CHAPTER 5
5. MULTIPLE PATHS TO PEACE

The Kashmir dispute is one of the oldest unresolved international disputes in the world today. Kashmir is also a nuclear flash-point\(^1\) between two South Asia’s nuclear powers- India and Pakistan. The conflicting history of India and Pakistan has resulted in four wars. Three of these wars were fought over Kashmir. For India, the problem of Kashmir is its internal problem and if there is something to be settled, that is about Pakistan occupied Kashmir (POK). For Pakistan it is the cause of denial of ‘right to self-determination’ of the Kashmiri people. Pakistan rejects the Indian contention that the UN resolutions, calling for plebiscite in Kashmir have been superseded by Shimla Agreement.\(^2\) Indian charge is that Pakistan is guilty of violating the Shimla Agreement, as the latter has been training militants of Kashmir. ‘A war hysteria, in fact, is currently part of the ongoing scenario in Kashmir and both sides are moving up battle ready forces, tanks and artillery pieces.\(^3\)

The South Asian Region is widely considered to be one of the most dangerously unstable regions in the world with the two nuclear-armed countries, India and Pakistan, in conflict over a number of outstanding issues. India and Pakistan, the two major powers of south Asian region, are bound to play a determining role for future prospects of the whole region. Hence, the Kashmir conflict, the major bone of contention between two countries, which has major repercussions on the politics of whole region, becomes prime concern for both states. The conflict should be solved sooner or later, and sooner the better. Unless the conflict is not solved they will not be able to

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\(^2\) The Shimla Agreement, signed between India and Pakistan in July 1972, followed from the war between the two countries in 1971 that led to the independence of East Pakistan as Bangladesh. Apart from laying down the principles of future mutual relations, it bound the two countries “to settle their differences by peaceful means through bilateral negotiations”. It also cemented the Line of Control along Kashmir as something close to a permanent border, effectively subsuming Kashmir within the priorities of the two nations.

divert their resources for the development of their countries and to all round development of the whole region.

A number of solutions have been offered; some offered from the beginning of the dispute and some have emerged in the meantime. In other words, multiple solutions are offered to end this conflict. Even within All Parties Hurriyat Conference, new solutions have been presented. However, it should be noted, that there is no short cut to the resolution of such an intricate conflict as Jammu and Kashmir. Realistically speaking, all pathways to the resolution of J&K conflict could be blocked if the basic principle of fairness and justice is not taken into account.

5.1 Self-Rule

The 2002 state assembly elections were preceded by some unique political developments in the state of J&K. For the first time, a prominent Congress leader and former Home Minister of India, Mufti Mohammad Syed, became instrumental in establishing a regional political party, namely People’s Democratic Party (PDP) in the state. This political party suggested Self-Rule framework for the resolution of Kashmir issue. The essence of Self-Rule lies in trying to suggest a creative framework for resolution of the issue without compromising the sovereignty of the two nation states involved. The party stressed that the dispute could not be resolved on the basis of exclusively intrastate level initiatives and hence requires a combination of intrastate measures with interstate and supra state measures. It insists that Self-Rule is a “formulation that would integrate the region without disturbing the extant sovereign authority over delimited territorial space”.

According to the PDP founder, ‘Self-Rule is the best possible solution of Kashmir Issue, without affecting the sovereignty of both India and Pakistan’. Self-Rule considers demilitarization and other related efforts like the rolling back of AFSPA (Armed Forces Special Powers Act) as the first steps towards peace-building.

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5 The Hindu, October 26, 2008
By suggesting Self-Rule, PDP presented itself as a reformist, pro-people party, occupying a middle ground between the APHC and the NC.

5.1.1 Broad Contours of Self-Rule

Regional Council: The centerpiece of governance structure under Self-Rule is the cross border institution of Regional Council of Greater Jammu and Kashmir. The Regional Council will replace the existing Upper House of State Assembly and will be a kind of a regional Senate. Members of Regional Council will be from J&K and Pakistan administered Kashmir. At present the State Assembly holds 20 seats for representatives across the Line of Control (LoC). These will be given up and replaced by the same number of seats in the Regional Council of Greater Jammu and Kashmir. This will serve as a major cross border institution which will ensure long-term coordination of matters and interests relating to the state.6

Within J&K, there are certain regional issues that have the potential of snowballing into a dangerous situation. Occasionally, voices are raised from Ladakh and Jammu for trifurcation of the State. The Self-Rule subscribes to the belief that trifurcation of the State is not a solution for the alleged discrimination suffered by the people living in the regions of Jammu and Ladakh. The document explains that it is better “to ensure that all the regions share a sense of equal and equitable empowerment.”7 For it, Self-Rule advocates the promotion of genuine sub-regional political and economic empowerment. The document identified three basic requirements for efficient policy towards constructive regionalization: a) Building and strengthening of regional decision-making powers. b) Effective institution-building, as structures of sub-regional democracy. The document specifies that this may be achieved by creating sub-regional councils as a third tier of the legislative system. Thus, a federal system of government is envisaged which means that powers and responsibilities will be divided between the legislative assembly

and the sub-regional councils. c) Creation of economic networks. The document conveys that from the top-down, bottom-up and horizontal perspectives, a region is the best level for utilization of money and execution of economic policies. Stabilization and redistribution may remain with the region while the local functions may be transferred to the local level of government.  

Economic Integration: An important component of Self-Rule is the economic integration of two parts of Jammu and Kashmir. For economic integration, Self-Rule suggests the establishment of a common economic space and institution of dual currency. “The process of economic integration of the two parts of Jammu and Kashmir can start with the easiest form of economic integration, a Preferential Trade Agreement”, says the document. In the PTA, the two countries, India and Pakistan would offer tariff reductions, or eliminations confined to the geographical boundaries of ‘Greater Jammu & Kashmir’ and restrict it to some product categories. Stage second would be to make GJAK a free trade area, with no tariffs or barriers between two parts of Jammu and Kashmir, while maintaining their own external tariff on imports from the rest of the world including India and Pakistan. GJAK will set a common external tariff on imports from India and Pakistan. This could be later applied to rest of the world.

Further, instead of looking for the monetary union, a new system of ‘Dual Currency’ will be created, where the Indian and Pakistani rupees are both made legitimate legal tenders in the geographical areas of GJAK. A better description of this system is a ‘circulation of two currencies’ in Jammu and Kashmir. It is being proposed that Indian and Pakistani rupees should be the medium of exchange in Jammu and Kashmir. To be more precise, it means, allowing circulation of Pakistani rupee in the Indian part of Kashmir and circulation of Indian rupee in the Pakistan administered Kashmir. This has to be done if we want across the line of control trade to flourish, the document says.

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8 Ibid., pp. 24-25
9 Ibid., PP. 26-27
Constitutional Restructuring: For Self-Rule, to function effectively there is a need of restructuring the constitutional relationship of the state with the Indian Union. The document expresses “Self-rule cannot exist without constitutional safeguards”. As the constitutional position stands today, Article 356 undermines the core of Self- Rule and has to be made non-applicable to Jammu and Kashmir. Similarly, Article 249 applied to the State in amended form, should be rolled back so that the Parliament cannot exercise legislative jurisdiction over a matter that otherwise falls under the State jurisdiction.\\textsuperscript{10}

Sixth Amendment of the constitution of the state that undermines its original scheme of a comprehensive and accountable executive (inclusive of the Head of the State) a critical component of Self-rule will have to be repealed. Prior to this amendment, the State Legislature elected Sadar-e- Riyasat, the head of the State. The provision, limiting the powers of state legislature, has been added to Article 368 which deals with the powers of the Parliament to amend the constitution of India and not the power of state legislature to amend its own constitution. The provision is, therefore, totally and grossly out of place and ultra virus. The state legislature’s constitutional power of amendment is the core of empowerment or Self-Rule of the state and this cannot be destroyed by an Order passed under Article 370. All India Service Act 1951 and Article 312 be rolled back and the local human resources are provided clear and unhindered opportunity to develop their full potential and be trusted to manage the affairs of the State. Self-Rule also envisages that the Head of the State be elected from the regions of Jammu and Kashmir by rotation. This shall give to the people of all the regions an equal and equitable sense and feeling of empowerment and shall strengthen their bonds.\\textsuperscript{11}

5.2 Achievable Nationhood

Sajad Gani Lone, Chairman of Jammu and Kashmir People’s Conference which was a constituent of All Parties Hurriyat Conference (APHC), presented a ‘Vision Document’ for the resolution of Kashmir conflict, the document is titled as “Achievable Nationhood.”

Achievable Nationhood accords utmost importance to the sentiments of the people. It theorizes extensively on the psychological aspect of the Kashmir issue. In its opinion, the sentiments of the people should have weight above and over everything else. So, it proposes that an ‘Independent Homeland Model’ be made the reference point model into which Indian and Pakistani claims be adjusted. This, the document believes, will satisfy the collective yearning of the people of Jammu and Kashmir for recognition as active political players for their own life. In this way the internal aspect of peace-building will be dealt with. The process of accommodating Indian and Pakistani claims would deal with the external aspect of building and maintenance of peace. The document strongly believes that improvement in cross-LoC relationships, particularly trade can be a vital aspect of peace-building. An economic union of the two parts of Jammu and Kashmir, which the document sees as the next logical step, will only help in strengthening peace and stability.

Demilitarization of the part of Jammu and Kashmir, under Indian control as well as under Pakistani control, is thought of as an essential pre-requisite for peace by the document. Respect for human rights, release of political prisoners, identification rather than a process of selection and rearing of leadership in the State, rehabilitation of the victims of violence and setting up a Truth and Reconciliation Commission are some other measures suggested by the document as harbingers of peace.

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13 Ibid., pp. 145 & 146
14 Ibid., pp. 149-162
The concept of earned sovereignty is seen as a remedy for the political hurdles in the path of peace. Earned sovereignty, as developed in the recent state practices, entails the conditional and progressive devolution of sovereign powers and authority from state to a sub-state entity under international supervision.  

5.2.1 Vision of Achievable Nationhood

**Political Vision:** Achievable Nationhood envisions “a sovereign state which is as a rule a single state in which one single political authority viz. the government represents the state internally and externally. The government would have complete internal independence to deal with internal affairs and external independence to deal with external affairs.” Jammu and Kashmir shall be a democracy and would have a Right to Independence. It shall have an independent election commission, a separate flag and a right to exercise jurisdiction over its territory. It shall have a right and the capacity to enter into relationships with other states. It shall be free to choose its own economic system in accordance with the will of the people without any external interference. It shall have its own currency, central bank and foreign exchange reserves. It shall have the independence to raise an army and air force for the purposes of self-defense. This vision is termed ‘Independent Homeland Model’ and the document makes provisions to accommodate Indian and Pakistani claims, thereby diluting the model and creating achievable overlaps. Independent institutions of executive, legislature (which will inter alia have the power to monitor and legislate upon relationships with India and Pakistan) and judiciary are envisioned.

A proposal is made in favour of the concept of earned sovereignty through which Jammu and Kashmir can benefit from progressive and conditional

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15 Ibid., pp. 259-160
16 Ibid., pp. 165-166
17 Ibid., pp. 166-170
18 Ibid., p. 229
devolution of sovereign powers and authority from India and Pakistan under international supervision.\textsuperscript{19}

**Relationships with India and Pakistan:** Achievable Nationhood proposes a system of shared sovereignty between India and the Indian Administered Kashmir. Under this system, Foreign Affairs and Defense will be the responsibility of India and all other matters will be the responsibility of the government of Jammu and Kashmir. An identical system is proposed to govern the relationship between Pakistan and Pakistan Administered Kashmir. The document also lists propositions governing the relationship between Pakistan and Indian Administered Kashmir as well as India and Pakistan Administered Kashmir. The Indo-Nepal Treaty of Peace and Friendship 1950, is deemed an inspiration to define the contours of these relationships.

It is proposed that the State of Pakistan, as a token of appreciation for the historical bond exhibited by the people of the State of Indian Administered Kashmir should, on a non-reciprocal basis, give the state subjects of Indian Administered Kashmir in its territory, national treatment with regard to participation in industrial and economic development of its territory and should grant concessions and contracts relating to such development.\textsuperscript{20} Pakistan should also grant these state subjects the same privileges that it gives to its nationals in matters of residence, ownership of property, participation in trade and commerce, employment and other privileges of similar nature.\textsuperscript{21}

The document further proposes that an identical relationship should be worked out between India and the part of Jammu and Kashmir under Pakistani control. The part of Jammu and Kashmir under Indian control should grant similar privileges to the nationals of the state of Pakistan only to the extent of level of independence of the government and subject to Indian interests.

**Cross-LOC Relationships:** The territory and people of J&K were separated into two parts in 1947 courtesy a war which they neither started nor instigated. This forced division has always been a source of great pain and sorrow for the

\textsuperscript{19} Ibid., pp. 262-263
\textsuperscript{20} Ibid., pp. 225-226
\textsuperscript{21} Ibid., pp. 225-226
people of the State. Any document claiming to address the grievances of the people of the State must take cognizance of the psychological impact of this disconnection.

Achievable Nationhood is in almost full convergence with the Self-Rule document on the issue of the importance of economic ties in cross-LoC relationships and visualizes an option, which it dubs “the new state of affairs”, of creating a complete economic union of the two parts of the State by employing a phased approach. The document itself says that “the objective of the economic union is to create a single unified economic territory of ‘J&K economic union’ out of two distinct political and geographical territories of Jammu and Kashmir under India and Pakistan. The ‘J&K Economic Union’ would be an economically boundary-less Jammu and Kashmir.”22 In addition to this, the document also deliberates upon joint immigration control of the movement of residents of the two parts across the LoC. It also envisions a joint management of natural resources.23

Further, the document lays emphasis on cooperation, coordination and consultation on such issues as tourism, demographic data, education, social welfare, IT and communication, civil aviation, health, environment, sporting and cultural activities, forest policy, human rights laws and policies, scientific research, research and preservation of archaeological and heritage sites, development of museums, archives and libraries, multi-nodal transport strategy to facilitate cross-LoC movement of commercial and private transport and integrated border management.24

Achievable Nationhood also recommends the establishment of two sets of legislature, one each for the part of Jammu and Kashmir under Indian and Pakistani control. It also recommends the establishment of two sets of executive and judiciary on the same pattern. To coordinate executive and legislative functions of the two parts, the document recommends a joint

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22 Ibid., p. 219
23 Ibid., p. 223
24 Ibid., p. 224
institution which would frame a hierarchical structure of a mix of political and bureaucratic institutions needed to run the joint operation of various sectors.  

**Economic Vision:** Achievable Nationhood terms the new system which will evolve out of its eclectic model as “the new state of affairs”. In the new state of affairs, the union of the two parts of Jammu and Kashmir will primarily be an economic union. This union will be a separate customs territory with free movement of goods, services, capital and labour between the two parts. In the new state of affairs, internal trade barriers will be removed and external trade barriers will be harmonized. There will be acceptance as legal tender of both Indian and the Pakistani currencies.

**Minority Rights and Protection:** Achievable Nationhood endorses a right to return and a right to reclaim property for all the residents of Jammu and Kashmir who have migrated since 1947, mainly due to violence to different parts of India, Pakistan and Jammu and Kashmir itself. It lays particular emphasis on the right to return and the right to reclaim property of the people displaced due to violence since 1989, a majority of whom is Kashmiri Pandits.

**Vision for the Regions:** Achievable Nationhood sees regional aspirations as basically ethnic aspirations of the majority group in a particular region and warns that accommodating the aspirations of an ethnic group and mistaking it for regional aspirations would be the beginning of a new conflict, created by not catering to the aspirations of the other ethnic minorities in that region. To solve the problem of identifying a unit for accommodating aspirations, the document suggests a district as a viable option. It identifies two options which could be made available to the districts:

i) *Opt out:* A district where the majority feels that their rights are better protected by not being a part of J&K should be allowed to opt out. This should be done in a spirit of civility and democracy. A district marooned

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25 Ibid., pp. 229-230  
26 Ibid., pp. 219-222  
27 Ibid., p. 232  
28 Ibid., p. 160  
29 Ibid., pp. 156-157
at the end of a part of a region with no link to J&K as a result of other
districts opting out would have to be a part of the opting out entity.
Similarly, a district landlocked between other districts who want to be
part of J&K would have to continue to be a part of J&K.

ii) Devolution of Power: The districts could be empowered with
administrative autonomy, so that they enjoy a higher degree of power in
the decision-making process. This would mean devolving more power to
the districts. The ethnic groups would have to make the choice of either
accepting more power in a new devolved system or still exercise the
option of opting out of the union of J&K.\(^{30}\)

In sum up, we can say that Lone’s Model for the resolution of Kashmir
conflict talks about shared sovereignty between India and Indian administered
Kashmir, Pakistan and Pakistan administered Kashmir. The most important
aspects of this model are. First of all, Indian and Pakistani Governments will
have jurisdiction over defense and foreign affairs in their respective parts of
Kashmir. Secondly, both sides of the Jammu and Kashmir State (the erstwhile
princely state) will have independent relationships with each other making it “a
neutral, peace zone”. Thirdly, and very significantly, there will be a Jammu and
Kashmir Economic Union, Joint Immigration Control for movement of
residents within the whole state, Joint management of natural resources and
cooperation, coordination and consultation in various other sectors. Finally,
new institutions will be created to coordinate affairs among the four entities
(India, Pakistan, Indian administered Kashmir and Pakistan administered
Kashmir).

5.3 Autonomy

The post-accession politics of Jammu and Kashmir has always revolved
around the issue of autonomy in terms of special constitutional status of the
state consistent to the instrument of accession. According to Instrument of
Accession, Indian Union can make laws over three subjects namely, Defense,

\(^{30}\) Ibid., p. 157
Foreign Affairs and Communications of the state. The terms and conditions of accession were subsequently incorporated in Article 370 of the Indian constitution which was adopted on November 26, 1949 and came into force on January 26, 1950.

The special status which was ratified by Article 370 was soon eroded. The dismissal and arrest of Sheikh Abdullah in 1953 led to a major reversal in this direction. Instead of autonomy and special status, the emphasis was now placed on constitutional integration of the state. The process of integration initiated in 1954 and almost accomplished by the beginning of the decade of 1970s brought Jammu and Kashmir, in many ways, at par with other states of India. This is obvious from the fact that out of 395 Articles of the Indian constitution 260 have been applied to the state. The process of erosion of special status and integration of state has been discussed in second chapter of this dissertation.

Sheikh Mohammad Abdullah, the founder of National Conference and man who was instrumental in accession of Jammu and Kashmir with the Union of India, had contested the process of constitutional integration and had raised the issue of autonomy while negotiating for his return to power. After assuming office in 1975, he had appointed a Committee to study the prospect of reviewing the parliamentary laws extended to the state in post-1953 period. Nothing much came out of it because the Committee failed to evolve a consensus. The issue, however, continued to be voiced by the National Conference (NC) in the subsequent period, though it was only in mid 1990s that political thinking began in a big way. In its first Central Working Committee meeting held on 1994 after a gap of five years, the party held the Union of India responsible for destroying the original constitutional arrangement of the state and for alienating the people of Kashmir. It passed a resolution which asserted that ‘the time has come when this state of affairs

should be reviewed in order to restore autonomy to its pristine and original form.\textsuperscript{33}

The National Conference has been advocating the restoration of autonomy which it believes will be crucial to the resolution of the current dispute. The party reiterated that under the Instrument of Accession, the division between Centre and State was clearly demarcated with all the powers of the legislation resting with the state other than those concerning defense, external affairs and communication. It alleged that over the years the autonomy had “evaporated unconstitutionally” which it claims is the reason for the discontent of the people. In 1996, the National Conference government appointed the State Autonomy Committee (SAC) and the Regional Autonomy Committee (RAC) to examine the issue of autonomy. The former was entrusted with the inter-state aspect, i.e., the relationship between the Central Government and Jammu and Kashmir; the other was responsible for intra-state aspect, particularly the relationship between the state’s three regions: Jammu, Kashmir and Ladakh. Some of the important recommendations of State Autonomy Committee (SAC) are as follows:

1. That the word ‘temporary’ be deleted from the title of part XXI as the heading of Article 370 of the constitution of India. It should be replaced with ‘special’. Thus, defending Article 370 against future assaults against it.

2. Matters in the Union list not connected with the three subjects of defense, foreign affairs and communication and/or ancillary thereto but made applicable should be excluded from their application of the state.

3. Since elections to the state legislature are held under laws made by the state legislature, Article 324 should continue to apply in the manner and way it was applicable in 1950/1954.

4. The imposition of a state of emergency shall be subject to the state government’s concurrence provided that this request for the concurrence of the government of the state shall be subject to whatever decision the state

\textsuperscript{33} Ibid.,
assembly shall take within two months (failing which) the proclamation of
emergency shall be deemed to have been revoked.

5. A separate chapter on Fundamental Rights needs to be included in Jammu & Kashmir constitution.

6. All amendments in the constitution of Jammu & Kashmir, insofar, as they relate to superintendence, direction and control of elections to the state legislature and to the state High Court and relating to the nomenclature of the Head of the state and State Executive, mode of appointment of the Head of the State and other consequential amendments should be replaced.³⁴

The report of the SAC was made public in 1999 and was discussed in a special session of the State Legislative Assembly on June 26, 2000. The session concluded with the ‘Autonomy Resolution’ demanding that the Union and the state government take positive and effective steps for implementing the report. However, the resolution triggered a controversy with many apprehensions expressed against its pre-1953 status. While forces like the RSS and the BJP saw sinister designs of secessionism in the report, others dreaded its consequences for the national integration with similar demands pouring in from other states.³⁵ The Union Cabinet, in response to these apprehensions, summarily rejected the Report. The debate on autonomy, however, is still on. The National Conference has decided to start a national awareness campaign on the report and the government of Jammu and Kashmir has constituted a group of ministers to discuss the issue.

The major source of objection to autonomy lies within Jammu and Kashmir itself. Hindus of Jammu and Buddhists of Ladakh feel that any increase in powers of state led to domination by Kashmir over two regions of Jammu and Ladakh.³⁶ The popular feeling of deprivation and discrimination in these regions especially in Jammu has resulted in the periodic regional agitations dating back to the early fifties. It was in the above context that the

³⁴ SAC Report, p. 13
state government in the past set up four commissions to analyze the contentious regional issues. It was due to these regional sensibilities that National Conference after assuming power appointed the Regional Autonomy Committee (RAC) along with the State Autonomy Committee (SAC).

The issue of autonomy in the state is complex in nature. It not only involves the question of evolving the fair principles of centre-state relations but also the question of internal devolution of power and inter-regional relations. The issues of state autonomy and the regional autonomy are, in fact, interconnected. It is not possible to achieve the one without aiming at the other. The politics of autonomy, however, somehow has failed to carry this logic forward.

Yet, it is difficult to dismiss the discourse on autonomy as of no significance for the people of Kashmir especially when it addresses the question of alienation. Alienation in Kashmir is a deep-rooted political response of the common Kashmiris to the distortion that has taken in the politics of Kashmir in the last 50 years. Much of the distortion was a consequence of the central intervention in the politics of the state that started with the dismissal of Sheikh Abdullah from power in 1953. Successive central governments were directly or indirectly responsible for encouraging political vandalism that took place in the state after 1953. 37

The autonomy discourse had the potential of changing the terms of political discourse in Kashmir. The autonomy has substantial appeal to end alienation in Kashmir. According to Farooq Abdullah, ‘autonomy is essential for healthy centre-state relationship. He also maintained that autonomy is the only possible option to fulfill the aspirations of people and only mechanism to resolve the tangle and end alienation in Kashmir. According to Sumit Ganguly, ‘at the national level, New Delhi must move towards restoring Kashmir’s compromised autonomy’. 38 Most of the grievances of Kashmiri people have emanated because they have not been treated properly by the state authorities,

primarily those belonging to New Delhi. With minimal central control in the affairs of Jammu and Kashmir, a positive change could be brought in the region.

5.4 Independence

Another proposal for the resolution of Kashmir issue is Independence option. This proposal is based 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 stalemate. Under this option, the pre-partition status of Jammu and Kashmir is to be restored and an independent state would be established. This proposal is mainly advocated by the JKLF. JKLF advocates for ‘a united, neutral, secular, federal republic’ of Jammu and Kashmir encompassing the Indian and Pakistani controlled parts of the former princely state. JKLF articulated the vision of an independent state based on a federal, parliamentary and democratic political system. Each of five federating units, namely, Kashmir valley, Jammu province, Ladakh, Azad Kashmir and Gilgit Baldistan would enjoy internal autonomy with elected provincial governments. At the centre there will be a bicameral parliament, the members of lower house would be proportionate to the population of each unit elected through adult franchise and upper house would have an equal number of elected members from all units.39 According to JKLF the state constitution would provide equal social, economic and political rights to religious and ethnic minorities. A neutral position was advocated for the Independent Jammu and Kashmir State on the Swiss pattern, with friendly relations with both India and Pakistan.40 Thus, JKLF wants independence from both India and Pakistan and continues to argue for a separate state for the people of Jammu and Kashmir as they are naturally, politically, historically and ethnically separate.

5.5 Accession to Pakistan

Syed Ali Geelani, Chairman of Tehreek-i-Hurriyat Jammu and Kashmir which is the most dominant separatist organization in Kashmir today, offers his own solution. From an ardent supporter of armed resistance, Geelani has come to believe that the solution can come only at the political level.\textsuperscript{41} He sees, Kashmir is not simply a border dispute between India and Pakistan, but as people living there facing repression and death while fighting for their basic human rights which includes right to political self-determination.\textsuperscript{42} Though India and Pakistan are responsible for the conflict and miseries to the people of Jammu and Kashmir, they are denied a role in its resolution. For Geelani, all three parties to the dispute—India, Pakistan and the people of Jammu and Kashmir—must agree on a political solution of the problem.\textsuperscript{43} The end of the dispute will end not only the miseries and brutalities to the people of Kashmir but will be also in the interest of the Pakistan and India. They will be able to use their resources for development of their people. Citing history, Geelani suggests that the people of Jammu and Kashmir be allowed to exercise the right to determine their own political future. In such a referendum, they should be allowed to choose to join either India or Pakistan. Geelani is strongly opposed to the suggestion of the JKLF that they be allowed a third option, i.e. independent state.\textsuperscript{44} Geelani argues that such an option has not been envisaged in the various United Nations resolutions on Jammu and Kashmir. He writes that inclusion of the third option would only suit India and would probably enable it to annex the whole of Jammu and Kashmir through the backdoor. In the event of a referendum in which the third option was allowed, India might be able to actually win, because there would be a division in the votes of Kashmiri Muslims between supporters of Pakistan and advocates of an independent Jammu and Kashmir, while the Hindus and Buddhists of the province, along with the Muslims of Poonch, Rajouri and Jammu, who are

culturally closer to them than to the Kashmiri Muslims, would probably vote en bloc for India.\textsuperscript{45} Moreover, he says an independent Kashmir based on Kashmiri nationalism (Kashmiriyat) shall only serve the interests of those, inimical to Muslim unity who seeks to 'create narrow divisions within the Muslim ummah (worldwide community) on the basis of regional and cultural differences'.\textsuperscript{46} Invoking the logic of pan Islamism and subscribing to the partition theory of British India, he conceptualizes all Muslims as one nation. Hence, an independent Jammu and Kashmir bereft of Pakistan would be a profound violation of Islam itself. In other words, he has no understanding of the modern nation-state as a secular and independent state. Invoking Muslim identity he appreciates the role of Pakistan in helping Kashmiri rise against Indian tyranny.

Besides above proposals there are many other proposals for the resolution of Kashmir conflict. There have been around 70 proposals that have been lingering on since 1947. This means on an average more than one new conflict resolution model every year. Some proposals like Plebiscite for entire state under international auspices like United Nations, Partition of state along communal lines, Dixon Plan, that envisages 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 which are called Azad Kashmir. A plebiscite was to be conducted in those areas falling under the last category. Another proposal suggests integration of Jammu and Ladakh with India and Azad Kashmir with Pakistan and independence for Kashmir Valley with such independence guaranteed by both India and Pakistan.\textsuperscript{47}

5.6 Commonalities Among the Above Proposals

What are the commonalities among the proposals which I have discussed above? As a starting point, I would like to state that there are certain common themes among these proposals. The most common thing among these proposals is the issue of autonomy. While some of the proposals discuss the issue at length, some do not. But all of these proposals realize the need to give greater autonomy to Jammu and Kashmir like Sajad Lone’s Achievable Nationhood talks about the shared sovereignty between India and Indian administered Kashmir. Under this system, defense and foreign affairs would be the responsibilities of Indian State and all other matters would vest to the Jammu and Kashmir government. Self-Rule of PDP advocates that internal sovereignty must belong to the state and external sovereignty belongs to Centre and Autonomy Proposal of N C wants restoration of pre-1953 position of the state except JKLF which demands independence, not less than complete independence.

The other key common thing in these proposals is that all of them realize the need for cross border mechanisms for deliberating, consulting and deciding on a variety of issues concerning to both sides of Jammu and Kashmir. Like Self-Rule proposes institution of Regional Council of Greater Jammu and Kashmir. This will serve as a major cross border institution, which will ensure long-term coordination of matters and interests relating to the state. Self-Rule also advocates the economic integration of two parts of Kashmir like free flow of trade, services etc. Achievable Nationhood also emphasizes upon the cross-border relationships. It advocates the economic union of the two parts of Kashmir. It also envisions a joint management of natural resources. Further, it lays emphasis over cooperation, coordination and consultation on such issues as tourism, demographic data, education, social welfare, IT and communication, civil aviation, health, environment, sporting and cultural activities, forest policy, human rights laws and policies etc.

The third important common factor in these proposals is the emphasis given to sub-regional problems and aspirations. For example, Self-Rule
advocates for establishment of sub-regional councils for regional aspirations. Achievable Nationhood also subscribes to the accommodation of aspirations of different regions of the State.

The fourth issue which was addressed by most of these proposals is the much debated issue of demilitarization of Jammu and Kashmir. Demilitarization of the part of Jammu and Kashmir under Indian control as well as the part of Jammu and Kashmir under Pakistani control is thought of as an essential pre-requisite for peace by the Achievable Nationhood. Self-Rule also considers demilitarization and other related efforts like the rolling back of AFSPA (Armed Forces Special Powers Act), as the first steps towards peace-building.

The fifth common factor seems to be the need to give the state more autonomy in financial matters, recruitment to the civil services, etc.

Therefore, it is obvious from the above discussion that almost all the proposals discussed above advocate autonomy for Jammu and Kashmir. So, there is a need to restore Article 370 to its pristine form under which the Centre enjoyed powers only on three subjects of defense, communications and foreign affairs and leave rest powers to the State. According to Sumit Ganguly, “at the national level, New Delhi must move toward restoring Kashmir’s compromised autonomy.”\(^{48}\) Greater autonomy to the state seems to be the much-demanded solution for Kashmir.

Looking at the present situation and analyzing other possibilities, this is the best solution one offer for the present situation. However, it overlooks the fact that other part of Kashmir is also important in resolving the dispute. As shown in the previous chapters, historical complexities are important so far as Kashmir is concerned. Any solution offered to Kashmir issue should address such historical complexities. That is why solutions like Achievable Nationhood and Self-Rule become important. It addresses the problem by taking whole Jammu and Kashmir as one unit while at the same time taking present scenario

into consideration regarding the Indian part of Kashmir. Therefore, autonomy should be restored immediately and at the same time efforts shall be made for certain confidence-building measures in the state. Free and fair elections should be held in the state no matter in which direction the mandate of the people goes. Unless people of the state are assured of free and fair elections, any effort on solving the present crises would be futile. In the present thesis, one of the causes of militancy was the denial of democracy to the people of Kashmir. Therefore, it is of utmost important to restore democracy by ensuring free and fair elections in the state, minimizing the security forces in Kashmir and granting basic human rights to the Kashmiris, showing zero tolerance for human rights violations, relieving them from daily frisking, and focus on creating more employment and education opportunity for Kashmiris. The other measures can be, strengthening relationship across the LoC through trade, tourism, pilgrimage, etc., promoting economic development, ensuring good governance, while this may not be the ultimate solution to this issue, it may well prepare some ground for a better solution and meanwhile relieve the people of the region from their day-to-day turmoil.

Kashmir dispute basically involves three parties namely, India, Pakistan and the Kashmiris. Pakistan and India are the two main parties according to the UN resolutions. The third party is the Kashmiris whose right to self-determination has been recognized in UN resolutions. Therefore, Pakistan and India, on their own, cannot decide the future of the State by excluding Kashmiris from any such process of conflict resolution. It is now evident that for solving the Kashmir dispute in any durable manner, a viable solution would have to include the full support of the Kashmiri people. Any solution to Kashmir can create larger peace in the region. The fruits of the resolution would be long lasting as it will end enmities on a number of issues. It will stop the mad arms race and create better chances of economic integration and development. It is an age of globalization where conflicts have more costs. Any sincere effort will be in the interest of not only India and Pakistan but whole South Asia. It will also help in resolving other disputes in the whole south
Asian region. Not only this, South Asia as a region can function as an important regional block by being the home to two largest growing economies of the world. In short, there is a dire need of solving Kashmir dispute in the larger interest of humanity.