

## **Kashmir Problem: Suggesting the Solutions**

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### **Abstract**

Besides being the longest unsettled dispute in the World, Kashmir is also a nuclear flash-point between two of South Asia's opponent countries, India and Pakistan. India and Pakistan, both nuclear powers have numerous times engaged in fighting over the Kashmir province. Most Kashmiris, on the other hand have been aggressive for their right of self-determination recognized by the UN for several decades. The promise made by the first Indian Prime Minister, Nehru which is also envisaged in the Instrument of Accord of 1947 to let Kashmiris resolve their future through a Plebiscite still eludes Kashmir. In the past two periods, the region has been witness to a lot of ferocity which has also strained the relations between Bharat and Pakistan. There have been numerous rounds of talks on Kashmir between governments of India and Pakistan. Sadly, there has not been any significant positive outcome in resolving this clash. The Kashmir dispute has been studied several times in terms of its impact, economical or political, on India, Pakistan and also Kashmir. A study throughout a Kashmiri viewpoint as to what the Kashmiris desire and how the two-decade long resist has affected their resolve for self-determination make for an appealing research. The purpose of this paper is analyzing the problem of Kashmir and suggesting the solution of this problem.

**Keywords:** -Kashmir, Violence, Border, Region, Religion, Diplomatic, Independence.

### **Introduction: -**

Conflicts whether for a lesser or a bigger cause, whether it objects to serve economic or political interest, before they could accomplish their goal, they disrupt the normal way of life. Every struggle is unique in nature. Traditions, economic deprivation, urge for freedom, fear of cultural assimilation etc. are some of the motives which create conflict in the society. There are around 140 self-determination actions going on still in the world. All these conflicts have caused huge human and economic loss in the conflict hit sections. For example, in the Israel-Palestine conflict, approximately 1.5 million Palestinian citizens have died since 1948; 2 million people have been killed in Sudan; 250,000 Bosnian citizens were killed and 1 million displaced by Serbia against the Bosnia's announcement of independence. Thus Conflict not only cost the human lives but also paralyze the basic construction of society; like economy, education, health, besides invisible issues social behavior, social relations and social values of the part.<sup>1</sup>

**Jammu and Kashmir** is the northernmost part of the country. It is mostly in the Himalayan mountains and shares a boundary with the states of Himachal Pradesh and Punjab to the south. J.K has an global boundary with the China in the north and east while Line of Control splits it from Pakistan-administered territories of Azad Kashmir and Gilgit–Baltistan in the west and northwest in that order.

in earlier times, a segment of the erstwhile Princely State of Kashmir and Jammu, which ruled the larger momentous region of Kashmir, this territory is uncertain among China, India and Pakistan. Pakistan, which claims the land as uncertain, refers to it alternatively as Indian affianced Kashmir or Indian held Kashmir, while international agencies such as the United Nations and others refer to it as Indian-administered Kashmir. The regions under the administration of Pakistan are denoted to as Pakistan-occupied Kashmir or PoK within India, as 'Azad' Jammu and Kashmir in Pakistan, and as Pakistan-administered Kashmir or Pakistan-controlled Kashmir commonly. Jammu and Kashmir contains of three regions: Jammu, the Kashmir valley and Ladakh. Srinagar is the summer capital, and Jammu is the winter capital. While the Kashmir valley is well-known for its beautiful mountainous landscape, Jammu's numerous shrines attract tens of thousands of Hindu pilgrims every year. Ladakh, also known as "Little Tibet", is prominent for its remote mountain beauty and Buddhist culture.<sup>2</sup>

Kashmir is bleeding, as we speak. The annual casualty rate is chillingly high. At least 40,000 people have been killed since insurgency started in 1989, according to conservative official estimates. Unofficial estimates are well over 80,000-half of them are citizens. Thousands of Indian soldiers have been killed and it costs billions of dollars to retain the army in Kashmir. There is one soldier for every 10 Kashmiri in the Valley and daily life is a nightmare for the normal Kashmiri.

The Jammu and Kashmir resist continues to be disturbed after more than seventy years, fuelling the conventional and nuclear arms race between India and Pakistan and draining their economy. Both states have gone to war on more than three times over Kashmir and the option of war between the two countries has become frightening given their nuclear weapon competence. Kashmir continues to be the bone of contention between India and Pakistan. Each side claims it is right and the other is wrong. India insists that the accession of Kashmir to India is final and complete and hence Kashmir is an essential part of India and that all would be well in Kashmir, but for Pakistan's cross-border terrorism. Pakistan on the other hand, claims that Kashmir is a uncertain territory and that it is only providing moral and diplomatic support for an indigenous liberty struggle in Kashmir. A huge number of Kashmiri do not trust that the 1947 accession is final; they insist that Kashmir is a disputed territory and claim self-determination. Indian public is bombarded with the official form of rhetoric on Kashmir, as Pakistanis are bombarded likewise with their version.<sup>3</sup>

### **Background of Kashmir Conflicts: -**

When the British left India in 1947, British-controlled states, also named British India, were separated between India and Pakistan in a plebiscite along religious lines. Twelve million Hindus and Muslims fled from one part to another and half a million people lost their exists in the ensuing communal riots. Under the Indian Independence Act of 1947, the paramountcy of the British over about 600 princely states lapsed and these states were able to join India or Pakistan or become sovereign. . The Indian National Congress had wanted that the two-nation theory [one for Hindus and another for Muslims] be applied to these princely states as well. In 1947, Muhammad Ali Jinnah, the founder of Pakistan, and his Muslim League party, however, said that the princely states were sovereign for every resolution. In order to accommodate Jinnah's point of view, the British ratified article 7(b) of the Indian Independence Act of 1947.

In only few months after independence, Sardar Patel, the Indian home minister, unified 561 princely states, covering 800,000 square kilometers and containing a population of 86 million, into India. For this cause Patel is often compared with Otto von Bismarck, who integrated Germany in the late 19th century. His work was much tougher than that of Bismarck, who used "blood and iron" to integrate 39 states, whereas Patel integrated 561 without shedding lifeblood or going to war. Jinnah thought that after the lapse of paramountcy numerous princely states would stay out of India. He tried his most excellent to persuade Bhopal, Hyderabad, Jaisalmer, and Travancore to become sovereign. He even acknowledged the accession of Junagarh, which had a Hindu majority, to Pakistan in utter violation of the two-nation theory. In spite of this, Patel dealt firmly with such matters. Jammu and Kashmir was one of these princely state. Had it been portion of British India, it would have gone to Pakistan, since Muslims constituted about 77 percent of the state's population. After the lapse of the paramountcy in August 1947, the maharaja of J&K, Hari Singh, was dispassionate in joining either country.<sup>4</sup>

### **Pakistan's Kashmir Policy: -**

Pakistan's Kashmir policy rests on two legs: the UN resolutions and cross-border extremism. The UN resolutions have slowly become contextually redundant and cross-border terrorism has progressively become more of a problem for Pakistan than a solution. Pakistan also feels irritated at not being able to secure the confidence of the Kashmiri people, who discard a merger with Pakistan as a solution. In order to understand Pakistan's Kashmir policy, it is important to analyse the salient features of the UN resolutions and the efficacy of cross-border terrorism as a device to further Pakistan's case in Kashmir.<sup>5</sup>

### **Why is Kashmir a vexing problem?**

1. The state has 3 sub-regions - **Jammu, Kashmir and Ladakh**. In Kashmir valley Muslims are biggest. However, both in Jammu and Ladakh, non-muslims such as Hindus and Buddhists are dominant. Many Muslims would like to join Pakistan, but almost some non-Muslims need to be with India. The Muslim division sits in between the Hindu

division and Buddhist division. This means cutting away the Muslim part and merging with Pakistan is not informal.

2. The region is extremely cold (with some of the coldest temperatures in the inhabited world), snow bound, land locked and hilly (having some of the tallest mountains in the world). Given the geography and the terrain, cutting it up is not as simple as it looks on the chart.
3. The hills are considered strategically important to both India and Pakistan. The hills of Kashmir slope into the critical area of Punjab on both sides of the border. Controlling the hills is significant for both the armies.
4. The region has the Indus water that is very crucial for both Pakistan and northern India. Water is the most valuable resource in the dry subcontinent and you have to be particularly careful in how you carve the resources.
5. The status of Hindus in Pakistan is infinitely worse than that of the Muslims in India. Although its minority record is not immaculate, India has had a couple of Muslim presidents and there are Muslim leaders in every spectrum – business, sports, entertainment, arts and sciences. That means any answer that involves Hindus ending up in Pakistan is far poorer than a solution involving Muslims ending up in India.
6. Terrorism. The area adjoins very disturbed regions such as northern Pakistan, Afghanistan, Xinjiang of China and central Asia. This means a sovereign Kashmir can become a breeding ground of terrorists as a feeble Kashmiri government can't prevail over lethal terrorists. It could become a type of Somalia and become a bigger headache for the entire region.
7. Pandora's Box. India is an extremely heterogeneous nation and removing J.K could embolden other pro-autonomy groups all over the state. This is why India has to be inflexible at times dealing with the problem.<sup>6</sup>

### **Seven Possible Solutions of Kashmir Issue:-**

*"We have fought the fine fight about Kashmir on the field of conflict... (and) ...in many a chancellery of the world and in the United Nations but, above all, we have fought this fight in the hearts and minds of men and women of that State of Jammu and Kashmir. Because, finally - I say this with all deference to this Parliament - the verdict will be made in the hearts and minds of the men and women of Kashmir; neither in this Parliament, nor in the United Nation. nor by any person else," Nehru in the Lok Sabha on August 7, 1952."*<sup>7</sup>

***Selected works of Jawaharlal Nehru, vol. 19 pp. 295-6***

There have been some remarkable and innovative solutions projected by various groups- which take into account the ego and territorial concerns of different parties involved.

**The status quo: -**

Kashmir has been a flashpoint between India and Pakistan for more than seventy years. Presently a boundary – the Line of Control – divides the section in two, with one part controlled by India and one by Pakistan. India would like to formalise this position quo and make it the acknowledged international boundary. But Pakistan and Kashmiri activists refuse this plan because they both want greater control over the area.

**Kashmir joins Pakistan: -**

Pakistan has constantly favoured this as the best way out to the dispute. In view of the state's majority Muslim population, it believes that it would vote to become division of Pakistan. However a single plebiscite held in a area which comprises peoples that are culturally, faithfully and ethnically diverse, would create disaffected minorities. The Hindus of Jammu and the Buddhists of Ladakh have never shown any wish to connect Pakistan and would protest at the outcome.

**Kashmir joins India: -**

Such a way out would be unlikely to take solidity to the area as the Muslim inhabitants of Pakistani-administered Jammu and Kashmir, as well as the Northern Areas, have never shown any wish to become part of India.

**Independent Kashmir:-**

The complexity of adopting this as a possible solution is that it requires India and Pakistan to sacrifice territory, which they are not ready to do. Any plebiscite or referendum likely to outcome in a majority vote for independence would therefore probably be opposed by both India and Pakistan. It would also be rejected by the inhabitants of the state who are content with their status as part of the countries to which they already owe allegiance.<sup>8</sup>

**A smaller independent Kashmir:-**

A self-governing Kashmir could be shaped from the Kashmir Valley – presently under Indian administration – and the slight strip of land which Pakistan calls Azad Jammu and Kashmir. This would leave the strategically significant regions of the Northern Areas and Ladakh, bordering China, under the control of Pakistan and India respectively. However both India and Pakistan would be unlikely to go into discussions which would have this picture as a possible outcome.

**Independent Kashmir Valley:-**

An autonomous Kashmir Valley has been considered by a variety of as the finest answer because it would attempt the grievances of those who have been warfare against the Indian Government since the rebellion started in 1989. But critics say that, without outer assistance, the region would not be economically viable.<sup>9</sup>

**The Chenab formula: -**

This plan, first recommended in the 1960s, would see Kashmir separated along the line of the River Chenab. This would give the enormous majority of land to Pakistan and, as such, a clear success in its longstanding dispute with India. The entire valley with its Muslim majority population would be brought within Pakistan's borders, as well as the greater part Muslim areas of Jammu.<sup>10</sup>

**Other solutions:-**

Different alternative scenarios for the prospect of Kashmir have been envisaged by other observers. There is also a rising corpse of view from specialist political analyst like Professor and Peace Activist Pervez Hoodbhoy from Pakistan, which argues along the following draw: While independence for Kashmir Valley is not a realistic solution, even inner autonomy along the lines of Andorran way out may not be forthcoming. That Kashmiri may have to reconcile to the prospect of livelihood under Indian regulation, with a negotiated result of cessation of hostilities accompanied by departure of Indian troops from the Valley and with free movement of Kashmiri crosswise the border with Azad Kashmir.<sup>11</sup>

Omar said there were opportunities in the four-point blueprint planned by Musharraf to determine the Kashmir matter, with demilitarization and softening of boundaries. The merely answer to the Kashmir problem is to generate a condition where the "lines, while in existence," between Bharat and Pakistan become "irrelevant", Jammu and Kashmir Chief Minister Omar Abdullah has said.<sup>12</sup>

**Toward a Solution: -**

So let's appear at the key mechanism to build a tripartite agreement implementing the fourth way out in which Bharat and Pakistan discontinue firing each other and let Kashmir live in peace while both states add value and levy taxes in their respective controlled Kashmirs. This requires letting go of the past and moving forward in a spirit of cooperation and mutual respect, focusing on the future rather than being held hostage by the past.

**First**, we require to get the engagement model right. There needs to be time-bound engagement on both sides with several stakeholders, including the inhabitant government, army, intelligence, separatist leaders and civil society. These requirements to include the resettlement of Kashmiri Pandits in the valley and a cessation of Islamic fundamentalist actions and disarmament.

Over 100,000 Kashmiri Pandits fled the violence in India-controlled Kashmir in the 1990s. Presently, the facts in India are around 62,000; 40,000 of these live in Jammu, 20,000 live in Delhi and its satellite cities. The people of Kashmir customarily had a peaceful combined culture called Kashmiriyat, suggesting the centuries-old indigenous secularism of Kashmir that demanded holy and communal harmony and brotherhood. This needs to be restored to the

valley. Interestingly, Muslims in the valley wish the Pandits back and not in segregated townships. While ghettos are unwanted in the long term, for reasons of safety it is likely that initially a mix up of new townships and restoring Pandits to the areas originally inhabited by them is required.

**Second**, the powers and constraints placed on the armed forces need evaluation and revision. India needs to address the humanitarian concern around Kashmir by repealing the Armed Forces (Special Powers) Act in its present form, replacing it with a version that recognizes and protects human rights of guiltless Kashmiris. This is unlikely to offer defense to known terrorists, putting a brake on enforced disappearances of blameless civilians detained for questioning.

However, it also means that new legislation is likely to bring in stronger military and criminal measures to guard the human rights of the Indian security forces who have had to face stone-pelting, to bring the stone throwers in line with the regulation (the law in countries like the US and Israel is far more stringent). The consequences of stone-pelting should be made clear to the resident population in advance so that if they indulge in this, it would be at their own risk and liability. It is also fine to engage parents to manage their underage children from unintentionally becoming casualties. This should be part of the civilian outreach and is absolutely necessary to the long-term victory of any peace accord.

Pak. also confronts accusation from Kashmiris that intelligence agencies trick poor Kashmiri youth into a series of terrorism and numerous human rights violations, as well as forced disappearances of people who survive in villages close up to the Line of Control (LOC). Hence, on both sides of the LOC, the armed forces would need to have similar powers and constraints imposed by humanitarian law.<sup>13</sup>

**Third**, India and Pakistan require to matter a joint person of Kashmiri origin card, a 25-year multiple-entry visa entitling Kashmiris (from Greater Jammu and Kashmir) to travel for up to 180 days and invest anyplace in Jammu and Kashmir, whether in Pakistan or India. Controls can be there primarily for periodic reporting to the local police stations every 15 days, but this can be dropped as the plan becomes an achievement and harmony is restored. In addition, where a Kashmiri is buying and advertising goods from another Kashmiri crosswise the border, it can be approved that there would be zero import duties, but other customs checks on the nature of the goods would continue as usual.

**Fourth** — focus on autonomy alongside integration. India's Kashmir currently enjoys a high degree of autonomy on paper through Article 370 of the Indian Constitution (except for defense, foreign affairs, finance and communications), and Pakistan-administered Kashmir also has significant autonomy, while real practice differs in both parts. Particularly, it wants to be examined whether a superior degree of financial autonomy is necessary for both Kashmiris and

how this would work.

It is currently unclear whether Article 370 can be legally dropped altogether or not. Irrespective of that, Indians would desire at least restricted property rights, such as 99-year leasehold, in India's Kashmir. Pakistan should do the similar on its side. This also helps in national incorporation with mainstream Indians and Pakistanis. Avoiding ghettos of any sort is needed for long-term peace, mainly in an Indian framework.

**Fifth** — Build focused law and order arrangements. Personal and religious liberty must be sheltered in both parts of Kashmir. India and Pakistan require to create a joint machinery that agrees a general minimum plan for the whole Kashmir area including, for example, improved monitoring (such as using artificial intelligence) of radical preachers in mosques and madrassas, including publications disseminated by them.

A minimum set of courses for madrassa students, as well as the secular teachings of Sufi Islam on love and humankind, should be introduced, and limitations placed on sharia courts to provide non-binding arbitration/mediation judgments on civil matters linked to family disputes such as heritage or divorce cases, review of fatwas issued on religious matters to make sure that they do not infringe upon the rights of individuals guaranteed under rule; training for judges is required. Websites and chat rooms require to be monitored and/or barren to control radicalization, as well as clamp down on the sale and distribution of extremist DVDs. Hawala funding needs to be monitored, including the use of crypto currencies on the dark web. Exchange of intelligence information and combined security operations must be undertaken crosswise both parts of the border to rinse out any remnant terrorist pockets.

**Sixth** — Eventually, demilitarization is needed. This can be measured on both parts of Kashmir based on a phased approach once peace is firmly recognized, leaving sufficient armed forces to maintain law and order (including riot control) and counterterrorism on both sides.

**Seventh** — Make investments and expect returns. India and Pakistan require to come out with a preparation to invest in Kashmir's business, agriculture, services and tourism. There desires to be a budget and a new joint development body to implement these plans through both direct infrastructure investments, building institutions (such as popularizing high-yield agriculture) and lending via existing banks. It should be the similar integrated plan with each states' money being spent on their individual areas. Of course, central governments should recuperate these investments through taxes. The open ride for Kashmir has to discontinue in order to deal with the resentment that non-Kashmiris have for their tax capital being used in mollycoddling Kashmiris who enjoy autonomy unlike most other states.

**Eighth** — Establish the international border. Certainly, the LOC would require to become a stable global border in the context of the above (including Kashmir territory under Chinese control) legitimizing the status quo and preferably solving India's other border conflicts on its

northeastern boundary with China in the similar deal. India would require to make its peace with China on its Belt and Road proposal running through Kashmir, using it to advantage its half of Kashmir and the rest of India economically.

The full list of disputed territories in the area includes Jammu and Kashmir (also Ladakh), administered by India and claimed by Pakistan; Azad Kashmir — Pakistan-administered Kashmir, claimed by India; Northern Areas (Gilgit-Baltistan) division of Kashmir controlled by Pakistan and claimed by India; Siachen Glacier, administered by India and claimed by Pakistan; Aksai Chin administered by China and claimed by India (India's 1962 war with China was fought here); and the Shaksam Valley administered by China and claimed by India.

**Ninth** — Create a role for the UN. In the context of an agreement between India, Pakistan and Kashmiri leaders and separatists, unconditional access needs to be given to the office of the UN high commissioner for human rights on equally sides of the latest international border. Both countries require to consent to act on any recommendations from the UN commissioner, wherever possible. Jammu and Kashmir has been treated as a “bilateral matter” in the Simla Agreement of 1972, albeit this only referred to the development of building a political solution.

**Tenth** — Focus on building other bridges. Within Kashmir, engaging with the inhabitant population to get their buy-in for the peace accord and to assist them alleviate grievances is completely essential. A sustained campaign is needed, not a one-off effort, and to work it needs to be well thought through (involving social psychologists) and well managed. Beyond Kashmir, an economically resurgent India also has a role to help eradicate poverty in South Asia. Hence, a similar 25-year multiple-entry visa desires to be issued to well-known businessmen and other prominent persons (artists, writers, musicians) in both states to cover travel, investment, trade (part of, but not a way out in itself) and working anyplace in India and Pakistan. Mechanized immigration services could be set up in main cities.

**Eleventh** — Recognize that friends don't fight. It obviously follows that Pakistan would require to quit its “bleed India with a thousand cuts” policy using proxies, and India would want to stop interfering in Baluchistan in total. Both would want to release all Kashmiri political prisoners from their own jails. Pakistan would need to remove extreme messages inciting religious hatred against Hindus from all school textbooks and stop all training camps for Kashmiri freedom fighters.

**Twelfth** — Lead the changeover with specialized project management. Both India and Pakistan are dishonorable for their shoddy implementation of otherwise good thoughts. What is needed is a systemic approach with a mutually appointed team consisting of specialized managers, members of the civilian government, army and intelligence, with proper authorities responsible for information and crystal clear discussion of policies, identifying all the alterations needed and rolling them out systematically. It also requirements a high-level project governance

commission consisting of the respective prime ministers, heads of the two sides of Kashmir, key central government ministers and army and intelligence chiefs summit once a month via video conferencing to observe progress.

**Conclusion: -**

Last days, P.M of Norway Erna Solberg said her nation was ready to arbitrate between India and Pakistan on the Kashmir issue only if both the parties are in its favor. She was talking at the inauguration of the new 'green' Norwegian embassy in New Delhi. Solberg is on a three-day stay to India, during which she will hold meetings Prime Minister Narendra Modi on a host of bilateral and international issues. While she agreed that Norway has done lots of effort for the basis of peaceful settlements through negotiation, she said that any intervention by Oslo would only be available if both parties, India and Pakistan, want it. "no one from outside can create harmony or make changes. It has to arise from inside. If there is a movement between India and Pakistan for greater talks, we and other nations can say that we can assistance mediating if there is a possibility," she said."It has to be partner driven. It has to be those who are party to the struggle. Both Pakistan and India are big adequate countries to try to cut tensions without any help from outside," she said.<sup>14</sup>

Army's Valley chief said social media is being used to radicalize youth as well as to categorize crowds to sites of counter-terror operations, adding that "all stone-throwing groups in Kashmir have Pakistani figures". The Army can only have insufficient role, with solutions critical for deciding the larger Kashmir matter lying in the dominion of politics — good governance, and political engagement as witnessed throughout the Vajpayee years, according to the Army's Valley chief, Lt Gen A K Bhatt."The military can only create conditions of normalcy."<sup>15</sup>

Beyond that, the creativities have to be at levels of good governance, politically conversation to people. During the Vajpayee era, it has occurred, and similar initiatives the government will take at the right instant. "One of the main belongings is to find the methods and means to convince the youth that the path of ferocity will not deliver anything. And second, more prominently, is to work in the psychological space with the populace of Kashmir, to tell them that their future is far better in India than in Pakistan... that they are only being used as tackles by the Jamaat, by the secessionists and Pakistan,"

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