

Discuss the Kashmir issue in totality. Elaborate the prospects of various solutions of the issue.

INTRODUCTION:-

~ Kashmir remains a dangerous place on earth.

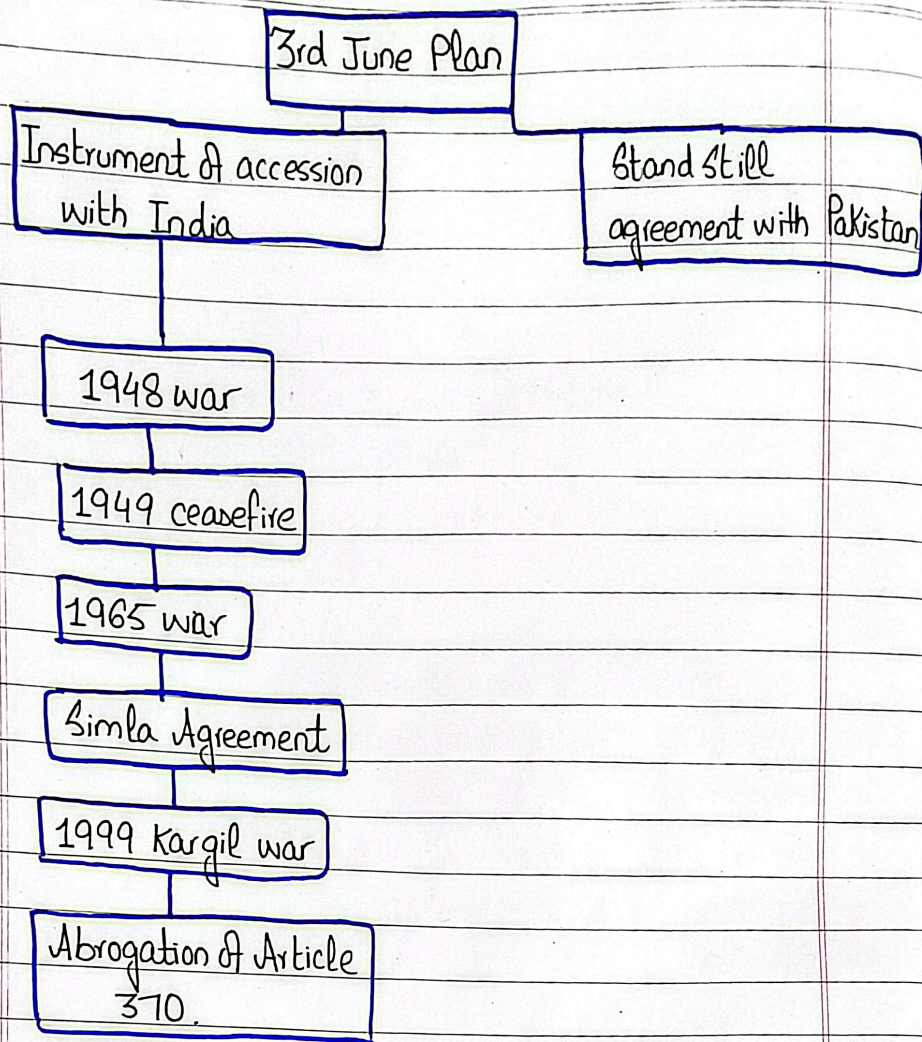
~ Former President of the US,
Bill Clinton.

Since the partition of the subcontinent, Kashmir has remained an imbroglio owing to its geostrategic location and resources. Consequently, it has become a nuclear flashpoint among India and Pakistan. While Pakistan claims the territory based on historical and legal grounds, India negates the stance of Pakistan predicated on its alleged historical patterns. Although various solutions have been suggested to address the conflict, the prospects of solutions to be fulfilled remained an unfulfilled agenda owing to the grievances and interests of both claimants on the territory. Hence, the panacea to the conflict lies in negotiations, dialogue and political will of both states.

HISTORICAL TIMELINE OF CONFLICT.

Date: _____

Day: _____



STATUS OF KASHMIR: ARTICLE 370.

Article 370 in Indian Constitution maintained an independent status of Kashmir. According to which;

- 1) Law of Delhi couldnot prevail in Kashmir.
- 2) Only Defence, foreign affairs and communication would be under jurisdictions of India.

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- 3) Kashmir would have its own flag and Constitution.
- 4) Non-Kashmiris would not be allowed to settle in Kashmir.
- 5) Article 370 would act as a constitutional link between Jammu and Kashmir and Indian Union.

CLAIMS OF PAKISTAN OVER THE TERRITORY.

- a) 3rd June Plan — princely states would be given option to either ^{join} Pakistan or India based on religious affinity and geographical proximity.

Since the Muslim majority in Kashmir wanted to amalgamate with Pakistan, India forcefully annexed the territory against the whim of people of Kashmir. The 3rd June Plan made people sovereign rather than leader. Hence, it is a violation of the Plan.

~ Kashmir remains an unfulfilled agenda of Pakistan.

~ Liaqat Ali Khan.

- Date: _____ Day: _____
- b) UN resolutions - Article 2(4)
records that the UN will not
interfere in internal matter of
states.

UNSC has given a series of resolutions of Kashmir.
Secondly, the Kashmir dispute has been registered
as India-Pakistan question. Hence, India cannot
claim Kashmir as a disputed territory.

- c) Refuses to accept the instrument of
accession signed by Maharaja.

Before accepting the instrument of accession, Mountbatten
declared an agreement as a provisional measure
till the restoration of order. Upon the restoration of order,
plebiscite would decide the future of the territory. However,
this negates the validity of the agreement as plebiscite
has not happened yet.

- d) Simla Agreement - No state could
unilaterally take decision on the
future of the territory.

Pakistan accuses India of violating the Simla Agreement
by abrogating the Article 370 - the special status
of territory. Hence, India's claim on the territory
remains questionable in the light of legal perspective.

- e). Nehru Speech — advocated for resolving the issue as per demands of the people of the territory.

In 1950, Nehru in his speech pledged to resolve the issue of Kashmir as per demands of people of Kashmir through plebiscite. This demonstrates that the forefathers of India also viewed Kashmir as a disputed territory rather than internal matter of India.

INDIA'S CLAIMS ON THE TERRITORY.

- 1) Instrument of Accession amalgamated Kashmir with India.

Since the ruler of Kashmir signed an instrument of accession with India seeking India's help against intrusion of people from Pakistan, Kashmir has willingly acceded to India.

- 2). Formation of the Kashmir Constituent Assembly in 1956 fulfilled the pledge of plebiscite.

However, the 122 resolution of the UNSC advocates that no constituent assembly can decide the fate of the people of the territory unless plebiscite is held.

PROSPECTS OF SOLUTION OF THE DISPUTE.

- 1) Independence - both Pakistan and India grant leeway to Kashmir while holding the responsibility of collective security.

However, India will not accept the plan owing to its immense investment in the territory. Secondly, owing to intense past, both countries will remain suspicious of each other's actions hindering cooperation.

- 2). Confederation - the Hindu majority areas of Ladakh and Jammu should accede to India while muslim majority areas along with Kashmir valley should be placed under confederation of SAARC.

However, India will not accept the decision owing to religious perspective. Secondly, it would want Pakistan to surrender its own territory too.

- 3) Common Wealth plan of 1951 - a plebiscite will be held in whole Kashmir and Common wealth standing army will ensure the process.

However, the plan was rejected by India owing to muslim majority at that time. At present, Pakistan will not accept the plan because of infiltration of settlers by India into territory. As per Kashmir media service, 3 million fake domiciles have been issued to non-Kashmiris by India.

- 4) Rejuvenation of Article 370 by the current legislative assembly of Kashmir.

While the current legislative assembly has passed the resolution for restoration of statehood, the opposition has opposed the current government for not mentioning the Article 370. Secondly, the assembly remains a toothless tiger owing to excessive dominance of powers of Governors.

- 5) Clinching political clout and economic development to pursue interdependence.

By doing so, Pakistan can fetch international mediation to compel India to the negotiations and dialogue. Without so, the matter will remain hanging in air.

CONCLUSION:-

The resolution of the dispute depends on the political will of two nuclear powers. As said by Hassan Haqqani, the history has made them neighbors while geography has made them rivals. Hence, without developing

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symmetry between two countries, the
agenda will remain unfulfilled.