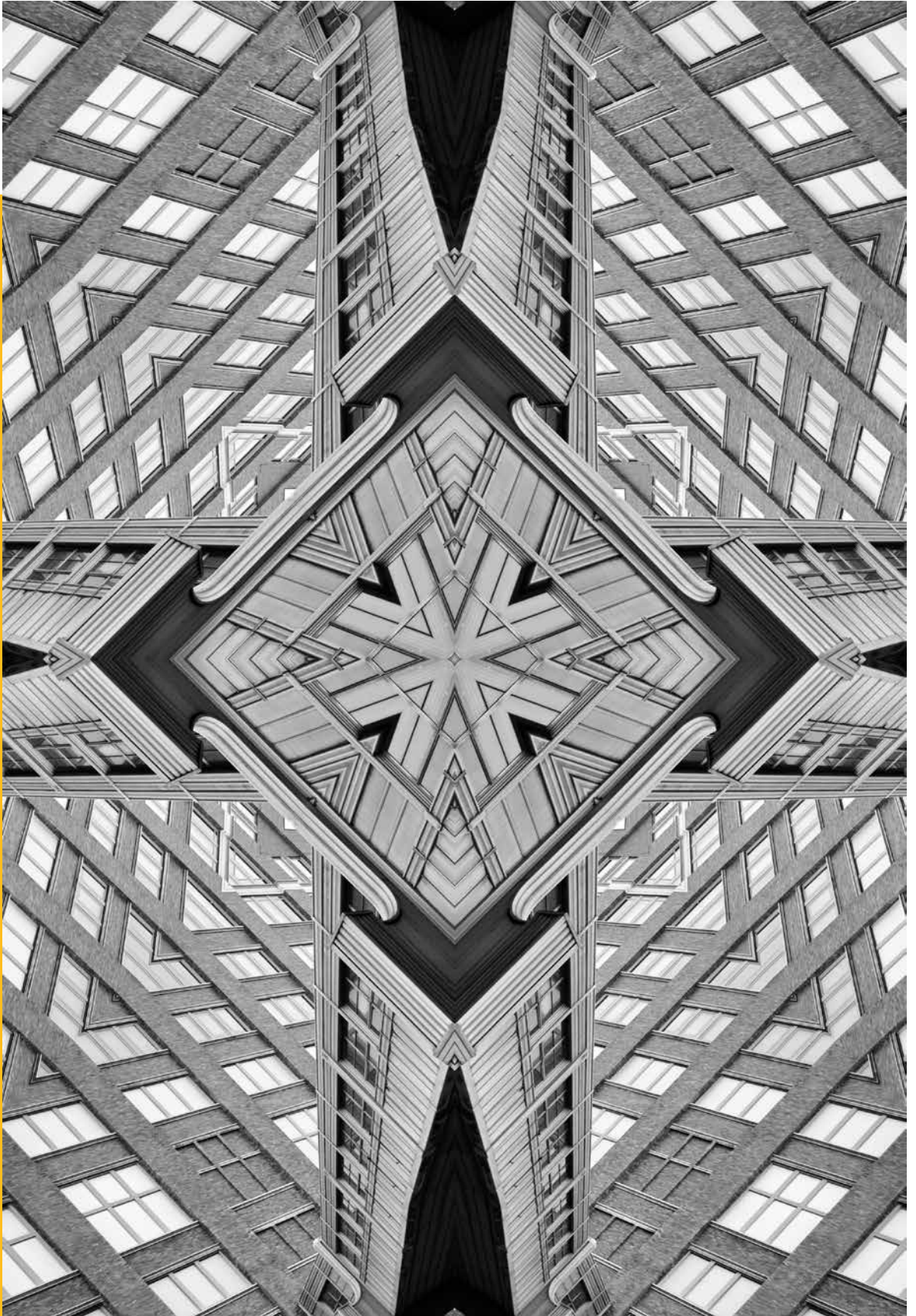


# Occasional Paper



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# The Kashmir that India Lost: A Historical Analysis of India's Miscalculations on Gilgit Baltistan

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## **Abstract**

Since 1947, parts of Jammu and Kashmir have been under Pakistan's illegal occupation, with India referring to the area as 'Pakistan-occupied Kashmir (PoK)'. The stolen region comprises two ethnically and linguistically different regions: what Pakistan calls, 'Azad Jammu and Kashmir' or AJK, which includes parts of Kashmir and Jammu; and Gilgit Baltistan, which is the northern most tip of Kashmir and covers parts of Ladakh. While Gilgit Baltistan makes up 86 percent of the total area of PoK, it has been largely absent in the strategic discourse and debate on the future of Kashmir.<sup>1</sup> This paper discusses how India lost this region of Kashmir. It analyses the mistakes and miscalculations India may have made over the years in pleading their case to get it back.

Straddling the Himalayas and the Karakoram mountain ranges and surrounded by Afghanistan, China, India and Pakistan, Gilgit Baltistan is of great strategic importance. Occupied by Pakistan and being claimed by India, the region—which sits at the northern most tip of Kashmir and covers parts of Ladakh—plays a growing significance in the security calculus of the nations in the region.

It was in 1947 when Pakistan illegally occupied certain parts of Jammu and Kashmir; India refers to this area as ‘Pakistan-occupied Kashmir’ (PoK). The region comprises two ethnically and linguistically different regions: what Pakistan calls, ‘Azad Jammu and Kashmir’ or AJK, which includes parts of Kashmir and Jammu; and Gilgit Baltistan, which makes up 86 percent of the total area of PoK.

Over the decades, Pakistan has steadily ceded parts of Gilgit Baltistan to China, in exchange for Beijing’s assistance in infrastructure development and support at international forums. In the guise of “liberating” the region from India, Pakistan has not only made Gilgit Baltistan a colonially inspired administrative unit, it has also excluded the region from its Constitution, deprived the people their political, legislative and judicial rights, and subjected them to demographic changes, sectarian violence, and economic coercion.

Ever since its independence, India has always been resolute in reclaiming the parts of Kashmir that were stolen by Pakistan. Gilgit Baltistan continues to be included in official Indian maps; regardless of the situation on the ground, the area is historically and legally part of the Indian Union. Pakistan itself has not disputed this fact, and has never assimilated Gilgit Baltistan into its own country, only linking it with the larger union territory of Jammu and Kashmir that it aims to take control over. Notwithstanding the historical relevance of Gilgit Baltistan, the region is hardly discussed within India; if at all, the conversations are poorly informed. It is in the recent years, as China expands its footprint in the area particularly through the China-Pakistan-Economic Corridor (CPEC), that the Indian media, analysts, and policymakers have been prompted to give more attention to the region.

# Introduction

This paper analyses the rich, complicated history and complex legalities of Gilgit Baltistan, and the larger Kashmir issue. It seeks to understand the events in the region since 1947 and how both India and Pakistan have dealt with the issue on the international stage. It covers the history of the region until the 1980s, when Pakistan began subjecting the region's people to organised cultural demolition. The paper relies heavily on primary sources, including telegrams exchanged between British officers and the Indian government in the months before Partition. These sources reveal how India may have been misled to believe that Pakistan would not seize control of all or parts of Kashmir following the partition.

The rest of the paper divides the history of Gilgit Baltistan into three periods: British colonial era; 1947 to 1950—during which Pakistan set up the foundation for their administrative control; and 1950 to 1980—as Pakistan solidified their control and began systemically changing the demographics of the region. The analysis will outline the events, and ponder what India could have done differently during those periods, to stake a stronger claim to Gilgit Baltistan.

“India is resolute in working to reclaim the parts of Kashmir that were stolen by Pakistan.”

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The region that is today known as ‘Gilgit Baltistan’, was not always one distinct political grouping. Historically, Gilgit—also known as Dardistan and Baltistan, *the land of the Balti people*, and ‘Little Tibet’ in medieval literature—evolved as two separate political entities. The region has been coveted by a succession of kingdoms. It was conquered by different rulers and dynasties, including the Mauryan Empire, the Huns, the Ujjain Empire, Muslim and Hindu kings, and over the centuries, the region had close relations with the larger Jammu, Ladakh and Central Indian region.<sup>2</sup>

In 1589, the Mughals under Emperor Akbar conquered Kashmir. In an act of further consolidation, Akbar’s son, Salim, married the princess of Baltistan and captured parts of Baltistan and Ladakh. By 1634, the fifth Mughal emperor of India, Shahjahan, had captured the rest of Ladakh and Baltistan and made them part of the Kashmir province.<sup>3</sup> Over time, through marriage alliances and the appointments of local Viceroys under the Mughals, Gilgit and the surrounding areas were brought under Mughal suzerainty.

With Delhi as their seat of power, Mughal emperors visited Kashmir on a number of occasions and it was during this time that close political, cultural, social and economic linkages between Baltistan, Kashmir, and other parts of India were established.<sup>4</sup> From 1753 onwards, as the power of the Mughal empire waned, a series of Afghan kings ruled Kashmir. Afghan rule would last for six decades, becoming extremely oppressive throughout. Rulers of Baltistan tried to break free of Kashmiri domination. During this time, the central authority of the state over the peripheral regions was steadily eroded, and once control of Kashmir was passed on to the Sikhs in 1819, power was confined to Srinagar and the surrounding Kashmir valley.<sup>5</sup>

Over the years, the Sikh ruler, Maharaja Ranjit Singh and his Dogra feudatory General Gulab Singh, steadily brought into their fold the areas of Ladakh (in 1836), Baltistan (in 1840), and Gilgit (in 1842).<sup>6</sup> While at the time the British were rulers of the Indian subcontinent, they refrained from upsetting the powerful Dogras and in 1846

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signed the Treaty of Amritsar to make Gulab Singh the independent ruler of Jammu and Kashmir.<sup>7</sup> The treaty formalised the princely statehood of J&K, which was sold to Gulab Singh for a mere 75 lakh rupees. Under the terms of the agreement, “all the hilly mountainous country, with its dependencies, situated to the eastward of the Indus and westward of the river Ravi” was “forever, independent possession” to Gulab Singh and his heirs.<sup>8</sup> It is important to state that the only reason the regions of Jammu, Kashmir, Ladakh, Gilgit, and Baltistan were clubbed was because of Gulab Singh and Dogra imperialism. Such expansion of the Dogra dynasty was supported by the British, allowing them to “buy” Jammu and Kashmir.

Triggered by the mutiny of 1857 and the growing Tsarist Russian presence in Central Asia, the British began to fear what a growing Russian presence in its backyard could mean for their influence in India. Its ‘Great Game’ power rivalry with Russia in the subcontinent led to it tightening its control over the frontier regions, including what is now the tribal areas in Pakistan, along the Afghan border and the Gilgit region. In 1877, the British established the Gilgit Agency. The Gilgit Agency comprised one, the princely states of Hunza, Nagar, Chilas (present-day Diamer), Koh Ghizr, which were autonomous regions ruled by independent kings; two, the Gilgit *wazarat* or district, which was the city of Gilgit and its surrounding towns, which were headed by the Dogra *wazir* and part of the state of J&K under Gulab Singh; and three, unadministered areas of Darel, Tangir, Jalkot. In this manner, the British ruled Gilgit Agency, through a political agent that ran parallel to Gulab Singh’s Kashmir administration.<sup>9</sup>

With the Russian revolution in 1917, British anxiety increased and Maharaja Gulab Singh was forced to lease the Gilgit Agency to the British in March 1935 for a period of 60 years. Until the time the British left India, dividing the subcontinent into two, Gilgit and the surrounding regions were virtually administrated by the British.<sup>10</sup> This did not include Baltistan, which remained under the rule of the Maharaja.

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## **Partition and the Gilgit Scouts betrayal**

The British government announced their plan for the partition of India on 3 June 1947. On 18 July, the Indian Independence Act was passed, which stated that India and Pakistan were to become two separate countries on 15 August 1947. Under the terms of the Act, none of the 565 princely states would be allowed to declare independence, but could choose which state to accede to.<sup>11</sup> By 15 August 1947, all but three princely states had made their decision. While the accession of Hyderabad and Junagarh to the Indian Union would happen soon, that of Kashmir was the most painful and the one which led to problematic consequences.

The ethnic diversity of Jammu and Kashmir can be summed up by a statement made by Sir Owen Dixon, an Australian diplomat. In 1950, Dixon wrote, “the state of Jammu and Kashmir is not really a unit geographically, demographically or economically. It is an agglomeration of territories brought under the political power of one Maharaja. That is the unity it possesses.”<sup>12</sup> The issue therefore was not that Kashmir had a Hindu ruler, while majority of his subjects were Muslim; rather, that the entire region had for years been under the corrupt and unpleasant Dogra rule. The region of Gilgit and Baltistan had always consisted of a number of small independent mountain states and kingdoms; while some had been conquered by the Maharaja and then leased to the British, they had been artificially clubbed together like the Frontier Territories were for ease of administration and India’s security by the British. Therefore the “return” of the Gilgit Agency to the Dogra ruler meant that it was incorporated into a princely state that not only had never asserted its complete political authority over it before, but that had little choice in the matter.<sup>13</sup>

Days before independence, Maharaja Hari Singh, Gulab Singh’s son, was offered a ‘Standstill Agreement’ stating that he would need more time before choosing which country to accede to. While Pakistan signed the agreement, negotiations with India never finished. It is important to note that at this time, Pakistan had begun planning its

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invasion, all while holding parleys with the Maharaja's government for accession. As Pakistan government officials visited Kashmir, according to an account, they met with Kashmir leaders in Srinagar "with a whip and sword in one hand and a letter of accession in the other."<sup>14</sup>

As the British prepared to leave India, Brigadier Ghansara Singh was appointed by Hari Singh as the Governor of the Gilgit Agency in July 1947. The British government had decided to hand over administrative control of all areas of Gilgit Agency to the Kashmir state government from 1 August 1947. When the day arrived and Singh took over the administration from the British political agent at the time, the entire office work of the administration came to a sudden halt, with the civil administration in Gilgit refusing to serve Singh till they received higher pay. Singh sent repeated requests to Srinagar for assistance, but no help, political advice or military support was offered. General H.L. Scott, who was the Chief of Staff of the Kashmir State Forces and was sent by Singh to Srinagar to highlight the situation in Gilgit, failed in getting the required help as the Maharaja administration remained preoccupied with other matters.<sup>15</sup> Militarily, there was no attempt to consolidate the Maharaja's hold of Gilgit Agency and Governor Singh did not have budgetary powers nor the adequate stock of essential commodities to help buy local favour. Although the Governor had the *mirs* of Hunza Nagar and the Raja of Punial and Chieftains of Koh Gizer, Yasin and Askoman as his subordinates, he did not enjoy their support. Hunza and Nagar remained hostile to him and it did not help that 75 percent of the Gilgit Scouts—the paramilitary force in charge of Gilgit and its surroundings—belonged to these two principalities.<sup>16</sup>

In the months leading to the partition, intense communal violence erupted in different parts of the country. From Punjab to Peshawar, Hindus, Muslims and Sikh were killed, with numerous accounts of rapes, massacres, ambush of caravans of refugees, and slaughter of trainloads of migrants. Given that the maharaja of Kashmir had a reputation for mistreating his Muslim subjects and that the state's armed forces were alleged to have been involved in atrocities against



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Muslims in Jammu, there was serious speculation in Karachi that Kashmir was slowly edging to becoming part of India, and therefore must be seized by force. The suspicion was fueled by the maharaja's delay in acceding to either country, and the knowledge that Sheikh Abdullah, the region's popular political leader, was opposed to accession to Pakistan. This prompted the Pakistan government to plan an operation to wrest control of the state, believing that the people of Kashmir would join them in a mass uprising against the maharaja.

The plan involved sending in Pakistani troops disguised as local tribesmen to help ferment a revolt in Kashmir, along with a tribal Pashtun *lashkar* (army) recruited through local influential clerics and tribal leaders. George Cunningham, who was then the governor of the North West Frontier Province, writes in his diary in September 1947 that he has had offers "from practically every tribe along the Frontier to be allowed to go and kill Sikhs in Eastern Punjab."<sup>17</sup> He noted how the Pakistan government remained complicit, allowing "small parties of Muslims to infiltrate into Kashmir" and how they supported the armed *lashkar* by providing aid and ammunition. His diary entries detail his conversations with Liaquat Ali Khan (the first Prime Minister of Pakistan) and Colonel Iskander Mirza (the first President of Pakistan), and their knowledge and involvement in supporting the tribal infiltration into Kashmir.<sup>18</sup> This is substantiated by Colonel Akbar Khan, the Director of Weapons and Equipment at the Pakistan Army Headquarters, who was in charge of the operation. In his book, 'Raiders in Kashmir- Story of the Kashmir War (1947-1948)', Khan confirms the central role of Liaquat Ali Khan, in whose office he served as military adviser, as well as other important political leaders including the Premier of the NWFP, Abdul Qayyum Khan. Akbar Khan's account also confirms how Pakistan steadily increased infiltration, causing a material change in the ground situation leading to irregular warfare against the Maharaja's forces, with the help of weapons, transportation and overall direction from Pakistan authorities.<sup>19</sup> Pakistan's tribal invasion confirms that it preferred seizing Kashmir by force, rather than seeking the will of the people—something that Islamabad now professes that it wants.<sup>20</sup> As the Pakistani rebels advanced towards Srinagar, Maharaja Hari Singh

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panicked and sent an appeal to India for assistance. Prime Minister Jawaharlal Nehru agreed to send forces, provided that the Maharaja accede to India first.<sup>21</sup> On the night of 26 October 1947, Maharaja Hari Singh acceded Kashmir to India. The following morning, Indian troops flew into Srinagar.

The government's *White Paper on Jammu and Kashmir*, published in March 1948 reads,

*The accession was legally made by the maharaja of Kashmir and this step was taken on the advice of Sheikh Abdullah, leader of the All- Jammu and Kashmir National Conference, the political party commanding the widest popular support in the state. Nevertheless, in accepting the accession, the Government of India made it clear that they would regard it as purely provisional until such time as the will of the people of the State could be ascertained.*<sup>22</sup>

The tribal lashkar had entered Kashmir, believing that they would be fighting against the Kashmir state forces, a modest adversary, only to find themselves fighting the Indian Army—a more formidable force that was supported by the Air Force. As the strength of the Indian forces increased by several hundred troops every day, the Pakistan insurgents began retreating.<sup>23</sup> They had expected that locals would join the fight against the Kashmiri forces, an event that could then be labeled as an indigenous uprising against India. This was far from the case. The people of Kashmir came together, volunteering to keep the peace. While this homegrown militia were recruited by the National Conference and on the request of Nehru to create a loyal 'home guard', the process was voluntary.<sup>24</sup>

During the night of 31 October 1947, over a hundred men of the Gilgit Scouts surrounded the Governor's house, threatening him to surrender. He did, but that did not stop the Scouts from mass-killing the troops under his command, particularly the Sikhs under the Kashmir Light Infantry Division. Four days later, the Pakistani flag was hoisted at the Gilgit Scout lines by Major William Brown, who described the Scouts' actions as a 'coup' against the Maharaja.

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Soon after, the rulers of Hunza and Nagar declared their accession to Pakistan. As author and researcher Alok Bansal has argued, it has suited both India and Pakistan to attribute the fall of Gilgit largely to Major Brown. For Pakistan, it was essential to demonstrate that the Gilgit Scouts were leading an indigenous rebellion and that Brown was simply moved to action by his troops who favoured joining Pakistan. For India, Brown's actions indicated British complicity.<sup>25</sup> Major Brown's own account in his book, *The Gilgit Rebellion*, make it clear that the 'coup' against the Maharaja was the action of the Gilgit Scouts, supported and fueled by him. There was no "indigenous uprising", contrary to Pakistan's claim.<sup>26</sup>

Since then, India would never fully recover the Gilgit region. Soon after, New Delhi's use of armoured cars and intensifying air attacks, led to the retreat of the Pakistani invaders. The collapse of the armed attempt to seize control of the Kashmir Valley, caused and continues to cause acrimony and recrimination within the Pakistan military. By the middle of November 1947, the Kashmir Valley was cleared of attackers, while fighting continued in different pockets, particularly in the west of the Kashmir Valley.<sup>27</sup> Colonel Aslam Khan, who was one of the officers part of the early venture of tribal lashkars into Kashmir, took over command of the Gilgit Scouts in January 1948. Over the next few months, Baltistan too, fell into Pakistan's orbit. The region of the Gilgit and Baltistan continued to be called the 'Northern Areas' by Pakistan. The significantly smaller land that Pakistan occupied, west of Jammu, Poonch and Baramulla came to be known locally as 'Azad Jammu and Kashmir'. For India, the entire area that was stolen, including Gilgit and Baltistan, is "Pakistan-occupied Kashmir".

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## What Went Wrong

The separation of Gilgit, Ladakh, Kashmir and Jammu, from the rest of the region is naturally upsetting for Indians. That the Gilgit Scouts, a heterogenous force comprising of men from all parts of Kashmir, could not only deliberate, plot and execute a plan that led to the overthrow of the Governor of the region, but also surrender themselves, willingly to Pakistan, is a sensitive topic. The blame may not solely be on the Gilgit Scouts. Why did the British officers serving in the Scouts make the decision to pass Gilgit over to Pakistan? Why did the government of Kashmir or the government of India not do enough to secure the region?

Since the paramountcy of the British agreement, signed in 1935 would have lapsed by then, the Gilgit agency should have been returned, in its entirety to the Maharaja of Kashmir. The British established the agency in 1892 because of the fear that any sort of disorder or chaos in the region, could be an invitation for a foreign power (mainly Russia) to intervene and capture the area. The establishment of the agency and administration by a Political Agent (under which the Gilgit Scouts would fall), was done to help the British consolidate the region against foreign intervention.

The lease of the area from the maharaja for a period of 60 years in 1935, fearing foreign intervention, meant that once the British began to leave and “return” Gilgit, they could only return it to the Maharaja. As a historical, legal and constitutional part of Kashmir, Gilgit could never be its own independent state or territory.

### *Delay in Retrocession*

There is evidence, as early as in April 1947, that the British did not want to delay the retrocession of Gilgit back to Kashmir, eager to wrap up affairs in advance. While a number of British officers noted their concern on why Gilgit’s retrocession should not be postponed, it was Jawaharlal Nehru who stated in April 1947, that the “proper

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time for the retrocession of Gilgit would be spring next year. By then the picture of constitution of the Indian Union will be much clearer as also Kashmir's association, with it."<sup>28</sup> While Nehru was influenced by the desire to maintain peace and give the leaders of princely states the time they needed to make their final decision, the urgency for the British to settle matters pertaining to Gilgit was due to a number of factors. As E.B. Wakefield, the then PM of Jammu and Kashmir, observed in a series of telegrams sent to fellow British officers, the British wanted to make a decision about the future of Gilgit Agency immediately for a number of reasons.

First, the status quo conflicted with their policy of achieving the greatest possible devolution of paramountcy by the end of 1947; second, deferring the decision till the spring 1948 would be "impossible", as the passes to Gilgit were only open during the summer months (15 June to 15 October); third, it would have been an "immensely difficult and complex task to complete the final transfer of power throughout India by June 1948."<sup>29</sup> The British were keen to wind down affairs in the country, and therefore their concerns surrounding Gilgit were focused on getting personnel and their families serving in the region home, before the Kashmir residency was closed down. There is evidence, too, of the British's desire to reach an agreement about the "disbandment or reemployment of the Gilgit Scouts" as well as one on the "future payment of subsidies to Mirs and Chiefs."<sup>30</sup>

The telegrams between British officials regarding the issue of the Gilgit Scouts are insightful as they highlight the necessity of resolving any outstanding issues the force might have. J.H. Thompson, who was part of the Political Department, writes in June 1947, that the equipment the Scouts use should be left with the Scouts, since "it is in the interests of the Dominion Governments that the internal security of this area shall be maintained and it would be best gracefully to concede to the Kashmir Government's suggestion that the equipment shall be handed over free of charge." Discussions between A.P. Low (Secretary to Government of India, Ministry of External Affairs) and Thompson also examine the best way forward for the Scouts

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and whether a possible solution could be for the British to “pay them off” and “make a clean cut”, before transferring the force to Kashmir. Thompson also notes in July 1947, that the “retrocession of the Gilgit sub-division in advance of the lapse of paramountcy and arrangements have been made to retrocede... on 1 August 1947.” He said the political agent and his staff will be withdrawn by that date and “unless detailed orders are issued for the transfer of the Gilgit Scouts, payment of pay, pensions and the handing over to Kashmir of administrative details, eg. revenue records, there will be chaos.”<sup>31</sup>

While the British corresponded over arrangements for returning Gilgit to Kashmir by August 1947, a telegram from Nehru in July 1947,<sup>a</sup> reflects the thinking of his Indian Congress party at the time. With regards to the Scouts and their “wireless equipment”, Nehru said that this “minor matter” would be for the Defence Department to decide. He added that there should be no immediate steps taken regarding the handing over of Gilgit to Kashmir. Acknowledging the Indian Independence Act, he said:

*“.. plans are being made for Standstill agreements and other arrangements with the States and any premature steps taken now might have consequences which do not fit in with the future arrangements. It is probable that some decision might be made by the Kashmir Government in regard to future association with the Dominion in the course of the next two or three weeks. It seems to me obviously desirable for us to wait till this decision is made and then to take such steps as might flow from the decision or the Standstill arrangements.”<sup>32</sup>*

Aside from Nehru’s view of postponing the retrocession of Gilgit, R.C. Kak, then PM of J&K, wrote a letter to Lt. Col W.F. Webb (Resident in Srinagar), stating the Maharaja’s interest in taking over “the entire Scouts Force”, “sending proposals for replacing the present British officers” as well as promising to settle “pensions and gratuities and other liabilities for the Scouts” before they are transferred. Kak also stated that the Maharaja’s government has always “considered the political districts comprising of Gilgit Agency as an integral part of the

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a The archives do not show who Nehru sent this telegram to. The author assumes it was simply to the ‘Political Department’.

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State” and that the government was “most anxious to initiate action in consultation with the Political Agent, Gilgit, to reestablish their old relationship with the Mirs and the Chiefs of these districts (referring to Hunza, Nagar, Punial, Juh Gizr, Yasir, Ishkoman, Chilas, Darel and Tangir).<sup>33</sup>

The above correspondence, in the months leading up to the partition and the eventual loss of Gilgit, shows that the Indian leadership was never in a rush to settle matters in the Gilgit region. They believed that only Kashmir would accede to India, and the entirety of Gilgit and Baltistan would also, naturally, be part of the accession. Nehru himself was not eager to force the issue, hoping for a smooth accession, rather than one taken by force. This is in contrast to Pakistan and their propaganda that Kashmir was forced to accede to India.

## ***British attitudes towards Kashmir***

Another significant cause for the events in Kashmir to unfold the way they did, was the attitude of the British towards India and Pakistan in the post-colonial period. London hoped to preserve its influence in both countries by negotiating alliances either in the form of Commonwealth defence arrangements or through bilateral treaties. In New Delhi, London saw the potential of a strong political, economic and military ally in Asia. Pakistan, on the other hand, was viewed as a strategically influential partner for Britain’s ties with the “Muslim world”.<sup>34</sup> With London receiving different and often conflicting advice from its men in Karachi and New Delhi on how it should deal with the two new dominions, the decisions made by the British had a significant impact on the outcome of the 1947-48 war on Kashmir. The arguments of Sir Lawrence Grafftey-Smith, the British High Commissioner to Pakistan, around the country’s “struggle for existence” created a deep impression in London. Grafftey-Smith argued that Pakistan’s irrigation systems, hydroelectric projects, and others, arising from Kashmir’s accession to India were seriously threatened. He also deployed the decades-old British fear of Russian influence in Afghanistan and the impact that it could have on India, and now Pakistan. In a telegram to London, Grafftey-Smith wrote

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that “strategically, the frontier of Pakistan, which must be considered as requiring defence, is very greatly extended” since India would gain direct access to the North-west Frontier and tribal areas were “infinite mischief can be made with ‘Pathanistan’ or other slogans.” “Afghanistan policy will almost certainly change for the worse; and disturbances and disorders in Gilgit and the North West Frontier zone generally may...excite Russia interest and appetites.”<sup>35</sup>

Militarily, while the British were eager to limit and contain the inter-dominion conflict, notwithstanding the immediacy and urgency of the situation in Kashmir, as C. Dasgupta points out in his book, the British service chiefs did not assign it higher priority than developing situations in Hyderabad or Punjab. Nehru and other senior political leaders at the time, also differed from the British in terms of how they wanted the Indian armed forces to proceed. For instance, there were serious differences with regards to how many troops and battalions India should station in Jammu and Kashmir during the winter of 1947. While Nehru was of the opinion that the army should continue their advance to Domel and not halt at Uri, the British service chiefs, particularly the Commander in Chief, General Lockhart, felt differently. They argued that it would be challenging to extend an already overstretched line of communication and that providing and maintaining a large force would be virtually impossible during the winter.<sup>36</sup> Indian political leaders and the British also differed in their opinion of whether to bring in the air force. While Nehru had urged for air action against infiltrators from Pakistan, Lord Mountbatten, the last Viceroy of India, was against the idea. With regards to Gilgit, Pakistan had made the decision to provide fighter escorts for their supply-dropping flights to the region, fearing that should they suspend their supply operation to the region, their entire position in northern Kashmir would be threatened, should they lose the Gilgit base. The British were able to convince Nehru to ignore Pakistani supply dropping aircraft over Gilgit and were able to preventing air conflict between India and Pakistan in the northern theatre, particularly Gilgit.<sup>37</sup>



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While objective military advice could not have been expected from the British service chiefs, their attitude towards Pakistan and interest in limiting the scope of the war between the two countries, all need to be considered in assessing the loss of Gilgit-Baltistan.

## ***Unpopularity of the Maharaja***

Khub Chand, the acting HC of India to Pakistan in 1951 provides great insight into the events leading to the annexation of Gilgit and the events in the region under Pakistan occupation. His understanding regarding the betrayal of the Scouts, has to do with the unpopularity of the Maharaja and his refusal to better understand the concerns of the people under his dominion. In a report to Y.K Puri, Deputy Secretary at the Ministry of External Affairs, Chand writes of the Maharaja's "old bureaucratic type of administration that seemed to follow in the footsteps of his British predecessors". He narrated that the administrators who replaced the British officers were "utterly inefficient and without talent for developing local relations. By their inefficiency, lack of knowledge of local customs and tactlessness in handling tribal chiefs, they alienated all sympathy for the Maharaja's rule." He was of the opinion that the bureaucratic red tape and importance given to petty issues, combined with the lack of political wisdom was what made the Kashmir Government unpopular. As tales of communal clashes in Jammu and elsewhere reached Gilgit, the attitude of the people changed, as they began to "hate the very government which had accepted without demur barely three months before". As Chand wrote:

*"the fall of the Maharaja's administration was hastened by his folly of sending to this remote corner of this Dominion a mixed force of Dogra and Muslim troops without realizing that the carnage following the transfer of power in India was bound to infect Muslim troops. When the Gilgits chose to act the Governor was arrested and the Dogra troops disarmed practically without firing a shot."<sup>38</sup>*

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Chand's recommendations for what India's attitude towards Gilgit should be, offers an understanding into the early thinking of Indian diplomats in Pakistan at the time and how Indian intelligence operations in the region should have proceeded. Chand writes that while there is no prospect for India to advance into Gilgit unless Pakistan provokes war in Kashmir, it would be wise for New Delhi to build up a measure of propaganda amongst Gilgites, particularly over the radio. He suggested that Indian propaganda indicate how the rule of the Maharaja of Kashmir was evil and that India "understands fully why Gilgites were compelled to rebel against the Maharaja's authority." Accepting the fact that the rebellion was against neither Kashmir nor India, but instead against the Maharaja, India bore no grudge for those events. While Chand also provided other proposals for material that could be used as Indian propaganda, he also named certain people, particularly *maulvis* or religious scholars, who have been upset with the nature of the new Pakistani state and through whom India might be able to influence its interest.<sup>39</sup>

## ***Weak Military Setup in Srinagar***

The military setup in Jammu and Kashmir at the time was modest, with the army headquarters in Srinagar comprising four brigades, that between them had only eight infantry battalions.<sup>40</sup> The Kashmir state forces on the other hand, had no artillery nor armour and were in charge of defending the 500-km-long mountainous border from Gilgit to Suchetgarh.<sup>41</sup> It was dependent on local contractors for supplies and on the Northern Command Headquarters, which was in Rawalpindi, for arms, ammunition and equipment. While at the time, there was a wireless link with Rawalpindi, none existed with New Delhi.<sup>42</sup>

The 6th J&K Infantry division, part of the Kashmir Brigade, was garrisoned in the Gilgit area, with its headquarters at Bunji, approximately 54 km from Gilgit city. Comprising Muslims and Sikh soldiers, the battalion had less than two companies. According to Lt. Col Abdul Majid Khan, the Commanding Officer, the Sikhs were

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not fit for active service as they were fresh recruits.<sup>43</sup> In the months leading up to the partition, as communal violence ravaged the country, rumors were rife through Gilgit about the Scouts planning some trouble and locals advised the Governor to call up the 6th J&K Infantry from Bunji. However, Ghansara Singh realised that the Muslim men of the Kashmir State Forces were as disaffected as, and more violent than, the Scouts and that the Sikhs could not be called due to the Commanding Officers opposition.<sup>44</sup> Therefore even with a weak and ill-equipped state force at his disposal, it remains unlikely that the Governor could have prevented or held off the Scouts attack.

Irrespective of what could have been done, the fact remains that legally, Gilgit and Baltistan was returned by the British to the Maharaja of Kashmir and since the Maharaja of J&K acceded to India, Gilgit and Baltistan did, too. The only way Pakistan could have hoped to wrest control over it, was by force and violence. That is exactly what they did.

## **The Fight for Kashmir at the United Nations**

As fighting between India and Pakistan continued, so did attempts at diplomacy, with the two nations seeking a resolution to their respective grievances regarding Kashmir. The British remained concerned about the implications of Indian control of Jammu and Kashmir's western region for the existence of Pakistan. The defence planners attached great importance to securing the strategic bases in Pakistan, such as Gilgit, particularly in the context of air warfare. Officials from the Commonwealth Relations Office in London also viewed developments in exclusively communal terms, with a CRO memorandum stating that "it would have been natural for Kashmir to eventually have acceded to Pakistan on agreed terms," because of the majority Muslim population, communication lines which ran mainly through Pakistan, and revenues it received from trade agreements. The British argument ignored the fact there remained little support in Kashmir for Mohammad Ali Jinnah's call for Pakistan and that the National Conference, the major political organisation in the state, had joined the Maharaja's request for accession to India.<sup>45</sup>

As governor general, Lord Mountbatten worked as mediator for the two sides to find a mutually acceptable solution. Pakistan continued to reject Kashmir's accession to India, describing it as "based on fraud and violence." While the Indian government had accepted the Maharaja's accession, it wanted to finalise the matter in accordance with the will of the people of the state in a fair and open manner, that could only be done once the invaders had been removed and peace was re-established.<sup>46</sup> Jinnah had rejected this proposal, insisting that states should accede on the basis of their communal majority. He did not believe that a plebiscite would be fair, with Indian troops in Kashmir and Sheikh Abdullah in power, even if he made the decision to recall the invaders under his control.<sup>47</sup> Amidst these two opposing positions and the resulting diplomatic impasse, Mountbatten was able to persuade Nehru to make a unilateral concession. As Pakistan was adamant in its stated position on Kashmir and refused to cease hostilities until what it deemed as an "impartial administration" was set up, Nehru agreed to approach the United Nations.

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In letters to Mehr Chand Mahajan (the last Prime Minister of J&K), Sheikh Abdullah and Liaquat Ali Khan in late October and early November 1947, Nehru committed that the wishes of the people of the state would be ascertained under the auspices of the newly formed United Nations. Nehru remained insistent that the UN only supervise the conduct of the plebiscite and not get involved in the merits of Kashmir's accession.<sup>48</sup>

On New Year's Day in 1948, persuaded by Lord Mountbatten and the situation on the battlefield, India brought the Kashmir issue before the UN. It was essentially to draw the attention of "the aid which invaders, consisting of nationals from Pakistan and of tribesmen...are drawing from Pakistan," asking the international body to call upon Pakistan to stop all help to them, failing which the "Government of India may be compelled in self defence to enter Pakistan territory, in order to take military action against the invaders."<sup>49</sup> India had hoped that the UN would call on Pakistan to stop its aggression. It was wrong.

On 20 January 1948, the UN adopted a resolution to set up the United Nations Commission for India and Pakistan or UNCIP that would work with India and Pakistan under the authority of the Security Council to establish peace in the Kashmir region. In April, a UNSC resolution recommended that Pakistan "undertake to use its best endeavors" to secure the withdrawal of tribesmen and Pakistani nationals from the states, prevent "furnishing of material aid to those fighting in the state." Once the tribesmen had been withdrawn, India's own forces would retreat, and they would be reduced "progressively to the minimum strength required" to maintain law and order.<sup>50</sup> The resolution also recommended that India assist the Plebiscite Administration by providing forces and ensuring that the state government invited the major political groups to share the work of the administration, in order to hold a fair and impartial plebiscite.<sup>51</sup> Both India and Pakistan objected to the resolution. For New Delhi, the resolution did not do justice to its complaint against Karachi, nor did it acknowledge that Jammu and Kashmir had acceded to India. For Karachi, the resolution was "one sided"; it believed that it was

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entitled to employ its troops in areas of Muslim majority, while New Delhi should only be stationed in non-Muslim areas.<sup>52</sup>

By the time the UNCIP presented its resolution in August 1948, the situation on the ground had drastically changed. Pakistan, in violation of the January resolution, had sent its regular army alongside the tribal invaders, into Jammu and Kashmir. India was now fighting against a war against the Pakistani armed forces in multiple areas of the state. The UNCIP resolution called for a ceasefire, requiring Pakistan to withdraw its forces from the state “as the presence of the troops of Pakistan in the territory... constitutes a material change in the situation.” It then called on India to withdraw the bulk of its forces after the tribesmen and Pakistani nationals had withdrawn, while maintaining a minimum force to maintain law and order. The resolution also stated that the “future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people.”<sup>53</sup>

The Indian government had appealed to the UN in good faith, hoping that the international body would recognise its complaint and call on Pakistan to stop its actions. At the time, Nehru believed that it would be best to follow two parallel courses of action: a reference to the UN, and contingency planning to act in self-defence and attack the invaders’ bases in Pakistan. However, once the UNSC was seized of the Kashmir issue and as British pressure against offensive actions mounted, it became diplomatically and politically impossible for India to launch a counter-attack against Pakistan.<sup>54</sup>

“India had appealed to the UN in good faith, hoping that the apex body would call on Pakistan to stop its actions on Gilgit Baltistan.”

## **The Next Three Years: From 1947-1950**

While the Gilgit Scouts may have revolted and overthrown the Governor, the larger Gilgit agency never displayed any serious intention about joining Pakistan. While the different areas may have had their own individual grievances with the British, Jammu and Kashmir Government, the Indian National Congress or the Muslim League, they were not a united force advocating for Pakistan. Although Pakistan claimed that the people of the ‘Northern Areas’ joined Pakistan on their own volition, the facts on the ground painted a different picture. Many of the local rajas and tribal rulers assumed full responsibility over their people and had no intention of joining with Pakistan. The areas of Darel and Tangir resisted joining Pakistan until 1951. The Mirs of Hunza and Nagar retained their autonomy and their jirgas and panchayats governed the areas until 1972. As feudatories of the Maharaja, Hunza and Nagir never had any authority to decide the issue of accession in the first place. As for the Gilgit Agency (including Puniyal, Koh-i-Ghizer, Ishkoman and Yasin), it remained under the administration of the Raja with the status of Governors.<sup>55</sup>

On 16 November 1947, nearly two weeks after the Gilgit Scouts forced the Governor to surrender, Sardar Mohammad Alam, arrived in Gilgit as Pakistan’s first political agent to the region.<sup>56</sup> One of his first acts was the imposition of Frontier Crimes Regulations (FCR) on the entire Agency, including Baltistan and Astore. This resulted in the people of the region being denied their basic rights, particularly judicial rights, including the right to appeal their conviction in a court of law and to have legal representation.

Mohammad Alam—with Major Brown’s assistance and advice, and to further his authority—also created the ‘Cabinet of the so-called Provisional Government’, which comprised of Muslim officers. Major Brown was insistent that the Gilgit and Baltistan region be kept separate from the rest of the region of Jammu and Kashmir that Pakistan had occupied. These initial steps taken by Pakistan were to assert their control of the people, rather than to “free” or “liberate” them.<sup>57</sup>

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In March 1949, Pakistan created the Ministry of Kashmir Affairs and Northern Areas (MKANA) to liaison between the Central Government and the area under its administrative control. On 28 April 1949, the Karachi agreement was signed between the Government of Pakistan, the President of 'Government of Azad Jammu and Kashmir' or AJK, Sardar Mohammad Ibrahim Khan, and the leader of the Muslim Conference that had protested against Maharaja Hari Singh, Choudhary Ghulam Abbas. The agreement was signed in secret and came to light only in 1993. In essence, it separated the Northern Areas from the 'AJK' region, ensuring that both remained distinct entities under the thumb of the Government of Pakistan. It was done even though the Muslim Conference never had any political presence in the Gilgit Agency.<sup>58</sup> As per the agreement, the 'AJK government' would be seated at their capital of Muzaffarabad with limited powers in governance and administration. Matters such as defence (including control over security forces in 'AJK'), negotiations with the UN, foreign policy, rehabilitation of refugees, coordination of publicity in connection to the UN plebiscite, and all activities with regards to Kashmir were deemed under the purview of the Government of Pakistan.<sup>59</sup> The Northern Areas would remain under the control of the Political Agent at Gilgit. There was no reason assigned for why the two areas of Kashmir that Pakistan had occupied were to be separated from one another. Indeed, Pakistan did not even convey this change to the UN. While it was demanding a plebiscite to decide the fate of Jammu and Kashmir, it had alienated Gilgit and Ladakh areas from the parts of Kashmir under its occupation, taking over the day-to-day administration.<sup>60</sup>

On 1 January 1949, India initiated a ceasefire stating that "there remained no reason for a continuation of hostilities...and that Indian troops would ceasefire provided that...Pakistan could give assurance of immediate effective reciprocal action."<sup>61</sup> New Delhi's haste for a ceasefire and panic-stricken appeals for a halt in the fighting, resulted in Pakistan keeping control of the area that it had invaded. By 5 January 1949, Pakistan had succeeded not only in grabbing two-fifths of the State, it had also internationalised the dispute and had made



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India commit to a UN-conducted and supervised plebiscite.<sup>62</sup> In July 1948, India and Pakistan signed another Karachi Agreement, which established the ceasefire line between the two countries.

## **Under Pakistan’s Administration: 1950-1980**

The region of Pakistan-occupied Kashmir (PoK) is a classic example of “intra-state colonialism”. While dubbed ‘Azad Kashmir’, there is nothing ‘azad’ or ‘free’ about the part of Kashmir under Islamabad’s rule. As for Gilgit Baltistan, the government continued to refer to the region by the obscure and vague title of ‘Northern Areas’ until 2009. The entirety of PoK—i.e., ‘AJK’ and Gilgit Baltistan or the Northern Areas—have replicated some of the basic features of classical colonialism, including political subjugation, disenfranchisement, economic exploitation, and cultural negation.<sup>63</sup>

The Pakistan government continued the policies of the colonial regime in administering the region. Under the watchful eye of the MKANA, the office of political resident of the Northern Areas was in-charge of the administration of the region, just as the British had appointed a political agent in the colonial era. Local kings and monarchs continue to squeeze labour, produce, and taxes from their subjects.<sup>64</sup> The powers of the political agent and the Deputy Commissioner were merged in the office of the Political Resident, who exercised legislative, judicial, executive and revenue powers.<sup>65</sup> As an appointee of the Central government, this made the Political Resident the autocratic ruler of the region. The existence of the FCR in the region gave state officials discretionary powers to enforce the law. In the Northern Areas, this meant the Political Resident. The FCR also deprived the people of access to constitutional courts and the right to vote as the Resident was the high court judge and the FCR commissioner. The absence of any legislative bodies meant that the Resident exercised all legislative functions in consultation with the government.<sup>66</sup>

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Pakistan has also ensured that the local population remain excluded from government jobs or postings. All the important officers in the region, including the inspector general of police, the chief of public works, and the chief secretary were all invariably Pashtun or Punjabi bureaucrats. While majority of the population were at the time of partition, Shia-Muslim, the government has ensured that the entire upper echelons of the bureaucracy were Sunni-Muslim. This is a similar case in 'AJK' where local officials can never aspire for high-level bureaucratic jobs, unless they are "chosen" or "lent" by the Pakistani state.<sup>67</sup>

The people of the Northern Areas remain excluded from Pakistan's judicial system. The sole court of appeals was under the supervision of the judicial commissioner, who was expectedly appointed by the MKANA, which makes all the decisions regarding the appointment and transfer of subordinate judges.<sup>68</sup>

In 1958, during Pakistan's first military dictatorship under Ayub Khan, the Northern Areas region was spared from martial law. At the time, Pakistan's principal stand was that the region still did not belong to Pakistan as its fate was yet to be decided.<sup>69</sup> Since then, the region has not been mentioned in any of Pakistan's Constitutions, not in 1956, 1962 nor in the latest 1973 one. Instead, as Navnita Chandra Behera has pointed out, a succession of Pakistan governments have chosen to interpret the Constitution and legal status of the Northern Areas as appropriate for the issue at stake. When discussing the possibility of a plebiscite, the government states that the region is part of the larger Jammu and Kashmir state. However, when the government wants to exercise its power for some administrative or political reason, including changing territorial boundaries, it says the area is part of Pakistan, not 'Azad Kashmir'. When questioned about why the people of the region have not been granted fundamental rights, the government has stated that they are *not* part of Pakistan, as they are not specified in the Constitution.<sup>70</sup>

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After India's defeat in the war against China in 1962, Pakistan gravitated towards its neighbour China, seeking stronger relations. Pakistan ceded approximately 1,942 sq km of territory in the Shaksgam valley to China, by delimiting the disputed frontier between China's Xinjiang province and Gilgit Baltistan. The strategic importance of Gilgit Baltistan, given its proximity to Afghanistan, Tajikistan, India and Tibet, was not lost on China as it recognised that control over the region would be a crucial political and economic asset.<sup>71</sup> By the mid-1960s, Pakistan and China began the construction of the Karakoram Highway, which was opened for the public in 1986. The 1,300-km highway runs from just outside of Islamabad, towards Gilgit, entering Kashgar in Xinjiang.<sup>72</sup> Interestingly, the Sino-Pak border agreement of March 1963 that ceded the territory to China, contains a clause, Article 6, which states that it will be only after the "settlement of the Kashmir dispute between Pakistan and India, that the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China on the boundary described...in the present agreement." On the basis of this agreement, not only did China become party to the territorial dispute in Jammu and Kashmir, it began to nurture Pakistan as its quasi-colony over the years.<sup>73</sup> Nonetheless, the agreement was in violation of the UNSC resolution as well as the right to self-determination of the Kashmiri people, which Pakistan professes to uphold. In 1965, Pakistan once again instigated a war with India, and lost, over-calculating its friendship with China and believing that a war with India would draw China in and perhaps trigger an uprising in the Indian part of Jammu and Kashmir.

The 1970s brought about significant changes, with the loss of East Pakistan and the promulgation of a new Constitution under Zulfikar Ali Bhutto, Pakistan's third.

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The Gilgit Scouts was, ironically, disbanded in 1970 as they refused to open fire on protestors demanding a repeal of FCR. The irony of the government disbanding the force—because of which the region came under their control, to begin with—is telling. Pakistan does not have a logical reasoning and understanding of their own wrongdoings in the region.

In 1971, the government brought about several administrative and internal territorial arrangements. The Hunza and Nagar kingdom was abolished and Gilgit and Baltistan agencies were converted into districts. A new district known as Diamer, consisting of Astor, Chilas and Darel/Tangir was created. The entire region was now divided into three regions—Gilgit, Baltistan, and Diamer—each headed by a deputy commissioner that worked under the commissioner of the Northern Areas, who reported to and was appointed by the MKANA.<sup>74</sup> While the people continued to be barred from local and national political participation, in 1972, popular resentment was tamed by abolishing FCR as well as the *rajgiri* (principality) and *jadirdari* (feudal) system of local rulers.<sup>75</sup> Under Bhutto, the Northern Areas became the Federally Administered Northern Areas or FANA.<sup>76</sup>

In 1972, the ‘Azad Kashmir Legislative Assembly’ passed a resolution demanding the return of the Northern Areas, which had been taken over by Pakistan, “temporarily” under the Karachi agreement. The resolution was ignored.<sup>77</sup>

The loss of East Pakistan was a blow to the ideology of Pakistan as an Islamic country. The fact that being Muslim was not enough to keep the country together, brought about new fears over the ethnic diversity of Pakistan and what that could mean for the future of the country. The ‘Azad Jammu and Kashmir Interim Constitution Act’ was passed in 1974, that used Islam to further suppress ethnic identities, instead of addressing the problems facing the different ethnic groups. It gave Pakistan exclusive control for determining changes to the composition of the population of PoK and made those living in PoK, state subjects with Pakistani citizenship. This was insincere

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on Pakistan's part, although it had attempted to brand the move as integrating 'AJK' into the larger Pakistan union. This is because PoK was not a province, neither a territory of Pakistan, as per the country's official position. As former Indian diplomat Dinakar Srivastava had pointed out, "state subject" under the PoK Interim Constitution does not mean a separate nationality for people of the territory. It simply made "state subject" a sub-category of Pakistani citizenship. The "people" who are expected to exercise their choice in a UN plebiscite had already become Pakistani citizens, not by choice, but by Pakistani law. Therefore, the question of "accession" of the "people of AJK" to Pakistan had been decided by Pakistan.<sup>78</sup>

In 1977, General Zia ul-Haq came to power in Pakistan. As chief martial law administrator, Zia inserted a temporary provision, Article 53-A in the Interim Constitution: he dissolved the elected assembly, with the government of PoK's consent, giving him carte blanche over the region.<sup>79</sup> The Northern Areas were affected under martial law, and were labeled as Martial Law Zone-E.<sup>80</sup> As Zia accelerated his model of Islamisation, Sunni Islam was promoted in the region, which until then had a majority-Shia population along with Ismaili Muslims. This led to a rise in sectarian tensions in the region and the beginning of radical, extremist Sunni ideology taking root in Pakistan.

The following decade would change the course of history for the subcontinent. The Soviet Union would enter Afghanistan, forcing Pakistan to become a frontline state in preventing Soviet expansion. Pakistan's support for the rebels against Soviet rule would empower a generation of terrorists and militants, that would in turn threaten Afghanistan, and Pakistan itself. In the Northern Areas, the promotion of Sunni Islam and abolition of the State Subject Rule that had regulated and prevented non-local population from claiming local citizenship and jobs, led to massive changes in the demographic profile of the region as well as a rise in sectarian violence. This state-led demographic engineering was a deliberate attempt to ensure that the people of Gilgit and Baltistan remain under Islamabad's iron thumb, as they have continued to be since 1947.

## What Went Wrong

### *British Bias at the UN in 1947-48*

At the United Nations, the British attitude towards Kashmir and its response to the issue being brought to the UN Security Council, where it was a permanent member, was shaped by its concerns about the “crisis of India’s international identity”.<sup>81</sup> As discussed earlier, London continued to view India, Pakistan and the dispute over Kashmir through four main issues: the impact of Kashmir’s strategic location on the geopolitical considerations for the retreating British and the emerging Americans; the significance of Kashmir’s Muslim population for their relationship with the Arab-Muslim world; the historical continuity between the British and American strategic concerns with the north west of the Indian subcontinent; and the different approaches that India and Pakistan had towards the Cold War rivalry.<sup>82</sup> It was through this colonial lens that the British delegation at the Security Council dealt with the Kashmir issue. In addition, while the British were restricted to an advisory role in India from 31 March, in Pakistan they remained in operational command supporting defensive operations in Kashmir against India.<sup>83</sup> Therefore, when the discussions on Kashmir began in New York, the Commonwealth Relations Office made it clear to the United Kingdom delegation at the UN that the “point at issue is how to stop the fighting and bring about a fair plebiscite rather than arbitration.”<sup>84</sup> India’s message to the Security Council had focused on getting the international body to take cognisance of Pakistan’s actions and expel the invaders from Indian territory, otherwise India would have to take military action in self-defence. However, Britain worked to prevent an escalation of the conflict between India and Pakistan, rather than work on the specific issue that India had approached it with. In other words, India’s complaint was ignored.

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Lord Philip Noel-Baker, who was the British Commonwealth secretary representing his country at the UNSC debates on Kashmir, was no friend to New Delhi. On numerous occasions, he overstepped his brief and succeeded in advocating for Pakistan's point of view on the Kashmir issue. In his discussions with the US and other Western powers in the UNSC, Noel-Baker argued that it was necessary for the UN to give Pakistan sufficient assurances that would help it to induce the tribesmen to go home, while placing Kashmir under effective UN control until the plebiscite. He was able to advance the proposition that the key issue was not the invasion of Kashmir, but Pakistan's conditions for a plebiscite.

The success of his advocacy was evident when the western powers sided with Pakistan, believing that it had little control over the invaders and that they could not take effective action to stop them until a formula had been found for the Kashmir problem (which was acceptable to Pakistan); that the Abdullah government would have to be replaced by an interim administration and that the UN should hold the plebiscite under its authority.<sup>85</sup> Noel-Baker's initiatives exceeded the instructions given to him by the government while he extended his support for Pakistan. His actions at the UN worked against India's best interests.

## ***UNSC Resolution and Ceasefire Acceptance***

There is another line of argument which suggests that India made the mistake of accepting the UN resolution in 1948, since it went beyond its reference. In accepting the resolution, India not only made Kashmir an international issue, but found itself on equal footing with the aggressor, Pakistan. The resolution also made New Delhi accountable in the conduct of the plebiscite. By accepting the UN-administered and supervised plebiscite, Avtar Singh Bhasin believes, India made a fatal mistake.<sup>86</sup>

There is also the belief that India showed extraordinary haste for a unilateral ceasefire which it established through a formal resolution at the Security Council on 1 January 1949. The Nehru government

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authorised its British Commander-in-Chief Sir Roy Bucher to inform his Pakistani counterpart, General Douglas Gracey about India's intention to cease fire provided Pakistan would reciprocate. Perhaps this was a result of disturbing news on the warfront for India, or a consequence of British persuasion to not take any further offensive against Pakistan. Either way, it is difficult to reconcile India's decision to push for a ceasefire when large swathes of territory remained under Pakistani control. Once the ceasefire came into force on 5 January 1949, Pakistan had succeeded in capturing two-fifths of the state.<sup>87</sup>

## *The Gilgit Question*

In November 1948, India's military plans had envisaged offensives in northern Kashmir and the Jammu sectors. While this did not involve an advance into regions that Pakistan considered vital for its security, an incident in Gilgit caused great anxiety to the British as it would have led to a serious escalation of hostilities. The incident involved a Pakistani air force transport aircraft being attacked in the air by the Indian air force as it was on a supply-dropping flight to Gilgit. The British feared that this would lead to Pakistan providing fighter escorts on its supply-dropping missions, which India would in turn view as a 'commitment' of the Pakistan Air Force in Kashmir and as a justification for air attacks on airfields in Pakistan. As Dasgupta narrates in his book, the Indian air attack was carried out under orders of Air Vice Marshal Mukerjee, who had been ordered to shoot down "any unidentified aircraft" operating over the region. The Pakistan cabinet in its deliberations, decided that it would rather send fighter escorts and risk Indian attacks on air bases in Pakistan than suspend its air supplies to Gilgit. This led to a discussion between Air Marshal Elmhirst and Nehru who was persuaded to "ignore" the Pakistani supply dropping aircraft over Gilgit.<sup>88</sup> While this incident demonstrates how British officials in both countries were able to act in concert and prevent the escalation of hostilities, it also begs the question of what could have happened, had India decided to escalate the battle and attempt to prevent Pakistan from reinforcing its forces in Gilgit. The strategic importance of Gilgit meant that had Pakistan suspended its supply operation, it would have jeopardised its entire operation in the northern theatre.<sup>89</sup>



# Conclusion

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Pakistan's obsession with Kashmir manifests its desire for territorial conquest, and not its intent to fulfill the wishes of its people. That it chose to invade Kashmir, rather than wait for the people to decide their future, proves that from the start, its argument with regards to "respecting the will of the people" is less than forthright. Its seven-decade-long reluctance to integrate the Gilgit Baltistan into the rest of the country comes from its deep-seated belief that such a decision would weaken the country's case in the event of a future UN plebiscite.

While Pakistan has routinely appropriated UN resolutions to justify its demand for a plebiscite, it conveniently ignores the fact that the UNSC asked it to withdraw its forces, be they tribesmen or soldiers, before a plebiscite can be held. It has not done so because Pakistan remains uncertain about whether or not a plebiscite would work in its favour. The misgiving is stronger today, seven decades later, given that the area under its occupation continues to not have any form of freedom and that it has terrorised the people of Kashmir with its militancy.<sup>90</sup>

Today, the region of Gilgit Baltistan is of great strategic, economic and commercial significance for Pakistan. Which is why on 1 November 2020, Prime Minister Imran Khan announced his government's intention to grant the region "provisional provincial status." This move was borne not out of Islamabad's desire to grant the people of the region their long-delayed fundamental rights, but rather is fueled by strategic and economic stakes. Pakistan has no legal, political or historical standing when it comes to its occupation of Kashmir. India, on the other hand, must learn from its past mistakes and give greater importance towards advocating for the interests of those who remain under Pakistan's occupation. [ORF](#)

*This paper is the first in a planned series of papers about Gilgit Baltistan. The subsequent papers will continue from 1980 to the present day and discuss the Pakistan government's numerous attempts to consolidate their hold over the region. It will discuss how India's constitutional changes in the part of Kashmir under its administration affect the bilateral dispute and what the future portends for the conflict in the UN.*

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