



## INDIA ASSOCIATION OF NEW HAMPSHIRE

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### ATTACHMENT - RELEVANT FACTS ABOUT JAMMU AND KASHMIR

#### I. ACCESSION OF THE STATE OF JAMMU AND KASHMIR TO INDIA

- At the time of independence in August 1947, the United India was divided into India and Pakistan to appease the Muslim League party, which wanted a separate nation of Pakistan for Muslims. However, a large number of Muslims chose to remain in India, which continues to be a multi-religious secular democracy while Pakistan is an Islamic theocracy.
- The Indian Independence Act of 1947, signed by Britain and the leaders of the Indian National Congress and the Muslim League, defined the framework for the accession of the princely states of undivided India to either independent India or Pakistan. Per this Act the ruler had full authority to decide the status of his state.
- At the time of India's independence Maharaja Hari Singh, the king of Jammu and Kashmir (J&K) wanted to stay independent. However, the populist Kashmiri party, National Conference, headed by Sheikh Abdullah wanted to join India. "We the people of J&K, have thrown our lot with the Indian people, not in a heat of passion or a moment of despair, but by a deliberate choice" - Sheikh Abdullah, National Conference, May 29, 1947.
- In late 1947 Pakistani Army along with the support of tribal Pathans invaded Kashmir. Several villages were destroyed and numerous atrocities were committed on the civilian population. Pakistan initially denied but subsequently admitted to sending troops into Kashmir.
- To counter Pakistani invasion, Maharaja Hari Singh decided to join the Indian Union and requested India to defend Kashmir. The Instrument of Accession was signed on October 27, 1947 and was accepted by the last British Viceroy of India Lord Mountbatten, who stated "I do hereby accept this Instrument of Accession, dated this Twenty Seventh day of October, Nineteen Hundred and Forty Seven." He also asked India to send its troops to save Kashmir from Pakistani aggression.
- Indian troops repelled Pakistani army and Pathan tribal to a large extent. When Pakistan cried foul, India, despite its military superiority on the ground, requested the United Nations (UN) to end the Pakistani aggression on January 1, 1948. The UN called for a ceasefire and issued resolutions as recommendations (not as binding directives) while maintaining that the issue is for India and Pakistan to resolve. The territory that

continues to be occupied by Pakistan since the time of ceasefire is referred to as Pakistani Occupied Kashmir (POK) by India and as Azad Kashmir by Pakistan.

- India has been regularly holding free elections in the non-Pakistan occupied portion of J&K since September 1951. On February 15, 1954 the democratically elected state legislature of J&K adopted a constitution declaring J&K as an integral part of India, and unanimously ratified its accession to India.

## **II. UN RESOLUTIONS AND SELF DETERMINATION**

- The 1948 UN resolutions called for the following three actions in sequential order-
  - a) First, Pakistan must withdraw all its troops and all non-Kashmiri's from Kashmir.
  - b) Second, India should withdraw bulk of its troops retaining those required to maintain law and order; all those who had fled Kashmir on either side as refugees should be allowed to return.
  - c) Only after the completion of the first two actions, the wishes of the Kashmiri people in both portions of Kashmir should be ascertained under UN supervision.
- In violation of the first action of the UN resolutions, Pakistan never withdrew its troops thereby nullifying the remaining two actions. Instead, it chose to fight two more wars with India, and having lost those, engaged into cross-border infiltration and terrorism in the state of J&K and elsewhere. This has resulted in the loss of tens of thousands of innocent lives and dislocation of hundreds of thousands of mostly Hindus thereby severely affecting the demographics of J&K.
- The final UN Mediator on this issue, Mr. Frank Graham recommended bilateral negotiations as the best means of finding a solution (October 10, 1952).
- As stated earlier, India has been holding free and open elections in its state of J&K since 1951. An internationally acclaimed free and fair election was held by India in the state of J&K in October 2002 where the ruling national alliance party lost and a new state government was elected. The Indian government permitted and facilitated national and international media coverage. 28 diplomats including four each from the U.S. and U.K. were issued special passes by the Indian Election Commission, authorizing them to enter polling booths and other administrative facilities. Despite threat from terrorists, 46% of the electorate participated in these elections. The entire process received praise from the U.S. Ambassador to India, Mr. Robert Blackwill.

## **III. PAKISTAN SPONSORED CROSS-BORDER TERRORISM**

- As indicated earlier, Pakistan fought two more wars with India (1965 and 1971), each time committing aggression but losing the war. At the conclusion of the latter war, the two nations signed the 1972 Simla Agreement in exchange for return of the Pakistani territory won in the war as well as 90,000 Pakistani prisoners of war. Per this agreement any territorial disputes including Kashmiri dispute must be settled only by bilateral discussions/agreements. Pakistan has never honored this agreement, and has

been trying to disturb peace in J&K and other Indian states through cross-border infiltration and terrorism while at the same time trying to internationalize the issue.

- Pakistan intensified the acts of cross-border terrorism in J&K particularly since 1989. This has resulted in loss of between 35,000 and 75,000 innocent lives, dislocation of some 400,000 of Kashmiri Hindu Pundits and moderate Muslims, and untold misery and property damage in the last 13-14 years.
- It is a well-known fact that Pakistan has been a training ground for hoards of Islamic militant groups at least since the late 1980s/early 1990s. In the guise of rural education, the Pakistani dictators have continued to fund some 5000 Madarsas, Fundamentalist Islamic schools, throughout Pakistan. These Madarsas are breeding the next generation of deadly terrorists, more than any other Islamic country. Many Taliban and Al Qaeda operatives were trained in these schools and continue to operate freely in Pakistan even today. These terrorists are dispatched to different parts of world. The journalist, Daniel Pearl was murdered by these terrorists in Pakistan.  
(Ref. <http://pakjihad.tripod.com/>)
- Other Islamic jihad groups such as Lashkar-e-Tayyiba, Jaish-e-Mohammed, and Jamaat-e-Islami have been targeting India in general and the state of J&K in particular. The US State Department Office of International Programs states:
  - "Lashkar-e-Tayyiba (LET) is the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-wal-Irshad (MDI), a Sunni anti-US missionary organization formed in 1989. LET is one of the three largest and best-trained groups fighting in Kashmir against India.
  - LET has conducted a number of operations against Indian troops and civilian targets in Kashmir since 1993. LET is suspected of eight separate attacks in August that killed nearly 100, mostly Hindu Indians. LET militants are suspected of kidnapping six persons in Akhala, India in November 2000 and killing five of them.
  - LET has several hundred members in Azad Kashmir (POK), Pakistan. In their operations LET uses assault rifles, light and heavy machineguns, mortars, explosives, and rocket propelled grenades.
  - LET is based in Muridke (near Lahore, Pakistan) and Muzaffarabad. LET trains its militants in mobile training camps across Pakistan-administered Kashmir and Afghanistan. LET collects donations from the Pakistani community in the Persian Gulf and United Kingdom, Islamic NGOs, and Pakistani businessmen. The amount of LET funding is unknown. LET maintains ties to religious/military groups around the world, ranging from the Philippines to the Middle East and Chechnya through the MDI fraternal network."  
(Please visit <http://usinfo.state.gov/regional/nea/sasia/afghan/fact/1220terror.htm>)
- Despite repeated urging by the Government of India as well as several International leaders, Pakistan has not stopped the terrorist training camps on its own territory nor the support of the cross-border infiltration and terrorist acts against India.
  - President George W. Bush - "He (referring to Pakistan president General Musharraf) must stop the incursions across the line of control. He said he would do so. We and

others are making it clear to him that he must live up to his word", May 30, 2002 at a White House briefing.

- Secretary of State Colin Powell - "United States would continue to press Pakistani Government to do everything possible to stop the cross-border infiltration (into Kashmir) and remind them of the commitment they had made not only to the United states but to the international community", Sept. 9, 2002.

(Ref: <http://usinfo.state.gov/regional/nea/sasia/text/0910pwl.htm>)

- The US Ambassador to Pakistan, Ms. Nancy Powell has urged the Pakistan Government to end its support to cross-border terrorism and not to become "a platform for terrorists" (Ref: Washington Post dated February 8, 2003)

- The US Ambassador to India Mr. Robert Blackwill has said: "The US won't stop fighting terrorism until such attacks against India also end" (Wall Street Journal)

- COUNCIL ON FOREIGN RELATIONS (CFR), a highly respected, Washington, DC based foreign policy think tank, has a website on TERRORISM: QUESTIONS & ANSWERS, which it operates in cooperation with the Markle Foundation. Its chapter on Kashmir.

- (<http://www.terrorismanswers.com/groups/harakat.html>) is worth a careful study.

#### **IV. OTHER RELEVANT FACTS**

- Pakistan's claim to Kashmir has been based on the fact that Kashmir has a large Muslim population. However, India has more Muslims than does Pakistan (160 million vs. 140 million). As a testimony to the major role religious minorities play in India, the current President of India is a Muslim, the head of the Ministry of Defense is a Christian, and the richest Indian is a Muslim. Indian Muslims, including those of J&K, enjoy at least equal rights as the majority, and in certain respects enjoy a preferential treatment.
- India has been a well-functioning secular democracy ever since attaining independence from the British over 55 years ago. It has a composite civilization with a precious heritage dating back over 5000 years. It is an extraordinarily unique nation presenting a cultural mosaic of over a billion people with prodigious diversity of ethnic groups, religions, languages, customs, traditions, manners, foods and dresses, climates and natural resources yet binding them in an underlying unity of spirit.
- Against this backdrop, Pakistan is an Islamic country where the ever-diminishing non-Muslim population (20% five decades ago vs. about 3% now due to elimination, expulsion or forced conversion) enjoys a second or third class citizenship status. For most of its existence, Pakistan has been ruled by a series of military dictators interspersed with brief periods of elected civilian rule. Even today the military, which took over the country by overthrowing a duly elected civilian government, practically controls the country including its weapons of mass destruction. In India, as in the United States, the military is under the control of civil authority.

- The very existence of Pakistan and its military dictators has depended on hostility towards India as evidenced by waging of several wars and lack of focus towards its own economic and technological progress.
- It is hypocritical for Pakistan to argue about the right of self-determination for Kashmiri people when its record for allowing a similar right to its own people is so dismal.

## **V. IMPACT OF HCR16 AND SUBSEQUENT PRESS/MEDIA ACTIONS OF SOME SPONSORS**

- Many relatives and friends of the Indian American community in New Hampshire and elsewhere in the United States have been the victims of cross-border terrorism and ethnic cleansing sponsored by Pakistan. The community feels betrayed that a few legislators entertained and fed misleading information by the Government of Pakistan succeeded in presenting a severely limited and one-sided perspective of this complex 55 year old problem in front of the august body of the NH legislature and in passing a resolution. We believe that at least an attempt should have been made to contact some members of Asian Indian community to understand our perspectives. It appears that by providing a staged and guided tour to some of the sponsors of this resolution the Government of Pakistan has been able use the NH legislature to further its own agenda.
- As far as we know, the visit to Pakistan Occupied Kashmir of some of the sponsors of HCR16 was not on official business of the NH legislature or the U.S. State Department. Therefore, their claim in the press interviews that they were not granted visa to visit the Indian state of J&K by the Government of India is meaningless. It is quite conceivable that because of the above-mentioned cross-border terrorism, it is difficult for the Government of India to ensure their personal safety.
- Finally, it is difficult to understand why a few state legislators have chosen to appoint themselves as mediators in complex international issue (where they do not seem to have expertise) that requires dedicated resources available to US State Department, think tanks or academic institutions?