by the disintegrative forces within Pakistan which resulted into its dismemberment with the emergence of Bangladesh as an independent country. Kashmir has ideologically been nearer to India than to Pakistan — a factor which has made India's anti-irredentism more effective than Pakistan's irredentism. But with the erosion of Kashmiriyat and the wounded psyche of the Kashmiri people that ideological advantage to India may well have been lost. Herein lies the challenge to India's policy-makers to face the twin ideological threats, one from Pakistan and the other from the erosion of the psyche of Kashmiri people based on Kashmiriyat or harmonious coexistence.

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