CHAPTER III

POLICY OF GOVERNMENT OF INDIA AND PAKISTAN ON KASHMIR ISSUE

Although the partition of India and Pakistan has been getting old with the passage of time but the issue of Kashmir has always been a core issue to define the relations between both countries. The Governments of both the countries have kept the issue alive for their vested interests. The policies of both the Governments towards Kashmir have been immensely effected by international politics, however, internal fronts in both the countries have also caused factors to determine the policy towards Kashmir from time to time.

In order to study the policies of Governments of India and Pakistan towards Kashmir systematically, the period of 65 years can be divided into three periods.

A. The period from 1950 to 1975
B. The period from 1976 to 2000
C. The period from 2000 onwards

A. The period from 1950 to 1975

This period is considered as cold war era. At that time, international circumstances were passing through a very crucial stage. After Second World War polarization of powers started afterwards in the world politics. USA and USSR were the two poles apart. An era of cold war began. USA tried to increase its influence in Asian region by providing military aid to Pakistan. Pakistan became the member of Western Block. The changing circumstances on the world screen, compelled the USSR to support India. Otherwise, at the initial stages of
discussions at the United Nations, the USSR adopted the lukewarm attitude. Actually, USSR began to provide support to India in UN and outside UN from 1948 onwards. ‘On January 17, 1952, the Soviet delegate in the Security Council resisted the idea of UN troops into Kashmir and even disfavored a plebiscite under UN auspices.’ (Prasad, 1973, pp.62-69). The USSR accused the USA and UK of interfering in internal affairs of Kashmir and declared that the Constituent Assembly of the State would solve the problem. ‘The visit of the Bulganin and Khrushchev to Kashmir in December 1955, cleared the absolutely firm and evident stand of the USSR for the cause of India. Khrushchev declared “The question of Kashmir as one of the states of India has already been decided by the people of Kashmir.” (Jagmohan, 1991, p.92).

The stand of China, the other strong power in UN, regarding India did not remain firm. On March 16, 1956, the Chinese Prime Minister told the Indian envoy that People of Kashmir have already expressed their will regarding accession with Indian Union. (The Jammu and Kashmir Year Book,1977, p. 96). The early 60’s, its stand changed after the Boundary agreement with Pakistan on March 2, 1963. In the wake of Indo-Pak War, China, on September 19, 1965 announced that it would give `all support to people of Kashmir in their struggle for right of national self determination (The Jammu and Kashmir Year Book,1977, p. 96).

Actually the reaction of different powers towards Kashmir problem was

4 Ibid.
reflected according to their own concerns in world politics and their respective relations with Pakistan and India.

Simultaneously, significant developments were taking place between the Governments of India and Pakistan on the issue of Kashmir. The Prime Minister of India and Pakistan agreed in a communique to appoint a plebiscite administrator for Jammu & Kashmir by the end of April, 1954. With this purpose in view, committees of military and other experts should be appointed to advise Prime Ministers. Regarding this a joint declaration of both Prime Ministers was made on 20th August, 1953. The statement asserted that Kashmir would not be allowed to become another Korea. The question of Kashmir’s accession would be decided through a plebiscite. But Mohammad Ali Bogra, Prime Minister of Pakistan repudiated the August Agreement on September 21, 1954 and demanded that the plebiscite be held under the auspices of the UNO (Raina, 1988, p.224).\(^5\)

Actually, it was the US’s support that forced Pakistan to go back from its August Declaration. The world was divided between two poles of powers, USSR and US. Both wanted to enhance their base in Asian Continent. America saw Pakistan as a safe place to fulfill its goal of becoming super world’s power. And on the other hand, USSR was supporting India both in the UN and in the country itself. At this time period, US had started to begotten for a military agreement with Pakistan. The US Pakistan Mutual Defence Assistance agreement with Pakistan was signed on May 19, 1954. Nehru branded the military aid to Pakistan “a form of intervention” in Asian affairs. He remarked on the US policy that whatever the objectives may be ... the countries of Asia do not accept

this policy and do not purpose to be dominated by any country for whatever purpose. (Raina, 1988, p.227).\textsuperscript{6}

While on the one side Kashmir issue was being discussed at international level, on the other hand, domestic events were swiftly taking place in Jammu and Kashmir simultaneously. After the accession of State of India, Sheikh Abdullah was the first and the last choice of Pt. Jawahar Lal Nehru, the Prime Minister of India, to give the reins of the State. His deep faith in Sheikh Abdullah reflected clearly in his letter to Maharaja Hari Singh dated November 13, 1947. ‘He wrote, “......the only person who can deliver the goods in Kashmir is Sheikh Abdullah...... He has striven hard and succeeded very largely in keeping communal peace...... full confidence must be place in him...... even if a risk has to be taken in giving the full confidence, that risk has to be taken.” (The Jammu & Kashmir Year Book and who’s who – Section 1, 1983, p.34 ).\textsuperscript{7} And it was not a surprise when with the accession of the State of India, Sheikh Abdullah was appointed by the Maharaja as a head of the Emergency Administration. And on 4\textsuperscript{th} March 1948, he was appointed as the Prime Minister with a council of ministers. He came to acquire practically all the executive powers of the governments.

The share of administrative powers in the state were agreed between Sheikh Abdullah and Maharaja Hari Singh on the basis of Mysore Model suggested by Prime Minister, Pt. Nehru. The relations between Maharaja Hari Singh and Sheikh Abdullah did not remain cordial. ‘In a letter of May 6, 1949 to Sardar Patel, Home Minister, the Maharaja complained, ‘Nor would it be fair on my part to conceal from you my own feeling that while Sheikh Abdullah has been allowed to

\textsuperscript{6} Ibid.
depart from time to time as suited his inclinations from the pledged and written word, to act consistently in breach of the loyalty which he professed to me prior to his release from jail and the oath of allegiance which he took when he assumed office, and to indulge openly along with his colleagues in a campaign of vilification and foul calumny against me, both inside the State and outside, I should have had to drive from position to position—each of which I thought I held on the advise of the State’s Ministry.’ (Jagmohan, 1991, p.93). Dr. Karan Singh writes in his autobiography that Sheikh Abdullah did not want the Maharaja to continue at the helm of affairs in the changed setup and thus strove to remove him from the political scene. (Singh, 1982, p.132). The deep relations between Sheikh Abdullah and Pt. Nehru disfavoured the Maharaja’s interests and compelled him to leave the State. On June 9, 1949, the Maharaja issued a proclamation vesting all his powers in Yuvraj Karan Singh. Now, the Sheikh Abdullah had actual power and Karan Singh was just a nominal head. Absence of elected legislature enabled Sheikh Abdullah to take all sorts of decisions himself.

On the instance of an historic Resolution adopted by General Council of National Conference on October 27, 1950 the Constituent Assembly of the State was set up. The General Council recommended to the Supreme National Executive to take immediate steps for convening a Constitutional Assembly based upon adult suffrage embracing all sections of the people and all the constituents of the State for the purpose of determining the future shape and affiliation of the State of Jammu and Kashmir. (Tariq, 1964, p.9).  

Then on May 1, 1951, the Regent, Yuvraj Karan Singh issued a proclamation convening a Constituent Assembly for the State. The elections were duly held in September 1951. 75 members were elected from various constituencies while 25 seats were kept vacant for the state subjects living in areas held illegally by Pakistan. The first sessions of the Constituent Assembly was held at Srinagar on October 31, 1951.

The dealing of Kashmir problem in Security Council made the other Indian leaders to believe that there was no hope of justice for them. Under these circumstances, a common demand was raised that State Constituent Assembly should pass a resolution in favour of accession of India and this may be considered sufficient for ascertaining the will of the people. Dr. Shyama Prasad Mukhrjee, the founder of Jan Sangh, was one of them. In his letter dated January 9, 1953, to Pt. Nehru he wrote: “I was told by Sheikh Abdullah that he and his colleagues were willing to adopt his procedure but you were not prepared to approve of it.”(Sharma, 1991).¹¹ Pandit Nehru accepted it partly and replied to Dr. Mukhrjee in his letter dated January 10, 1953, “......but it refers to a particular time, when the Constituent Assembly first started functioning, this proposal was considered. Our advice then was that it would not be wise to pass his resolution immediately as this would lead to the conclusion that the Constituent Assembly has been called just for that purpose and not for other purposes.”(Sharma, 1991).¹²

And at last, resolution regarding final accession to the Indian Dominion could not be passed because of the clashing opinions of prominent Indian leaders. It might be also possible that the Security

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¹² *ibid*
Council did not accept such resolution as final will of the people of the Kashmir at that stage when all sympathies of foreign powers were on the side of the Pakistan. And it also appeared that India had not wanted to take the risk of isolation in world politics. But afterwards, in early 1954 the Constituent Assembly of Jammu and Kashmir ratified the accession to India.

Meantime, an important development took place pertaining to the resolution of the political and constitutional issues conceding the State that planted the seeds of conflict hiddenly in the economic and social structure of the State. An agreement known as `Delhi Agreement’ took place between the central and state leaders. It was announced in the Union Parliament on July 24, 1952 by Pt. Nehru. The Constituent Assembly of the State also approved it on August 19, 1952. `There were the following provisions of Delhi Agreement of 1952:

- abolition of the hereditary rulership;
- vesting of residuary powers in the State;
- continuance of special citizenship rights of the `State subjects’;
- flying of a separate flag for the State with the national flag also finding a supremely district place; and subject to certain restrictions and limitations, extension of provisions of the Indian Constitution in respect of fundamental rights, emergency powers of the President and jurisdiction of the Supreme Court.\textsuperscript{13}

Sheikh Abdullah eagerly tried to cash the benefits from the Agreement. After securing implementation of what suited him e.g. the transfer of power from the hereditary Maharaja to the popular government headed by an elected Sadar-i-Riyasat, he referred the remaining clauses of the agreement to the sub-committee of the Constitutional Assembly causing international delay. Even Pandit Nehru realized that he had been caught in wrong foot. On June 28, 1953, Nehru wrote Abdullah, “To me it has been a major surprise that settlement arrived at between us should be by-passed or repudiated. That strikes at the root of all confidence. My honour is bound up with my word.”(Jagmohan, 1991, p.97).\(^\text{14}\)

The Constitutional (Application to Jammu and Kashmir) Order of 1954 to implement the Delhi Agreement was issued. The Constituent Assembly of Jammu and Kashmir ratified the Accession of India and also the decision arrived at by the Delhi Agreement as regards the future relationship of the State with India, early in 1954. In pursuance of this, the President, in consultation with the State Government, made the Constitution (Application to Jammu and Kahsmir) order 1954 which came into force on the 14\(^{th}\) of May, 1954. This order implemented the Delhi Agreement as ratified by the Constituent Assembly and also superseded the Order of 1950. (Which had specified the matters with respect to which the Union Parliament would be competent to make laws for J & K relating to three subjects of Defence, Foreign Affairs and Communications with respect to which Jammu and Kashmir had acceded to India). The order of 1954 declares that the jurisdiction of the Union extended to all Union subjects under the Constitution of India (Subject to certain slight alteration) instead of only three subjects of Defence,

Foreign Affairs and Communications with respect to which the State had acceded to India in 1947. ’(Basu, 1994, p.247).15

The Constitution (Application to Jammu and Kashmir) Order, 1954, which settled the constitutional relationship of the State of Jammu & Kashmir did not disturb the previous assurance as regards the framing of the internal constitution of the State by its own people. The making of the State Constitution for the internal governance of the State was now the only task left for the Constituent Assembly. By setting up various drafting committees, the process of making a permanent state constitution started.

When the constitutional process was taking place in the State, the seeds of communalism began to sprout in Jammu region. Actually after independence, the increasing hold of the Kashmiri Muslim elite over state power had made the feudal class and its beneficiaries fearful. And this feeling made them to support Maharaja. Mainly the landlords, money lenders and state functionaries in Jammu region expressed their resentment against the ascending Muslim elite.

Sheikh Abdullah’s radical land reforms affected the interests of ruling landed classes. Resuming jagirs without compensation created the discontent and ill-feeling against the government among the minority community, because mostly zagiridars were non-Muslims and labourers were Muslims. In reality, conflicting economic interests of two classes of society, converted into communal conflict afterwards.

At the end of 1952, Praja Parishad Movement was launched in Jammu region by the Hindu leaders. `The main plank of the agitation

was; “Ek desh mein do vidhan, ek desh mein do nishan, ek desh mein do pradhan nahin challenge......‖ In one country, two constitutions; in one country, two flags; in one country, two Prime Ministers, would not be tolerated.

Actually, Article 370 and Delhi Agreement gave momentum to the Praja Parishad Movement. A demand for the separate state-hood for Jammu was raised in the agitation. And they favoured 'zonal plebiscite'. The extremist section in the Parishad also raised the 'Quit Jammu' demand against Sheikh Abdullah. The Parishad leaders mounted pressure for the abrogation of Article 370 and demanded nothing short of complete merger of the State. Shayama Prasad Mukhrjee, the President of Bhartiya Jan Sangh, himself proceeded to Jammu. But he was arrested on May 11, 1953 for entering the State without a permit which every Indian living outside the State was required to obtain. He died in custody on June 23. A wave of National anger against Sheikh Abdullah arose. Nehru’s own standing in the public suffered. The permit system was subsequently withdrawn but after the loss’. (Maheshwari, 1993, p.35). One group of expert considers all such incidents like permit system, separate flag etc. tells how much the couple of Sheikh-Nehru contributed to escalate Muslim communalism in the State.

Now, the regional conflict emerged evidently. Most Kashmiri leaders started emphasizing that they had acceded to India in respect of Defence, Foreign Affairs and Communications. Even the Muslims, outside the valley, were equally affected by the movement. For example, people in muslim dominated Doda district, “emphasized that if they had

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peculiar local problems and geographically, culturally were quite different from the neighbouring unit, they could not in any way be attached with the cultural units of Jammu.

Similarly a wave of protest started against the Kashmiri leadership in Ladakh under the leadership of Kushak Bakula, the head of Lama of Ladakh. Land reforms under New Kashmir Programme had also harassed the key leaders of Ladakh. `Because the land in Ladakh was the property of the monastery and was rented to the peasants under most exploitative conditions. The Lamas of Ladakh viewed that after the transformation of power from Monarach hierarchy to National Conference leadership, the Constitutional link between the State and them was broken. And after that they were free from the rest of the State. Like Jammuists, Buddhist leaders emphasized the autonomy of their region with the Indian Union and raised a demand of separation of Ladakh from Kashmir.

Actually, Sheikh Abdullah’s every statement on the agitation communilized the politics of the State. It was unfortunate that the political and national demands of Praja Parishad were tested on the ground of communal-ism by him. Sheikh never got ready to compromise on the issues of Article 370 i.e. the special status to the State in India Union and land reforms. He was completely responsible for strengthening the communal feeling amongst two communities. Balraj Puri in his book 'Jammu: A Clue to Kashmir', writes that “...by defaming Jammu, Kashmiri leaders have endeavored to build up between Jammu and Kashmir a barrier higher than Pir Panjal. They want to hide their
weaknesses and blunders by dividing the people and progressive workers in the two provinces.”(Puri, 1968, p.220).17

Later on, all these developments proved as fatal for their relationship with the Delhi Government. Sheikh’s attitude caused a sharp rift in the State Cabinet also Sardar-i-Riyasat, Union Government and prominent leaders of National Conference decided to dismiss Sheikh Abdullah. He and Afzal Beig were charged for secessionist activities. It was August 8, 1953, when Sheikh Abdullah was arrested at Gulmarg. Nehru justified Sheikh’s arrest. He said, “The Kashmir Government could not function and everything was disintegrating. Sheikh’s attitude became increasingly bitter and he seemed bent on upsetting everything in Kashmir..... He indicated the state of his mind which was almost functioning as if it was unbalanced. There was no way-out. To allow things to continue as they were was to invite disaster...” (Nayar, 1987).18 There was tremendous pressure on Pt. Nehru from the Indian public to subordinate the Kashmir Government to the Indian Constitution like all other states. It was because Nehru had to assure the people that “Nothing should be done by the Constituent Assembly of the Jammu and Kashmir State, which does not fit in with our Constitution, which is in any sense contrary to it or conflicts with any part of it.” (Teng and Kaul, 1975, p.61).19 After the arrest of Sheikh Abdullah, Bakshi Ghulam Mohammad sworn in as the Prime Minister of the State on August 9, 1953.

The approach of Bakshi Ghulam Mohammad, the new Prime Minister of Kashmir, was, definitely pro-India. He said on April 25, 1954

that `Kashmir’s Constituent Assembly had already decided to accede to India. The Presidential application order concerning Kashmir, would complete an integral part of India as stipulated in the agreement “100 percent”. There would be common citizenship and both India and Kashmir would be able to develop their relations in a manner mutually advantageous to them. Kashmir in terms of the Agreement would enjoy a special status in the Indian Union. This has already been accorded to Kashmir by Indian Parliament.'(Sharief, 1994).  

The remarkable constitutional developments took place during the period of Bakshi Ghulam Mohammed. The Constituent Assembly of the State adopted its own Constitution on 17th November, 1956. It was enforced in full on 26th January, 1957. The Section 3 of the State Constitution declares that `The State of Jammu and Kashmir is and shall be an integral part of Union of India.’(Hidyatulla, 1984, p.753).

In order to muster support for Sheikh’s cause, War Council was set up in 1953 with the involvement of Pro-Pakistani elements. Later on, in August 1955 said Council was converted into Plebiscite Front by Afzal Mirza Beig known as constitutional and legal advisor of Sheikh Abdulla though Sheikh Abdullah did not join Plebiscite Front officially but he patronage it. The Front worked under ground and fought for the cause of free and fair Plebiscite. It temporarily maintained the accession of state to India. It demanded the settlement of Kashmir dispute through right of self-determination as the only way out.  

Sheikh’s such indirect activities in the State gave a set back to the annexation of the Jammu and Kashmir to India. `He was released on January 8, 1958 but rearrested within four

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months i.e. on April 29. He, Mirza Afjal Beig and 22 other were charged with conspiracy under the ‘Kashmir Conspiracy Case’ to cause forcible annexation of the State by Pakistan.’ (Jagmohan, 1991, p.99).  

On the other hand Bakshi Ghulam Mohammad had to resign under Kamraj Plan of Congress Party, on October 4, 1963, though he was not a member of Congress Organization. After him, Shamsudin became the Prime Minister. The incident of Moe-e-Muqaddas damaged the political career of Bakshi badly. Moe-e-Muqaddas is the one of the holiest and most treasured relic in Kashmir believed to be hair of Prophet, installed in Hazrat Bal Mosque in 1700 A.D. unfortunately, lost on 27th December, 1963. The news spread like forest-fire. ‘As unrest, doubts and tensions enhanced, the authorities sought to suppress the movement by force. This resulted in several deaths and injuries, and a reaction, there were riots in east Pakistan against Hindus, which caused a chain reaction in the eastern towns of India where Muslims were victims.’ (Puri, 1968, p.233). On January 4, 1964, the ‘holy relic’ was placed back in mysterious conditions. But this did not satisfy the public, as a result the agitation did not stop. On February 3, 1964, however, 15 Muslims divines, headed by Sayeed Mirk, identified the ‘holy relic’ and declared it as genuine, so the agitation ended. Almost all the basic questions in regard to this incident still remain unanswered.

But this incident made Shamsuddin to resign. G.M. Sadiq became new Prime Minister of the State. Actually, the changing Prime Minister was not a permanent solution, it was nothing but a patch work.

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On the other side Pakistan had become the puppet in the hands of US completely. ‘It was Ayub Khan who told the US Congress at a joint session in early Sixties that “The only people who will stand by you in Asia are the people of Pakistan provided you in Asia are prepared to stand by them.” Also at other occasion he said “We provide the manpower and you provide us the means to do the fighting.”(Raina, 1988, p.242).\textsuperscript{24} In 1963, the interview of Chou-En-Lai, the Chinese Prime Minister by the Associated Press of Pakistan clearly signified the Pakistan’s inclination towards US He said, “The leaders of Pakistan had assured me (Chou-En-Lai) in 1954 that Pakistan had joined the Western Military alliances only to gain political and military ascendancy over India, and that Pakistan had no other motivation in joining the pacts.”(Raina, 1988, p. 227).\textsuperscript{25}

At international level, Indo-Pak relations became a subject of discussion. At this time, John Kennedy suggested to the Governments of India and Pakistan that good offices methods should be adopted. He offered the services of Good offices of Eugene R. Black, the President of the International Bank for Reconstruction and Development, be used by them. It would be fresh effort to resolve the Kashmir problem through direct negotiations. (Gailbraith, 1969,p.299).\textsuperscript{26} But India rightly rejected the offer of John Kennedy on the ground that it did not like any third party arbitration on any issue of this kind. India could not ignore this fact that Western powers were inclined towards Pakistan from the very beginning to fulfil their own motives. And, it became evident in the same month when Pakistan revived the Kashmir issue in the Security

\textsuperscript{25} Ibid.
Council and US supported the resolution because of its alliance with Pakistan. (Gupta, 1966, pp.346-47).27

Bringing the Jammu and Kashmir on the equal footing of other States in India, significant constitutional amendments were made. While in the rest of India, the head of the State Executive was called ‘Governor’ and he is appointed by the President (Article 152, 155), the executive head of the State of Jammu and Kashmir was called Sadar-i-Riyasat, and he was to be elected by the State Legislative Assembly. This anomaly was removed by the Constitution of Jammu & Kashmir (6th Amendment) Act, 1965. Consequently, the nomenclature was changed from ‘Sadar-i-Riyasat’ to ‘Governor’ and he was to be ‘appointed by the President under his hand and seal. (Basu, 1994, pp. 249-50). 28 Similarly, the designation of the Prime Minister was changed to Chief Minister.

Pakistan aggressively reacted on such constitutional developments. Earlier, it complained to Security Council, when the discussions for the amendment of Article 370 and subsequent extension of Article 356 & 357 to this State were made. Pakistan threatened to use “other means” and warned India of “dangerous consequences if she persisted in her efforts to fully integrate Jammu and Kashmir with the India Union. Pakistan’s Permanent representative at the UNO in a letter dated December 17, 1964, protested against the application of certain provisions of the Indian Constitution to the State of Jammu & Kashmir. (Anand, 1995, p.187).29

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India justified its acts in the Security Council. The resident representative of India, to the UN, Mr. B.N. Chakarvarty, in a letter dated December 26, 1964, to the President of Security Council stated India’s stand. Rejecting the contentions and misrepresentations of the Government of Pakistan, it was reaffirmed that Kashmir was an integral part of India. Pakistan was in illegal occupation of two-fifth of the Indian State of Jammu and Kashmir through invasion and continuing aggression, despite India’s representation to the Security Council and had absolutely no right to interfere in India’s internal affairs. The application of the Articles 356 and 357 and certain other items was purely under the domestic jurisdiction of India. (Anand, 1995, p.188).  

It was on the confidence of US support, Pakistan attacked in August, 1965, on India. Eighteen years after the first invasion of Kashmir. Pakistan launched it second one. It was known as ‘Operation Gilbratar’. Actually, Pakistan deliberately attempted to seize Kashmir through internal sabotage. The Indian authorities came to know about it only when the infiltrators had reached the outskirts of Srinagar. The military Aid given by the US made the army rulers of Pakistan over-confident. Soon, Pakistan’s plan of taking over the State by force failed once again. India mounted counter-offensive on the Lahore border on September 5, 1965. It also moved its troops towards Sialkot. After an initial failure, the Security Council succeeded in making both the parties agree to cease fire on September 22, 1965. (Jagmohan, 1991, p.103).  

Pakistan authorities were expecting that a local revolt would rise but this did not happen.

Tashkent Declaration of 10th January, 1966, which was signed by the Indian Prime Minister, Lal Bahadur Shastri on the behalf of India and
President of Pakistan, Ayub Khan on the behalf of Pakistan with the successful efforts of USS.R. Both the parties agreed to withdraw their troops to the position held by them on August 5, 1965.\textsuperscript{(Jagmohan, 1991, pp. 103-104).\textsuperscript{32}} India lost the winning battle of field on the negotiation table. It was natural for China to oppose Tashkent Declaration. Zulifikar Ali Bhutto, Foreign Minister of Pakistan, also became vociferous against the Declaration. China wanted to cash the opposition of Declaration in Pakistan as it suited the plans of Beijing leftists who believed that they were leading the world Communist Movement for so instant socialism in the face of resistance by Moscow revisionists. But Ayub Khan and Zulifikar Ali Bhutto had different opinions on the issues of Pak-China and Pak-US relations. Ayub Khan knew that they could not adequately replace the US as the supplier of arms and funds for further adventures. After receiving a large gifts of tanks, planes ammunition and interest free loans from China, Ayub Khan sacked Bhutto on 18 June, 1966. The anti-India activities of the Plebiscite Front were continued. Consequently, on January 8, 1971, Sheikh Abdullah, Mirza Afzal Beig and G.M. Sadiq were expelled from the State. On 12 January, the Plebiscite Front was banned. (Jagmohan, 1991, pp.104).\textsuperscript{33}

In the same year, the liberation movement in Bangladesh (then East Pakistan) gained momentum. The Indian Army moved to Bangladesh. A regular war started in December, 1971. On December 3, in the North, Pakistan attacked Jammu and Kashmir. On December 16, Pakistani forces surrendered in Bangladesh. India declared unilateral cease-fire. Pakistan also accepted cease-fire on December, 17. (Jagmohan, 1991, pp.105.).\textsuperscript{34}

\textsuperscript{32} Ibid.
\textsuperscript{33} Ibid.
\textsuperscript{34} Ibid.
The war of 1971 resulted in Simla Agreement of 1972. The bilateral discussion took place between the Prime Minister of India, Mrs. Indira Gandhi and the President of Pakistan, Z.A. Bhutto after the conflict. Consequently Simla Agreement was formulated and signed by the two countries on July 3, 1972. It was decided that both the countries would settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.

It was unfortunate that Shimla Agreement could not provide a concrete solution for the Kashmir problem though it has remained a cornerstone for the relations between India and Pakistan. This Agreement left the doors open for further negotiation rather than to reach a concrete result.

Surely, this agreement made the Kashmir issue bilateral one. And the defeat of Pakistan in the war of 1971 broke down the myth of two nation theory. This made the voice of Kashmiri leaders soften. And at the Centre Mrs. Indira Gandhi had emerged as a prominent leader on the national screen. She melted the situation in the State and concluded that time demands some settlement with Sheikh Abdullah. Negotiations were started between two parties in 1972. After three years of protracted talks between G. Parthasarathi and Mirza Afzal Beig, an agreement known as ‘Kashmir Accord’, was signed on February 24, 1975. ‘The Kashmir Accord’ equally emphasized the continuance of Article 370 in the State while the Jammu and Kashmir would remain a constituent unit of Union of India.

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35 Annexure VI, Simla Agreement.
36 Annexure VII, Kashmir Accord.
B. The period from 1975 to 2000

The anti-Congress wave started flaming during 1976 due to emergency in whole country, Jammu and Kashmir was also affected by it. Jayprakash Narain gave a call to form Janta Party unit in Jammu and Kashmir. It was received by all those elements who were hostile to the rule of the National Conference headed by Sheikh Abdullah since he came to power with the support of the Congress Party after signing of Indira-Sheikh Accord of 1975. Mirwaiz Maulvi Mohammad Farooq, Chairman of the Awami Action Committee, was prominent to welcome the call to work for United Front of all forces opposed to Sheikh Mohammed Abdullah’s rule. (Rissam, 1992, p.18). A number of disparate parties and groups gathered under the umbrella of Janta Party causing considerable worry to National Conference. (Jagmoahan, 1991, p.107). In General Parliament Elections of March, 1977 the Congress Party could not stand before the Janta Party wave. It completely rooted out in Northern India. This gave a moral set back to Congress in the State. After two months, on 30th June 1977, Assembly Elections were held in the State of Jammu and Kashmir, National Conference performed well. These elections were considered as the first fair and free election in the State. This was even admitted by Pakistani Press as well. (Pakistani Press on Indian Parliament Election 1977). Sheikh Abdullah sworn-in as Chief Minister on July 9, 1977. To keep the emotional favour of the Kashmiri masses at high pitch and in his favour, Sheikh resorted to such controversial measures. He withdrew the cases against 30 hardcore activities of “Al Fatah,” an extremist organization which was very active

in 60’s and introduced the Resettlement Bill which was passed by State Assembly and sent to Governor. But Governor returned it for reconsideration.

The stand of Janta Party, at Centre was ambiguous on Article 370. Prime Minister, Morarji Desai, publicly declared that the special status of the Jammu and Kashmir under Article 370 would be maintained as long as the people of the State wanted it.’(Bajaj, 1978, p.67). Subramaniam Swami emphasized on the abrogation of the Article 370 taking diametrically opposite stand. The Janta Party’s Government was not able run smoothly and fell down before it completed its term and Parliamentary Election were held again in 1980 and Sheikh Abdullah openly supported Mrs. Indira Gandhi. But Congress (I) and National Congress could not go far away. The Income Tax Raid on Srinagar’s business elite on 21st April, 1981 created a Centre State Confrontation. Mrs. Indira Gandhi turned totally against Sheikh Abdullah and provoked him by her speeches. She attacked Sheikh Abdullah by name and said vehemently that minorities were not safe in Kashmir then. (Bajaj, 1978,p.67). During a whirlwind tour of Jammu and Kashmir, Mrs. Indira Gandhi declared that without the centre’s tolerance and help Sheikh’s government could not survive even for an hour. (Centre State Confrontation in April, 1981).

Sheikh was letting into the air for family feudalism in the National Conference. By ignoring the probably contenders from National Conference, Sheikh Abdullah declared his eldest son Dr. Farooq

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41 *Ibid*.

Abdullah as his successor and made him the President of the Party in 1981. The seeds of family feudalism were sown. An era was ended with the death of Sheikh Abdullah in 1982. As expected Dr. Farooq Abdullah, succeeded him after his death as Chief Minister. At this moment Mrs. Indira Gandhi and B.K. Nehru, the Governor of the State, supported to make the transition smooth. But soon a clash emerged in Abdullah family and subsequently the National Conference was split in May 1984 into two parts i.e. National Conference (Farooq) and National Conference (Khalida) named after the elder daughter of Sheikh Abdullah, married to G.M. Shah.

During such unstable period in the State politics, the controversial executive era of Jagmohan began on April 26, 1984. Within two months of his appointment as Governor of J&K, Farooq’s Government was dismissed. The inclusion of words – ‘extremists’, ‘communal forces’, ‘public order’, ‘tranquility’ in Jagmohan’s justification for his action reflects that there was danger to peace in Kashmir. And the hidden meaning was that if Forooq’s Government would continue then definitely there would be more disruptions.

Notably, on August 2, 1965, a senior Indian Army Commander told officers in Srinagar that the next phase of the Kashmir struggle would not be overt organized power but murder and terrorism. (Giyasuddin, 1997, p.56). Perhaps the prophetic statement of military person had smelt the conceiving stage of insurgency.

Unfortunately, from Abdullah (Sheik Mohammad) to Abdullah (Dr. Farooq) nothing was changed in the case of standard of politics. The

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era of politics of deception and duplicity has never ended in the Valley. Opportunistic Accords have been taken place between Centre and the State at the cost of wishes of the people and development of the State. Almost all Kashmiri leaders were double standard. Seeing the pulse of time and their respective interests they could be secular at one moment and communal at the next moment. Motivated by the game of power they raised the voice to make democracy strong at one time. And at the next time they could be dictators. Moreover, when they were enjoying the power they were accessionists and next day when they were out of power they lifted the flag of secessionists.

Dr. Farooq Abdullah following his father’s footsteps of opportunistic politics carried out an accord in 1986 known as Rajiv-Farooq accord and gave a clear impression of his power greed. This was an unwritten accord to share the power in the ratio of 60:40 in the coming Assembly Election. Opportunistic political game in the form of such type of temporarily accords in 1975 and 1986 worked to strengthen the dynamic of negative forces in the State. Gradually these temporarily hollowed the foundation of J&K’s accession to India. The accord of 1986 made Dr. Farooq a traitor in the eyes of Kashmiris.

It was unfortunate that when Kashmiri Youth was in search of ideology in early sixties, then it came under influence of erstwhile Plebiscite Front. The Front was fully responsible to mould the Kashmiri youth towards secessionist politics in the State. The subversive activities were at the top during the last five years of the sixties in the State. The Front leaders took the timely advantage of discontent prevailing amongst the Kashmiri Youth and used them for their own motives. Infact, the feeling of future uncertainty and insecurity among Kashmiri youth led them on the way of struggle. Because the State leadership, either it was in
opposition or in government, was busy to accumulate more and more wealth to acquire and maintain their political power in any way. No efforts, both at administrative and political level, were made to raise the standard of living. No development work took place. There was no proper use of funds. The absence of accountability in the character of state leadership brought the State in distress condition. Such frustration amongst Kashmiri youth came out in the form of demand of self-determination. With raising the slogan of self-determination youth politics began in a peaceful way. But in order to gain political fruits on the cost of such youth organizations, the old giant leaders played a dirty game of divide and rule. It resulted in the multiplicity of number of youth organizations. This factor was responsible to bring the militant element in some of the youth organizations.

Aiming at economic and militant subversion, a militant organization in the name of Al-fateh had been arisen till 1966 which was indulged in espionage, bomb explosions and dacoties. In order to hurt communal passion in the Valley, it adopted the strategy of destroying holy places such as ‘Maq doom Sahab Ke Zirat’! Jagmohan alleged that top leaders of Al-Fateh were guided, trained and motivated by officers of Pakistan Intelligence. (Jagmohan, 1991, p.160). Keeping a close liaison with Al-fateh’s special organizations. Young men league and Student Federation through its youth wing the front fostered the Al-fateh in the Valley. And Al-fateh had been emerged as well knit militant organization with a plan to liberate Kashmir on the line of guerrilla warfare strategy.

Besides creating such militant organizations, the Plebiscite Front was involved, at its own level, in anti-India propaganda. During the Operation Gibraltar in 1965. The Plebiscite Front leaders performed anti-

India role. According to a reporting, during the Indo-Pak conflict of 1965, Plebiscite Front justified infiltration of Pakistanis into the Valley. The front kept secret links with Pakistan where from it received substantial financial and propaganda support. According to a report published in Pakistan in 1976, the front received about Rs.7.5 crores from Pakistan during the period between 1954 and 1974. (Role of Plebiscite Front in 1965 War).45 The secessionist movement, that had taken birth during the life span of Plebiscite Front, got momentum after the death of Sheikh Abdullah under the official umbrella of Dr. Farooq Abdullah, the Chief Minister of the State. The year of 1984, came with the militancy in its practical form.

Earlier after taking the charge of Chief Minister, Dr. Farooq Abdullah got the Resettlement Bill passed on October 4, 1982 from the State Assembly for second time after the first effort of his father. The Bill was awaiting the assent of the Governor, who had returned it to the Assembly for reconsideration. Dr. Farooq Abdullah’s this act raised the communal wall higher. The Jammuites reacted hostility. Hindu and Sikh refugees from Pakistan who resettled on property left behind by the departing Muslims felt threatened. Unfortunately, the Resettlement Bill became the timely weapon for National Conference. Whenever it felt its loosing roots on emotive and exploitative fronts, National Conference used this weapon.

It is tragedy with Kashmiri people that their leaders have always fought for their own selfish political interest. The then Governor of Kashmir Mr. Jagmohan has quoted statement of a Pakistani Journalist who has rightly commented upon the Kashmiri leadership that “I can say something definitely only about the politicians as I have met large

number of them. Those who are in power at the moment are with India and those who are not, are for Pakistan” (Jagmohan, 1991, p.141).

Nothing is wrong in the statement. Not a single leader has thought for a while for Kashmir and Kashmiris.

During 1987 Assembly Elections in the State, Dr. Farooq Abdullah used every weapon to make sure his Chief Ministership of Jammu and Kashmir. Had Dr. Farooq not crushed the voice of Muslim United Front in the way of dictatorship? Then there would be no chance to flourish the secessionist forces in its present form. When a dissident group wanted to come in the main stream of politics through election process then why it was curbed to unethically? It was quite natural for these groups to loose their faith in Indian democracy. A large number of youth, participating in the elections, felt cheated as a result of large scale rigging. Their sentiments were further injured by resorting to indiscriminate arrest. Both centre as well as State leadership is responsible to create a number of Ajaz Dars on the land of Kashmir. Ajaz Dar was designated as first martyr. (Singh, 1995, p.109). It was rigged assembly Elections of 1987 that compelled the Kashmiri youth to get training across the border in late eighties. Actually, after loosing the wars of 1965 and 1971, Pakistan changed its war strategy. Now under the leadership of Zia-ul-Haq, the then President of Pakistan, strategy of proxy war was formulated. As it had understood that there was no use to go ahead in such a way. Kashmir Panthers Party’s Leader and political analyst, Bhim Singh writes that Pakistan under Zia-ul-Haq Doctrine demonstrated tremendous patience and skill. He changed the war strategy and worked out the diplomatic chains with the West and Islamic nations. He could not taste the fruits of his labours due to his death in a mysterious air crash. (Singh, Bhim,}

He further writes that the Zia-Doctrine successfully lured the “Kashmir boys” to cross over to POK for terrorist training. Such border crosses were admitted by Dr. Farooq Abdullah himself in 1988, when he was the Chief Minister…. Zia-Doctrine made India lose in men and material in 7 years of militancy more than she had lost in three wars with Pakistan. (Singh, 1998, p.15).

With the objective of making Kashmir a part of Pakistan, General Zia-ul-Haq, the President of Pakistan, formulated ‘Operation Topac’ which was planned to be applied in three phases. In Phase-I a low level insurgency against the regime. And in Phase-II to exert minimum pressure on the Siachen-Kargil and Rajouri-Poonch sectors to force the Indian Army to deploy reserve formations outside the main Kashmir Valley and in Phase-III detailed plans for the liberations of Kashmir Valley and the establishment of an independent Islamic State. (Indian Defence Review, 1989, pp.35-48).

Some studies reject the existence of ‘Operation Topac’ completely and nullify it ab-initio. Robert G. Wirsing in his book ‘India, Pakistan, and the Kashmir Dispute’ 1994 dismissed the arguments that Kashmiri Muslim separatists in its latest and most violent phase was exclusively or even primarily the product of a craftily designed and skillfully executed conspiracy hatched by Pakistan’s military intelligence. ‘Operation Topac’ was actually formulated by the Pakistan authorities.

No doubt Pakistan was responsible for Kashmir trouble. According to Tavleen Singh, Mrs. Indira Gandhi and Mr. Rajiv Gandhi were

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49 Ibid.
responsible for giving momentum to Kashmir Freedom Movement. she writes, “In fairness to Pakistan, it need to be said that Kashmir would have remained a non-issue if the Valley had not exploded on its own thanks to Delhi’s misguided policies. Gradually, over a period of time, the LOC would have been accepted as the border and we could have one day forgotten the dispute altogether had Mrs. Gandhi’s enormous ego not got in the way. Had she been able to accept Farooq Abdullah’s victory in 1983 with the maturity of a national leader to whom the loss of one small State should not have mattered, Kashmir would almost certainly have become part of the India mainstream. Her inability to do this and Rajiv’s inability to understand the folly of forcing Farooq into an alliance with Congress Party in 1986 were the two important reasons why Kashmir’s freedom movement was born again.’ (Singh, Tavleen, 1995, p.204). Infact, insurgency gained momentum after the state assembly election of 1987.

Indian Political System has always been motivated by the nature of its vote bank. According to dimensions of its vote bank, each party determines its ideology. If V.P. Singh sprang the Mandal card to attract backward votes then BJP was determined on the ideology of Hinduism to collect all the Hindu votes. Similarly, Congress (I) played the card of secularism to get a small fraction of each and every religion. And Dr. Farooq Abdullah, the National Conference leader, always emphasized the minority (Muslims) problem in the context of whole India completely ignoring what was going on with the minority (Hindu) in his own State.

During the period of coalition Government in the Centre serious matters like Kashmir were totally ignored. Meantime Jagmohan was reappointed as Governor of the State on 19.1.1990 by the V.P.Singh

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Government. Infact Jagmohan dissolved the State Assembly in 1984 and made a way to push out Dr. Farooq Abdullah from Chief Ministership. And also, it was again Jagmohan, when Dr. Farooq Abdullah’s Government was toppled down in February 1990. Jagmohan’s second tenure was brief but controversial, began with Gawakadal incident and ended after the murder of Moulvi Farooq.

The second journey of Jagmohan as Governor, in the Valley was not only confined to massacres and murders but it also passed through such political developments that made the Kashmir problem more complicated. His journey had to face the phase of extreme communalism in the social life of an ordinary Kashmiri. After Jagmohan’s appointment as a Governor in J&K, the V.P. Singh Government announced a separate Cabinet Ministry for J&K on 11th of March, 1990. Besides, becoming the victim of Delhi politics, the Governor had to face hysterical political campaign which was launched against him across the border. The then Prime Minister, Benazir Bhutto gave speeches in which she urged Kashmiris to fight with bullets and also abused Jagmohan personally. Seeing the advantage in anti Jagmohan Speeches in her political career she shrieked, Jag, Jag Mohan will become bhag, bhag Mohan. (Singh, 1995, p.137).\textsuperscript{52} Jagmohan’s brief reign as Governor from 19\textsuperscript{th} January to 21\textsuperscript{st} May, 1990, is strongly criticized for the issue of State Terrorism. Taking the support of documents of International Amnesty, Asia Watch and other Human Rights organizations, Jagmohan’s second tenure is described as full of terror and atrocity.

One group is of view that there was no such State Terrorism but it was false propaganda to defame security forces in the name of human rights. It is very hard to disapprove the cases of atrocities by security

\textsuperscript{52} Ibid.
forces. But they are too exaggerated to believe. Today, the right to protect the human rights has become the monopoly of developed countries. Some experts have condemned the whole report of Asia Watch in his reporting (in three parts) in the Times of India, January 28-30, 1992. He refers to a nexus between Asia watch and Pakistan. It is account of completely and conveniently glossing over the fact of Pakistan’s involvement in training, funding, guiding and coercing terrorists in Kashmir, it does not mention the killings of minorities and brutalities against them by terrorists. (Puri, Balraj, 1992).  

A veteran journalist, Tavleen Singh has tried to see both the aspects of the problem in her book. ‘A Tragedy of Errors’. Her personal visits to the Valley seem more reliable source. She illustrates the cases of atrocities in the Valley during the period of elected Government headed by Dr. Farooq Abdullah who was governing the state. She also describes incident of State Terrorism occurred in village of Kanihama. Further, she writes about an incident of Village Bah in Baramullah, which had been reported by the foreign correspondence as the scene of major rape and massacre. She finds that in Baramullah, she discovered that there was no village called Bah and no complaints of rape. (Singh, 1995, p.147).  

Though she seems deadly against the policies of Jagmohan, but her work based on fact finding research, represents the both sides of picture. In order to investigate the massacre and gang rape by Indian Security forces in Bandipura, Tavleen Singh along with Satish Jacob the BBC correspondent, found that the story of torture was explained not by victims themselves or his or her close relative but by the youth in jeans

and sneakers who spoke English and said he was a teacher. (Singh, 1995, pp. 185-186). 55

Though it is state sponsored terrorism or militant terrorism, the ordinary citizen becomes its victim. But it was unfortunate that Press has stressed only on state terrorism. In the names of violation of human rights, Jawans of Security Forces were demoralized. This gave an automatic momentum to militants’ courage.

Jagmohan, the Governor of J&K is not only alleged for escalating the state sponsored terrorism during his brief tenure but also for the migration of Kashmiri Pandits. Writings of Tavleen Singh also confer the migration of Kashmiri Pandits at large scale in the starting months of 1990. She emphasized on the fact that things deteriorated to such an extent that within weeks of Jagmohan’s arrival there was a mass exodus of Hindu from the Valley. (Singh, 1995, pp. 75-76.). 56

Blaming the Union Government for the migration of Kashmiri Pandis, Jagmohan writes that it had created about-2,50,000 refugees in its own country. President Clinton found time to respond personally to an ordinary functionary of POK/Pakistani Propaganda machinery. It is a measure of India’s failure that Mr. Clinton remains obvious of the gross human rights violations of the Kashmiri Pandits. (Jagmohan,1991). 57 The then growing pro Pakistan militant outfits are also responsible for the

55 Ibid.
56 Ibid.

Sumantra Bose, a strong critic of Jagmohan’s policies, counters the latter’s justification for the migration of the Kashmiri Pandits in his writings. Not attributing these killings to Pan-Islamic fundamentalism, Bose’s writing indicates the political motives. He writes that only those prominent Pandits became the target of terrorists who had connections with Indian Government in some way. Religion was not reason for their murder, though it was the murder of J&K’s BJP President or Magistrate N.K.Ganjoo. (Bose, 1997, pp.74-75).  

The growing militant incidents and migration of Pandits forced Jagmohan to resign. Demoralised by the appointment of George Fernandes as Minister of Kashmir Affairs by the National Front Government, Jagmohan was already in mood to quit. Girish Chander Saxena, the retired head of Research and Analysis Wing (RAW) took the charge of Governor in May, 1990. But there was no change in the strategy and policies.  

Actually, when the centre missed the opportunity of political solution during State Assembly elections of 1987 in which the voice of angry Kashmiri youth was suppressed undemocratically that made them to pick Kalashnikovs, then for both the Governors either Jagmohan or Girish Chander Saxena, had no way out but military solution. Because the violence was continued and had become endemic till 1991. A situation of virtual civil war was created in the Valley.  

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Since its very inception, Kashmir issue has its deep root-cause in religion. Insurgency, politics and religion can not be separated in the context of Kashmir issue. Besides, the minor incidents of militancy in the Valley, the religious places always became place of confrontation between militants and security forces. On Oct. 15, 1993 an encounter between religion and State took place, when Hazratbal crisis sparked out. BSF was informed that Shrine had become a spot of militants. The Indian Army besieged the Shrine to capture militants. Militants started firing at the security forces from inside. (Kumar, 1996, p.50). But keeping the religious sentiments in the mind or perhaps remembering the consequences of Blue Star Operation in 1984 in Punjab, Security Forces did not return fire. The Hazratbal crises passed over peacefully after the tense situation of 32 days. In March, 1995 the presence of terrorist belonging to the pro-pakistan Militants groups, Hizbul-Mujahindeen and Harkat-ul-Ansar were noticed in the vicinity of Charar-e-Sharief, 15th Century Shrine of Sufi Saint, Sayeed Noor-Ud-Din Wali. Mast Gul, the foreign mercenary, was supposed to be led the group.(Kumar, 1996, p.54.). Here, adopting the policy of wait and watch as followed in Hazratbal crisis did not bring desired result. Crushing the religious sentiments of local people, the foreign mercenaries set on fire the holy Shrine, the adjacent Khankah and the green mosque at 2.30 a.m. on May 11. (Kumar, 1996, p.56).

But earlier in 1942, on the same fundamental ideology Jamaat-e-Islami Pakistan was setup by Moulvi Ghulam Ahmad Ahar and Sayeed Shahbu-ud-din at Shopian. And till early 90’s Jamaat-e-Islami has been

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61 Ibid.
62 Ibid.
gaining success in planting the seeds of fundamentalism. After 1992-93, the fight was not remained against the Government of India. Now the very prominent group was trying to monopolies the movement in the State. The main militant outfits were Jammu & Kashmir Liberation Front (JKLF) and Hijubul Mujahidin (HM). HM was created by Pakistan to encounter the growing influence of JKLF in the Valley.

In Jammu and Kashmir, politics and religion (that are inseparable in the case of Kashmir) seems to be manifest cause for uprising the militancy in the State. Besides such visible causes, insurgency has its deep latent roots in the socio-economic structure of the State. Inspite of a special status in the Constitution of India under Art. 370, Jammu and Kashmir could not have been shown the path of progress. It has a special privilege in centre-state financial setup. It gets loan and grant in the ratio of 10:90 from the centre, while the ratio for other states is 70:30. Mis proper use of public funds by public servants is responsible for the deteriorated situation of the State. As expected from the State Government, the development funds were not utilised for down-trodden people of the State. The benefits of the central aid has not percolated to the masses, and the lot of the vast majority of poor peasants have not changed anywhere in proportion to the massive funds by the central government. (Giyasud-din, 1997, p.81).

Regional factor has also contributed a lot to grow the insurgency in Kashmir. Before independence, Jammu, Kashmir and Ladakh were struggling for their regional identity in the curtain of religious sentiments, and even after the accession of the State of India, this conflict did not stop. The political parties always have taken the advantage of this

conflict. Though it was recommendations of Gajendragadkar Commission or Mr. Justice S. M. Sikri Commission either not accepted or were not implemented.

Besides these internal factors, international events have also affected the movement in Kashmir. Unfortunately, the concept of freedom in Kashmir was seen tried to see in the context of fragmentation of USSR while it is fact that historical, economical, cultural causes are totally different in the both cases.

Similarly the upsurged wave of Pan-Islam derived by fundamentalist Muslim countries have found the feeling of Muslim identity that converted the Indo-Kashmir Nationalism into Islamic Nationalism. Amidst prevailing such factors, insurgency in Kashmir was going ahead on its own speed and on the other hand, political leaders were busy in a ‘political solution’ for the troubled state.

Actually, it was the first quarter of the year of 1994, during which Kashmir issue became hottest. Though it was Islamabad, where Secretary Level talks were held but all went in vain. Or it was United Nations Human Rights Convention at Geneva, where India totally failed to encounter Pakistan’s false propaganda regarding Kashmir. Or it was Srinagar, where Farooq Abdullah’s visit to revive his virtually defunct National Conference after his sudden return from his sojourn in London after smelling the preparations for election feast in the State. Or it was New Delhi, where fresh efforts were initiated to restore normalcy in Kashmir and begin political process. The process of Dialogue between the countries never stopped permanently. And, thus, in a direction to improve Indo-Pak relations, Secretary level talk was resumed in Islamabad in January 1994. During the talks, the only solution to this
problem was accepting the Line of Control (LOC) as international border. This was also indicated from the suggestions of Mr. J.N. Dixit. The then Foreign Secretary, after his return from Pakistan said that ‘the existing LOC could be converted into “a line of peace and tranquility.”’ (Giyasuddin, 1997, p.81). Notably here, Mr. Swaran Singh, who was associated with the negotiations leading to Simla Agreement, 1972, confirms that a proposal was mooted at the Simla Summit between the late Mr. Z.A. Bhutto and the late Mrs. Indira Gandhi to convert LOC (then called Line of Actual Control) into the International border between India and Pakistan. Mr. Bhutto’s response was that he generally agreed with the proposal but needed some time to convince his people of the need for such an arrangement.’ (Giyasuddin, 1997, p.81).

Interestingly, reaction on Islamabad talks did not set in the same tune in Pakistan. On the one side, Mr. Farooq Laghari, the President of Pakistan, described the Islamabad talks as a step in the direction for providing a just and right solution. (Giyasuddin, 1997, p.81) to the fundamental issue of Kashmir’s political status. In contrast to this, Mr. Asif Ahmed Ali, Pakistan’s foreign minister, talked about the danger of fourth war that too be nuclear one during his visit to Uzbekistan. Not surprisingly, Islamabad secretary level talks went in vein.

India virtually failed to encounter Pakistani propaganda on Kashmir at international platform. Infact, Pakistan Government not only kept Kashmir issue boiling one in the country itself but at the world stage too. The stories of human right violation by Indian Security forces were being told through propaganda literature by Pakistani diplomat.

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64 Ibid.
65 Ibid.
66 Ibid.
Moreover, Pakistan went to that extent that POK politicians were projected falsely as a delegation from J&K and contrast to it, India could not represent even its own case with a big team of top leaders and bureaucrats. Evidently, New Delhi failed to counter the effective Pakistani propaganda.

While on Indian side, efforts were continued to establish popular Government in the State, but cross the border, Pakistan, as usual, was engaged in disruptive activities from the beginning of these efforts. The call of Pakistan Bandh on February 5, 1994 given by Benazir Bhutto, the then Prime Minister of Pakistan was severely criticized by Atal Bihari Vajpayee, the leader of the opposition in the Lok-Sabha being violation of all International norms. (India on Pakistan Bandh call, 1994).67 The assassination of a political leader Wali Mohammad Itoo on March 18, 1994 definitely questioned the claims of Central Government that militancy in J&K was under pressure. Apart from such political assassination, common policies were also becoming the target of militant guns. Thus, Pakistan’s Government design to halt the current progress towards initiating a political process successfully tried to sponsor subversion at the critical phase of the politics of the State. These types of attempts across the border were nabbed during an interview with Ms.Claire Glaze, Belgium Human Rights activist when Pakistan authorities could not find the reply of her questions. (Cross Border Destructive Activities by Pakistan, 1994).68

Efforts to conduct Foreign Secretary level talks were put in motion in March, 1997. These talks were nothing more than a patch work. On the

one hand, Pro Pakistan militant outfits (undoubtedly at the behest of Pakistan) were engaged in mass killings and on the other hand Foreign Secretary level talks were confined to cultural and trade cooperation. Uncertainty was prevailing at Delhi after withdrawal of support of Congress to Devegowda Govt. Then Congress agreed on the name of I.K. Gujral who led the second United Front Government.

There seemed no change in foreign policy in Gujral doctrine. Pakistan was provoking disruptive activities in India, and the Prime Minister of India was eager to talk. An opportunity came, both the Prime Ministers met at Male on the sidelines of the SAARC Summit on May 12, 1997. This time they gave the political mandate to their Foreign Secretaries who met in Islamabad some six weeks later and identified eight outstanding issues to be addressed by the two countries and agreed upon a mechanism for this purpose.’ (SAARC Summit, 1997). Then in June 1997, the Foreign Secretaries of both countries had reached on agreement that all possible steps should be taken to prevent hostile propaganda against each other. (Foreign Secretary Level Talk, 1997). But soon, Pakistan leaders made a breach in the agreement and started to issue such statements in order to make propaganda against India at International platform. On the issue of permanent membership for India in the Security Council, the Federal Information Minister, Mr. Mushahid Husain said that India had no right to become a permanent member of the United Nations Security Council. He said “it is like making Hitler a member of the Nuremberg trial tribunal.” Not surprisingly, when at Independence Day ceremony, the Prime Minister of Pakistan, Mr. Nawaz Sharif said that Pakistan’s Independence would be “complete” when the

70 Foreign Secretary Level Talk. (1997, August 28). New Delhi: The Hindu
Kashmiri “brethren” participated in the celebrations. (Pakistan Stand in UN, 1997).  

Thereafter Gujral-Clinton or Clinton-Sharif “meets” in New York on September 22, 1997 represents the bilateral feature of the talks. But, significantly, Mr. Clinton was common in both “bilateral” i.e. Gujral-Clinton and Clinton-Sharif. It reflects how cleverly US played a third party’s role in bilateral meetings. However, Mr. Clinton openly declined to offer any good offices or mediatory role on Kashmir. (Ram, N. 1997).  

In another significant development, `it happened for the first time in the last 48 years when the Kashmir issue was not mentioned in the annual report on the work of the United Nations. Referring to India and Pakistan, the report merely said the United Nations Military Observer Group in India and Pakistan (UNMOG) continued to perform its functions. It seems that top UN official wanted the issue to be resolved bilaterally.’ (Kashmir in UN Annual Report, 1997).  

In a move to sincere direction the Indian nationalists visited Lahore by bus with the message of peace in February 1999. The ice had been broken at last. When Atal Behari Vajpayee crossed the Wagah Border check-post on February 20, he not only negotiated a formidable physical barrier but also broke through the mental barriers that prevented better relations between India and Pakistan. However, whether the initiative amounts to a genuine forward movement in terms of bilateral relations

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71 Pakistan Stand in UN (1997, August 15). New Delhi: The Hindu
remains an open question’. (Baruah, Amit, 1999). Mr.Nawaj Sharif seemed very optimistic regarding bus-yatra. He said that “it will be a great reception…. we will solve half our problems on the bus.” (Nawaj Sharif on Bus Yatra Diplomacy, 1999). But soon his optimism disappeared. During his visit to Lahore pro-Pak militants killed 20 people in Jammu and Kashmir. Anti-India forces in Pakistan reacted severely on Vajpayee’s Lahore bus-yatra. Gazi Hussain called Nawaz Sahrif a friend of Hindus. He insisted Sharif that there would be only single point agenda of Kashmir during talks. (Reaction by Anti-India Forces on Bus Yatra Diplomacy,1999). However, the Lahore Declaration, on the other hand, seeks to lay down the broad principles of an emerging India-Pakistan relationship. The two Prime Ministers also agreed that the countries would intensify their efforts to resolve all outstanding issues, including the problem of Jammu & Kashmir; refrain from intervention and interference in each other’s internal affairs. (Baruah, Amit,1999).

Just after few month of Lahore Declaration, Pakistan Army, ISI and foreign mercenaries captured many strategic hill tops in the Kargil Area during the month of May-June 1999. Congress I openly criticized BJP for the infiltration in Kashmir. It blamed that BJP had knowingly ignored the infiltration and was responsible for the Kargil War.

In a significant development in Pakistan, Pervez Musharraf toppled Sharif’s government and pushed him out of power. Not only this Nawaj Sharif has to face military trial and was exiled from Pakistan.

The influence of Taliban was at its climax when world was about to enter the new Century. The hostage crisis at Kandhar in 1999 which lasted for seven days was ended after India agreed to release three militants namely Mushtaq Ahmed Zargar, Ahmed Omar Sheikh and Maulana Masood Azhar. Harkat-ul-Maujahidin, a Pakistan based Islamic extremist group hijacked India Airlines Flight 814 on 24 Dec, 1999. When it was enroute from Kathmandu to Delhi. After touching down in Amritsar, Lahore and Dubai the hijackers finally forced the aircraft to land in Kandhar, Afghanistan which was under the control of Taliban at that time. These three militants have been also implicated in other terrorist actions, such as 9/11, the kidnap and murder of Daniel Pearl and Mumbai Terror attack.

In dying Century, the different terrorist groups- Lashkar-e-Toibba, Harkat-ul-Ansar, Hijub-ul-Mujhideen, Al-badar emerged as powerful groups. Other pro-independence militant groups like JKLF weakened before the Pro-Pakistan terrorist groups. Notably here severe clash has been emerged between foreign and local militant groups.

C. The Period from 2000 onwards

Amidst bitterness of Kargil War and Kandhar Hijacking the ice melt when a three days Agra Summit began in July, 2001 with optimism for goodwill between A.B. Vajpayee, Prime Minister of India and Pervez Musharaff, President of Pakistan and both the representatives promised to be flexible in talks. Notably, Mr. Musharraf was first Pakistani leader who visited Raj Ghat. He also visited his ancestral house at Daryaganj and also met one of their old family servant. On second day of talk at Agra though both the leaders said talks were constructive but Mr. Musharraf stressed that Summit would succeed only if Kashmir was focused. On the
other hand India wanted broad based talk including militancy, nuclear programme. During their talks 18 people were killed in Punch District in violence. On third day, as issue of Kashmir created dead lock so all hope finished. Pravej Musharraf cancelled his Ajmer visit. Drafts proposal made several times from both sides but could not be signed. (Failure of Agra Summit, 2001).  

Some experts viewed that a lobby in Vajpayee Government. did not wanted the Summit to be successful. Foreign Ministers of both countries stated that talks were not futile but inconclusive. Gen. Musharraf was not ready to forget past and bitterness. On the other hand India’s pain was that Pakistan was not ready to stop cross border firing and it still remembered the role of Pakistani Army in Kandhar Hijacking case. Chief Minister of J&K was also not a part of Indian delegation. The pressure of religious leaders and other officers of Pakistani army, who were stressing on Kashmir issue, on Gen. Musharraf cannot be ruled out. (The Agra Summit & Thereafter, 2001).  

Once again dialogue process was hit by militant outfits active in valley. This time they made Parliament of India as their target giving signal that they did not have any faith in the Constitution of India. On December 13, 2001 an armed attack was made on Parliament in New Delhi. India blamed Lashkar-e-Taiba and Jaish-e-Muhammad for the attacks. Jaish-e-Mohammed, the militant organisation has been working and fully active in the valley. The attack resulted in massing of militaries of both the countries along LOC. Thus the dialogue process between

India and Pakistan again interrupted. But international pressure was built upon both the countries to end stand off and to are initiate talks as terrorism has been emerging a big threat to the whole world as it has even not spared giant power of world like America.

The beginning of Composite Dialogue Process started in January, 2004, when Mr.A.B.Vajpayee and Mr. Pravej Mussharaff, held direct talks at the 12th SAARC Summit in Islamabad. Bilateral meetings were held by officials of both the countries at various level including the foreign ministers, foreign, military officers, border security officials and narcotics officials and nuclear experts later in the years a part of Composite Dialogue Process.

Thus amidst talks between high level authorities and bullets in the valley back door diplomacy was continued even with change of power at New Delhi. Manmohan Singh Government replaced the Vajpayee Government. in India in 2004. In a step forward to back door diplomacy and to bring people of Indian Kashmir and Pakistan occupied Kashmir closer to each other, Srinagar-Muzaffarabad bus service was started in April 2005.

A time definitely came when both the Government. were near to resolve the Kashmir issue but circumstance suddenly changed in Pakistan and opportunity was lost once again. During his visit to India in December 2006, President Pervez Musharraf reiterated his willingness to give up the Kashmir issue from the UN Security Council if talks with India over the conflict show tangible progress. In an interview to NDTV, Musharraf offered a four staged interim solution. According to Gen. Musharraf four stages Kashmir Plan was as under:-
(i) Kashmir will have the same border but people will be allowed to move freely back and forth in the region.

(ii) The region will have self governance or autonomy but not independence.

(iii) Troops will be withdrawn from the region in staggered manner.

(iv) A joint supervision mechanism will be set up with India, Pakistan and Kashmir representatives.

Gen. Musharraf said “we are at the moment, both India and Pakistan on the same position as we were since 1948. But we both, I am saying, we ought to be prepared to give up all that we have been saying. And this includes all this. If we reach an agreement where we are giving self governance yes indeed, that is it.” On asking whether he then prepared to give up his claim on Kashmir issue Mr. Musharraf replied, “we will have to, yes, if this solution comes up.” State Minister for Foreign Affairs, Anand Sharma, “we cannot redraw the map but we can make borders irrelevant… “India does not want this region to remain in conflict. We want people of Pakistan and India and this region to enjoy fruits of economic development which can only come when conflict and distrust are removed.” (Naqvi, 2006).  

Wikileaks, a multinational media organization, also confirmed this development. Referring US Embassy cable Wikileaks disclosed that India and Pakistan, through back channel agreed to a non-territorial solution to Kashmir under Prime Minister Manmohan Singh and the Pakistan President Pervez Musharraf. According to US Embassy cable, on April 21, 2009 Mr. Singh confirms this to a visiting US Delegation led by then

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Home Foreign Affairs Committee Chairman Howard Berman in April, 2009 saying that the solution includes free trade and movement across LOC. Mr. Singh told the US delegation that Delhi and Islamabad had made great progress prior to February, 2007 when President Musharraf ran into troubles. We reached an understanding in back channel, he revealed to the Channel, in which Musharraf had agreed to non-territorial solution to Kashmir. Singh’s comments authenticate Musharraf assertion last year that India and Pakistan had reached that stage, where they were preparing the final draft for the solution.(Manmohan, Musharraf came close to striking Kashmir Deal, 2012).

In March 2007 conflict took place between Pakistani Judiciary and Musharraf. Advocate lobby came into street against Musharraf Rule. Mr. Musharraf had suspended Supreme Court Chief Justice of Pakistan Mohd. Iftikhar Chowdhary which arose a feeling of protest among legal class of the country. A big movement was started to install democracy by removing Musharraf. In October, 2007 Mrs. Benazir Bhutto returned back to Pakistan and started movement against Musharraf Rule. The country witnessed a high political temperature. The exiled Prime Minister Mr. Nawaj Sharif also came back on November 2007 and raised voice against Musharraf Government. Then assassination of Mrs. Benzir Bhutto in December, 2007 gave momentum to anti Musharraf protests.

In 2008 Pakistan Peoples Party (PPP) came into power under the leadership of Mr. Asif Ali Zardari. Army’s rule came to an end. During the period of PPP Government the incidents of suicidal bombing attacks in Pakistan increased. In the name of Jehad Taliban disturbed the

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Government and Army both on western frontier of the country. Pakistani Prime Minister Yousuf Raza Gilani accepted on 6 Feb, 2012 that Pakistan cannot afford war over Kashmir and Kashmir issue to be resolved by dialogue and diplomacy. Four wars have already been fought on Kashmir issue and region was still a flash point. But in 21st Century we cannot afford war. (Pakistani Prime Minister Statement on Kashmir, 2012).  

On 26th November, 2008 when 10 persons from Karachi entered Mumbai through Sea-Route and attacked important and populated places of the City i.e. Oberai Hotel, Taj Hotel, Nariman House, Jewish Centre. India had to send Marine Commandos, NSG and RAF to counter them. Lashkar-e-Taiba was behind this attack. Only one person Ajmal Kasab was caught alive. Only 10 attackers killed 164 persons Out of which 28 foreigners. Earlier Pakistan did not accept his involvement but later it had to admit. Incident increased the tensions between both the countries.

After Mumbai attack in 2008, both Prime Ministers, Manmohan Singh and Yousuf Raza Gilani met at Sharm-el-Sheikh, Egypt on July 16, 2009. It was considered an important meeting and claimed cordial and constructive meeting from both sides. A joint statement was issued. Representatives of both the countries agreed that terrorism was main threat to both countries and affirmed fight against terrorism with cooperation. Both agreed that real challenges before them were development and elimination of poverty. Indian Prime Minister asked Pakistan to cooperate trial pending in the Mumbai Attack. Prime Minister Gilani mentioned that Pakistan had some threat in Baluchistan and other

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areas. But main opposition party, BJP raised objection on the inclusion of Baluchistan in the joint statement. Mr. Yashwant Sinha, Former Foreign Minister criticized government to include reference to Baluchistan in the joint statement that has embodied Pakistani leaders to accuse India of involvement in formenting insurgencies in the region. (Sharm-el-Sheikh Joint Statement of India-Pakistan, 2009).  

Both the countries have been very well aware of this fact that solution lies somewhere in development and regional cooperation which can decrease the bitterness across the border. So from time to time steps were taken in this direction. After six decades trade route was reopened on 21st October, 2008 between Srinagar to Muzfrabad. Pakistani leaders supported regional cooperation trade. Mr. Asif Ali Zardari had said in interview – There is no other economic survival for nation like us. We have to trade our neighbor first. India is never threat to Pakistan. (Pakistan on Economic Ties with India, 2008).  

Certainly, the ultimate beneficiary would be Kashmiri people from both sides. Their goods like cement, rice, fruit, dry fruits would get market nearby and their economic position would be get improved.

But hurdle in the economic progress of Kashmir is certainly from the Militant organization’s leaders who have been alluring separatist leaders of the valley. According to a report a delegation of separate leaders from Jammu and Kashmir on a visit to Pakistan met Hafiz Sayeed

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and Sayeed Salahudeen in Dec. 2012. The delegation also met Army Chief Mr. Parvez Kayani and Prime Minister Raja Pravej Ashraf. Mirwiaz Umar Farooq one delegatee stated that Pakistan Authority believe that Taliban insurgency would spill over Pakistan and possibly over Kashmir. A Hurriyat delegate who met Hafiz Sayeed Salahuddin said that “Sayeed & Salahudin think that with US of their back, the militancy would be in a position of Command in Kashmir after 2014. (Warning of Return back of Militancy in Kashmir, 2015).  

On Political front in the State of Jammu and Kashmir, after long time the State, saw its second coalition government in 2002, when the newly-formed PDP and Congress party came together. Even though the NC emerged as the single largest party in the state, it was alliance that formed the government—with a three-year rotational chief minister formula tried out for the first time. Mufti Sayeed remained the chief minister for the first three years from 2002 to 2005, while Ghulam Nabi Azad of the Congress took control for the remaining period. Notably legislators are elected for a period of six years in the State. Election were held in September -October 2002 in four phases. Electronic voting Machines were used for first time in Jammu Kashmir assembly elections in 2002. The international community also appreciated the credibility of the elections and the results that followed it. The elections were seen as a victory of the ballot over the bullet. United States lauded 2002 elections of the state. There were 1.7 million voters in the state in 2002 elections.

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In 2008, coalition era in State continued. This time Congress and the National Conference agreed to form a coalition government, with Omar Abdullah as Chief Minister. This government also successfully lasted its full term of six years before the state delivered a region-based split verdict in assembly elections held in 2014. While a majority of voters from the Kashmir valley elected the PDP with 28 seats as their preferred party, Hindus who dominated Jammu region opted for the BJP with 25 seats. NC with 15 seats and Congress with 12 seats took the third and fourth spots respectively. It is worth while to mention here that during Elections Hardliner separatist All parties Hurriyat Conference had appealed to people of Kashmir to boycott the Assembly elections completely, arguing that India has been holding elections in the Valley using the power of gun and so such an exercise was not legitimate. Hurriyat leader Gilani’s appeal to the youth in particular is that the sacrifices rendered by the people must be safeguarded and, hence, in no way should vote during elections. The polls were carried out in five phases. Despite several boycott calls by Hurriyat leaders, elections recorded highest voters turnout in last 25 years. Voters turnout was more than 65% which is higher than usual voting percentage in other states of India. (Hurriyat appeal for State Election Boycott, 2014). Mr. Sajjad lone, separatist turned politician won the Handwara assembly seat for the first time and BJP did not run his candidate against Mr. Lone. One of the important feature of these State Election of 2014 was that the BJP was a coalition partner in the J&K for the first time. Two

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ideologically opposite parties—the PDP and BJP, representing the mandates of their respective regions—came together to form a government under the leadership of Mufti Sayeed as Chief Minister and Nirmal Singh from BJP as Deputy Chief Minister. A common minimum programme with a focus on development was drawn up on the basis of this unusual but pragmatic alliance.

The BJP was a coalition partner in the J&K. The Common Minimum Program gave a vision of all-round development of J&K. In CMP contentious issues like Art 370 and Armed Forces Special Powers Act (AFSPA) would be referred to a high-power committee, with representation from both parties and civil society. According to CMP meet the political and economic objectives of the alliance, it is important to create an environment of peace, certainty and stability and the government will be transformed into a 'smart government' which would be pro-active, transparent and accountable. According to CMP it shall be the mission of the government to be the most ethical state in the country from the present day position of being the most corrupt state and the overall economic policy will align the economic structure of Jammu and Kashmir with its own resources, skills and society. Both parties agreed in CMP that the government will ensure genuine autonomy of institutions of probity which include the state accountability commission, vigilance commission, which will be re-designated as transparency commission and an organisation which deals with the Right to Information Act. CMP also referred the policy of former Prime minister AB Vajpayee. According to CMP following the principles of "Insaniyat, Kashmiriyat and Jamhooriyat" of the earlier NDA government led by Atal Bihari Vajpayee, the state government will facilitate and help initiate a sustained and meaningful dialogue with all internal stakeholders which include
political groups irrespective of their ideological views and predilections. The dialogue will seek to build a broad based consensus on resolution of all outstanding issues of the state. In CMP both parties agree to examine the need for de-notifying disturbed areas which will as a consequence enable the union government to take a final view on the continuation of the Armed Forces Special Powers Act (AFSPA) in these areas. (Common Minimum Programme for Kashmir, 2015).

Hence, a ray of hope was seen to solve the Kashmir issue, when in 2014 Bhartiya Janata Party Government was formed with full majority at the Centre. Narendra Modi’s Government was expected to epoch making to fullfil the former Prime minister Atal Bihari Vajpayee's great words of wisdom for Kashmir i.e. Insaniyat, jamhooriyat, Kashmiriyat (humanity, democracy, Kashmiri identity). Also the PDP/BJP coalition in the State Assembly elections, 2014 strengthened the hope. Positive signals also came from Pakistan side in the statements of its Prime Minister Nawaz Sharif and his ministry. But soon Kashmir came in a mess again in July, 2016. The incident of July 8, 2016 i.e, killing of militant namely Burhan Wani provided the spark that set the Valley ablaze. Violence continued in the Valley for more than 125 days as militancy increased due to its infiltration from Pakistan. The militant groups like Hizbul Mujahideen, Lashkar-e-Toiba and Jaish-e-Mohammad became active again in the Valley. Particularly, area of South Kashmir became so volatile that army does not feel comfortable carrying out operations as whole villagers and villages came out in support of militants. The militants groups funded and sponsored by Pakistani intelligence Agency ISI, took the benefit of

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opportunity by exploiting the sentiments of Kashmiri youth i.e. post generation of the valley and made Kashmir so much scarier. Condition got worsened when 18 Indian soldiers were killed in an attack on its military base in Kashmir by Pakistan sponsored terrorism. India reacted sharply by pulling of the scheduled summit of the SAARC due in month November 2016 in Islamabad. Other members also boycotted the same. Consequently, the tension over Kashmir led to the cancellation of the SAARC summit hosted by Pakistan. The Prime Minister of India Mr. Narender Modi warned that blood and water could not flow together. India foreign ministry suggested India could revoke 56 years old Indus Water Treaty. Even a ban on Pakistani stars appearing in bollywood movies was put by the Indian Motion Picture Producers' Associations. The Prime Minister of Pakistan, Mr. Nawaz Shariff had gone to say this extent that 'Kashmir is an integral part of Pakistan that they are supporting Kashmiri people struggle for freedom and to get determine their right.'

In such a situation statesmanship is the need of hour which could still transform the set back into the opportunity. The first step towards putting things together is to rediscover the confidence. The vast majority of Kashmiris wants peace more than any thing else. India owes it to them to provide and opportunity, a way out. Every leader knows and understands that Kashmir is going nowhere as it is with India and will remain so. However, not talking to anyone in Kashmir would cause trouble. Dialogue is urgent demand of time. Dialogue should not be stopped to Kashmiris under impression that they are under the influence of Pakistan. Otherwise it would be great mistake of India as it demonstrates a lack of confidence. Former Prime Minister Atal Bihari Vajpayee certainly understood this thing better.