

Q No # 7 Discuss the Kashmir problem in its entity & throwing light on its background & prospects of possible solutions to this core issue between India and Pakistan?

Introduction: Kashmir since partition has been a victim of many wars and human rights abuses. After partition the stance on Kashmir was submitted by both of India and Pakistan to United Nations security council. The problems faced by Kashmiris are after August 5, 2019 the reversal of Articles 370 and 35A by Modi Government. Modi has changed the legal, administration and demographic changes in Kashmir.

“The future of India, depends on the proper solution of Kashmir issue”

Book: Kashmir A disputed territory by Alastair

1. Background of the Kashmir issue between India and Pakistan:

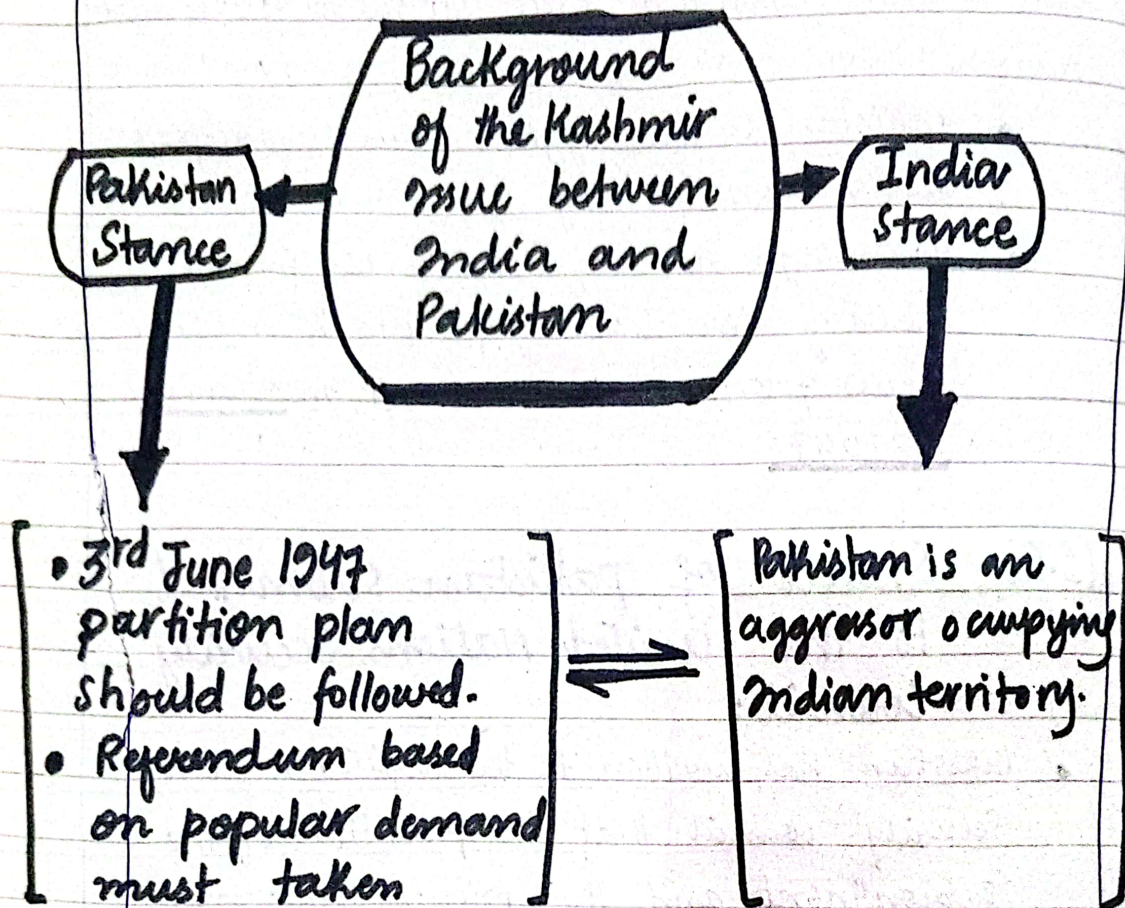
1.1) The Stance of India; submitted to the United Nations Security Council:

India and the ruler of Kashmir Hari Singh both together submitted their stance to the United Nations.

- Pakistan is an aggressor who is occupied the Indian territory.
- Hari Singh has requested India for the military evacuation of Pakistani military forces from Kashmir land, on October 12, 1947.

(1.2) Stance of Pakistan submitted to the United Nations Security Council:

- Pakistan has written to the United Nations Security Council that the partition of the subcontinent and the princely states more than 500 was made on the basis of 3rd June 1947 plan. According to this plan;
 - Muslim majority areas would be given to Pakistan.
 - Hindu majority areas would be given to India.
- There should be referendum taken of the Kashmiri peoples based on the popular demand of religion.



2. Problems faced by Kashmir Since partition of subcontinent till date:

Kashmir has been a victim of many problems since its inception. India has forcibly controlled Kashmir territory though Kashmir is muslim majority state.

(2.1) Reversal of the article 370 and 35 A:

On August 5, 2019 India has reversed the Article 370 and 35A.

• **Article 370:** Article 370 of the Indian Constitution states that India will hold the control on communication, Defense and Foreign policy of Kashmir.

• **Article 35A:** of 1954 was passed by the Presidential order. It states that Kashmir shall define their "Permanent residents" of the state.

(2.2) Modi Government has Changed the Status of Kashmir by reversal of articles:

Modi Government in 2019 has changed the status of Kashmir by reversing articles 35A and 370.

(2.2.1) Changing legal policies of Kashmir:

The legal policies of Kashmir was changed.

By reversing or abolishing articles 370 and 35A India has declared that India had no influence over the legal policies of Kashmir. However, India wants to change demographic changes in Kashmir.

(2.2.2) Administrative policies for Kashmir by India:

Modi want to change the demographic condition of Kashmir. Therefore he has reversed articles 370 and 35A. There are eight million muslims

in Kashmir already. Modi wants to add other 2.5 million citizens to increase Hindu majority so that referendum results would come in the favour of India.

- Permanent residents should ^{not} be defined.
- A non Kashmiri can buy the land in Kashmir
- Federal government employee who has served five years of service can become the citizen of Kashmir and purchase land.

(2.2.3) Political party changes in Kashmir by Modi:

- Mehbooba Mufti government in 2018 was not in favour of the reversal of Articles. Modi therefore has removed Mehbooba Mufti's government in Kashmir.
- Modi has declared that Bharatiya Janata party will make sure that basic rights of citizens would be given to every individual. However, Modi was playing with a tactic to had its control over Kashmiris.

(2.2.4) Modi declared that no any State shall intervene in the internal matters of Kashmir:

Modi has also declared that no any individual state shall intervene in the internal status and matters of Kashmir.

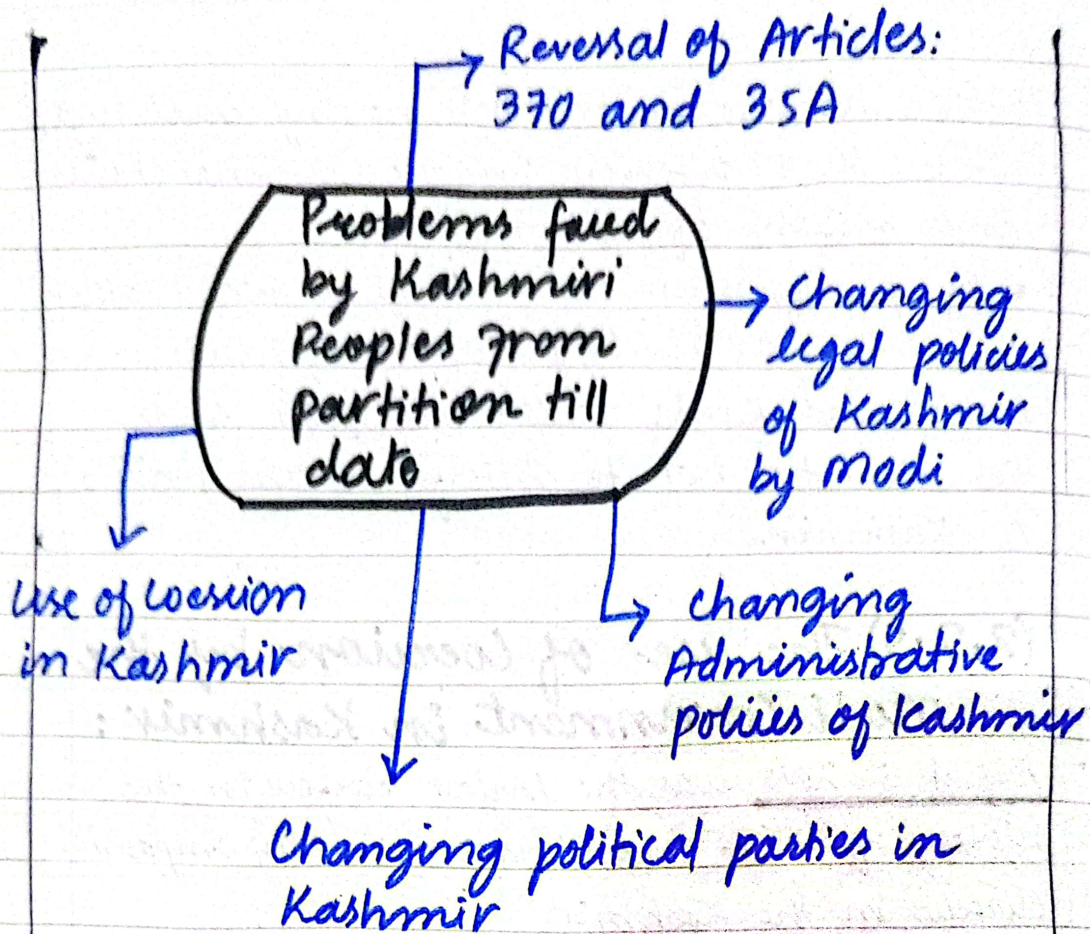
- By passing such comments modi want other states such as US, UK, Kingdom of Saudi Arabia and Russia which has good trade ties with ties not to interfere in the matters of Kashmir.

(2.2.5) The use of coercion by the Modi Government in Kashmir:

August 5, 2015 was the longest curfew in the history of India - India has repeatedly imposed curfews in the Kashmir.

- On August 5, 2015 Section 144 was imposed in the Kashmir by India.
 - According to this Section 144; telecommunication, mobile networks were all switched off.
 - There were 800,000 military troops that were deployed by India in Kashmir.
 - There was shoot at sight order was declared to military.
 - Military was controlling police stations.
- "Thousands of innocent peoples were killed and they were buried in a graveyard"

~ BBC



3. Stance of Pakistan on the reversal of Article 370 and 35A of Kashmir:

Reversal of Article 370 and 35A is against the basic rights of Kashmiris.

(3.1) Reversal of articles is the violation of Indian constitution:

For the reversal of articles there should be two: third majority parliament of Kashmir which will ratify first then it goes to the two third majority of Indian constitution then president sign. However, just Indian constitution has reversed the status

which is the violation of the Indian constitution.

(3.2) By changing the administrative policies of Kashmir India wants to get referendum results on its side which is unfair.

By changing the demographic policies of Kashmir India want to get the referendum results on its side by adding 2.5 million population it will supersede the muslim population. Therefore, it is unfair to Pakistan.

4. Solutions for the Issue of the Kashmir between India and Pakistan:

(4.1) Bilateral dialogue: India and Pakistan both shall diplomatically agree on making solution regarding Kashmir issue.

(4.2) Demilitarization of Indian troops in Kashmir: India on August 5, 2019 has deployed 800,000 military troops in Kashmir who are violating Kashmiri basic rights. Therefore demilitarization of Indian troops must occur for the welfare of citizens.

(4.9) Referendum should be conducted by United Nations:

There should be a fair and transparent referendum that is conducted by United Nations in the Kashmir.

(4.4) International body of Human rights should be created to monitor no violation of Human rights:

After the use of coercion by Modi government in Kashmir there is a lot of violation of human rights occur in Kashmir. Therefore, an independent body of NGO's or any other body is created to monitor no violation of human rights in Kashmir.



- Gilgit Baltistan and Azad Jammu and Kashmir $\longrightarrow$ 35% of Kashmir is given to Pakistan
- Jammu and Kashmir valley and Ladakh is given to India $\longrightarrow$ >55% part of Kashmir
- Aksai Chin $\longrightarrow$ China

Conclusion: Kashmir's problems is since partition till date. The stance on Kashmir was submitted by both India and Pakistan to United Nations Security Council. The recent problems that are faced by Kashmiris are Reversal of article 370 and 35A. changes in legal, administrative and demographic changes of Kashmir. However, these issues should be solved by the fair referendum under the supervision of United Nations Security Council.