

CHAPTER-IX

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The most concrete and potentially the most dramatic manifestation of the cold war between India and Pakistan is visible in the way the two countries have been handling the Kashmir issue. For India the problem of Kashmir is its internal problem and if there is something to be settled, that is about POK. For Pakistan it is the case of denial of 'right of self-determination' of the Kashmiri people. Pakistan rejects the Indian contention that the January 5, 1949 Security Council resolution calling for a plebiscite in Kashmir has been superseded by Simla Agreement. Indian charge is that Pakistan is guilty of violating the Simla Agreement, as the latter has been training militants of Kashmir and Punjab. "A war hysteria, infact, is currently part of the ongoing scenario in Kashmir, and both sides are moving up battle ready forces, tanks and artillery pieces."<sup>1</sup>

India and Pakistan on whom rest the future development of South Asia region greatly are bound to play determining role in setting future prospects for the whole region. Hence, the Kashmir issue, the major bone of contention between the two countries, has its wide repercussions on the politics of the whole region. Since the days of partition Kashmir has come to play a dual role. On the one hand it has paralysed the federalising process and democracy of India, while on the other it has affected the political and consequently

economic development of the whole region. Hence it becomes of prime concern to solve the problem sooner or later, and the sooner the better. Unless the problem is solved, the Centre will not be able to divert its attention and energy wasted through armed forces, to an all round development of the State.

It is imperative at this stage to think of the consequences of protracted dependence on the armed forces to enforce authority in the valley. A virtual military regime has dangerous political hazards. The continued armed skirmishes between the militants and the armed forces are bound to make the things worse. For one thing, it embitters the mood of the innocent public and thereby provides a base not only to the militants but also to the secessionists among them. Apart from the heavy drain on the exchequer that the continued armed insurgency entails there could be no end to this unequal combat. An insurgency can never be contained by the armed forces, but its settlement demands political action, a point which must be understood.

The present state of insurgency in the valley demanding continuous stretch of military action has an ominous international aspect which can hardly be ignored. For one thing it grievously weakens the claim that people of Kashmir favour staying in India. It also strengthens the contentions, of those who say that India is holding Kashmir by force and not by democratic consent. Furthermore, the question of human rights violation by Indian forces in the valley is bound to come again and again. The outcry of

violation of human rights is louder in the West today than at any time in the past. Hence an immediate breakthrough has become the need of the hour.

Suggestions made so far for the solution of the Kashmir problem are variations on three major themes, namely, plebiscite, partition and autonomy. One suggestion proceeds on the assumption that, since Kashmir is the bone of contention between India and Pakistan, denial to both would be the easiest way out of the salmate. Another by contrast hopes that Kashmir can become a bridge between the two, symbols of their common stakes and interests. Ideas of confederation and condominium belong to this category.<sup>2</sup> Some of the suggestion are as follows:

(a) Plebiscite for the entire state under international auspices, (b) integration of Jammu and Ladakh with India and Azad Kashmir and Baltistan with Pakistan and a limited plebiscite in the valley, (c) conversion of the Kashmir Valley into a UN Trust territory for ten years and a plebiscite after that (d) Dixon Plan,<sup>3</sup> that envisaged virtual division of the State (According to the plan the regions about which there was no doubt wished to accede to India (Jammu, Ladakh) or to Pakistan (muslim majority areas of the so called Azad Kashmir & Baltistan, and the areas about which there is doubt. A plebiscite was to be conducted in the areas falling under last category), (e) Sikkim type status for the valley with defence and foreign affairs managed by India and fullest possible autonomy for the valley with special provisions

concerning safeguard of the interests of Pakistan, (f) a South Asia confederation with India, Pakistan and Kashmir as the three constituent units and (g) integration of Jammu and Ladakh with India, Baltistan and Azad Kashmir with Pakistan and independence for the valley with such independence guaranteed by both India and Pakistan.<sup>4</sup> However, the aforesaid solutions are subject to limitations as the two parties India and Pakistan may not agree on any one of them. For India since J & K as per international law is an integral part of it,<sup>5</sup> any solution that rests on at leasts weakening its position over Kashmir would be a final defeat. Legally and politically Kashmir is an indivisible part of Indian mainbody and any compromise with the territorial integrity of the nation is an act unacceptable to all those who represent India and who do not.

Pakistan has been following a double policy on Kashmir. Even while professing adherence to Simla Agreement, Pakistan has trampled down deliberately the spirit of the agreement. It has been consistently using the agreement to hold the bilateral talks for conceding total abdication of the valley as a compromise solution. India dare not call off these talks because of intense international pressure even when Pakistan carries on a virulent abusive propaganda. The strategy of the Pakistan is to internationalise the issue to secure a positive role of UN or any other mediator in Kashmir, an act in gross violation of the Simla agreement. Hence, to counter such offensive of the Pakistan, counter propaganda at international level as also the question of POK are to be whipped up.

There are people of rightist organisations who have been advocating the raising of POK issue. Infact, "Liberate-Pakistan occupied Kashmir Day" was also observed in Jammu on October 24, 1992. For too long has India been on the defensive and abdicated its own constitutional position and right to liberate an area which is now bristling with terrorist training camps and become a launching pad for a disintegrative proxy-war of which there seems to be no end in sight.<sup>6</sup> A stern policy is thus advocated on the issue that involves even forcible occupation of the territory which legally belongs to India.

Some more thinking has also been done recently on the Kashmir issue both in India and Pakistan. To take Pervaiz Iqbal Cheema of Pakistan first whose formula is identical with the suggested solution (c) earlier, Azad Kashmir and Baltistan should remain with Pakistan, Jammu and Ladakh with India and the "valley should be put under the UN control for a short- while", and latter given a plebiscite right with the options of India, Pakistan and independence. He has also proposed an alternative: Partition, with India giving to Pakistan "the districts of Baramulla and Spore inclusive of Wullar lake to make the partition attractive to the Pakistan."<sup>7</sup> The solution with a specific mention of UN is not in agreement with the Simla Accord. The alternative solution of partition of the valley is neither desirable nor possible as the people of Kashmir who are also a party to the dispute will definitely reject

such an awkward proposal.

Another proposal has been made by Mubashir Hasan, an eminent Pakistani. He holds that the situation in the valley is as irreversible as in Vietnam and Algeria and that India has lost the battle for the hearts and the minds of Kashmiris. He also fears an aggression by India and the futility of the Pakistan's expectation that Kashmir will become a part of Pakistan. Therefore, he appeals to both the countries to let "the people of J & K put into practice their right of self determinations", and have freedom of social, commercial and cultural relations with both India and Pakistan, with their "own currency and membership of the United Nations". Pakistan and India should agree among themselves for the joint defence of Kashmir under the direction of a Joint Defence Council of Pakistan, India and Kashmir, against aggression by a third power in violation of their existing position on the border. After Pakistan and India have agreed among themselves, the solution may be presented to the representatives of the people of Kashmir.<sup>8</sup> But his prediction of war is far fetched. His conclusion is excessive. But his scheme has one pro. It proposes an agreement which Pakistan is likely to accept. However, it also has a corresponding con that India may not accept it. One can also question that who will determine the representatives of the people of Kashmir? And why limit their choice to what "Pakistan and India agree? Why not leave them free to debate with their people any choices they wish, and present the conclusions to India and Pakistan."<sup>9</sup>

Another type of solution has been advocated by Kuldip Nayar who holds that dialogue should be initiated between India and Pakistan and rejects the idea of plebiscite as irrelevant and undesirable for a tiny state like Kashmir. He speaks of a "Trieste Type Agreement" between India and Pakistan following the model of agreement signed by Italy and Yugoslavia in 1954, about the disputed territory of Trieste. Following this paradigm, he recommends that the present 'line of Actual control' should become the international border. But they should soften it in the valley. 'Bonafide Kashmiris' could traverse it at will with "identity cards" but Indian and Pakistanis wanting to cross it would have to get visas from the governments of Pakistan and India respectively. Nayar has also remarked that even Pak Prime Minister Bhutto had told him that she was also thinking partly of 'Trieste'.<sup>10</sup> However, what Nayar has argued for is the turning of the LAC into a permanent international border softened for Kashmiris only. This solution entails the full integration of the territory with their present possessors or the maintenance of the status-quo, an idea considered to be rejected by Pakistan. Moreover, the solution also suffers from the lack of support of Kashmiris who after a prolonged battle for independence are expected little to tilt towards the idea.

Yet another idea, which Chopra describes as the 'most developed idea'<sup>11</sup> has been propounded by B.G.Vergese. At the outset the writer remarks that the situation has almost boomeranged in the valley. There is now a 'reverse

alienation' against Pakistan and the militants. There is now a sense of betrayal by and disillusionment with Pakistan.<sup>12</sup>

The Vergese formula involves five steps. Firstly, a soft frontier across the adjusted 'line of Control' should become the international border, between India and Pakistan within the state, and being soft it should allow for easy movement and commerce both ways. Secondly, each of the two parts of the state should negotiate 'greater autonomy' respectively with the governments of India and Pakistan. Third, both parts should then be allowed to federate around the developed subjects while each giving regional autonomy to its own regions. Fourth, India and Pakistan, respectively should then confederate with its side of the State. The Fifth is what would emerge, an autonomous J & K with further regional devolution within an Indo-Pakistan condominium.<sup>13</sup> The doubts about the practicability of this ideas are that will Kashmiris agree to barter any part of their own aspirations, as the quintessential Kashmiris, for the sake of some involved relationships with other regions of the state, be it Jammu on this or Gilgit on the other part.

The Kashmiris have no great feelings of Kinship with the people across the LAC. Vergese has quoted a Kashmiri paper 'Al Safa', which supports the doubt through its implications. It asks 'if Kashmiris have to remain slaves, then why not with India, where we are enjoying a lot of facilities?' There is a great contrast in the life styles and value systems of the Azad Kashmir and the Kashmiris of the Indian part.<sup>14</sup> A question well worth exploring, may be what mixture of 'facilities' and 'azadi' would most meet

the Kashmiris' own aspirations?<sup>15</sup>

Against the formulae above discussed, Pran Chopra, holds that what we need today is the start of a 'process approach', through which, in conditions of freedom and peace, the people themselves may evolve their answers in the light of the realities of the day. The evolution will be slow and in stages. As each stage succeeds it will pave the way to the next. The ultimate result can turn out to be much bigger than anyone thought possible at the start of the process, bigger than can be brought about by any a prior formula invented at the start.<sup>16</sup> In the beginning, the author holds that the initiation of dialogue with Pakistan on the one hand and Kashmir on the other side is imperative. The hardest of all the realities is that there are three and not two parties to the problem i.e. India, Pakistan and the people of Kashmir. A deal between any two that ignores the third party will only be an invitation to continuing trouble. Hence, each party must be involved in the process with each getting a share of the satisfaction, which must come close to what it can hope to get, in a realistic view, from the present tactics. Any side which sticks to an unrealistic view will come to grief sooner or later. But for the evolution of such a process there is a need of a kind of relationship among the concerned parties that does not exist at present. Clues to reduce the contrasts of relationships lie in the abandonment of hopes of solving the problem through force. Also the need is to keep the idea away of 'Kashmir

problem' as a pre-condition for improvement of relations on any other front. Except it, the stoking of terrorism by Pakistan in Kashmir should be stopped. More important is the part of the people of the valley in evolving the process failure in which will make any future dispensation meaningless. For this purpose restoration of peace and freedom of speech is essential in which regard also a lot depends on Pakistan. So far Pak trained militants have killed several public figures like Maulvi Farooq and Abdul Ahed Guru whose crime was only their disagreement with both officials and militants. For this restoration of normal freedom is essential so that free debates on alternative futures could be held.<sup>17</sup>

Author has also stressed upon the Indian authorities to conduct elections as soon as the situation in the valley permits. The elections should be free and fair with an assurance from Delhi that the results will be honoured and the newly formed government will be given more autonomy if it so desires. If negotiations with Pakistan take place on the future dispensation, they will not be conducted behind the state governments back. This stage-by-stage resolution may encourage the resolution of larger Indo-Pak problems of which Kashmir is a part and the whole process might so evolve that at last Kashmir does become what geography had meant it to be, a bridge between the two countries rather than a barrier between them, even if it remains split between the two countries, with its two halves held together by some sort of formal ties and many more informal ones.<sup>18</sup>

The step-by-step approach advocated by Chopra seems to be more relevant and near to the any possible fresh initiative that can be launched in the present circumstances. Due attention has also been paid to the diverse interests of the three parties, however, the scheme has a disadvantage of its being a long time consuming process with subject to doubts of Pakistan's withdrawing the strategy of destabilising India by sending and abetting rebels. One also cannot foresee whether the newly formed government would be contented with the more autonomy or they would continue demanding secession or pass a resolution like erstwhile Soviet units, just to declare themselves independent. Nevertheless, the process approach of Chopra, which is more realistic, is being put into practice, as efforts are on to improve the law and order situation so that free and fair elections could be conducted with full assurance from Delhi to respect the results. Several attempts have also been made to improve ties with Pakistan, but there has been little improvement as Pak leaders have consistently protested any development before Kashmir problem is solved.<sup>19</sup>

However, at this juncture, one thing must be made clear that the solution to the problem is to be found within the constitutional framework of India, a condition that has become the major irritant and has restricted the militants to initiate dialogue with the government. Kashmir is undoubtedly an integral part of India both legally and constitutionally and if there is a dispute still to be settled that is about the illegally held territory by Pakistan known

as POK. This should be kept firmly in mind that Pakistan has no locus standi in the matter. By undertaking an aggression, first denying it and then admitting it, it really lost whatever legitimate position it would have had as one of the two dominions to which the former princely state could have acceded. "India cannot, will not and should not concede to the two-nation theory and to the stupid concept that religion is a stable basis for the formation of a State."<sup>20</sup> Pakistan that is the child of the theory has been putting everything to instill the Kashmiri mind on the same pattern which reflect its inborn hostility. The frequently expressed sentiments of its leaders at international fora in favour of free expression of self-determination by the people of J & K cannot but sound hypocritical on the part of a country which has not been able to ensure the maintenance of democracy for most of its own life. Its only connection with Kashmir is that of an aggressor who holds on to a territory to which it is not legally entitled. It has to vacate that aggression. Even more ironical is the fact that, unlike in the Indian part of J & K, there have been hardly any regular elections in the Pak held area of Kashmir.

Furthermore, it would be too late to refer to the people to determine the future status of the state. In the last forty years, hundred thousands crore of rupees have been invested in the State. The State has also enjoyed an exceptional position not only in political framework but also economically. So far the lust to become independent is concerned the words of Carnot are of high worth in this regard,

"If.....any community whatever had the right to proclaim its will and separate from the main body under the influence of rebels etc., every country, every town, every village, every farmstead might declare itself independent.<sup>21</sup> Hence, one example set by J & K to go independent because of its Muslim majority character might pave the way for other communities in India to think their future separate from India. Thus a solution is to be sought within the constitutional framework of India by taking various measures of omission and commission. It will be foolhardy to think that military action would fireout the militants. No doubt the initial expectation of a quick victory has disappeared in the militants' camp, but that does not mean that they will surrender and thereby can be restored the 'status quo ante'. And more the delay in breaking this vicious confrontation, the more the political loss for New Delhi, both at home and abroad.<sup>22</sup> This leads one to the position that there must be some opening for dialogue with the militants. The question however, arises that who among the numerous militant groups can deliver the goods?

At this stage, we have to take into account the two broad categories among the militants- those who want independence and those who have been arduously working for getting Kashmir annexed to Pakistan. It is obvious that if and when New Delhi gets ready to talk to the militants, it has to apply its mind to interact with the first category i.e. those who clamour for independence. One has to discard all inhibitions about undertaking such an exercise just because the other side declares that it would secede from

India. Precedents are not lacking about New Delhi having talked to such elements which at some time or the other raised the banner of independence. Initial failures in starting dialogue are bound to be their but one has to be optimistic by initiating measures step by step and thus improving the situation favourable for the initiation of political process. So far, the State has witnessed three quick installations of Governors and the whole gamut has boomeranged with K.V.Rao as the new Governor of the State once again after his exist in 1990. All the three Governor's with their different attributes of governance have yielded much shorter than the expectation. The common objective of restoration of normalcy has evaded through out these years and of late, all the claims of the new Governor K.V.Rao and Minister of State for Internal Security Rajesh Pilot of holding elections within six months (upto December 1993) have failed there is little reduction noticed so far in militant activities since the new Governor took over.

The game plan of Pilot and Rao is to talk to the JKLF and the forces disenchanted with Pakistan and help them to take on the Hizb-ul-Mujalideen. But the strategy is too transparent. JKLF Chief Javed Mir has spurned all offers for talks. He knows very well that now is not the time to negotiate, for if he does, especially at a time, when the militants seem to be in control, he will loose all popular support and become branded a Delhi stooge.<sup>23</sup> The prospects of the political process in the valley are bleak as Pilot is

loosing his credibility. He has so far done nothing that could wean away the people from the cause of secession. He has even failed to realise his promises, for instance, instead of his assurance of informing the family of a detainee within 24 hours of his arrest, there is nothing of this type. Despite his assurances there is no end to extra-judicial deaths. Brutality of security forces have continued and this has helped militants finding fresh recruits to inflate their ranks.<sup>24</sup>

Farooq Abdullah, a man who is considered behind the change in Governor and administrative shake-up has been written off by the people here because of his representing the Government of India at Vienna Conference.<sup>25</sup> Farooq is even not interested in visiting the valley unless administration is revitalised. In his own words, "the militants are out to kill me and I will risk neither my own life nor those of my workers".<sup>26</sup> However, what has affected the expected results even after efforts at restoration of peace is the lack of clarity and consistency in the Centre's approach of solving the problem. One should not be surprised on a remark made by an extremist that only BJP could solve the Kashmir problem. The reason is simple. "Only the BJP had a simple and consistent view of the Kashmir problem all these years."<sup>27</sup>

Thus what is required is launching of a multi-pronged consistent and coherent policy to tackle the problem. The menace of terrorism should be met with strong arms. However, it is not an open war that the militants in Kashmir

are waging. They are indulged in stray acts of insurgency. The armed forces should avoid forcing the innocent people into militants' camp. The extremists should be isolated with civil liberties of the common people safeguarded. Tough policy against the militants and a policy of "draining the pond in which these fishes (the militants) operate" would have to be followed.<sup>28</sup> Though, the Indian security forces need to reform their methods, they must continue to hit the terrorists as hard as they can, but avoid the chance of killing of innocent people in the process, which only annoy and further alienates the masses.<sup>29</sup>

According to the opinion survey as many as 81 of the respondents regarded the Kashmir problem as a demand for independence. Only 3 respondents held that Kashmiris want to join Pakistan. 11 of the respondents regarded the problem as a demand for self determination through plebiscite (the alternatives of independence, joining Pakistan or staying with India are inherent in such proposal). Three of the respondents held the present crisis due to grievances against maladministration by State and Union Governments. Out of these three two are Kashmiri Pandits. Two of the pandits have regarded the problem just as an act of misled youth incited by anti-national forces (See Table No.9.19).

Table No.9.19

Sr.No.	Nature of the Problem	Respondent's view
1.	A demand for self-determination through plebiscite.	11
2.	A demand for independence	81

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|----|---|---|
| 3. | A demand to join Pakistan   | 3 |
| 4. | Just a grievance against maladministration by State and Union Governments | 3 |
| 5. | Act of some misled youth incited by some anti-national forces.            | 2 |
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Source: Opinion Survey

So far as the best possible solution of this problem is concerned (as shown in Table No.9.20) 81 of the respondents ( 4 shias and 1 pandit and 11 out of 18 illeterates) have opted for plebiscite as the best possible way out. 11 of the respondents (3 shias) have advocated a mild and necessary military action with persuasive measures by centre including dialogue with militants. 3 of the pandits have advocated a strong military action while providing proper security to common man. Only one respondent has opted for initiation of political process as the best possible solution of the problem. 4 of the respondents ticked all the four alternatives.

Therefore, as observed by the majority of the respondents Kashmiris want independence and plebiscite as the best possible solution. Hence more concessions need to be made in the direction of political autonomy. Hardly anyone in the valley holds that he wants freedom because the cultural identity of the people is being suppressed. Freedom of worship is there. Kashmiri language has and is flourishing and so is Urdu. Then why do they want to become independent? Simply because of many of them hold that they have been denied the basic democratic rights. They have been prevented from electing their rulers. These grievances are not such

Table No. 9.20

## Best Possible Solution of the Kashmir Problem

Sr.No.	Alternative Solution	Respondent's view.
1.	A strong military action to retrench the terrorists while providing proper security to common man.	3
2.	Mild and necessary military action with persuasive measures by centre including dialogue with militants.	11
3.	Initiation of Political Process	1
4.	Plebiscite only.	81

Source: Opinion Survey

that cannot be remedied. On the contrary, the Constitution of India aspires to promote wider and wider participation of the people in conducting the affairs of the nation at various levels. The special status of the state is to be perpetuated and reaffirmed and the people to be convinced and brought back to the mainstream of political life of India, by implementing the special provisions regarding the state in full and true spirit. If the people of the valley seek independence, it is because of distorted perception of democracy or because they feel they are not independent within the Indian Union. "This sense of "lack of independence" holds Jootla, can be eliminated if the democratic process is allowed to flourish and political parties to work".<sup>30</sup>

Article 370 was meant for retaining the autonomy of Kashmir. Kashmiris, let us remember, had historically resisted any attempt to threaten their identity in any form. They did not forgive even their co-religionist, the Mughals, for invading Kashmir and thus threatening Kashmiriat. Maharaja was shrewed enough to insert such a provision. Without such assurance even Sheikh Abdullah would have found it difficult to get the merger with India approved by his people. Unfortunately, this article has not only been diluted in content over the years but has also been misused for long until the Kashmiri youth decided to revolt against the Indian hegemony over Kashmir.... Had article 370 been used more creatively and intelligently, it could have brought Kashmiris emotionally closer to India. Unfortunately this article was never used in true democratic spirit. The article should not be seen in terms of a specific time frame. It has to be judged in terms of winning over the people of Kashmir by reassuring them its maintenance. One should at this stage only talk of strengthening its provisions to win back the confidence of Kashmiris.<sup>31</sup>

Besides erosion of special status and denial of democracy, economic underdevelopment, poverty and unemployment, misgovernment by different Union and State Governments, regional tensions, and incitement by Pakistan are the other chief stimulants that have played upon the minds of Kashmiris to force the distinct ethnic identity of Kashmir, seek its future independent of India. Therefore, the social variables (distinct culture, language, region and religion-etc. of Kashmiris) when compounded by purely economic and

political grievances triggered off pro-independence secessionist movement in Kashmir.

The best way, to resolve the crisis over the article is to implement it by returning to pre-1953 situation and convening a Constituent Assembly in Kashmir (which is the final authority to approve the Central Legislation regarding the state and because of State CA ceased to operate in 1956, all the legislation extended to the state thereafter are void)<sup>32</sup> to decide which central legislation should be extended to the State.<sup>33</sup> Karan Singh, former Sadar-i-Riyasat of the State, observes that the whole issue needs to be tackled at three levels. The first relates to regions effectively under our control, where for the reactivation of political processes and establishment of genuine democracy, necessary changes can be made within the ambit of the Indian and State Constitutions. The second relates to our relationship with Pakistan, the regions of the state under its effective control, and its well organized efforts to promote insurgency through training, financing and arming various extremist groups in the valley. The third involves our border dispute with China and the possibility of finally coming to a mutually acceptable agreement. The author advocates recognition of special status for the state.<sup>34</sup> T.N.Kaul holds that the need is to give real autonomy not only to Kashmir but to other states also. Kashmir that enjoys a greater measure of autonomy has been deprived of it in practice by Delhi's whittling it down by playing party politics in Kashmir and

encouraging one faction after another to rule there. Huge amounts poured into the state have been siphoned away by corrupt politicians and Delhi has imposed its own administrators in key positions there instead of trusting the local people.<sup>35</sup>

New Delhi must make an unambiguous declaration that it is willing to restore as much of the special status that the state has lost over the years, even if it means going back to the three subjects that Maharaja Hari Singh ceded to India in October 1947.<sup>36</sup> In spite of the prevalent situation in the valley, there is still hope that the people can be won over, provided the central Government is not blind and initiates measures to provide full autonomy to Jammu & Kashmir and on that basis commences negotiations with the JKLF.<sup>37</sup>

There have been other suggestions like change in demographic composition of the valley by facilitating the settling down of other communities from India so that India could have a little base in the valley to counter the secessionism. "The aim of this mix is not to convert the valley into a non-Muslim majority area, but essentially to have a few loyal citizens located in sensitive areas who can provide necessary help and support to the thousands of Kashmiris who are disenchanted with the militants. Resistance against the people of other states can be minimized by encouraging Dogra-ex-servicemen of Jammu and other areas of the region who are already the citizens of the State to settle there by giving attractive incentives in terms of

land, house and money to start farming or business in the valley".<sup>37</sup> However, such, proposals are worthless as they will further antagonise the Kashmiris against Indians and Jammuites.

Therefore, it is obvious from the previous discussion that there is a school of eminent scholars that has been advocating for the restoration of special status under article 370 and is even ready to restore the pre-1953 situation if this can bring normalcy in the valley and Kashmiris emotionally closer to the secular India. This will be a little price for complex problem like Kashmir. Once the normalcy returns, freedom of speech and democracy ensured, further talks on softening the border for Kashmiris and for a realistic solution of the problem, could be initiated with Pakistan. One must not remain in the dubious world of ignorance that Pakistan is interested in a peaceful solution of the problem while caring for the interests of India in the valley. Its strategy in Kashmir is guided not by one but several objectives like weakening India by destabilising the states of Punjab and Kashmir so that a parity in military power can be attained and this view might be shared by other countries who have been strengthening the hands of it. The split of Pakistan in 1971 in which India played a positive role is another cause of its vangeance in the form of seeing Kashmir as a part of it. Moreover, Pakistan has, so far, played into the hands of domin

powers that have their own vested interests in the region and who do not want to see India as a dominant power of the region. Therefore, it is of imminent necessity for India to pull the state, at least the territory controlled by it, out of external pressure by meeting the legitimate demands of the people. The policy of assimilation used tacitly is to be replaced by amalgamatory policy that is considered to be more successful in meeting the aspirations of diverse people constituting a single nation-state. A success in this respect will definitely awaken the people of the other part of the Kashmir who have been continuously denied the exercise of their democratic rights. Such a development will make the things difficult for Pakistan which will have no other option but to come to talks with India. In such a situation the national interests can well be protected with a permanent solution feasible for Kashmir.

Some immediate measures in regard to Kashmir problem are considered to be best as follows:<sup>38</sup>

First of all, the vicious campaign of Pakistan to brain-wash, confuse, and coerce the Muslim population of the valley to support the demand for secession through blatant use of religion, money and outright terror needs to be checked. In the last few years Pakistan has succeeded in projecting a grim picture of the valley by distorting the facts. To counter this strategy of Pakistan it is necessary to launch a well-conceived, highly sophisticated and united propaganda not only in the valley and at national level but

also at the global level so that the ugly face of Pakistan be disclosed and its ill-conceived designs be thwarted. This will surely help against the communal elements that are operating in the valley. The physical distances enacted by these forces between the two principal communities of Kashmiri Muslims and Pandits is to be reduced. "It is the duty of all the well wishers of Kashmir to encourage any attempt that reduces mental distances between them."<sup>39</sup>

Freedom of religion and religious tolerance are the essential ingredients of the composite Indian culture which is neither Hindu nor Muslim. Wider publicity should be given to the concept of secularism as the pillar of Indian polity, and all the mischievous acts of mixing religion with politics should be put down firmly. It was the secular force of the Indian nationalism that had attracted the Kashmiri leadership to accede to India in 1947, and more the India projects herself as a secular state, more the chances of the people in the valley, being on our side. "Kashmir can only be kept emotionally within the country if India shows itself to be a vigorous secular democracy".<sup>40</sup> Secularist and egalitarian activists in other parts of the country should frequently visit the valley and the people there. Organizations and such other groups who are fighting for the democratic rights of the suppressed people in other parts of the country should exhibit solidarity with the people of the State. In all, the need is to create a sympathetic attitude towards the Kashmiris outside the valley so that people there could feel that there are their brethren

who have respect for them and who are co-sharer of their agony.

Economic under development is one of the major factors that cause discontentment among the masses. Once the demands and grievances of the people, that are economic in nature are fulfilled and redressed, half the battle is won. Problems like schooling, health, sanitation, power and communication are to be met immediately. More jobs to be created by allowing the industrialists from outside the state to come and invest here. The lifeblood of industry i.e. power will no longer remain a problem as a large number of hydro-electric power projects are under construction in the state. Development of horticulture and small scale industry could be launched as long term measures. In brief the attempt should be made to the economic sector as the major thrust area so that grievances related to it could be reduced, public support for militancy diluted, and youth be brought back to the mainstream.

Centre has accredited itself of being guilty of following a vague, incoherent and ambiguous approach towards Kashmir. This has pushed the people of the state into a state of apathy and reduced the faith of people in the Centre. People do not know in the valley what the centre intends to do. For this, an unambiguous and clear-cut approach of the Centre towards the problem is required. A consensus policy, atleast in the ruling party, should be followed which would receive better response from the people in the valley. "Unless a sense of decisiveness is injected, things will continue to

drift. "The basic problem in Kashmir is that the state has become an absentee state. That it should happen in a sensitive state like J & K is a cause for particular disquiete."<sup>41</sup>

Restoration of special status of the state by ensuring the political autonomy envisaged under article 370. For this purpose a nation-wide campaign in favour of article 370 should be launched so that the people of the State could be assured of having a safe future with India and their separate identity recognised. A pre-1953 status can also be conceded which would be a little price for the trouble-torn valley.

Restoration of normalcy as soon as possible so that political process could be initiated in the state. A stern action against the militants with a differentiated attitude towards the pro-Pak forces and forces which stand for independence. Pro-Pak elements should be curbed severely to the advantage of the latter so that a meaningful progress could be made towards negotiations with them. Despite the hinderances, a consistent policy of initiating dialogue with militants particularly JKLF, should be followed and the avenues for such talks kept always be open to the militants. The role of security forces has also fallen to severe criticism these days. There are instances of inhuman treatment of people in the valley and the discontent against the repressive measures taken by security forces has been increasing. This has provided an additional input into the present stalemate by helping sustaining the

secessionist trend. Therefore, the security forces will have to adopt a mild policy towards the innocent civilians with reserved severity of action towards well identified extremists. Steps towards protecting civil liberties should be taken immediately. Special courts to try cases filed under IADA be established, detenues be shifted from far off jails-like Jodhpur and Allahabad to those located in J & K and their relatives be allowed meetings as per rule. Prisoners held on modest charges be released by screening committee and eminent personalities who have some influence over Kashmiris be released so that a rapport with the people could be established. Furthermore, the policy of cooperation with the people by helping them in different ways, through different operations, as has already been done, should be continued.

It is the duty of the Centre to ensure free and fair elections in the state no matter in which direction the mandate of the people goes. Unless the people of the state, Kashmiris in particular, are assured of free and fair elections and the spirit of democracy restored, any effort on solving the present crisis would be futile. In the present study, one of the cause behind secessionism has turned out to be denial of democracy to the people. Therefore, it is of utmost importance to restore democracy by ensuring fair elections. Except it the routine law and order and the development administration should be revamped. The Muslim employees in the Valley should not be looked upon with suspicion. The glaring discrepancies in

the number of Kashmiri Muslims in the State government needs to be rectified. Once such anomalies are patched up, it will be easy to create an environment for a settlement of the problem. It will also provide the people with a sense of security and self-administration, a long cherished demand.

Intra-regional tensions have also influenced the minds of Kashmiris. The people of Jammu and Ladakh have traditionally adopted a negative attitude over the special status of the state. The two regions have insisted on retaining the measure of autonomy granted to it by Indian Constitution". The principal dichotomy, is that the devolution of power from centre to the State did not flow further down to accommodate the regional and sub-regional aspirations".<sup>42</sup> Until the two regions of Jammu and Kashmir draw closer, settle their differences, and agree to operate as equal partners, there will never be a stable basis upon which relations with India can be satisfactorily settled". The unitary character of the constitution of the State needs to be amended to adapt regional pulls. The infiltration of the Pak-trained militants should be checked properly and borders be made more secure.

Thus, Kashmir demands a fresh approach. A consistent and clear cut programme of action with the grant of autonomy to the state (as it was initially bargained by the state leaders) should be ensured. Grant of autonomy would not mean conceding to Pakistan's clamour. Rather it will create a headache for Islamabad as similar demands are

bound to come up in the so called Azad Kashmir Area. And as the two parts of the state attain a good deal of autonomy, the barriers between the two will break down as it would prepare a condition which could be harnessed to enter into any type of accord with Pakistan that is mutually agreeable. The process of nation-building, mainly in a diverse society like ours, requires an amalgamatory model that helps reconciliation between several sub-national identities and the larger national identity on the basis of an agreement through which a good deal of autonomy or self rule is transferred to the sub-national identity so that its future and cultural enrichment can be ensured. However, the prospects of Indian federalisation in relation to a complex state like J & K are closely connected with the process of intra-state federalisation. Unless the inter-regional or inter-religious tensions in the state, give way to class consciousness and ideological and political affiliations cut narrow loyalty structures based upon religious or regional lines, the state would not be able to rise as a single unified personality and secure an aspired degree of autonomy on a permanent basis. But if it succeeds in erecting a composite personality through reconciliation (by taking constitutional and administrative measures), it will definitely ease out the hinderances in its relations with the centre and fit properly in the national federal arrangement.

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