PUBLIC OPINION
CHAPTER 8: PUBLIC OPINION

8.1 NEED FOR PUBLIC OPINION:

A study of Kashmir’s history clearly shows that the Heads of State have constantly decided the future of the State of Jammu and Kashmir and the opinion of the people of the State has been totally ignored and given a go-bye. As early as 16th March 1846, the treaty of Amritsar was concluded between the British and Raja Gulab Singh, whereby, the entire State of Jammu and Kashmir was handed to Maharaja Gulab Singh. The said treaty sold millions of people like sheep and cattle and the whole transaction was made behind their backs. The Treaty of Amritsar consisting of ten articles made no mention whatsoever, of the rights, interests or the future of the people of the State. Absolutely no heed was given to the hopes and aspirations of the people of the State of Jammu and Kashmir. Again, at the time of accession with India in 1947, the view of the people of the State of Jammu and Kashmir was totally ignored, and the right to sign the Instrument of Accession vested in the Maharaja. After accession of the State with India, till date, the right of self-determination has been denied to the people of the State of Jammu and Kashmir, though such promises were made to the people on various occasions. In other words, the hopes and aspirations of the people of the State has been of no importance and

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throughout, different governments, politicians and leaders have decided the future of the people of Jammu and Kashmir on their behalf.

It has been said, “an alert and intelligent public opinion is the first essential of democracy.” Otherwise a democracy will be transformed into a dictatorship. Previously there hardly existed any such thing as public opinion. The illiteracy and ignorance of the Indian people were hindrances to the formation of a vigorous public opinion in our country.\(^1\) However, in order to provide ventilation to the hopes and aspirations of the people of the State of Jammu and Kashmir so that a reasonable solution may be arrived at, it is essential to gather public opinion and analyze the same. However, now that Kashmir has acceded with India for more than half a century and the State is now very much an integral part of India, the Kashmir issue not only concerns the people of the State but also concerns the people of the rest of India. It is for this reason public opinion has been collected from all over India. However, the opinion from each and every region cannot be dealt with on the same footing. For convenience, this chapter dealing with public opinion, deals with public opinion under two broad heads:

(a) Public opinion of the State of Jammu and Kashmir

(b) Public opinion of the rest of India.

\(^1\) An Introduction to Politics—Fifteenth Revised Edition—Page II 300—Shibnath Chakroborty.
The need for collecting and analyzing public opinion is only for the purpose of understanding the pulse of the people and public opinion by itself cannot be a complete solution to the Kashmir issue. If public opinion is to be of any value it should be compatible with the existing legal provisions. Without the sanction of law, public opinion will never be implemented. But it is necessary that the legislature should feel and know the pulse of the nation before enacting any piece of legislation. In doing so, it may often be necessary on the part of the legislature not only to be influenced by public opinion but also to influence public opinion itself, which very often requires a correct lead for its proper formulation and expression.¹ This is true in the case of Jammu and Kashmir. The Public Opinion is therefore mainly viewed for the purpose of guiding the legislature in taking future steps with regards to the State of Jammu and Kashmir. The questionnaire used for collecting public opinion both inside and outside the State is set out below:

________________________________________________________________________

**OPINION**

1. **SHOULD KASHMIR ENJOY A SPECIAL STATUS WITHIN INDIA:**

   YES_______ NO_______

2. **SHOULD KASHMIR HAVE A SEPARATE CONSTITUTION:**

   YES_______ NO_______

¹ An Introduction to Politics—Fifteenth Revised Edition—Page II 301—Shibnath Chakraborty.
3. **THE KASHMIR ISSUE CAN BE SOLVED BY:**

   a) **ABROGATION OF ARTICLE 370 AND ITS SPECIAL STATUS**
   
   b) **REVERTING BACK TO PRE-1953 STATUS AND PERMITTING MAXIMUM AUTONOMY**
   
   c) **TRIFURCATION OF KASHMIR**
   
   d) **SEMI-SOVEREIGN STATUS WITH PARTIAL CONTROL BY INDIA AND PAKISTAN**
   
   e) **INDEPENDENCE OF KASHMIR**
   
   f) **ANY OTHER SUGGESTION**

   IF YOU TICK (f) KINDKY GIVE YOUR SUGGESTION BELOW:

   ____________________________

4. **PERSONAL COMMENTS (IF ANY):**

   ____________________________

8.2 **PUBLIC OPINION OF THE STATE OF JAMMU AND KASHMIR**

   The opinion of the people of the State of Jammu and Kashmir is of primary importance. However, it should be noted that, the State maybe broadly divided into three geographic regions, Ladakh, having a predominant Buddhist population, Kashmir, having a predominant Muslim population and Jammu, having a predominant Hindu population. Another vital aspect of the State is that there is a huge number of displaced
Kashmiri Hindu Pundits who form a part of the State’s population. A bulk of the State’s population is residing in what is known as Pakistan Occupied Kashmir and those territories under the possession of China since 1963. Kashmir also has a considerable amount of its population residing abroad. The divided nature of the State’s territory and population makes it difficult to collect public opinion within the State. The unstable situation within the State and the reluctance of the people to comment on the issue makes it even more difficult to collect public opinion. However, against all odds, public opinion has been collected from various regions of the State and carefully analyzed. The figures are set out below:

PUBLIC OPINION OF KASHMIR

1. SHOULD KASHMIR ENJOY A SPECIAL STATUS WITHIN INDIA:

   YES: 75%  NO: 20%

   NO COMMENT: 5%

2. SHOULD KASHMIR HAVE A SEPARATE CONSTITUTION:

   YES: 90%  NO: 0%

   NO COMMENT: 10%

3. THE KASHMIR ISSUE CAN BE SOLVED BY:

   a. ABROGATION OF ARTICLE 370 AND ITS SPECIAL STATUS: 0%
b. REVERTING BACK TO PRE-1953 STATUS AND PERMITTING MAXIMUM AUTONOMY: 10%

c. TRIFURCATION OF KASHMIR: NIL

d. SEMI-SOVEREIGN STATUS WITH PARTIAL CONTROL BY INDIA AND PAKISTAN: 5%

e. INDEPENDENCE OF KASHMIR: 85%

f. ANY OTHER SUGGESTION:

IF YOU TICK (f) KINDKY GIVE YOUR SUGGESTION BELOW:

________________________________________
________________________________________

4. PERSONAL COMMENTS (IF ANY): NIL

It is interesting to note that though there was actually no provision for giving two options in Part 3 of the questionnaire, out of the 85% that opted for independence of Kashmir, 35% (of that 85%) opted for Maximum Autonomy as a second option. This added to the 10% that opted for Maximum Autonomy, comes to 40% of the total. It could have been speculated that the majority of the population of the State of Jammu and Kashmir would be opting for special status in some form or the other and
would not be eager to reduce the State to the same Status of the other Indian States. Special status and additional autonomy is probably something any State would be eager to have and for that reason on several occasions Governments of different States of the Union of India have set up Commissions to determine what should be the relation between the Centre and the States.¹

8.3 PUBLIC OPINION OF THE REST OF INDIA

As the State of Jammu and Kashmir is an integral part of the Union of India, it is necessary to consider the public opinion of the rest of the Indian population. Though the public opinion of the state of Jammu and Kashmir has been given primary importance, as far as the Kashmir issue is concerned, it is also essential to know what is the opinion of the rest of the Indian population. It should be noted that the Kashmir issue is an Indo-Kashmir issue, for which, the public opinion of the Indian population cannot be totally ignored. Due to the divided nature of our Nation, opinions for the rest of India have been collected and analyzed under three different heads. However, the opinions collected under these three different heads have been finally analyzed together. The three heads under which opinions have been collected are:

(a) Major Indian States

¹ See chapter 6 above.
(b) Frontier States

(c) Newly formed States

The view in the older Indian States such as Uttar Pradesh or Maharashtra or Gujrat may differ from the opinion in the newly formed States like Chattishgarh or Jharkhand or the Frontier States like Tripura or Sikkim. Again there are certain sensitive regions within the same State where the opinions might fluctuate. For example, in West Bengal the view might differ in areas like Darjeeling (i.e. Gorkhaland). Within the State of West Bengal, in Cooch Behar the Rajbanshi population is expressing their strong desire for a separate State.¹ The opinion for the rest of India should be construed liberally compared to the opinions collected in Kashmir. What is vital about the opinion for the rest India is that it throws light on the growing concern all over India regarding the Kashmir issue.

MAJOR INDIAN STATES: States like West Bengal, Uttar Pradesh, Tamil Nadu, Maharashtra, Andhra Pradesh, Gujarat, Madhya Pradesh, etc., have been referred to as major Indian States. Many of these States were created by the signing of Instruments of Accession, or by merger of States, or by other means. Though many of these States have often made demands for further autonomy, they form the bulk of the Indian population and the

most stable parts of the Union of India. The opinion of the major Indian states is set below:

**MAJOR INDIAN STATES**

1. **SHOULD KASHMIR ENJOY A SPECIAL STATUS WITHIN INDIA:**
   
   \[
   \begin{array}{cc}
   \text{YES: 60\%} & \text{NO: 40\%} \\
   \end{array}
   \]

2. **SHOULD KASHMIR HAVE A SEPARATE CONSTITUTION:**
   
   \[
   \begin{array}{cc}
   \text{YES: 13\%} & \text{NO: 87\%} \\
   \end{array}
   \]

3. **THE KASHMIR ISSUE CAN BE SOLVED BY:**
   
   a. **ABROGATION OF ARTICLE 370 AND ITS SPECIAL STATUS** \(37\%\)
   
   b. **REVERTING BACK TO PRE-1953 STATUS AND PERMITTING MAXIMUM AUTONOMY** \(13\%\)
   
   c. **TRIFURCATION OF KASHMIR** \(43\%\)
   
   d. **SEMI-SOVEREIGN STATUS WITH PARTIAL CONTROL BY INDIA AND PAKISTAN** \(0\%\)
   
   e. **INDEPENDENCE OF KASHMIR** \(3.5\%\)
   
   f. **ANY OTHER SUGGESTION** \(3.5\%\)

**IF YOU TICK (f) KINDKY GIVE YOUR SUGGESTION BELOW:**

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4. PERSONAL COMMENTS (IF ANY): NIL

FRONTIER STATES: Public opinion has been collected from some of the frontier States. Some of these States also enjoy certain special privileges. These States like Kashmir, share borders with neighbouring Countries and compared to other Indian States are more volatile and have their own internal problems. Many of the frontier States also have separatist groups functioning within the State resorting to terrorism.

<table>
<thead>
<tr>
<th>FRONTIER STATES</th>
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<tbody>
<tr>
<td>1. SHOULD KASHMIR ENJOY A SPECIAL STATUS WITHIN INDIA:</td>
</tr>
<tr>
<td>YES: 7% NO: 93%</td>
</tr>
<tr>
<td>2. SHOULD KASHMIR HAVE A SEPARATE CONSTITUTION:</td>
</tr>
<tr>
<td>YES: 0% NO: 100%</td>
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<tr>
<td>3. THE KASHMIR ISSUE CAN BE SOLVED BY:</td>
</tr>
<tr>
<td>a. ABROGATION OF ARTICLE 370 AND ITS SPECIAL STATUS 80%</td>
</tr>
<tr>
<td>b. REVERTING BACK TO PRE-1953 STATUS AND PERMITTING MAXIMUM AUTONOMY 0%</td>
</tr>
<tr>
<td>c. TRIFURCATION OF KASHMIR 0%</td>
</tr>
<tr>
<td>d. SEMI-SOVEREIGN STATUS WITH PARTIAL CONTROL BY INDIA AND PAKISTAN</td>
</tr>
<tr>
<td>---</td>
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<tr>
<td>e. INDEPENDENCE OF KASHMIR</td>
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<tr>
<td>f. ANY OTHER SUGGESTION</td>
</tr>
</tbody>
</table>

IF YOU TICK (f) KINDKY GIVE YOUR SUGGESTION BELOW:

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________________________

4. PERSONAL COMMENTS (IF ANY): NIL

It is interesting to note that under Part 3, 13% have not given any comment. However, under Part 3(f), 7% have spoken of Provisional Independence as an alternative option. This would allow the people of the State of Jammu and Kashmir to taste independence and decide whether they would like to continue to be an integral part of India or continue to be independent.

NEWLY FORMED STATES: By virtue of the Bihar Reorganisation Act 2000, the Madhya Pradesh Reorganisation Act 2000 and the Uttar Pradesh Reorganisation Act 2000, three new states of Jharkand, Chattisgarh and Uttaranchal were created. These regions after being elevated to full fledged States enjoy more power and autonomy compared to their previous
position. Opinions have also been collected from some of these newly born States. Their view is of importance, as presently, within the State of Jammu and Kashmir there is a demand for Statehood for the Jammu region and Union Territory status for the Ladakh region. Whether by re-organization of the State of Jammu and Kashmir the State will benefit can best be assessed by the people residing in these regions.

NEWLY FORMED STATES

1. SHOULD KASHMIR ENJOY A SPECIAL STATUS WITHIN INDIA:
   
   YES: 43%  NO: 57%

2. SHOULD KASHMIR HAVE A SEPARATE CONSTITUTION:
   
   YES: 29%  NO: 71%

3. THE KASHMIR ISSUE CAN BE SOLVED BY:
   
   a. ABROGATION OF ARTICLE 370 AND ITS SPECIAL STATUS  42%
   b. REVERTING BACK TO PRE-1953 STATUS AND PERMITTING MAXIMUM AUTONOMY  0%
   c. TRIFURCATION OF KASHMIR  14%
   d. SEMI-SOVEREIGN STATUS WITH PARTIAL CONTROL BY INDIA AND PAKISTAN  30%
e. INDEPENDENCE OF KASHMIR 14%

f. ANY OTHER SUGGESTION 0%

IF YOU TICK (f) KINDKY GIVE YOUR SUGGESTION BELOW:

4. PERSONAL COMMENTS (IF ANY): NIL

Opinion from the rest of India has been collected under three different heads in order to ensure that the opinion forms a complete cross-section of the Indian population. However in order to get a clear picture of the Indian view (excluding the State of Jammu and Kashmir) it is necessary to analyse the opinions collected under the abovementioned three heads, together. However it may be noted that each and every Indian State has not been covered for the purpose of collecting opinions.

PUBLIC OPINION FOR THE REST OF INDIA

1. SHOULD KASHMIR ENJOY A SPECIAL STATUS WITHIN INDIA:
   YES: 42%  NO: 58%

2. SHOULD KASHMIR HAVE A SEPARATE CONSTITUTION:
   YES: 12%  NO: 88%
3. THE KASHMIR ISSUE CAN BE SOLVED BY:

a. ABROGATION OF ARTICLE 370 AND ITS SPECIAL STATUS 50%

b. REVERTING BACK TO PRE-1953 STATUS AND PERMITTING MAXIMUM AUTONOMY 7%

c. TRIFURCATION OF KASHMIR 27%

d. SEMI-SOVEREIGN STATUS WITH PARTIAL CONTROL BY INDIA AND PAKISTAN 4%

e. INDEPENDENCE OF KASHMIR 4%

f. ANY OTHER SUGGESTION 4%

IF YOU TICK (f) KINDKY GIVE YOUR SUGGESTION BELOW:

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PERSONAL COMMENTS (IF ANY): NIL

Under Part 3 of the Opinion chart for the rest of India, 4% have refrained from giving any opinion.

8.4 POSITION OF TIBET, BANGLADESH AND SRI LANKA

The situation prevailing in Tibet, Bangladesh and Sri Lanka have been viewed, in order to see how these regions, situated with the Indian-
subcontinent are dealing with their problems. Tibet has been under Chinese occupation for a long time has been trying to liberate itself from Chinese control by exercising the right of self-determination. Erstwhile East Pakistan, presently Bangladesh, succeeded in liberating itself from West Pakistan, present Pakistan, after fighting a war of liberation and has managed to establish itself as an independent nation. Bangladesh has been given special attention as it has exercised its right of self-determination successfully and for over thirty years has been enjoying the position of a sovereign state having international recognition. In Sri Lanka there has been long-standing demand of full independence and separate Statehood in the North and East of the Island, though recently the LTTE has agreed to self-determination and autonomy. These events are examples of settlement of internal disputes and India may learn from these events. The disputes are discussed in short below:

**TIBET:** Tibet shares a common border with India. China invaded Tibet in 1950, which evoked strong protest from India.\(^1\) Since 1950, Tibet has been struggling for its liberation from China. The 14\(^{th}\) Dalai Lama, in exile, had proposed to the Chinese Government to allow the people of Tibet to look after domestic affairs, economy, religion, sports, etc, while the Chinese Government could look after Tibet’s foreign affairs and defence. His

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Holiness further suggested that the five districts of Tibet should be treated, as a single entity and Tibetan Government should be set up for the Administration of the State by way of a free election. In short, Tibet should have autonomy with rights to run all internal affairs. However, the Chinese Government never recognized the “Kashag Government,” that had called for independence of Tibet. It is interesting to note that Tibet is a region having mainly a Buddhist population. Kashmir’s Ladakh district also has a large Buddhist population and shares a common heritage with the people of Tibet. Ladakh was an independent kingdom under the suzerainty of the grand Lamas of Tibet.\(^1\) His Holiness the Dalai Lama is of the view that Kashmir is an integral part of India and recently stated that, ‘I had always accepted the fact that the State of Jammu and Kashmir is an integral part of India. I have never questioned this’ and that, ‘I merely explained my middle way of approach to the Tibetan issue as an example suitable method for solving such complicated issues, including Kashmir.’ This advise of His Holiness is of great value and possibly, the ‘middle way’ referred to by His Holiness is the only way of paving the way to fruitful dialogue between the Government of India and some of the Kashmiri factions which follow more extreme ways. Recently the Government of India has made it clear that unless the Hurriyat mends its ways and stops seeking guidance in various forms, from Pakistan, the Center will not hold a formal dialogue with it. On

the contrary the Government of India has agreed to hold dialogue with the elected representatives and others to resolve the Jammu and Kashmir problem.\(^1\)

**BANGLADESH:** East Bengal, later known as East Pakistan and presently known as Bangladesh, shares a common border with India and at the time of independence it was included within the territory of Pakistan. This part of Pakistan could not remain with Pakistan even for 24 years and had to separate itself from Pakistan and establish itself as an independent nation i.e. Bangladesh.\(^2\) It is significant to note in this connection that out of the total 10 crores of population in the entire State of Pakistan, the people of Bangladesh constitute more than 7\(\frac{1}{2}\) crores. In other words, people of Bangladesh constitute more than 3/4\(^{th}\) of the entire population of Pakistan.\(^3\) After the creation of Pakistan there was an attempt to impose Urdu upon the Bengali speaking population, which lead to a National movement that resulted in the creation of a new nation in 1972, i.e., Bangladesh.\(^4\) In 1972 erstwhile East Pakistan, presently Bangladesh managed to liberate itself from control of West Pakistan and today is enjoying the status of an independent nation having international recognition. Besides the sacrifice

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1. 29 December 2002 – The Sunday Statesman.

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of thousands of Bangladeshis, India also played an important role in the liberation of Bangladesh. However, the initial demand of Bangladesh was not for independence. Sheikh Mujibur Rahaman, the leader of the Awami Party had a six-point programme. It included greater autonomy for East Bengal but it did not ask for independence or secession.¹ On 23rd March 1971 Sheikh Mujibur Rahaman was arrested and the military regime unleashed a reign of terror on the people of East Pakistan. To save themselves from genocide millions of people fled the country and took refuge in India and the leaders who could escape formed a Government in exile. The demand for Autonomy became transformed into a firm resolve to establish an independent Bangladesh.² On 16th December the Pakistani forces surrendered before the joint forces of India and Bangladesh and the Sovereign Democratic Republic of Bangladesh was born. The Indian Prime Minister announced, "Dacca is now the independent capital of a free country."³ A Judicial Report released by Pakistan on 30th December 2000 admits "there is substance in the allegations that during and after the military action excesses were indeed committed on the people of East Pakistan, although the versions and estimate put forward by Dhaka authorities are highly coloured and exaggerated."⁴ According to the Soviet theory, if a new State has emerged as a result of revolution or exercising its

¹ India: the Speeches and Reminiscences of Indira Gandhi, Prime Minister of India—Page 161
² India: the Speeches and Reminiscences of Indira Gandhi, Prime Minister of India—Page 169
³ Statement made by the Prime Minister of India in Parliament on 16th December 1971.
⁴ The Sunday Statesman – 31 December 2000
right of self-determination, it has every reason to expect recognition by other States. Non-recognition is one way of indicating hostility to it and contradicts the generally recognized principles of International Law.\(^1\) Hence the formation of Bangladesh deserves recognition under the accepted doctrines of international law.

**SRI LANKA:** The "fully self-governing" or Dominion status of Ceylon (Sri Lanka) was provided by the Ceylon Independence Act 1947, the Ceylon Independence Order in Council 1947 and three Agreements between the Government of the United Kingdom and the Government of Ceylon relating to Defence, External Affairs and Public Officers.\(^2\) In 1956 Solomon Bandaranaike (father of President Chandrika Kumaratunga) became the Prime Minister of Sri Lanka and introduced a somewhat anti-Tamil policy. The main rivalry between the Sinhalese and the Tamils began when Sinhalese was made the official language of the State. It may be noted that the Bengalee people of erstwhile East Pakistan felt a similar feeling when Urdu was imposed as the official language of Pakistan. In 1988 Buddhism followed mainly by the Sinhalese majority population was made the state religion and not even a single holiday was granted for any of the Tamil festivals. The Tamil United Liberation Front was born and the demand for Eelam or full independence surfaced.\(^3\) However the Sinhalese

\(^3\) The Sunday Statesman – 22 September 2002
tried to force the Tamil United Liberation Front to drop its demand for Eelam, which resulted in the replacement of the Front by the militant LTTE. This visible and intolerable discrimination that gave rise to the LTTE,\(^1\) which began as a small organization in 1972.\(^2\) Presently the LTTE has been much more moderate in its approach and have entered into peaceful dialogue with Government of Ranil Wickremasinghe, which was elected into power in 2001 and has subsequently lifted the ban on the LTTE. The LTTE has given up its long-standing demand of full independence and separate Statehood in the North and East of the Island – the Tamil Eelam, and have agreed to self-determination and autonomy in hope that their homeland would be recognized.\(^3\) A certain similarity exists between India and Kashmir on the question of devolution of some powers to the state.\(^4\) Maybe if the Kashmiri leaders following extreme means followed the pattern of the LTTE then the Indian Government would be bound to include them in the dialogue which they have recently decided to hold with the elected representatives and others to resolve the Jammu and Kashmir problem.\(^5\) However, in order to regain the territories known as Pakistan Occupied Kashmir, the Government of India will be bound to enter dialogue with the leaders of that region. Only by including Pakistan

\(^1\) Liberation Tigers of Tamil Eelam
\(^4\) The Sunday Statesman – 22 September 2002
Occupied Kashmir within the fold of the State of Jammu and Kashmir can the Kashmir issue be totally resolved.

8.5 SYNOPSIS OF FINDINGS

While doing research on the Kashmir issue one difficulty faced was the reluctance of the people in general to discuss the Kashmir issue and give their valued opinions. Many persons in Government Service under the State Government of Jammu and Kashmir, both Hindus and Muslims, totally refused to even verbally comment on the Kashmir issue leave alone answering the questionnaire. A similar response was met with while collecting opinions outside the State of Jammu and Kashmir. While covering places far from Kashmir, such as Sikkim, even army personnel on duty in Sikkim refused to give their opinions regarding the Kashmir issue. Some gave their opinions after much persuasion. On the contrary, those who did give their opinion did so not only boldly but also honestly. While collecting opinions outside the State of Jammu and Kashmir, what was most surprising was that the opinion of the people of India largely reflected sympathy towards the people of Kashmir. Many verbally spoke in favour of autonomy or even independence though they refused to answer the questionnaire. However, amidst such circumstances it was possible to collect enough samples for analysis though it must be admitted that unless the people both inside and outside the State of Jammu and Kashmir are able
to overcome their fears of expressing their views regarding the Kashmir issue, a plebiscite on the issue would be a futile quest. It must also be noted that opinions have not been collected from the regions of the State of Jammu and Kashmir, which are outside the control of the Government of India. To hold a plebiscite in Kashmir it will be necessary to first restore the territories presently under the possession of Pakistan and China to the State of Jammu and Kashmir and then create an environment within the State under which the people of the entire State may overcome their fears and express their views freely. The United Nations had also suggested that in Kashmir a plebiscite may be held only after peaceful conditions have been restored in the State.

It should also be noted that the opinions are only to act as guidelines and should not be treated as the sole determining factor to the Kashmir issue. Though the public opinion of Kashmir is of primary importance, the opinions collected from the rest of India are also relevant. The Public Opinion collected from the State of Jammu and Kashmir is quite interesting. The opinions show that 75% of the people have opted that the State should continue to enjoy a special status within India and 90% of the people have opted that the State should have a separate Constitution. What is most alarming is that 85% of the people have opted for independence of Kashmir. 10% have opted for Pre-1953 status and maximum autonomy and 5% for Semi-sovereign status with partial by India and Pakistan. It has
already been discussed at length that the people of the State of Jammu and Kashmir have a right under the recognized doctrines of International Law to claim independence. The only way by which the Government of India can prevent this is either by force or by offering to the people of the State certain rights and liberties that would prevent them from claiming independence. The success of the public opinions collected in the State of Jammu and Kashmir lies in the fact that the alternative to independence has also been reflected in these opinions. Besides the 10% of the opinions that have opted for Pre-1953 Status and Maximum Autonomy, 35% of the 85% that have opted for independence of Kashmir, have opted for Pre-1953 Status and Maximum Autonomy as second preference. This added to 10% for Maximum Autonomy comes to 40%. Though blindly reverting to Pre-1953 would be impractical, the possibility of negotiating and granting further autonomy to the State of Jammu and Kashmir in order to resolve the Kashmir issue is still possible. This is a positive indication to the Government of India and has been discussed in detail later.¹

The opinions gathered from the rest of India are also quite interesting. 42% of the people are willing to accept the special status enjoyed by the State of Jammu and Kashmir but only 12% are ready to accept a separate Constitution for the State of Jammu and Kashmir. That

¹ See – Conclusion to Chapter 10.
would mean that according to some special status does not necessarily mean there should be a separate Constitution for the State. It is pertinent to mention that some of the other Indian States enjoy certain special privileges without having a separate Constitution for the State. It is also interesting to note that 50% of the people have opted for abrogation of Article 370 of the Constitution and 27% of the people have opted for trifurcation of the State. Though 4% have opted for independence of the state, plus some suggestions for provisional independence by the frontier states, the overall view of the Indian population (excluding the State of Jammu and Kashmir) is to retain the State as an integral part of India.