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## Understanding Kashmir Conflict: Looking for its Resolution

**ABSTRACT:** *The most dangerous place in the world today is the Indian sub-continent and the line of control in Kashmir. Kashmir conflict is the outcome of a process of neglect, discrimination, suppression of Kashmir identity, and the pre-eminence of power centric approach held by the successive regimes of India and Pakistan. This paper is new attempt to include ideas of different academic scholars towards a lasting solution to the Kashmir imbroglio. The problem of Kashmir conflict is mostly a constitutional problem. Therefore, this paper includes particularly the dimension of autonomy debate for the resolution of conflict. The autonomy of the Kashmiri people was always curtailed either through the massive violations of human rights or by doing several amendments in the constitution of state. The so called democratic system of India can only be successful in Kashmir when the rights of the people will be safeguarded. This is the main dimension towards a keen interest is needed. India has to understand what are the causes of alienation in Kashmir. Lasting solution to Kashmir conflict different viewpoints of various scholars has been included in this paper.*

**KEY WORD:** *Kashmir conflict, violations of human rights, India and Pakistan, autonomy, fraud election, and scholars views for resolution.*

**IKHTISAR:** *Makalah ini berjudul “Memahami Konflik Kashmir: Mencari Penyelesaiannya”. Tempat paling berbahaya di dunia saat ini adalah sub-benua India dan garis kontrol di Kashmir. Konflik Kashmir adalah hasil dari suatu proses penelantaran, diskriminasi, penindasan terhadap identitas Kashmir, serta keunggulan dari pendekatan kekuasaan sentris yang dipegang oleh rezim silih berganti dari India dan Pakistan. Tulisan ini adalah upaya baru untuk memasukkan ide-ide akademik para sarjana yang beragam terhadap penyelesaian akhir untuk keruwetan Kashmir. Masalah konflik Kashmir sebagian besar adalah masalah konstitusional. Oleh karena itu, makalah ini khususnya meliputi dimensi debat otonomi untuk penyelesaian konflik. Otonomi rakyat Kashmir selalu dibatasi, baik melalui pelanggaran besar-besaran hak asasi manusia atau dengan melakukan beberapa perubahan dalam konstitusi negara. Apa yang disebut dengan sistem demokrasi di India hanya dapat berhasil di Kashmir ketika hak-hak rakyat akan terlindungi. Ini adalah dimensi utama menuju kepentingan yang diperlukan. India harus memahami apa-apa yang menjadi penyebab keterasingan di Kashmir. Penyelesaian akhir ke atas konflik Kashmir dari berbagai sudut pandang para sarjana yang beragam telah dimasukkan dalam makalah ini.*

**KATA KUNCI:** *Konflik Kashmir, pelanggaran hak asasi manusia, India dan Pakistan, otonomi, pemilihan umum penipuan, dan pandangan para sarjana untuk resolusi.*

### INTRODUCTION

*“Even today, perhaps the best of us do not quite realise the depth of Kashmiri’s alienation and are unready to ponder ways and means of overcoming it”, Professor Hiren Mukherji said on February 25, 1994 as cited by A.G. Noorani (2008:84).*

The most dangerous place in the world today, we think you could argue, is the Indian sub-continent and the line of control in Kashmir. Kashmir conflict is the outcome of a process of neglect, discrimination, suppression of Kashmir

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identity, and the pre-eminence of power centric approach held by the successive regimes of India and Pakistan. The Kashmir conflict is primarily and fundamentally an ethnic conflict, through some forces in India as well as Pakistan are trying their best to make it a communal one because of the identity of Kashmir people from the rest of India and Pakistan. That the Kashmir problem has always been a problem of ethnic identity Kashmiryat and its resolution maybe found in upholding, rejuvenating, and establishing Kashmiryat in an acceptable frame work in the larger freedom and political order.

The Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict internal to the disputed territory and its Pakistan controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected and mutually reinforcing, tracks or axes of engagement and dialogue (Rahman, 1995:13).

It is generally believed that this tradition proved one dominant factor in convincing the people in Jammu and Kashmir that the Government of India will never allow democracy to function in the State. This feeling contributed significantly to the political antagonism between the people in the State and the Centre. After 1953, when Sheikh Mohammad Abdullah and other leaders of Jammu-Kashmir National Conference were arrested, his followers founded a new political party which was called Plebiscite Front (*Mahaze Rai Shumari*). Its sole objective was to carry on the struggle to achieve the right of self-determination for the people of Jammu and Kashmir to decide their political future. Sheikh Mohammad Abdullah fought for this objective from prison and the Kashmiri people supported him vociferously.

In the early 1970, several political developments took place in the Indian

sub-continent, which had direct/indirect impact on the Kashmir problem. Special mention may be made about the break-up of Pakistan into two States. In that situation, Sheikh Mohammad Abdullah felt compelled to resolve the Kashmir problem within the framework of Indian Constitution. Thus, in 1975, he compromised with the Indian leaders. The result was the "Indira-Sheikh Accord", which offered nothing new to the State of Jammu and Kashmir but reaffirmed the maintenance of the special status of the State of Jammu and Kashmir within the framework of Article 370 of the Constitution of India.

This agreement was condemned widely in Kashmir. When the Sheikh Mohammad Abdullah took over power in the State in 1975, people in general developed a lot of expectations for the development of the State and betterment of life-conditions of the people. While the central government did not keep political and non-political promises, the Sheikh Mohammad Abdullah could not control the expansion of worst kind of corruption and nepotism in the State. It was generally felt that though Sheikh Mohammad Abdullah did not involve himself in the corruption, his family, colleagues, and others near to him did unparalleled corruption in the State. He died in 1982 as a sad person, which partly reflects in his autobiography in Urdu language, *Aateshe Chinar* (flame or fire of plane tree).

### **KASHMIR VALE IN CONFLICT**

The British sold the valley of Kashmir to the Hindu Dogra ruler, Gulab Singh, in 1846 with the Treaty of Amritser (in thanks for his assistance with the British Afghan expedition and protecting British interests in the Punjab), adding to his prior possessions of Jammu, Ladakh, Baltistan, and numerous hill states. His great grandson, *Maharaja Hari Singh*, could not decide whether to join India or Pakistan upon Independence in 1947, so the State

remained “independent” for over two months. Under attack from the Pakistan side, *Maharaja* Hari Singh elected to join India in exchange for militancy aid Kashmir’s accession to India was contested by Pakistan. This accession was to be provisional, contingent upon popular approval.

However, no plebiscite was conducted. Pakistan soon went to war with India over Kashmir. The war was halted in 1949 with a UN (United Nations) supervised ceasefire and the establishment of a 500-mile ceasefire line patrolled by the UN Military Observer Group in India and Pakistan (UNMOGIP), although small-scale attacks continued. Hostilities recurred in 1965, but the ceasefire line remained. It was renamed “Line of Control” (LOC) with the 1972 Shimla Agreement between India and Pakistan.

China annexed Aksai-Chin in 1962. The “Line of Actual Control” (LOAC) between India and China has never been clearly demarcated (Srivastava, 2001:80). Prem Nath Bazaz, a Kashmiri writer and political activist in 1967, wrote, *“It is an irony of history that by a combination of fortuitous circumstances a tiny nation of Kashmiris has been placed in a position of great importance, where it can be instrumental in making or marring the future of so many”* (cited in Bazaz, 1974:120-122).

The politics of Kashmir identity was transmitted into ethnic nationalism, associated with a distinct Islamic tinge and a transfer from India to Pakistan loyalty. The ruling elite of Pakistan, unreconciled with idea of the loss of Kashmir, readily responded to this historic opportunity. Kashmir conflict became one of the worst tragedies of international politics, degenerated into a pawn in Indo-Pak (India-Pakistan) rivalry. The unfortunate victim of this process has been the people of Kashmir. The greatest hindrance to growth and cooperation in South Asia has been the sixty-year-old Kashmir conflict between

India and Pakistan.

The roots of the conflict or crisis extend to the catastrophic partition of the two countries in 1947, when the British government left the region after a 250-year period of rule characterized by exploitation and divide and conquer tactics. The British emperor’s divisive policies, which were aimed at creating a rift between Hindu and Muslims in order to dilute any potential cohesive opposing force, began in a large scale in the early 1900s, when it started to fear the perceived growing strength of the Hindu nationalist movement.

In order to counterbalance this perceived threat, the colonialist British government began to actively support the Muslim League, a political entity spear headed by Mohammad Ali Jinnah that aimed to represent the sub-continent’s Muslim interests. The British pitted these two groups against one another, and eventually the Muslim League was forced to demand the creation of separate state, to be called “Pakistan”, because it felt its interests would not be represented in a Hindu-majority India after the British granted the sub-continent its independence (Sankaran & Ramit, 2003:2).

Mohandas Gandhi, the political leader of the independence movement, was in favor of the creation of India and eventually used his power to ensure its existence. Consequently, as its parting legacy, the British Empire, under the supervision of Lord Mountbatten, created artificial geographical boundaries separating the newly created Hindu majority India and Muslim majority Pakistan. The creation of these new states created a tremendous amount of violent upheaval, dubbed the bloody partition. In this massive movement of people and capital (Hindus and Sikhs mainly to India, Muslims primarily to Pakistan), hundreds and thousands of people were killed and the land dispute of Kashmir was formed.

It can be said about the princely

States, that the wishes of the rulers of all the princely States that made up India and Pakistan were taken into account. Kashmir was an oddity, a predominantly Muslim State with a Hindu *Raja* (ruler) Hari Singh. Hari Singh acceded to India, and Pakistan claimed that was against the wishes of people. The dispute then turned towards the military, with India sending in its army to repulse what they called “Pakistani invaders” in the Kashmir valley (Srivastava, 2001:80).

As indicated, both India and Pakistan immediately attempted to fill the power vacuum that resulted after the British left the border area of Kashmir and fought a war in 1947-1948, which resulted in the partitioning of Kashmir into an Indian-controlled territory and a Pakistani controlled territory after the United Nations negotiated ceasefire. As part of this cease-fire, the UN (United Nations) also called for a plebiscite to be held to allow Kashmiris the right of self-determination, that is, to determine which nation they would join.

This plebiscite has not been conducted, as India has resisted such an action, unwilling to cede the land. Many resolutions were made by the United Nations on Kashmir issue, such as Resolution of Security Council of April 21, 1948; Resolution of the Commission of August 13, 1948; Resolution of the Commission of January 5, 1949; Resolution of the Security Council of March 14, 1950; Resolution of the Security Council of March 30, 1951; Resolution of the Security Council on 24 January 1957; Resolution of the Security Council on 20 September 1965; etc. In all these above resolutions of UN, it was emphasized that Kashmir conflict should be resolved keeping in view the aspirations and will of the Kashmiris, whether they want to live with India or Pakistan or remain in separate state, all this will be decided by the plebiscite means.

However, India never accepts this

proposal of UN. It was the main aim of the UN let the Kashmiris decide their destiny. These resolutions also laid emphasis upon restoration of peace and order, cease-fires, negotiations, truce agreements for immediate cessation of hostilities, respect of Line of Control, in order to create cooperation and peace between India and Pakistan, and solve the Kashmir issue by taking into account the aspirations of the Kashmiris. It is noteworthy to mention that United Nations become failed so far as the resolution of Kashmir issue is concerned. Two further wars between India and Pakistan, in 1965 and 1971, resulted in the establishment of the present day “Line of Control”. This separates Indian and Pakistani held Kashmir, respectively (Bose, 2003:207).

Until 1989, the fighting between the two countries was restricted to each side’s respective armed forces. Since that year, however, a separatist movement has been waged counter to the Indian government with support from elements both indigenous and foreign (primarily Pakistani) to Kashmir. This movements aim is to wrest Kashmir from the Indian government and is driven by the strong desire for autonomy by native Kashmiris and the strong sentiment of the majority of the Pakistani population, which believes that Kashmir was given to Indian under the unfair terms (Srivastava, 2001:80).

Currently, Kashmir is composed of Indian-controlled Jammu and Kashmir (45%) and Pakistani-controlled Azad Kashmir (35%), with remaining (20%) controlled by China. Often Kashmir conflict is described as “the unfinished business of partition”. The State of Jammu and Kashmir has been the focus of a dispute among India, Pakistan, and Kashmiris themselves since 1947.

The root cause of the conflict is, again, the question of sovereignty and the possibility of self-determination by Kashmiris of whether to remain India, join Pakistan, or form an independent

state. The conflict of Jammu and Kashmir thus represents the confluence of religious (Muslim) nationalism, secular nationalism (as represented by India), and ethnic nationalism (embodied) in Kashmiryat, a vague term for the confluence of Islamic, Hindu, and uniquely Kashmiri cultural strains in the region. Kashmir is a Muslim-majority state contiguous to Pakistan. Yet its Hindu head of the state chose to join India instead to Pakistan.

India's control of Kashmir has since sparked legal challenges in the United Nations and two wars between India and Pakistan. Still ethnic nationalism remained relatively low-key in Kashmir until the 1980s, when factors including Islamic revival, the availability of arms and *Mujahideen* from Afghanistan and Pakistan, and centralizing policies of the Indian national government combined to promote and facilitate ethno-religious sentiments and insurgency.

Since 1989, Jammu and Kashmir, especially the northern valley of Kashmir has been locked in a militancy-repression cycle, with pro-Pakistan and pro-secession Muslims militants combating Indian security forces. For the two countries, the conflict over Kashmir is less contests over strategic ground are resources as over competing visions of nationalism and state-building. For India, Kashmir is a symbolic of secular nationalism. For Pakistan, Kashmir represents instead the failure of secular nationalism and the imperative of a Muslim homeland in the sub-continent, as well as the "incompleteness" of Pakistan. Summit Ganguly says that:

The crux of Kashmir conflict, explaining that the insurgency demonstrates the dangers against a backdrop of institutional decay. The failure of governments to accommodate rising political demands within an institutional context can culminate in political violence perpetrated by militants as well as state forces, especially in multi-ethnic societies with limited channels for minorities to express

discontent, and especially as literacy, education, and media exposure increase with economic modernization (cited by Sankaran & Ramit, 2003:3-4).

In 1947, Jammu and Kashmir was among the largest 562 so-called princely states in the Indian sub-continent. These were nominally self-governing units, ranging in size from tiny principalities to sprawling fiefs, ruled by Hindu, Muslim, and Sikh feudal potentates with pretensions to royal states. Collectively, the princely states covered 45 percent of the land mass of the sub-continent. These vassals stateless constituted a major pillar of the British concept of indirect rule in India. Their rulers a colorful assortment of *Maharaja* and *Nawabs* were permitted to administer their holdings as personal and dynastic fiefdoms in exchange for acknowledging the "paramountcy" of British power, while British directly controlled and administered the rest of the sub-continent (Kohli, 1997).

Typically, British overseers known as "Residents" were stationed in the capitals of the larger princely states, but by and large, the Indian rules were left to their own devices. About 526 princely states were tied to the British Empire with the treaties and agreements set to lapse on 15 August 1947. Under the colonial regime, these states were autonomous in all but defence, foreign affairs, and communications so long as they recognized the "paramountcy" of the British crown. In 1947, each state was to join India or Pakistan per its geography and predominant religion. Independence was not an option for the princely states.

The fate of three states – Junagadh, Hyderabad, and Jammu and Kashmir (the largest princely state) created complex territorial problems at independence. India's occupation of the first two states was broadly accepted but sovereignty over third is still disputed

among India, Pakistan, and Kashmiris. Sir Owen Dixon, the UN Representative for India and Pakistan, noted that the Kashmir conflict was so intransigent because Kashmir was “*not really a unit geographically, demographically or economically*” so much as “*an agglomeration of territories brought under the political power of one Maharaja*” (cited by Kohli, 1997). The conflict remains intractable both because India and Pakistan equally unyielding in their claims; and because Kashmiris themselves are so divided in their aims and loyalties.

The Kashmir conflict represents a self-determination (and more recently, secessionist) movement for Kashmiris, an irredentist movement for Pakistan and Pakistan-controlled Kashmir, and a civil insurgency for India. Although the majority of Kashmiris were Muslims, the State had a Hindu ruler since the British gave Maharaja Gulab Singh domain over Kashmir in 1846. Over time Kashmir Brahmins (*Pandits*) and *Dogras* came to control most of the best agricultural lands, while Muslims, lacking wealth or influence, worked the land.

The freedom movement in Kashmir may be seen in the context of social, political, economic, educational, and cultural situation which prevailed in late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The appalling conditions of the local people, who were mostly Muslims, compelled them to rise in revolt against the feudal rule of *Maharaja*. They did it through several uprisings in the early 20<sup>th</sup> century. This also reflected in raising their voice for political, economic, cultural, and religious rights; and against the feudal monarchy.

However, the first and organized movement of the Kashmiris started in 1931 under the leadership of Sheikh Mohammad Abdullah and his colleagues under the banner of Jammu and Kashmir Muslim Conference. This movement had no connection, political

or organizational, with Indian National Congress which was spearheading the freedom movement in India. At its initial stage, the movement leaders in Jammu and Kashmir talked in terms of political, economic, and other rights of the local people which were denied to them by alien rulers. However, the movement concentrated on the demand of stopping the discrimination of the Kashmiri Muslims in their recruitment to the offices in the state (Ganguly, 2003).

When the movement under Jammu and Kashmir Muslim Conference progressed and came in contact with many other political groups and parties in the Indian sub-continent, it started changing its political perspective; it was changed into Jammu and Kashmir National Conference in 1938. This change reflected the widespread impact of the dominant political forces of that time on the political leaders in Kashmir. This view is supported by the adoption of Naya Kashmir Programme which was considered highly revolutionary programme, whose architects were the leftist leaders inside and outside the Kashmir. These developments were followed by the Quit Kashmir Movement, spearheaded by the Jammu and Kashmir National Conference to end the feudal rule of *Maharaja* in Jammu and Kashmir.

The Kashmir problem was created by the partition of the Indian sub-continent in 1947 when India and Pakistan were created as two separate and independent states. At that time, the State of Jammu and Kashmir, which was ruled by *Maharaja* Hari Singh, could not accede to India or Pakistan voluntarily. However, in the complex political situation at that time, the *Maharaja* Hari Singh had to accede to India temporarily on the promise (on the part of Indian political leaders) of giving the right of self-determination to the people of Kashmir to decide their political future.

It was on this promise that Sheikh

Mohammad Abdullah, the leader of Jammu and Kashmir National Conference at that time, supported the temporary accession of Kashmir to India and took over the emergency government in Jammu and Kashmir in 1947. Subsequently, India took this problem to the United Nations where it still stands on its agenda. Though the UN carried out several political and diplomatic efforts for resolving the Kashmir problem, it did not succeed (Schofield, 2004:15).

Thus, the political future of Jammu and Kashmir State remained undecided. It is primarily in that context that the people in Jammu and Kashmir demand the right of self-determination which was promised to them by India, Pakistan, and UN (United Nations). They upheld the view that this problem has three basic parties, which are India, Pakistan, and the Kashmiri people. This problem can never be solved if any of the parties is kept aloof or remains absent.

Muslims began agitating against the *Maharaja* Hari Singh in the early 1930s because of his insensitively and heavy taxes. Opposition to the *Maharaja* Hari Singh, then, coalesced under the charismatic young Kashmiri Muslim, Sheikh Mohammad Abdullah. In 1932, Sheikh Mohammad Abdullah formed the All Jammu and Kashmir Muslim Conference. Under the influence of Jawaharlal Nehru, a Kashmiri *pundit*, the party changed its name in 1939 to the All Jammu and Kashmir National Conference and sought to collaborate with Kashmiri Hindus.

Sheikh Mohammad Abdullah is regarded as the "lion of Kashmir". He was a great leader in the history of Kashmir, who led a movement against oppression, injustices, and discriminations over Kashmiri people. He was a secular leader in the history of Kashmir, who sacrificed his entire life for the cause of Kashmiri people. He was given imprisonment by the Indian government several times. He

had preferred India to Pakistan because of his secular ideas. There is no doubt in saying that he was the leader of the people of Kashmir. If tomorrow Sheikh Mohammad Abdullah wanted Kashmir to join Pakistan, neither we nor all the forces of India would be able to stop it because if the leader decides it will happen.

In his *Aatish-e-Chinar* (flames or fire of plane tree), the Sheikh Mohammad Abdullah recalled that during the talks, Pandit Jawaharlal Nehru exclaimed, "*Sheikh Sahib if you do not stand with us shoulder to shoulder, we shall cast a chain of gold around your neck*". The Sheikh Mohammad Abdullah looked at him and said smilingly, "*but don't do that ever because you will thereby have to wash your hands of Kashmir*". The pact that was signed between the architects of the Indian Foreign Policy, Pandit Jawaharlal Nehru, versus lion of Kashmir, Sheikh Mohammad Abdullah, was this Persian couplet *Mantushudi tu Manshudam*, it means "you have become me and I have become you" (cited in Habibullah, 2008).

It was the agreement of greater autonomy and special status for the wounded and oppressed masses of Kashmir. Talween Singh, a best journalist, wrote: "*Kashmir has always been special. It came to Indian in 1947 in special circumstances and with special protection of its autonomy, something that Indian political parties often forget*" (cited in Habibullah, 2008:82).

#### **FRAUD ELECTION OF 1987**

Though, Farooq Abdullah inherited the political leadership from his father, he won the election in 1984 on his own by upholding and defending the distinctive identity of the people of Kashmir within the broader whole of India. But, when he deviated from representing the distinctive character of Kashmir, due to internal and external pressures, he lost his legitimacy and popular support among his people. As a

result, he had to take support from the INC (Indian National Congress), which further alienated him from the masses. It was in that context that his party, i.e. JKNC (Jammu and Kashmir National Conference), with the open support of Delhi Darbar, rigged the elections in 1987 in Jammu and Kashmir beyond the understandable proportions.

It is said that when a Muslim United Front (MUF), which fought those elections against the JKNC and INC combine, candidate won after the counting, the name of the JKNC candidate was announced as the winner. After the elections were over, anybody who criticized these illegal practices was beaten, tortured, or arrested. Thus, what happened in and after the shameful elections in 1987 provided the political base for the emergence of militancy in Kashmir. In actuality, the Jammu and Kashmir Government, just after the elections were over, started arresting the election candidates, polling agents, and counting agents of the MUF.

So, all those who were involved in those elections from the opposition side went underground. After sometime, most of them went to Pakistani Kashmir, got the arms training and came back to the Indian Kashmir to start the struggle against India in Kashmir. Those who fought or were involved in 1987 elections and were made defeated and terrorized by the State Government, included Syed Sllahuddin (the Commander-in-Chief *Hizbul Mujahideen*), Aijaz Dar, Mohammad Yasin Malik, Ashfaq Wani, and all other JKLF (Jammu and Kashmir Liberation Front) founders in Indian Kashmir. It follows that when the government of India, in collaboration with the State government, did not allow the Kashmir youth to emerge as a political force through democratic means; they were compelled to start a militant struggle (Ranabir, 2005:93-113).

**About the Autonomy.** The Autonomy

debate in India is historically linked to Jammu and Kashmir State. This issue has been a perennial theme in the constitutional relations between the Union and the State. The autonomy issue resurfaced recently, sparking off a national debate, when the Jammu and Kashmir State Assembly passed a resolution urging upon the central as well as State Government to restore the autonomy of the state, which the ruling National Conference partly claimed to have been eroded over the years by the ruling dispensations at the centre.

The Autonomy resolution was, in fact, a sequel to the report of a committee constituted by the State Government when it was returned to power in the year 1996. The committee was constituted in pursuance of National Conference Party manifesto and was entrusted with the task of identifying the areas in which the autonomy of the State was eroded. The fact remains that restoration of autonomy in Jammu and Kashmir has been a perpetual demand reflected through the manifestos of the National Conference Party since 1977, when the latter contested the State Assembly elections for the first time.

Since 1951 as a logical follow up of the Indira Gandhi – Sheikh Mohammad Abdullah Accord in 1975. It may be mentioned that tracing the history of tension between the Union of India and the State of Jammu and Kashmir, the illustrious leader of Jammu and Kashmir, Sheikh Mohammad Abdullah, wrote in his autobiography, *Aatish-i-Chinar* (flame or fire of plane tree), that there was no question of challenging the State's decision with the Union of India. However, the tension was confined to the quantum of constitutional relationship between the Union and the State. This issue was raised during the negotiations to bring back the Sheikh Mohammad Abdullah and National Conference Party into national mainstream, which culminated in Indira Gandhi – Sheikh Mohammad Abdullah

Accord, but its resolution remained illusive (cited in Habibullah, 2008).

In fact, the political dispensation at the Centre which diluted the autonomy of Jammu and Kashmir wanted to achieve the twin objectives of gradual withdrawal of state's autonomy under the perception of strengthening the process of nation building in the country and extending the influence of their own political party parties in the state. The State Autonomy Committee Report was thoroughly debated in the State Legislative Assembly, which culminated in the adoption of a resolution urging upon the Union and the State Government to take the measures to restore the autonomy of the state. Jammu and Kashmir State should be treated separately from the other states of Union (Punjabi, 2000:6).

The salient features of the recommendations of State Autonomy Committee Report may be summarized as: *Firstly*, Article 370 of the Constitution of India, which grants a special status to Jammu And Kashmir State, should be declared as "special" in place of "temporary" as mentioned in the Constitution of India. *Secondly*, rescinding various articles of Indian Constitution applied to Jammu and Kashmir State from 1954 onwards. *Thirdly*, bringing about changes in the Jammu and Kashmir State Constitution to give control, direction, and super intendance of elections to the state legislature and to the state High Court. *Fourthly*, bringing about changes in the Jammu and Kashmir State Constitution restoring back the nomenclature of the Head of the State and State Executive, mode of the state, repeating the other consequential amendments, and the original provisions of the constitution of Jammu and Kashmir must be restored.

The demand for Autonomy has paid off well, politically speaking, for National Conference in Kashmir in the past and helped them in keeping the pro-India constituency alive in Kashmir,

subject to all kinds of propaganda from the Pakistani side over the years. It paid off well for Farooq Abdullah in the September 1996 elections too, immediately after his success in the elections. Farooq Abdullah seemed serious to take the issue of autonomy with the Centre and set the autonomy ball rolling in order to fulfill his electoral commitment. But its truth that always autonomy agenda was discussed and its irony that this principle of autonomy was also diluted and minimized this thing caused more alienation among the people of Kashmir. Both the governments failed be it the central government of India, or be it the state government of Kashmir in safeguarding this autonomy slogan.

#### **SCHOLARS DISCOURSE ON KASHMIR**

Quoting Prof. Hobsbawn, he said that self-determination and secessionism has no relevance in 21<sup>st</sup> century. He believes that greater autonomy is the only mechanism to end the alienation and to resolve the Kashmir imbroglio. He further said that federal balance in India was essential, and stressed that parameters of autonomy must be worked out with immense case and thought (cited in Habibullah, 2008:250-268).

M. Shafi, Prof. R.R. Sharma, Prof. Riyaz Punjabi, Dr. Austosh Kumar, Prof. Balbir Arora, and Prof. Noor Mohammad Baba also supported this viewpoint. Prof. Austosh Kumar, for example, said that Centre has been playing a much more dominating role. The idea of genuine autonomy being granted to the states has not been given a proper chance nor has its potential has been appreciated in providing solutions to the regional problems. It is in the context of the ongoing movements for autonomy or secession in these states as well as shortcoming revealed over the years in the working of the constitution that the core issues of Indian federal democracy need a critical rethinking (Ahmad Wani,

2012).

Wajahat Habibullah (2008), a great writer and good public civil servant, writes: “*India must adhere to its constitution and the Kashmiris should be allowed to enjoy the freedom that is guaranteed to them by that constitution*”. He further said in his realistic remarks, “*Until each citizen can live free from fear, democracy can only be notional, no matter how elections are conducted or who participates*”. Does such a situation exist now? He is not without hope.

I believe, based on my experience working in the State and with its people that a remedy for the Kashmir situation need not be elusive, if all stakeholders are sincere in their endeavor to restore peace and respect for the dignity of Kashmiri people, is at the core of any resolution. Ignoring the self-respect of Kashmiris believing that they as a people could be bought brought on and fuelled the cycle of ruin (Habibullah, 2008:262-263).

Summit Ganguly, a well-known writer, said as follows:

Both regional and ethnic tensions within the State are so high that any settlement will need to consider autonomy for the State and devolution within the States. Any solution to Kashmir problem from the side of policy makers of India must have to acknowledge deep sense of loss, bitterness, and a virtually complete lack of in government both in the valley and in the migrant camps as well. Kashmiri Muslims feel mutilated and defined by the laws and while the Hindu migrants feel uprooted and betrayed by both the government and insurgent groups. Any solution to Kashmir conflict must address the underlying grievances of Kashmiri and take a two-pronged approach between India and Pakistan, to end Pakistan’s insurgency and irredentist claim on Kashmir. And among insurgent groups to bring about the internal reforms and negotiations necessary for restoring peace and normalcy (Ganguly, 2008:1-12).

C. Raja Mohan (2004) believes that Kashmir conflict could be solved through the CBMs (*Confidence Building Measures*). India and Pakistan should

have to adopt CBMs and through it, peace can be restored and maintained in Kashmir valley. He included that India and Pakistan should start cross line transportation system and railway linkages, promotion of cross border trade and business, and promotion of joint tourism will pave new avenues for the peace building and conflict building process in Kashmir (Mohan, 2004:3097-3099).

Prof. Happymon Jacob (2010), at the School of International Studies JNU (Jawaharlal Nehru University) in New Delhi, said that the ongoing unrest in Kashmir is the result of a failure of politics, political courage, conviction, and empathy. If Kashmir burns this time, it is because politicians in New Delhi and Srinagar have failed to extend a powerful and convincing political argument to the Kashmiris. Gone are the days when a nation state could demand the undiluted loyalty of its citizens only by force and coercion today, a modern multinational state such as India can command the legitimacy of its citizens only by powers persuasiveness and attraction of its political arguments. He said that mainstream politicians in the valley forget what has always been true in the case of Kashmir. He cited, then, King Martin Luther that said, “*Peace is not the absence of conflict, but the presence of justice*”. Prof. Happymon Jacob said also: “*We can win back Kashmir only by making a convincing political argument, by devising a politically conscious reconciliation process, and by being sensitive to the many injustices by which the Kashmiris have suffered*” (Jacob, 2010:10).

Sumantra Bose (2003) said that the Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict, internal to the disputed territory, and its Indian and Pakistan controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but

connected mutually reinforcing, tracks or axes of engagement and dialogue (Bose, 2003:207).

According to Madhumita Srivastava (2001:80), Kashmir conflict has always been a problem of ethnic identity Kashmiryat and its resolution may be found in upholding, rejuvenating, and establishing the Kashmiryat in an acceptable framework in the larger freedom and political order. Meanwhile, Robert G. Wirsing says as follows:

There must be a formal commitment by India and Pakistan to the establishment of a joint commission on Jammu and Kashmir responsible for the LOC's administration, liaison with UNMOGIP, prevention of violations, oversight of such measures of demilitarization of LOC as may be eventually agreed. By endorsing such principles, India and Pakistan would be committing themselves to the creation of a permanent, internationally monitored, and routinely functioning instrument for bilateral management of security cooperation in Jammu and Kashmir. Vital to the successful adoption and implementation of the above principles is the formal and simultaneous commitment by the five permanent members of the UN Security Council to the suitably empowered international agency, perhaps a revived United Nations Commission on India and Pakistan (UNCIP 11) responsible for negotiating the terms of India and Pakistani acceptance of these principles (Wirsing, 2003:10).

Iftikhar H. Malik, a scholar of the Kashmir conflict, said as follows:

[...] the larger interest of the Kashmiris must receive priority. For a long time, rather than being the focal point, they were simply regarded as a side issue. Yet, it is the Kashmiris who, for generations, have continued to suffer from decisions made about them without consultation. In a conflict resolution process, the willingness of the parties concerned to unleash the process of negotiations is the key. As long as there is stubbornness and condition, attached in order to be able to start negotiations, the prospects for a plausible resolution of any conflict are remoter. The same requirement applies in the case of Jammu and Kashmir conflict (H. Malik, 1993:18).

Some of the obstacles and pitfalls, which could be identified in conflict resolution process in Kashmir, are as State policies, marginal role of civil society, hard line and extremist groups, zero sum game approach, role of external elements, failure of international community, and missed opportunities of peace, etc. The architecture for peace and conflict resolution in Jammu and Kashmir, which has existed till now, ignored two fundamental realities.

*First*, the participation of the people of Jammu and Kashmir in the process of peace and conflict resolution. *Second*, adopting a flexible position on issues, which have created a stalemate and impeded reaching a solution for a long time. It primarily focused on either maintaining or changing the territorial status quo without considering the basic fact that political will, commitment, and seriousness exercised on their part could have made things better, for not only the people of Jammu and Kashmir, but also people of South Asia (Ahmad Wani, 2011).

Some of the major processes, which may be relevant to an alternate architecture for peace and conflict resolution process in Jammu and Kashmir, are: (1) Process of dialogue and process of constructive cooperation; (2) Process of constructive settlements and process of protecting minority rights in Indian and Pakistan controlled Jammu and Kashmir; (3) Process of regional autonomy in Indian and Pakistan controlled Jammu and Kashmir; (4) Process of healing wounds through compensation; (5) Process of socio-economic upliftment of people through better education, health, employment, and other basic facilities, process of mutual tolerance; (6) Process of neutralizing hard line elements; (7) Process of creating a constituency of peace; (8) Process of creating awareness about conflict resolution on problems and challenges; and (9) Creating an

alternate architecture for conflict resolution process and methodology to unleash the processes (Ahmad Wani, 2011 and 2012).

Any viable process conflict resolution in Kashmir needs to take into account the process mentioned above. Building of trust is the key in order to secure benefits of peace and cooperation. If the parties in a conflict are unable to learn lessons from the dynamics of conflicts failures and successes, it becomes difficult to stabilize political, economic, and security relations parties who are in the process of resolving the conflict and commenting peace in the post conflict environment. Most important, the involvement of different segments of society in India and Pakistan is essential for the success of conflict resolution process in Kashmir while talking to media persons in Lahore. Mirwaiz said as follows:

Now that the resolution of the Kashmir dispute seems to have entered a decisive phase, the APHC would like to involve political parties of the two countries to be part of the Pakistan-India composite dialogue. APHC will hold talks with political organizations on both sides of the political divide to lend their support to the dispute (cited in <http://www.greaterkashmir.com/news/2010/oct/25/kashmir-not-india-s-integral-part-arundhati-36.asp>, 20/5/2013).

An author-activist, Arundhati Roy, criticizes “oppression”; meanwhile, advocating the right to self-determination for the people of Kashmir. According to her, on Sunday contended that in 1947, British imperialism was replaced with Indian colonialism which “*continued to subjugate the people of India*”. Speaking at a seminar titled “Whither Kashmir: Freedom or Enslavement?”, Arundhati Roy asked Kashmiris to ponder on the type of society they have in mind for themselves. “*Imperial colonialism is fast being replaced by corporate colonialism and Kashmiris would have to make a*

*choice whether or not they wanted the Indian oppression to be replaced by a future corporate oppression of the local masses*”, she said. Arundhati Roy, then, stressed as follows:

Your struggle has increased the consciousness in India about the oppression you face, but you must decide what type of society you have in mind once you are allowed to decide your future. Attacking the Indian government for the “oppression of the Kashmiri people” [...]. India has been using Kashmiris recruited in the army and paramilitary forces to suppress the voices of dissent in the Northeast and vice versa (cited in <http://www.greaterkashmir.com/news/2010/oct/25/kashmir-not-india-s-integral-part-arundhati-36.asp>, 20/5/2013).

Besides Arundhati Roy, rights activist Gautam Naulakha and Delhi-based trader unionist, Ashim Roy, also strongly voiced their support for the freedom movement of the people of Kashmir. The fact stands without any doubt that the Kashmir problem remains unresolved for the last five decades, which had extreme adverse impact on India, Pakistan, and people in both sides Kashmir. The political uncertainty and instability has trapped the people into a “political inferno” (cited in Bose, 2003).

One of its implications reflected crudely in the rise of militancy in the Indian Kashmir in 1989. In the context of recent developments in the Indian Kashmir, the emphasis on the traditional positions of India is that Kashmir’s accession to India in 1947 is final and irrevocable, stands as inseparable part of India. And traditional position of Pakistan is that Kashmir stands as unresolved/unfinished agenda of the partition and has the only option to accede to Pakistan in order to become an integral part of it, won’t help much in the resolution of the problem at present. It is primarily because of the recent developments in the Indian Kashmir. In the changed

conditions, both the countries have to be responsive, realistic, pragmatic, and accommodative. In this perspective, the political efforts must be directed towards the establishment of peace (Ahmad Wani, Suwirta & Fayeye, 2013).

Any internal or external and bilateral or multilateral solution of the Kashmir problem must give due consideration to the following political realities.

*First*, the State of Jammu and Kashmir is characterized by the multiplicity of religion, region, culture, language, and ethnicity. *Second*, the demography of Jammu and Kashmir reflects plurality of communities and groups at the state, regional, and district levels. *Third*, the solution of the Kashmir problem must be realistic, durable, and consensus based. In this regard, while the governments of India and Pakistan must necessarily develop consensus-based and representatives policies, the political parties and leaders in Kashmir must present representatives consensus-based and comprehensive political views and ideas. *Fourth*, Kashmiris living in both sides of the Line of Actual Control must be allowed to meet, interact, and live in together. The artificial wall of differences must be demolished as early as possible. *Fifth*, the distinctiveness of Kashmir and its people, irrespective of their differences in religion, region, language, and culture must be upheld sincerely and must reflect in the future political and constitutional arrangement. *Sixth*, the particularistic identities of all minority, religious, linguistic, cultural, and ethnic communities and groups must be politically recognized and constitutionally protected.

All parties directly involved in the problem may initiate the resolution of the Kashmir conflict in the preceding thematic framework through the meaningful dialogues and other Confidence Building Measures

(CBMs). All parties, communities, and groups must participate in this process without any condition. This productive and purposeful dialogue may in all possibilities lead to the path of solution to this complex problem. Thus, the Kashmir issue may become an instrument for peace and development and not for conflict and destruction in the entire region of South Asia (Ahmad Wani, 2012).

## **CONCLUSION**

For the just and fair resolution of the Kashmir conflict, an alternate architecture for peace is essential. The question is: has the time for such an initiative arrived and if not then what can be done to create conditions in this regard? Only through a process of purposeful dialogue can the Kashmiris, Indians, and Pakistanis ensure a better world for themselves and for the people of South Asia.

There is no other way to defeat the forces of darkness who have kept South Asia's poor and underdeveloped by not abandoning the path of confrontation and following the path of reconciliation and cooperation. If India wants to protect its integral part then India has to win the hearts of wounded masses of Kashmir. By providing them, greater autonomy and through addressing all the problems of the people Kashmir. India should have to control misuse of power and minimize Armed Forces.

Armed Forces have so much power that they do not respect dignity of Kashmiris and violate the fundamental rights of Kashmiris. India has to revoke Armed Forces Special Powers Act and other inhuman and draconian laws from Kashmir and ban all violation of human rights in Kashmir done by Armed Forces. Above all, India should have to treat Kashmiri's not like animals but like humans; and provide full justice to all Kashmiris in all spheres of life.

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