

QUESTION

Discuss the Kashmir problem its Entirety; Throwing light on its background and Prospects of Possible Solution this core issue between India and Pakistan?

ANSWER:-

INTRODUCTION:- Kashmir is the place where heaven touches the Earth, is now known as the place burning like a hell, consequent of its background that dates back to the withdrawal of British from United India. In fact after the partition in 1947 the Kashmir issue remain the bone of contention between India and Pakistan. Indeed in 3rd June plan princely states were given option either to join India or Pakistan based on their religion, culture and geography. Hari Singh the Maharaja of Kashmir, who was a Hindu ruler decided to go with India but people of Kashmir started a panch revolt against Maharaja's decision, the Pashtun tribemen also invaded Kashmir to help common people of Kashmir against Maharaja's army. Hence this prompted Maharaja to take India's assistance and India seized

this opportunity to take control over Kashmir. Conversely, Pakistan rejected it and both fought three wars over Kashmir since then. Hence recent illegal revocation of Article 35A by India has added fuel to the fire once again and the solution of issue has become need of the hour.

Meaningful bilateral negotiations between India and Pakistan with international intercession are crucial for finding peaceful solution to issue. "No Asian conflict has proved more clearly, costly or intractable than which continues to divide India and Pakistan over Kashmir." Stanley Wolpert.

## KASHMIR PROBLEM IN ITS ENTIRETY PRESENT PAST AND FUTURE

### BACKGROUND

#### • 3RD JUNE PLAN - PARTITION OF UNITED INDIA

The then Viceroy of India Lord Mountbatten came up with 3rd June plan for partition of British India. Therefore Kashmir issue began with the partition in 1947.

As per the Indian Independence Act 1947, princely states were given an option to either join Pakistan or India based on

religion, culture or geographical proximity of states -

• PONCH REVOLT AGAINST HARI SINGH

Because of Muslim majority and geographical location, Kashmir must have joined Pakistan. But the ruler of Kashmir was Hindu, Maharaja Hari Singh. He delayed the annexation with the aim to rule the state as an independent prince with the assistance of India. But his hopes were dashed when people on the western border of Kashmir started panch revolt against his effort of accession with India.

• STAND STILL AGREEMENT (Aug 12, 1947)

In October 1947, Pashtun tribesmen entered Kashmir to help common people against Maharaja's cruelty and to overthrow Maharaja Hari Singh. Consequently following the uprising in the region Maharaja decided to take assistance from India. Therefore in return of India's assistance Maharaja signed stand still agreement with India. However the agreement maintained the pre-existing services arrangements made between India and Kashmir. Additionally it aimed to ensure that, no one either Pakistan

or India can enter Kashmir unless the decision of Kashmir is pending -

### • INSTRUMENT OF ACCESSION BY HARJ SINGH

After that the stand still agreement was intended to be a temporary measure and the future of princely states was being decided - However the situation escalated quickly as the Pashtun tribesmen entered Kashmir and fought with Maharaja's army and winning one-third part of Kashmir known as Azad Kashmir today - This led to the signing of instrument of accession by Maharaja officially integrating Jammu and Kashmir into Dominion of India on 26 of October 1947 - Hence India took control over Kashmir on Oct 27th 1947 - Pakistan rejected it calling it fraudulent and both had their first fight over Kashmir in 1947 - India took the issue to the UN - Since then the issue of Kashmir has been geopolitical in the region for decades -

### KASHMIR DISPUTE BETWEEN INDIA AND PAKISTAN:

#### • STANCE OF INDIA OVER KASHMIR

- First, India claims that Maharaja

Signed Instrument of accession with India

- Second, the violation of Stand Still Agreement by Pakistani-backed tribesmen led to an Indian invasion of Kashmir.
- Third, India has considered it an internal issue and denies third party mediation in Kashmir issue.

#### • STANCE OF PAKISTAN OVER KASHMIR

Contrarily, Pakistan claims that Maharaja added the provision in the instrument of accession to approve it - The provision was to know the will of Kashmiri people before deciding the future. Additionally India's claim was totally against 3rd June plan based on majority of population's religion - Indian Prime Minister Nehru on November 2, 1947 emphasized on need for a plebiscite in Kashmir to decide future of region.

"We do not want to win people against their will and with the help of armed forces, if the people of Jammu and Kashmir wish to part company with us, they can go their way and we shall go ours. We want no forced marriages, no forced unions."

Jawaharlal Nehru, August 7, 1952 -

According to resolution of UN "All the tribesmen and Indian Army will retreat from Kashmir." India was involved as a state while a few tribesmen were involved in Kashmir having no back from Pakistani Army. It nullifies the claim of violation of Stand still Agreement - Till now 17 UN resolutions have been passed on Kashmir and India still has this invalid claim of Kashmir as its internal matter.

### A BIRD'S EYE VIEW ON CURRENT SITUATION IN KASHMIR

On August 5, 2019 the PM of India ended the special status of Kashmir by the revocation of article 370 and 35A to change the demographic character of Muslim majority. Additionally Kashmir will no longer have its separate and will have to abide by Indian constitution. Contrarily, people of Kashmir did not accept it and protested against it. Consequently they suffered isolation from whole world for more than three years during the lockdown imposed by India. Moreover human rights violation, communication blackouts, military deluge are now not new things these

"Kashmir is a burning issue; its solution is indispensable for durable peace." Stanley Wolpert

### PROSPECTS OF POSSIBLE SOLUTION OF KASHMIR

The Kashmir issue is a complex and sensitive matter, but there have been various proposed solutions to address the dispute between India and Pakistan.

#### • PAKISTAN NEEDS TO IMPROVE ITS FOREIGN POLICY

Currently, India is among the top five economies of the world and has the strong foreign policy aiming to protect its national interest. On the other hand, due to economic crisis, Pakistan is facing hardest time. Moreover, flaws in foreign policy of Pakistan make it difficult to ally world's strongest economies toward itself, which ultimately fails all efforts of Pakistan to solve dispute over Kashmir.

#### • CHINA REPLACING USA AS SUPER POWER

In another scenario, the Kashmir issue can only be resolved by the mediation of super power. In the present situation, India is one of major allies of USA. China is now replacing USA as

superpower will be benefitted to solving this dispute as the success of BRI depends on peace of south-Asian region -

### • INITIATION OF ECONOMIC INTEGRATION BETWEEN BOTH COUNTRIES

Creating economic incentives for both sides could help build common interests and provide a foundation for cooperation. Cross-border trade, joint economic projects and shared infrastructure could contribute to stability leading to meaningful bilateral talks on Kashmir issue -

### • TAKING THE ISSUE TO ICJ

Ironically, almost all the resolutions of UN on solution for Kashmir involving retreat and referendum have not been accepted by India - However according to Article 65 of UN, any dispute can be referred to the ICJ an organ of UN for legal opinion. As the Israel and Palestine dispute being referred to ICJ, the Kashmir issue should also be discussed there for legal opinion -



### • THE PARTITION OPTION DIXON FORMULA

It is a regional partition of Kashmir considering four regions and envisaging a plebiscite in these regions including Ladakh, Northern areas and Azad Kashmir, splitting Jammu and Kashmir into Jammu and Kashmir valley. It was given by UN representative in 1950 - Pakistan signed to it but India stepped back disagreeing with minor conditions. Chance is still there to use it as a solution.

### • THE IRISH MODEL - THE GOOD FRIDAY AGREEMENT

The Good Friday Agreement includes the provision for referendum on the constitutional status of northern Ireland.

A similar approach could involve allowing people of Kashmir to express their preference through a fair and transparent process. This model has ended 30-years dispute. If sincere efforts are made the idea of possible solution can be made from this model to resolve 77 years of dispute between India and Pakistan.

### • THE CHENAB FORMULA

The Chenab formula presented in early 1960's has toyed with the thought of dividing Jammu

and Kashmir along the river  
Chenab - It was granting areas  
in north and west of river  
to Pakistan and areas in  
south and east to India - Muslim  
majority areas should make part  
of Pakistan and Hindu majority  
areas should make part of India -  
This shows a lot of compromising  
strategies of Pakistan to solve  
dispute -

### CONCLUSION:

In a nutshell issue of Kashmir  
remain complex from its beginning  
influenced by its historical and  
political factors - Over the years  
issue has remain the source  
of tension between two states  
Several negotiations have been  
carried out but fruitless - Only  
a minor compromise from both  
countries can bring long awaited  
peace for people of Kashmir -

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