

Kashmir Issue

Area of Kashmir: 84471, square miles

Geographical location around:

South West : Pakistan

South East : India

North : Sinkian

East : Tibet

Borders length:

With Pakistan: 902 miles

With India : 317 miles

These rivers of Pakistan cross from Kashmir:

- ① Indus
- ② Jhelum
- ③ Chenab

Cultural ties: During 1941 census the population was 4000,000, from which 77% were Muslims.

① Kashmir Valley: 93%. ② Jammu area: 61%. ③ Gilgit: 100%.

Background: In 1846, Kashmir was given to Ghulab Singh as a result of Amritsar treaty. Lord Lawrence had sold it at a cost of 7500.000, to Ghulab Singh, chief of Hindu Dogra.

Hari Singh: Before the partition and during partition Hari Singh was ruler of Kashmir who was famous for his oppressive rule. He had given iron hand to Muslims of Kashmir andsequently they formed a political alliance namely All Jammu Kashmir Muslim Conference in 1930.

→ 1st legislative assembly election 1933-1934:

Muslim Conference captured 16 seats out of 21

→ 2nd election 1938:

Muslim captured 20 seats out of 21
It was a massive victory and political strength of Muslims which became source of concern for Maharajahs.

Changing policy of Muslim Conference to National conference:

It opened the doors for non-Muslims which became wealness of Muslims and thus Muslims returned to their old alliance Muslim Conference under

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the supervision of Ghulam Abbas while Sheikh Abdullah stayed in National Conference.

Jinnah went Kashmir in 1944. He said, (National conference cannot represent the Muslims of Kashmir.)

→ While Abdullah met Nehru and he came to visit Kashmir but people greeted Nehru with black flags.

Coming close to the partition: During the partition, nearly, 500 autonomous princely states existed which exercised internal autonomy on the basis of treaties with British.

British: A state cannot be separate, international entity or fully sovereign.

Mountbatten Speech 1947, July 25:

Acele to India or Pakistan, bearing in mind the geographical situation and composition of population and wishes of the people.

However, all the states moved smoothly according to the wishes of people but issue arose upon Kashmir, Hyderabad and Sindh.

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Sindhudesh State: The population of state was majority Hindu but ruler was Muslim. The state wished to accede to Pakistan but it was occupied forcefully by Indian government on August 15, and said, one person cannot decide the fate of Majority.

Hyderabad: Its population was Hindu but ruler was Muslim.

It was reluctant to join any country but Indian army occupied it forcefully on September, 13.

Kashmir: The majority population was Muslim but the ruler was Hindu. But, Indian government forgot the opinion of people and a single man could decide the fate of Majority. Hindu ruler Hari Singh along RSS, Dogra forces started plundering Kashmiri Muslims. Hari Singh signed Standstill with India and Pakistan in July 1947 and asked everyone to deposit all arms and then he started persecution.

The Muslims fought and demonstration were held under Abdul Qayoom and succeed to get free a little part where they established government and it is known as Azad Kashmir. Moreover, during persecution Afzali and Mchsen tribes

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went to Kashmir on Oct. 22 but they lacked in discipline
and killed Christian missionaries of Baramula. They
reached Srinagar Oct. 26, but they converted to ~~look~~.
Indian government sent its troops and occupied Kashmir
on Oct. 27. (Mountbatten, secure it first)

Nehru telegram to Liqat on the same day:

The question of aiding Kashmir is not anyway to
influence people but our view which we repeatedly
made public is the question in any disputed
territory must be decided according to the wishes
of people.

→ Oct. 27:

Quid asked General Garry to counter Indian attack
but he refused and sought instruction from the
supreme commander, field marshal, Auchinleck, in
Delhi.

The lack of legitimacy: They appointed Sheikh Abdullah as
administrator of state while leaders of Muslim
conference Ghulam Ali and Mirzaq M. Yusuf
were barred from political activities and made them
boss over Rajput Kashmir.

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Oct 30.

Pakistan declared accession "fraud and violence".

Nov-16, India asked UN to resolve the issue.

Matter into the hands of UN

January 1: India lodged complaint in the Security Council against Pakistan under article 35, and asked council to call upon Pakistan to stop giving assistance to the invaders.

India's complaint stated:

In order to avoid any possible suggestion that India had taken the advantage of the state's immediate peril for her own political advantage, once the soul of the state is clear from invaders and normal conditions prevail, the people would be free to decide their future by democratic means.

Pakistan responded:

Charging India with genocide and refuting the

validity of Muktiya's accession. Pakistan requires SC:

A: Call upon India to desist from acts of aggression

B: Appoint a commission to investigate its charges against India.

FM: Zafarullah: Five hours speech and demanded that everyone should get out including Sikh, RSS, Hindu and Indian troops.

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With January 1948: Security Council decided to establish the UN Commission for India and Pakistan. (UNCIP)

April 21, 1948: UNCIP submitted a report that both countries are ready to accept the wishes of people who either join India or Pakistan.

→ India over ruled and embarked on large scale offensive in the spring.

→ Pakistan decided to send its limited troops to hold defensive position in the state.

→ 13th Aug 1948: UNCIP adopted a three part resolution providing for ceasefire orders by India and Pakistan a truce agreement and plebiscite.

→ Jan 5, 1949: Another resolution accepted by India and Pakistan for the appointment of a plebiscite administrator and arrangements for the plebiscite.

→ The proposals made by commissioners were rejected by India. Thus Security Council replaced UNCIP with Sir Owen Dixon of Australia in March 1950, to discuss the arrangements of plebiscite but India refused and said Pakistan,

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had alone aggression. While Sir Dixon said it has nothing to do with plebiscite.

→ Sir Dixon said plebiscite cannot be done in an environment of militarization. Then he decided to propose either "four regional plebiscites" or partition conceding some areas to Pakistan and some areas to India and limiting plebiscite only to the valley of Kashmir and perhaps some adjacent country.

→ Frank P. Graham appointed by Security Council. In his report Dec 23, 1952, Pakistan should limit its forces between 3000 to 6000 while India 12,000 to 18,000. Pakistan accepted but India refused and he continued his efforts till upto the 1958, and given five more reports but the outcome was null.

→ Security Council resolution March 20, 1951: The final disposition of Kashmir will be done according to their wishes.

→ June 1953, Sengar and Nehru: They decided bilateral dialogues in New Delhi to settle the dispute according to the wishes of people, but soon Nehru declined and said plebiscite is not possible because:

F ① US military aid to Pakistan, will affect the major questions, especially Kashmir issue.

Pakistan joined SEATO and CENTO which are open threat to India.

③ Creation of constituent assembly in occupied Kashmir.

→ Feb 14, 1954:

Australia, US and Cuba requested UN to appoint Gunnar of Sweden. He held meetings with both of the parties and concluded that "Pakistan accepts the proposal but India declines"

→ Dishonesty screened out: VP Menon Indian Secretary of ministry of states conferred in 1964:

"As for plebiscite, we were absolutely dishonest"

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Kashmir Persecution

Jagmohan governor of the state 1990 Jan:

He said "Every Muslim in Kashmir is militant today.

Believing that, the bullet is the only solution".

1990 - 2002

Indian government officially estimates 30,000 deaths in last twelve years. Human Rights Conference said, it is between 80,000 to 100,000, while most observers estimate roughly 60,000 deaths.

In Jammu and Kashmir, rape is practised as part of systematic attempt to humiliate and intimidate the local population during counter-insurgency operations.

"Amnesty International"

It is of grave concern about continuing reports of death in custody and extra-judicial killings.....

Amnesty International

Indian forces in Kashmir have engaged in massive human rights violations including extra-judicial killing, rape torture and deliberate assaults on health care workers..... Such killings are carried out as matter of policy. More than any other phenomenon, these deliberate killings reveal the magnitude of the human rights crises in Kashmir.

Asia Watch and Physicians for human rights.

Current Scenario

March 2017: Senior BJP minister Chandra Parkash Gupta said in Skingsay:

"Laton k Bhoot Baton se nahen monte; unka ilaj footey hain"

"There is only one remedy for them and that is bullets."

→ Purn Mahadev justified the tied boy with jeep: Major Leetul Gozzi
"Boy - Factor"

"Everything is fair in love and war on Kashmir"

→ Indian government says no any talk in the context of Azadi will be entertained. The talks must be within the context and frame work of India's constitution.

→ Indira Gandhi had advised her father on kashmir issue:

"Personally, I feel that all this political talk will count for nothing if the economic situation can be dealt with.

Because after all, the people are concerned with only one thing, they want to sell their goods and to have food and salt".

→ Building of walls

→ Rape victims

→ Abolition of articles - 370 - 35

AFGHANISTAN

AREA CEDED TO CHINA
ILLEGALLY BY PAKISTAN

Gilgit

PAKISTAN

OCCUPIED KASHMIR

Salchen
Glacier

AKSAI CHIN
OCCUPIED BY CHINA

Thong
Ningma

Muzaffarabad

Baramulla

Kargil

LADAKH

Leh

Srinagar

Thong
Ningma

JAMMU AND KASHMIR

SLAMABAD

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Batole

Jammu

PAKISTAN



Constitution -

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The system of laws and basic principles that a state, country or organization is governed by.

⇒ Objective Resolution

Important Points

- ① Sovereignty belongs to Allah
- ② Democracy: people will rule collectively.
- ③ Islamic principles
- ④ Islamic way of life
- ⑤ Protection of minorities
- ⑥ Protection of basic rights
 - Freedom
 - Property
 - Movement
 - Association
 - F.O. Opinion
 - Equality of citizens

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Bengali - 40 days

No restriction upon

selection of species assembly.

→ (156) / 310

218

45

42 days

35

45

→ 2-years survived

7 years

1973 - continue
26 amendments

→ Parts - 13

10

12

→ Schedule 6 -

5

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1956 - Constitution

⑧ High-treason (Article 6)



Does not exist ✓

⑨ Islamic Provisions:

Islamic Republic of Pakistan

- President must be Muslim
- PM may not be
- Good relations with religious minorities.

⑩ Preamble:

The preamble of all constitutions is taken from objective resolution.

⑪ Sovereignty belongs to Allah

1962 - Constitution

Does not exist ✓

Republic of Pakistan (Liberal)

1st repost - (Islam) was inserted

More Islamic than all

② Islam official religion

③ Council of Islamic ideology to check the laws either they are Islamic or not.

④ Definition of Muslims: A person who believes in Allah and finally of Prophet.

Sovereignty belongs to Allah

Sovereignty belongs to Allah.

④ Features

↳ Parliamentary

⑤ Election ✓

Direct election

⑥ Form of State: ✓

↳ Federalism

Three lists of power

Residuary with province

⑦ Legislature

Unicameral

One-house-

National Assembly

↳ Presidential

↳ Indirect system BD. ✓

↳ Federalism

One list: Federal list

Residuary powers with provinces

↳ Unicameral

one house - National assembly

↳ Parliamentary

↳ Direct voting ✓

↳ Federalism

↳ Two-lists

① Federal

② Concurrent

Residuary with provinces

- 18th amend: omitted concurrent

→

↳ Bi-cameral -

① National Assembly
② Senate

1956 - Constitution

① Framing of the constitution:

☒ Framed by constituent assembly ✓

② The date of enforcement:

☒ 23rd March ✓

③ Composition:

Consisted of 284 ✓
articles.

1962 - Constitution

☒ Constitutional committee
by Justice set. guidelines ✓

☒ 8th of the June ✓

☒

Consisted of 250 articles ✓

1973 - Constitution

☒ Constitutional committee
consisting of representatives from different political parties.
(consensus constitution) ✓

☒ 14th August ✓

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☒ Consisted of 280/
articles.

Indus Water Treaty

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Introduction: Pakistan is an agricultural country.

Most of the population in rural areas is directly dependent upon agriculture. Besides, Pakistan exports its cotton, wheat and rice. In return, the country earns a lot and likewise farmers earn too. Hence, as an agricultural country, water is life line of Pakistan.

The water dispute between Pakistan - India:

The partition of Punjab gave India control of Sutlej, Bias and Ravi. Sutlej river is controlled from Ferozpur Headwork while Ravi is controlled from Malhipur Headwork.

Beginning of Issue:

On April 1st, 1948,

India stopped the water flow towards
Pakistan from Malakpus and Ferozpur
headworks.

Response of Pakistan:

Pakistan protested
before India and raised the issue
before International forums.

1950: Arbitration. But India refused.

1952: Eugene Black, President of World Bank
came to pacify issue. He took
massive efforts even though the
issue in permanent sense could
not be solved.

1960: 19 September, Indus Water Treaty:

Sep. 1960

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Ayodhya versus Nehru Venue: Sindh - Karachi



Both of the leaders met in Karachi to resolve the dispute of water. The detail of settlement is given below:

Eastern rivers:

Ravi

Gathij

Birs

These rivers

were given to India in exclusive sense.

Note: These rivers belong India but cannot stop the flow of water. However, India can use its water for any purpose except the closure of flow.

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Western rivers:

Indus

Chenab

Jhelum

These rivers

became part of Pakistan. India cannot
create any dam or other project which
may hinder the flow of above rivers.

Violation Of treaty:

Dam on Chenab 1970, at Salal.

Bridge on Jhelum 1980, at mouth of Wular
Kishanganga on Jhelum

Pakot null project on Chenab

Mirgarh project on Chenab

Analysis:

Conclusion:

By: Eahangeer Fakhru

Causes Behind Martial Law

Oct - 1958

- ① Political conflict - Power Hunger
 - Muslim League into parts
 - Ghulam Ali - dissolved assembly.
It led to Martial law.

- ② Poor Economic condition:
 - Food crisis
 - Shortage in many areas

- ③ Lack of Political leadership:
 - Jinnah + Subhash Chandra
 - Rest created problems

- ④ Smuggling and nepotism:

- ⑤ Role of bureaucracy:
 - tried to jail democracy
 - Power hunger

- ⑥ Politics of Ayub:
 - Ghulam Ali made him defense minister for 1956 war
 - It created problem.

- ⑦ Provincial prejudice -
 - Politicians to reach power

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Over Developed State Structure
Executive dominates:

Legislation

Judiciary

(ODSS)

Hamza Ali

- ① It kills essence of parliament. Judiciary cannot perform independently thus it gives subjective verdicts
- ② It does not allow representatives of areas and issues increase and state faces crisis.

Ayub: East Pakistan Crisis

Zia: Sectarianism, extremism, terrorism

Musharraf: Balochistan Crisis.

Hyper Extended State Structure

By Farid Zakaria: (HESS)

When judiciary dominates executive and legislation. It is more dangerous than ODSS, because ODSS creates political instability while HESS creates economic instability.

Govt makes policies judicially frequently asks reports. It makes investors reluctant to invest

Military - Bureaucracy Oligarchy MBO's
(Hassan Askari) EX

Role of military in political system:

1970s - 6 prime ministers were changed

1958 to 1969 - Ayub dictator

1969 to 1970 - Yahya

1978 to 1985 - Bhutto Zia Ul Haq

2001 to 2007 Musharraf

They have toppled democratic regimes.

Zulfikar Bhutto

Benazir Bhutto

Nawaz Sharif for
three times

Good Governance

→ It ensures rule of law.

Rule of law has three pre-requisite

- ① Accountability ✓
- ② Transparency ✓
- ③ Combating corruption ✓

Rule of law = effective delivery mechanism

- ① Responsibility of state: to produce conducive environment.
- ② Effective role of public and private sector
- ③ Highly mobilized society:
 - ① Political consciousness
 - ② Literacy
 - ③ Consciousness

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Pattern Client Relationship

→ British policy to strengthen the rule:

- Notables ✓
- Landlords ✓
- Bureaucracy ✓

→ In Pakistan, military as well democratic rulers prioritize like minded people and continue their rule-

Personality based politics

- Pakistan - Bhutto - Sharif
- India - Gandhi - Nehru
- Bengal - Sheikh-Hussein
- Sri Lanka - Bandaranaike
- Indonesia - Suharto family

Weak Political Culture

- Paternalism - Culture is reflection of society
- Voting behaviour: Brotherly, tribe, Negotism
- Local government:

BD - 1959

ZIA - 1979 -

LG - Ordinance

Crisis of National Identity

Pakistan is unable to determine either it is liberal, Islamic state or socialist.

Bhutto → Islamic socialism

Zia → Islamic conservative system

Musharif → Liberal (somewhat)

Every leader gives his personal philosophy thus our country faces death of national philosophy.

Foreign Countries:

Firstly, they determine who they are, either Socialist or Capitalists. Then, leaders come and go but the system remains intact. They develop slowly and gradually because their direction is fixed.

The leaders policies and implications:

Zia - Extremism, terrorism

Ayub - Balochistan crisis, Bengal issue

Musharif - Federation crisis → No inter provincial harmony, Balochistan issue

→ Emergence of regional movements:

Overall implications:

It creates a sort of strange political opinion. A leader is followed by thousands of people therefore we examine some people are socialist, some people are extremist and some people liberal. It is probably impossible to bring about a leader who possess all the qualities at the same time. Resultantly, no any leader survives in our country because public opinion matters a lot. It defines political system and progress as well.