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Emergence of Kashmir Conflict and a way-out for solution

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The important issues which are being dealt in this article include:

1. Why Kashmir problem has remained unresolved and how in the recent years it has assumed the most alarming proportions.
2. Creation of divisions and sub-divisions on the basis of region, religion, language and sectarianism will make Jammu and Kashmir problem more complex and more complicated,
3. Why bilateralism has always failed to resolve the Kashmir dispute once for all.
4. Any division or trifurcation or quadrification of Jammu and Kashmir is a bad ploy.
5. Kashmir issue can not be resolved on the basis of majoritarianism only, so to resolve it once for all, the interests of minority groups and regional aspiration must be also taken into consideration.
6. The introduction of some more Kashmir centric confidence building measures can repose the faith of Kashmiris on the process of negotiations.
7. Finally, how we can find a possible solution on the basis of win, win and win position to the problem of Jammu and Kashmir.

Introduction:

Kashmir is considered to be the thorniest and intractable issue between India and Pakistan. After the eruption of violence in this state (which now is a union territory and bifurcated into Jammu and Kashmir and Ladakh UTs), in the early 1990, the conflict assumed more alarming proportions and with the result worsened the Indo-Pak relations to the extent that it brought the two neighboring countries to the brink of a nuclear catastrophe. This is the reason why international community included Kashmir among the major trouble spots of the world and advised both Indian and Pakistan to exercise utmost restraint and start negotiations for the resolution of this waxed wrangle. To understand the emergence of Kashmir problem and

the serious dimensions, which it assumed later on, it will be useful to briefly go over the history of this conflict.

Background of the problem:

Kashmir is a problem, which remained unresolved during the partition of the sub-continent in 1947. During the partition, there were about 600 big and small princely states in India. Lord Mountbatten advised the rulers of these states to accede either of the two dominions India or Pakistan. As regards the criteria for deciding which of the two dominions a state should join, Lord Mountbatten said, "normally geographical situation and communal interests and so forth will be factors to be considered". Every one of the 600 princely states acceded to either of the two dominions on these principles. Although the rulers of Junagarh, Hyderabad and Jodhpur, wished to accede to Pakistan, but their accessions were rejected by India on the grounds that they were contravening the partition plan as majority of the population in these princely states were Hindus. The Problem over Kashmir arose as 'India laid claim to every Hindu majority area, on similar grounds Pakistan laid claim over the Muslim majority state of Kashmir, but such claim was always rejected by India'. Thus a dispute over the state of Jammu and Kashmir occurred and both the parties resorted to different methods and even fought wars to acquire this disputed state.

The tribal invasion in 1947 followed by the "accession of Kashmir" to India and finally the Indo-Pak war in the same year changed the entire map of Jammu and Kashmir and divided it in to two parts- Indian administered Kashmir and Pakistan administered Kashmir. Even the "accession" of the state to the union of India signed by the then ruler Maharaja Hari Singh didn't mark the end of the dispute over Kashmir for two obvious reasons. First, the accession was made subject to the condition of the will of people to be ascertained after the restoration of normalcy in the state. Secondly, the issue was internationalized as it was referred to UNO by the government of India. Besides this, in both Tashkent and Shimla Agreements it was agreed that Kashmir issue constitutes the dispute that needs to be resolved through bilateral negotiations. Thus the future of the Kashmir was left wide open.

The emergence of Violence in Kashmir:

The occurrence of new developments within and outside the state had a tremendous impact on the psyche of the Kashmiri Muslims and resulted in their complete alienation from the Indian nation. The installation of repressive regimes by the central Government through unpopular and undemocratic methods, the erosion of autonomy granted under article 370 of the Indian constitution, the systematic encouragement of corruption and nepotism, non-development of the state, problems of poverty and unemployment, impact of communal violence both within and outside the state, opportunistic alliances and accords between the National Conference (NC) and Congress Party, Electoral malpractices, the situation in neighboring state of Punjab, the developments in Afghanistan, the Iranian revolution, the situation in Eastern Europe and

erstwhile Soviet-Union, and many other similar events greatly influenced the young Kashmiri Muslims. It is these young Muslims who increasingly felt that 'their salvation lies in secession from India and this they thought was only possible by resorting to an underground armed struggle in the state'. Pakistan, which is a party to the dispute over Kashmir, was always in search of an opportunity to exercise its influence over the state and also to take revenge for the humiliation inflicted upon her by India during the 1971 war, provided arms and ammunition to these annoyed young Kashmiri Muslims and this finally gave rise to armed militancy in Kashmir'. This armed militancy received massive mass support in Muslim dominated areas of Jammu and Kashmir. Apart from common Kashmiri 'the government employees, the Police forces, the academic intelligentsia and even some top bureaucrats supported the separatist slogans raised by the militants'. The situation worsened to the extent that it became a question of re-establishing the Indian state's writ over Kashmir.

In order to eradicate this armed militancy in the state, the Indian security forces are alleged to have resorted to 'massive crackdowns, Identification parades, house-to-house searches, mass arrests, custodial killings, illegal detention, rape, molestation and other coercive methods'. However, the government of India always rejected such charges and describe it merely a propaganda campaign of Pakistani agencies to malign the image of India at international level. The counter attacks by the militants were equally effective and this gave rise to a 'war like situation in Kashmir in which thousands of the people got killed and innumerable turned physically disabled'. Property worth billions of rupees was destroyed as a large number of houses and even total localities have been ravaged during encounters or exchange of fire between the Indian security forces and the armed militants. Besides this 'a large number of the population particularly Kashmiri Hindus had to migrate from Kashmir'.

Political Subversion in Jammu and Kashmir:

Kashmir had witnessed the politics of protest and separatism earlier also and sometimes even some militant organizations were formed in this regard, but these groups failed to mobilize the mass-support and with the result the movement as a whole failed to make any significant headway. It is for the first time since 1947, that the Kashmiri separatist movement took recourse to violent upsurge and gained a lot of mass support in the state. There was a complete disruption of the administrative machinery and the state was brought under presidential rule, which remained in progress for six years from 1990-1996. During this period there was a complete political vacuum as almost all the pro-Indian political parties became dormant or irrelevant. The separatists floated their own organizations. Although the elections were held in 1996 for the state legislative assembly and National Conference came in to power, but the low voter turn out and the unending violence in the state rendered this Dr. Farooq Abdullah led National Conference government completely impotent. Moreover, the failure of this government to fulfill its election promises like the

restoration of autonomy to the state, end to the human rights violations, and relief to the violence hit victims, safe return of Kashmiri Hindus to their homes and an end to the unemployment problems made it further unpopular.

Formation of Civilian Governments and the Aftermath:

Elections were again held in 2002 for the state legislative assembly. These elections are considered to be important not only because despite a boycott call by the separatists more than 34% of voters participated in the elections but also because the strongest regional party of the state National Conference was voted out of power and a new coalition government of Peoples Democratic Party (PDP) and Congress Party under the leadership of Mufti Mohammad Sayeed came in to power. During the high voltage election campaign Mufti's PDP assured to the masses that if voted to power, it will work for good governance, release of detainees, relief to the violence hit victims, return of Kashmiri migrants to their native homes, rehabilitation of surrendered militants, repeal of all those laws which give unlimited powers to the Indian security forces, creation of employment opportunities for the unemployed, demilitarization and finally an honorable solution to Kashmir problem according to the aspirations of people of Jammu and Kashmir. After taking the reigns of the government Mufti described all such ideas as elements of his 'healing touch philosophy'. Since the unending violence of the past several years had brought a large scale trouble and trauma to the people of the state, therefore, healing touch philosophy has been described as a systematic process to heal up their wounds. The significant voter turnout in the 2002 elections was an indication towards the fact that people were largely expecting that the formation of new government in the state will usher a new era of peace and prosperity in Jammu and Kashmir. But again this proved to be a distant dream as Mufti led coalition government after the completion of its three years turn hardly made any sort of much difference between his regime and the regimes of his predecessors. This way Mufti Syeed too has failed to come true to the expectations of the people. His promises also proved to be Machiavellian in nature. The corruption and misuse of official positions by the bureaucrats and politicians continued unabatedly. The demolition drive launched against the illegal constructions on the state land ultimately turned to be a campaign against the poor people and not against the illegal constructions of rich drones. The number of the unemployed persons in the state crossed over three hundred thousand mark. The record of human rights violations had reached an all time high. Custodial killings had increased by three times as compared to the era of Farooq government. The plight of Kashmiri migrants could not change and they could not return to their respective homes despite the tall claims of the government that normalcy has restored. The council of ministers was expanded up to 45% of the total strength of the state assembly. However, the role of Mufti's government cannot be ignored which it played towards the supporting of peace process. During his tenure in office, the peace process between India and Pakistan gained a momentum and Srinagar-Muzafferabad road was opened

for the passengers of Jammu and Kashmir. Besides this the ban was lifted on the policy of recruitment of government services and also some developmental works were carried out.

After the completion of its three years turn, PDP handed over chief minister ship to Ghulam Nabi Azad of Congress Party. The immediate challenges of the congress led coalition government were to work for the rehabilitation of earth quake victims and carry forward the common minimum program agreed between the coalition parties. Azad assured to give a clean administration to the state and announced to fight a crusade against corruption and nepotism and thus work for a Khushal (developed) state of Jammu and Kashmir. Azad's campaign against corruption also proved to be merely a hoax as not only the top bureaucrats and police officers but also some ministers of his government were found involved in corruption and exploitation of Kashmiri women. Although during his tenure three round table conferences were held on Kashmir, yet the peace process launched between India, Pakistan and some Kashmiri separatists lost its pace as Azad was clearly pursuing the policy of the Indian National Congress and thus viewing Kashmir crisis merely a law and order problem. This is possibly the reason why most of the Kashmiris lost their interest in negotiating process which was going on during Azad's tenure. Finally, the emergence of Amarnath Land Row resulted not only in the fall of Azad led coalition government but also put the two major communities of the two regions polls apart. Election was again held in 2008, and in this election N C - Congress coalition government under the Chief Minister ship of Umar Abdullah came to power. Umar Abdullah has reiterated his party's position that Kashmir problem which is political in nature can be resolved only through negotiations. Mr. Umar Abdullah remained in power from 2009 to 2015 but the situation both internally and externally continued to remain fluid as it was.

In 2016, the PDP and BJP formed a coalition government in Jammu and Kashmir. Again the people pinned up their hopes with this new dispensation. But this government, first led by Mufti Mohammad Syeed and then his daughter Mehbooba Mufti also failed to do anything concrete for the people as both the coalition parties were toeing two different lines as per their party ideologies. Ultimately the state of Jammu and Kashmir was brought under Presidential Rule in 2018. On 5 August, 2019, the BJP Government passed a resolution in the Indian Parliament not only marking the end of the special status of Jammu and Kashmir granted under Article 370 and 35A of Indian Constitution but also stripped off its statehood and bifurcated it into two union territories of Jammu and Kashmir and Ladakh – the move which was opposed by one and all political parties of erstwhile Jammu and Kashmir state except the BJP. To resist any kind of opposition regarding this fresh move, the government of India detained majority of the prominent mainstream and separatist leaders and imposed strict curfew in most of the parts of Jammu and Kashmir for months together.

Meanwhile, the violence in Kashmir is continuing unabatedly in which a lot of damage is caused to the lives and property of the innocent people. The relations between India and Pakistan have reached to an

all times low. The relations between India and China have also worsened as a result of the border disputes particularly in Ladakh. The situation reveals that if the tussle between these three nuclear powers is not checked at an earliest, it will lead the entire world towards the disastrous consequences.

Conclusion:

Kashmir has always remained a bone of contention between India and Pakistan. The bilateral negotiations started from time to time between India and Pakistan or between India and Kashmiri leadership have always failed to resolve the problem permanently. The Tashkent Declaration, the Shimla Agreement, the Lahore Declaration, the Nehru Abdullah Accord, The Sheikh Indra Accord and the Farooq Rajiv Accord, failed to serve any purpose and history stands testimony to it. In fact, there are not only two but three legitimate parties involved in this conflict- India, Pakistan and the people of Jammu and Kashmir. Each party has taken its own position on the question of Kashmir. For India, Kashmir is its integral part and hence no more a dispute. For Pakistan, it is the problem of partition which is yet to be resolved. But for the people of Jammu and Kashmir, Kashmir is not merely a territorial dispute between India and Pakistan and hence the same cannot be resolved without their involvement as they are the actual stakeholders in this dispute. Neither of the parties involved in the dispute have shown any sort of flexibility any time in their stated positions on Kashmir and with the result the conflict continued assuming the greatest degree of ferocity and finally in recent times it became a nuclear flash point.

It is largely believed that if the concerned parties will continue the process of negotiations by talking to one another with more flexibility by coming beyond their stated positions, necessarily they will succeed in finding an acceptable solution to the vexed Kashmir problem. Ever since the emergence of Kashmir problem, a heated debate is always going on among many circles about the final solution of Kashmir wrangle. In this regard a number of solutions are proposed and discussed. However, in the given circumstances the only possible solution is one in which every party will find itself in a win, win and win position. None of the three will feel that either of them has emerged as a sole winner or a loser. This objective can be achieved only after the re-unification of the divided state of Jammu and Kashmir and then giving it a sub-sovereign status. The areas, which are under the control of Pakistan including Gilgit and Baltistan, should be brought together with the areas, which are under the control of India (leaving Aksai Chin which China will never return). Both Indian and Pakistani forces could jointly man the international border of the re-united Jammu and Kashmir. The currency of both the countries can be acceptable in the state. Both will also speak in all international and regional fora on behalf of Jammu and Kashmir and thus manage its foreign affairs together. In view of its heterogeneous or multi-plural character, the state of Jammu and Kashmir is different from any other states of India. To promote unity in this diversity which can be seen in terms of religion, region, geography, language etc., democracy and federalism are the most effective means for promoting peace and harmony.

Each region can manage the administrative affairs on its own and introduce the principles of democracy and devolution at the level of districts, blocks and panchayats. This way the new sub-sovereign or semi-sovereign state of Jammu and Kashmir can act as a virtual bridge between India and Pakistan and will ultimately pave a way for peace, progress and prosperity in the entire region of South - Asia which otherwise seems to be a distant dream. Thus, by working in close collaboration with one another all the belligerent parties can become close friends and this will mark the end of hostilities once for all.

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