Chapter-4

Towards Conflict Resolution
Towards Conflict Resolution

The solution of Kashmir conflict is mentioned within the Constitution of India itself. Kashmiris have been given special status through constitutional means. Greater autonomy or devolution of power is the best solution to resolve the Kashmir dispute. Kashmir comes under the asymmetrical federalism. Jammu and Kashmir is the only state vested with residual powers, which is otherwise vested with the Centre. It was Nehruvian and Sheikh Abdullah’s viewpoint that Kashmiris should possess special rights and their dignity should be respected. However, after 1989, Indian Government with Jammu and Kashmir Government started curtailing fundamental rights of the innocent people of valley. Kashmiris were suppressed, tortured, massacred and humiliated. No freedom was given to them rather they were crushed through the deployment of Armed Forces, Armed Forces Special Powers Act (AFSPA), Public Safety Act and through other stringent laws gradually and slowly the special Autonomy of Kashmir under (Art 370) was minimized or even it was abrogated and eroded through the centralization and over-centralization. All these factors created and paved a way for a cycle of violence; regional imbalances were made between Jammu and Valley. It is here to be noted that democratic goals can hardly be achieved under the stringent laws and violent armed forces. The untold story of gross violation of human rights in Kashmir seems to be antithesis to India’s federal democracy. Massive violation of Kashmiris autonomy for over five decades by the Federal Government and deliberate neglects over a number of autonomy resolution packages and violation of the human rights are the major sources of conflicts in Jammu and Kashmir. Violation of human rights in Kashmir includes, no respect of the dignity of Kashmiris, brutal killings of innocent youths, illegal detention, missing of youth from their beloved parents, harassment with women, punishment to old people, burning of houses, shops and schools, etc.

India with alliance of Jammu and Kashmir government is using its powers in an extensive manner in Kashmir. India cannot win hearts of Kashmiris through power means or by hook and crook, but India needs to respect the of people, and use democratic and peaceful methods to control gross violations of human rights, and to preserve the autonomy status of Kashmiri’s which is given to them by the Indian Constitution. Since, 1947, India and Pakistan have negotiated over scores of issues. These have ranged from minor technical questions, such as border railway crossing
and timetables, to highly contentious political questions of vital national security interests, such as nuclear confidence building measures and the Kashmir dispute. This study reviews six of the most important and best-known India Pakistan negotiations to sort out the differences. This study includes that many measures have been taken for the resolution of Kashmir dispute, but still it is long standing conflict among the conflicts of the world. This chapter will include the major dialogues and negotiation held between the two countries on the resolution of Kashmir issue. Further, it will also include the policies and formulations of Jammu and Kashmir Government for the resolution of Kashmir conflict. The Kashmir conflict is the outcome of a process of neglect, discrimination and suppression of identity of Kashmiris. For around 63 years, the people of Jammu and Kashmir (J&K) have been suffering from set of issues: injustices, insecurity, violence, terrorism and identity crisis. Still people of Kashmir are being tortured, massacred and killed in an extensive manner. The cycle of violence is prevalent in Kashmir valley. There is gross violation of human rights committed by Armed Forces over the innocent people of Kashmir, who have no arms in their hands because they have adopted the ways of peaceful protests, there was a paradigm shift from the militant Kashmir towards militancy free Kashmir. Now people are demanding their rights through peaceful marches and demonstration.

The Kashmir conflict is primarily and fundamentally an ethnic conflict. It has a multiple dimensions and aspects and is defined by complex intersection of an international conflict with sources of conflict internal to the disputed territory and its Indian Pakistan-controlled parts. It is important to note here that any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected and mutually reinforcing tracks or axes of engagement and dialogue. The Kashmir conflict is primarily and fundamentally an ethnic conflict, though some forces in India as well as in Pakistan are trying their best to make it a communal one because of the identity of Kashmiri people from the rest of India and Pakistan. It is noteworthy to mention here, that Kashmir problem has always been a problem of ethnic identity and its resolution may be found in upholding, rejuvenating and establishing the identity of Kashmiris in an acceptable framework in the larger freedom and political order. Kashmir conflict is not only limited to the internal contradictions of Jammu and Kashmir, rather it’s dynamic include historical, political, economic, cultural and security aspects also. External factors also contribute to shaping the dynamics of the Kashmir conflict.
Kashmir is conflict between India, Pakistan and Kashmiri's, any solution has to include the view points of all the parties involved in Kashmir conflict. India considers Kashmir its integral part, India gives the reason of accession that Kashmir had accessed with India in 1947. Where as the Pakistan had claim that Kashmir is a disputed territory, which was accepted by UN in 1948. Pakistan is in favour of plebiscite. Whereas majority of Kashmiri people wants self-determination and greater autonomy from India. In 21st century, secessionism is not a good option, so, India can use and protect the Kashmiris by giving the greater autonomy to them. It can be said that Kashmir conflict can be resolved through flexible negotiations, and meaningful dialogues, where all parties are needed to be invited, who are the part of Kashmir conflict. India can win the hearts of Kashmiri people only through greater autonomy, addressing the issue of self-determination, protection of the identity and dignity of Kashmiris, provide full security to all Kashmiris, and stop human rights violation in Kashmir. revoke, Armed Forces Special Powers Act, minimize Armed Forces, free Kashmiri prisoners and above all treat Kashmiris not like animals but like human beings and listen what are the real aspirations and genuine demands of Kashmiri masses and take steps accordingly without following the way of politics of violence. Kashmiris are by nature soft people they did not need villains, criminals rather they need those leaders, who can protect them from the scourge of violence, war, and atrocities committed over them by Security Forces, Police and State Task Forces. India can maintain peace when it will adopt the best measures of Good Governance, welfare activitism and other conflict resolution mechanisms. It to be noted that state comes into existence to provide security, safety and to protect overall genuine interests of its people, but Indian Government and State Government of Jammu and Kashmir had totally failed. Moreover, the viewpoints of great academicians and prominent scholars have been included for the resolution of Kashmir conflict.

Problem Solving Negotiations - The Indus Water Treaty, September 1960

The following are the key elements of success for the Indus Waters negotiations. (a)-Even though the economic and political stakes were extraordinarily high, the leadership of both countries agreed that waters issue should be negotiated as a technical, not political a question. (b)-The political leadership in New Delhi and Karachi trusted their negotiators to see that vital national interests were protected in the bargain to see that vital national interests were protected in the bargain that
ultimately emerged. (c)-Although, Pakistan had to abandon its original position, it was ultimately willing to accept the essence of the World Bank’s proposal. This did not reduce the flow of precious irrigation water and envisaged future growth. (d)-The World Bank was able to offer a large financial package to pay the costs of restructuring the existing irrigation system and of developing substantial additional facilities. The tempting financial package encouraged the two sides, especially as India balked at compensating Pakistan. On the end, both sides could claim that they had gained, rather than lost through the negotiations. (e)-Members of the Indian and Pakistani teams had worked together in the administrative and irrigation services of British India. Both used familiar technical data bases relating to the irrigation system. Thus, each side fully understood what the other was talking about, despite the technical complexities of the negotiations. (f)-The discussions stretched one for eight years, but remained out of the media limelight. This helped prevent the talks from becoming overly politicized despite the sensitivities of the issues being considered.

Negotiations on Kashmir 1962 May 1963

In the first fifteen years of independence, the United Nations, the United States, and the parties themselves all tried and failed to resolve the Kashmir dispute. Neither UN efforts in 1949, 1950, 1950-1952, 1957, 1958 and 1961, American initiatives in 1949, 1953, and 1958, nor bilateral India Pakistan talks in 1953 and 1954 could make any significant progress toward settling dispute. The 1962-63 Kashmir negotiations failed for precisely the reasons that U.S. diplomat Averell Harriman had anticipated that neither India nor Pakistan was willing to make an offer that the other would consider a basis for serious discussion. Their bottom-line positions in the following list remained too far apart for either side to consider possible compromises.

(a)-Both countries were interested in a settlement, but only on their own terms, For Pakistan, this meant some form of self-determination for the people of the valley, for India, it meant not upsetting due status quo, thus, converting the cease fire line with minor modifications into an international boundary. Neither side was willing to budge during the talks. (b)-In contrast to the Indus Waters negotiations, the political leadership gave no green light to their negotiators to try to find a way to bridge the gap. For both, talking about a Kashmir settlement was acceptable in response to pressure from the Americans and the British, but making concessions on their respective basic positions was not included. (c)-Energetic, sustained, and high-level
U.S. and U.K. diplomatic engagement proved fruitless. The efforts to address the Kashmir issue as a technical problem and solve it by drawing lines on a map to divide the disputed valley, or developing other arrangements, such as a soft border between the two parts of the state, fall on deaf Indian and Pakistan ears. Despite Pakistan’s heavy dependence on U.S. foreign assistance for its economic development and India’s relative weakness after the 1962-63 China Conflict, neither country was willing to give ground on an issue that each regarded as vital to its national interest in order to please Washington and London. Even if the leaders had been willing to give ground on Kashmir, neither was politically in a strong position to do so. In Pakistan, political hawks severely criticized Ayub for having failed to take advantage of India’s military weakness in order to seize Kashmir by force.

In India, Nehru had little scope for making the sort of concessions required to launch a serious Kashmir negotiation, particularly as the China debacle weakened him. The six rounds of talks in 1962-63 marked the last time that India and Pakistan formally negotiated about a Kashmir settlement. The discussions ultimately went nowhere. As President Kennedy ruefully commented in his 12 September 1963, Press conference “Kashmir is further from being settled today than it was six months ago”.

**Post Conflict Normalization Negotiations - Tashkent, January 1966**

On January 9-10, 1966, Kosygin spent an astounding eleven and half hours in separate and intense discussions with Ayub and Shastri, ending his dogged search for a compromise only at 1:30 a.m. with the two leaders scheduled to leave Tashkent the next day, there was scant time for the Soviet Premier to avert an embarrassing diplomatic failure. Finally, Kosygin’s frenetic efforts succeeded. In the early morning of 10 January 1966, Shastri and Ayub agreed upon a compromise formula with a beaming soviet premier looking on, the Indian and Pakistani leaders signed the Tashkent declaration at 4:00 p.m. that afternoon.

The following are the main points of the declaration of India and Pakistan. (a)-Agreed on the need for peaceful relations. (b)-Pledged not to use force in resolving their differences (India’s desire and Pakistan’s unwillingness for a no-war pact were adroitly finessed by reference to their obligations under the UN charter not to resort to the use of force). (c)-Stated that they had discussed Kashmir in the context of the desirability of reducing tensions (enabling Ayub to claim that Kashmir had not been ignored).(d)-Agreed that they would withdraw their forces to the positions held before
the start of hostilities and would repatriate prisoners of war within forty-five days (the major tangible achievement of the Summit). (e) - Agreed to restore diplomatic relations including to normalize economic, trade, and communication links, and “to discourage any propaganda directed against the other country”. After the little more than nine hours, at 1:25 a.m. on 11 January 1966, Shastri woke up complaining of chest pains. India’s Prime Minister was suffering a fatal heart attack. He died seven minutes later. During their talks, Ayub and Shastri developed considerable respect for each other even tough they had sharp substantive differences, which they did not try to conceal.

In assessing the Tashkent Conference, some major conclusions emerge: (a) - The summit marked a signal success for the Soviet Union Kosygin is skillful and even landed diplomacy paid off. Even if there was no progress towards a solution of the Kashmir problems, which Kosygin did not realistically expect, the Soviet leader could be proud of his achievement in restoring a modicum between India and Pakistan. (b) - The Soviet’s careful, substantive preparation and Kosygin’s sustained personal involvement were among the key reasons for the Summit’s success.

The Soviet leader set realistic goals, and despite difficult negotiations, he was able to obtain Ayub’s accord on compromise language, without third party help, it is unlikely that the two countries would have been able to reach agreement. (c) - Despite intense media attention, the conferees were able to carry on their discussions in relative calm. The international press was kept at a distance during the talks, which helped to facilitate the negotiating process. Indian and Pakistani spokespersons were also careful in their comments to the media to avoid scoring points through competitive and conflicting press statements. (d) - In terms of follow through after Tashkent, the two countries implemented the provisions calling for withdrawal of forces to their pre war positions, and for the exchange of prisoners of war. This meant that India had to relinquish several militarily strategic areas, including the Hajji Peer Pass. They also restored diplomatic relations, but bilateral talks, on other issues soon stalled. Delhi and Islamabad failed to make any substantial progress towards implementing the Tashkent Declarations call for establishment of normal economic and commercial ties. In summing up, although Tashkent Declaration achieved its immediate objective of restoring the status quo ante bellum, the Government did not have a long-term positive impact on India-Pakistan relations. Just five years later, India and Pakistan were once more at war.5
The Shimla Summit, July 1972

If Ayub found himself in a tight corner at Tashkent, Bhutto and an even weaker hand when he met with Prime Minister Indira Gandhi at Shimla in July 1972. The cool, 7,000-foot summit in the British Raj’s former summer capital came six months after Pakistan’s defeat in the December 1971 war. This conflict marked the culmination of the crisis that the Pakistani Army initially triggered with its brutal crackdown on East Pakistani separatists in March 1971. When the fighting stopped, 93,000 outgunned Pakistani forces surrendered to the Indian Army in Dhaka, and East Pakistan became the independent nation of Bangladesh. Indira Gandhi and a small circle of advisers many like her, members of the Kashmiri Brahmin sub-caste hoped that a chastened and shrunken Pakistan would accept the new regional strategic reality of India’s pre-dominance. In turn, Pakistan would agree to settle the Kashmir dispute by converting the cease-fire line into an international boundary. Failing that, India sought a formal pledge that Pakistan would attempt to settle disputes bilaterally and no longer try to alter the status quo in Kashmir by the use of force or seek dispute intervention by the United Nations, United States, or any other outsiders. Bhutto’s negotiating aims were to regain the territory lost in the war in West Pakistan. To free the prisoners of war, and to seek a more stable relationship with India without giving up Pakistani aspirations about Kashmir. While the Kashmir dispute was not a major element of the 1971 East Pakistan crisis, Bhutto knew that India would press hard for a final settlement on the basis of the status quo, which he was determined to avoid. In addition, the Shimla Agreement called for periodic summit meetings and diplomatic discussions looking toward “a durable peace and normalization of relations including a final settlement of Jammu and Kashmir. Shimla Agreement has similarities with the Tashkent Summit despite the fact that the former was a bilateral negotiation, and later involved the active good offices of the Soviet Union. Both summits essentially achieved the reestablishment of the status quo ante bellum, although at Shimla. India retained territory gained in Kashmir and did not agree to the immediate release of prisoners of war. Both negotiations pledged the establishment of normal relations. As events unfolded, however, neither summit succeeded in moving the India -Pakistan bilateral relationship on to a more positive track. Both Shimla and Tashkent required dexterous diplomacy to find language that would glass over major substantive differences. Directly or indirectly, these related to the Kashmir issue. Soviet Premier Kosygin’s good offices succeeded at Tashkent in convincing Ayub to accept
compromise formula. At Shimla, Prime Minister Indira Gandhi’s willingness to accept a qualifying phrase that preserved Pakistan’s underlying position paved the way a final accord. The agreement at Shimla to establish LOC to replace the cease-fire line did not mark a major change, though its physical determination on the ground was useful in avoiding disputes about which country controlled specific bits of territory. Nonetheless, the failure to demarcate the Siachen Glacier region in the far North led to another long-standing dispute that has yet to be resolved. After the two countries adopted conflicting interpretations about what the Shimla Agreement meant for this area, India physically occupied the forbidding 20,000-foot high glacier starting in 1984, sporadic fighting continued there for two decades until a cease-fire took effect in December 2003. Implementing the Shimla Accords largely paralleled post Tashkent developments. There was short-term compliance and long-term failure. India gave back the territory that it agreed to return. With some hiccups and delay, the physically delineated the LOC on the ground. India eventually returned the prisoners of war, although it took another year before most were able to go home. In February 1974, just before Bhutto hosted the summit of the organization of the Islamic Conference in Lahore, another deal was settled. In return for Pakistan’s diplomatic recognition, Bangladesh attended the summit and released 195 prisoners it was threatening to prosecute for war crimes. Beyond reestablishing diplomatic relations, India and Pakistan failed to implement other measures to move the two countries toward more normal relations. Since then, India had stressed the agreement to settle all disputes bilaterally and peacefully. Pakistan has emphasized the loophole that spoke of respecting the LOC without prejudice to the recognized poison of either side in India, there was a positive reaction to the summit accord. Indira Gandhi also won a parliamentary vote of approval although this was not legally required. A witness to, and partly the reason for, the political problems that the Tashkent Declaration caused, Bhutto was particularly sensitive about ensuring a positive public reception for Shimla. On his return to Pakistan, he vociferously praised the accord, declaring. There is nothing against Pakistan’s interest in this agreement. Bhutto emphasized that he had not compromised on the Kashmir issue.

Lahore Summit, February 1999

Two decades later and nine months after India and Pakistan had exploded nuclear devices in May 1998, Indian Prime Minister Atal Bihari Vajpayee met with
his Pakistani counterpart, Nawaz Sharif, at Lahore. The Summit followed a decade during which India-Pakistan relations had badly deteriorated mainly because of Pakistanis support for insurgency that developed in Indian Kashmir following rigged election in the state. In one sense, Islamabad’s tactics succeeded, Pakistan was able to “pay India back” for the humiliating defeat that it had suffered in December 1974 war. India had to deploy massive army and paramilitary forces to deal with the uprising. Although both Nawaz Sharif’s Pakistan Muslim league and Atal Bihari Vajpayee’s BJP supported a more nationalist and hard line stance than their main political rivals, respectively the Pakistan Peoples Party and the Indian National Congress, the two leaders personally favored India-Pakistan detente were willing to risk the ire of hard-liners in trying for better relations. When Sharif suggested that Vajpayee ride the inaugural run of a new bi-weekly ‘Bus Service’ between Delhi and Lahore, the Indian Prime Minister was quick to accept. On 20 February 1999, less than a year after India and Pakistan rattled nerves around the globe with their nuclear tests, Nawaz Sharif warmly embraced Vajpayee after he clambered down from the bus and walked across the border some fifteen miles from Lahore. The two-day summit featured a highly publicized reception for Vajpayee at the Governor’s House in Lahore, a dinner at the historic Red Fort built by the Mughal emperors, and a dramatic visit to Minor-i-Pakistan, the monument at the spot, where in March 1940 the League had adopted the resolution calling for Pakistan. The public rhetoric was extremely warm. “My message to the people of Pakistan will be short and simple”. Vajpayee declared on entering Pakistani territory, “put aside the bitterness of the past and let us together make a new beginning”. At the Government House reception, Vajpayee commented that history could be altered but not geography, you could choose your friends but not your neighbor’s. Several times, Vajpayee stressed that a “strong and stable Pakistan is in India’s interest.” For his part, Sharif was equally positive in his saying, “The time is not far away when Pakistan and India will be able to live as the United States and Canada-do in peace” he declared welcoming Vajpayee. During the press conference at the end of the summit, sharif stated, “Whatever happens in India they blame Pakistan. Whatever happens in Pakistan we blame India. There is need now of getting out of this, neither India nor Pakistan has gained anything from the conflicts and tensions of the past 50 years”. The Declaration included agreement to restart the “composite dialogue” about all issues,
including Kashmir, and to initiate a series of nuclear related discussions and confidence building measures.

The Lahore Summit appeared to be major success. (a)-On the public relations side, Vajpayee inaugurating the Lahore-Delhi bus service and his visit to the Minar-i-Pakistan conveyed a powerful message of friendship. Substantively, the agreements to review the languishing “composite dialogue” and being a new and separate track on nuclear issues seemed to be similarly positive developments. (b)-India and Pakistan came away with the feeling that each had gained. India received Pakistan’s reaffirmation of the Shimla Agreement calling for the two countries to address issues peacefully and bilaterally and to seek an ultimate solution of differences. Pakistan got that India’s recognition that Kashmir was an “issue” and a problem that needed to be addressed. The rest of the world was pleased by the agreement, particularly the accord to undertake nuclear confidence building measures. (c)-In the preparatory work before the summit, Senior Indian and Pakistani official were able to take advantage of ongoing bilateral discussions regarding resumption of the “composite dialogue” and establishment of a nuclear dialogue. These set the stage for a relatively easy agreement during the summit. To follow up the Lahore Declaration, a secret back channel was established to address the Kashmir problem with official blessing from the two governments, Former Pakistan Foreign Secretary Niaz Naik and Indian political insider R.K. Mishra held a number of secret talks to begin an exploration of what a possible Kashmir settlement might look like. (d)-The fact that political parties of the two prime ministers were more hard line and nationalist than the major opposition parties probably made it easier for the two leaders to reach the summit agreement. Neither Vajpayee nor Sharif was vulnerable to criticism for having sold out to the other side. As it turned out, Sharif’s problem lay in his failure to gain the wholehearted support of Pakistan Army leadership. The army feared that India would be willing only to talk about Kashmir, but not seriously try to solve the problem. The flame of the Lahore Summit did not bum for long. It was snuffed out abruptly three months later in the spring of 1999, when the Indians became aware that Pakistan Army had clandestinely taken advantage of frigid winter, weather to occupy strategic heights on the Indian side of the Kashmir (LOC) near Kargil. From nearly impregnable 15,000 foot-high positions, Pakistani troops, wearing civilian cloths and described as Kashmiri “freedom fighters”, could interdict the main Indian road link to Ladakh in northeastern Kashmir. In 4 July 1999, meeting with U.S. President Bill
Clinton at the White House, Nawaz Sharif agreed to use his influence to bring about the withdrawal of Pakistani fighters from across the LOC.

_Agra Summit, July 2001_

Although India-Pakistan relations remained in the doldrums for two years following the Kargil adventure, the Vajpayee Government announced a ceasefire of offensive military operations in Kashmir in 2000, in spite of the refusal of the Kashmiri insurgents to cooperate, Delhi prolonged this for an extended period. When the Vajpayee Government decided to end the cease-fire in May 2001, it coupled this with a surprise invitation for Musharraf to visit India in July. This set the stage for what proved to be perhaps the most dramatic, but ultimately most disappointing, India–Pakistan summit. In sum, what could explain the unhappy ending of the 2001 summit. (a)-The pre summit substantive preparations for the Agra gathering were wholly inadequate. As a result, Vajpayee and Musharraf began the talks without the benefit of preliminary discussions that permitted agreement on most issues. Instead of the summit’s focusing on the remaining substantive differences, the fundamental had still to be tackled. (b)-If at Lahore, Nawaz Sharif failed to gain the wholehearted support of the Pakistan Army leadership. In Agra, Prime Minister Vajpayee had not fully reconciled differences within his ruling coalition before the summit began in the end, the collective Indian leadership proved unwilling to accept the language of the draft communique that Foreign Minister Jaswant Singh, and his Pakistani counterpart Abdul Sattar, and their aides developed. (c)-At Tashkent, Shimla, and Lahore the actual negotiations were conducted largely in private until the two sides heard closure. Not so at Agra. The media publicity surrounding the Agra Summit doubtlessly impaired the prospects for success. Neither side followed tacitly understood, if not explicitly agreed upon, ground rules for dealing with media. In earlier summits, the press, which an official spokesperson carefully spoon-fed, was generally kept at arm’s length. At Agra, both sides violated these implicit rules. (d)-Public diplomacy was a major and positive element during the Lahore summit, and the good publicity benefited both sides. During the Agra summit, however, Musharraf was for more visible, vocal and newsworthy than Vajpayee. This was due partly to the novelty of the Pakistani leaders visiting his childhood home and to his outgoing and media friendly public style. It is hard to escape the conclusion that he was trying to appeal to the people of India by going over the head of its Government. In doing so, Musharraf
greatly reduced the chances for substantive success. In the end, the Agra Summit proved a major diplomatic failure. Not only were India and Pakistan unable to reach agreement or advance the prospects for détente and dialogue, but the summit’s collapse also left the bilateral relationship in worse condition.

Other Peace Initiatives


Autonomy Debate

The Autonomy debate in India is historically linked to Jammu And Kashmir State. This issue has been a perennial theme in the constitutional relations between the Union and the state. The autonomy issue resurfaced recently, sparking off a national debate, when the Jammu and Kashmir State Assembly passed a resolution urging upon the central as well as State Government to restore the autonomy of the state, which the ruling National Conference partly claimed to have been eroded over the years by the ruling dispensations at the centre. The Autonomy resolution was in fact, a
sequel to the report of a committee constituted by the State Government when it was returned to power in the year 1996. The committee was constituted in pursuance of National Conference Party manifesto and was entrusted with the task of identifying the areas in which the autonomy of the State was eroded. The fact remains that restoration of autonomy in Jammu and Kashmir has been a perpetual demand reflected through the manifestos of the National Conference Party since 1977, when the latter contested the State Assembly elections for the first time. Since 1951 as a logical follow up of the Indira Gandhi Sheikh Abdullah Accord in 1975. It may be mentioned that tracing the history of tension between the Union of India and the State of Jammu and Kashmir, the illustrious leader of Jammu and Kashmir, Sheikh Mohammad Abdullah wrote in his autobiography “Aatish-i-Chinar” that there was no question of challenging the State’s decision with the Union of India. However, our tension was confined to the quantum of constitutional relationship between the Union and the State. This issue was raised during the negotiations to bring back the Sheikh Mohd Abdullah and National Conference Party into national mainstream, which culminated in Indira Gandhi-Sheikh Abdullah Accord, but its resolution remained illusive. In fact, the political dispensation at the Centre which diluted the autonomy of Jammu and Kashmir wanted to achieve the twin objectives of gradual withdrawal of state’s autonomy under the perception of strengthening the process of nation building in the country and extending the influence of their own political party parties in the state. The State Autonomy Committee Report was thoroughly debated in the State Legislative Assembly, which culminated in the adoption of a resolution urging upon the Union and the State Government to take the measures to restore the autonomy of the state. Jammu and Kashmir State should be treated separately from the other states of Union. The salient features of the recommendations of State Autonomy Report may be summarized as: Firstly, Article 370 of the Constitution of India, which grants a special status to Jammu And Kashmir State, should be declared as “special” in place of “temporary” as mentioned in the Constitution of India. Secondly, rescinding various articles of Indian constitution applied to Jammu and Kashmir State from 1954 onwards. Thirdly, bringing about changes in the Jammu and Kashmir State Constitution to give control, direction and super intendance of elections to the state legislature and to the state High Court. Fourthly, bringing about changes in the Jammu and Kashmir State Constitution restoring back the nomenclature of the Head of the State and State Executive, mode of the state, repeating the other
consequential amendments, and the original provisions of the constitution of Jammu and Kashmir must be restored. The demand for Autonomy has paid off well, politically speaking, for National Conference in Kashmir in the past and helped them in keeping the pro-India constituency alive in Kashmir, subject to all kinds of propaganda from the Pakistani side over the years. It paid off well for Farooq Abdullah in the September 1996 elections too, immediately after his success in the elections. Farooq seemed serious to take the issue of autonomy with the Centre and set the autonomy ball rolling in order to fulfill his electoral commitment.

The Abdullah Government announced the formation of a 9-member Autonomy panel headed by Dr. Karan Singh on 29 November 1996. Dr. Singh headed the State Autonomy Committee (SAC), while Mr. Balraj Puri headed the Regional Autonomy Committee (RAC), it recommended measures for decentralization of power at the regional level, within the State of Jammu and Kashmir. The panel was supposed to submit its report within six months. But right from the start, there were controversies. On 31 July 1997, Dr. Karan Singh resigned from the panel, on personal grounds, and was replaced by Mohinuddin Shah. Again, in December 1998, Balraj Puri was seen to be tabling an RAC report, without the express approval of other RAC members, which resulted in his removal with retrospective effect. All in the committee held 39 meetings and met 48 times to finalize the reports and on 13 April 1999, the CM, Dr. Farooq Abdullah tabled the reports of both SAC and RAC in the Legislative Assembly. Not too surprisingly, the reports could not create any flutter in the media then, as the media was busy covering the preparations for the 13th Lok Sabha elections. Once the elections were over and the new dispensation looked settled in the saddle, the issue started attracting countrywide attention. In addition, quite expectedly, most of the reactions were acerbic in tone and Abdullah administration once again found itself lone and forlorn in its demand for autonomy.

**The Reports**

The Central argument of the SAC report has been the demand for return to pre-1953 position and restoration of Article 370 to its unadulterated original 1950 position, as a ‘special’ (as good as permanent) and not ‘temporary’ measure which means, as per the Maharaja’s instrument of Accession, apart from the defence, external affairs and communication, other matters should be left to the state for sovereign legislation and execution as well. Similarly, the RAC report recommends
the reorganization of traditionally conceived three regions (Ladakh, Kashmir and Jammu) of the State into eight autonomous units on ethno-linguistic lines. The Ladakh region is to be divided into two units, Leh and Kargil. The Kashmir region is to be reorganized into three units, Kamraz, Nundabad and Maraz. The Jammu region is to be reorganized into three units, Jammu, Doda and Pir Panjal.

The Response from the Centre

However, more surprising than the move of the Abdullah administration was the unreasonable panic that this move created in the Central Government. The centre soon chose not to give Abdullah a patient hearing and rejected the proposals summarily. A shocked Abdullah was seen to be trying his best to disseminate the idea to the regional leaders like Jyoti Basu, Prafulla Mahanta and even he was seen in erode attending the meet on Autonomy question hosted by Mr. Vaiko of MDMK. Very soon, the Central Government retracted, perhaps because it realized the dangers of taking such a hasty decision on an issue of immense import. In addition, thanks to the funeral diplomacy, (the visit of Vajpayee, Advani and Fernades to Kashmir to attend the funeral of Farooq Abdullah’s mother), the autonomy issue is back in place and centre has expressed its willingness to discuss the issue in right earnest. The effect of the autonomy proposals has been outstanding. The issue has pulled the Skelton of Sarkaria Commission. The issue of devolution and decentralization has come back to take the Centre -State in the discussions relating to federalism and division of power between the federation and the constituent units. Kashmir was being shown the way by the centre.14

NC Reiterates Restoration of Autonomy

On 20 September 2010, at a meeting with the visiting parliamentary delegation to the state to assess the situation, the ruling National Conference on Monday reiterated its demand for restoration of autonomy to Jammu and Kashmir even as it urged Government of India to start the dialogue with all shades of opinions at the internal and external front to resolve Kashmir issue. The party however, ruled out breaking ties with the congress led UPA saying New Delhi had given enough indication for need to restore “some kind of autonomy” to JK seen after the meeting of NC Party delegation with lawmakers at SKICC. Senior National Conference Leader, Abdul Rahim Rather, who led the delegation, told the media persons, we
made our case seeking restoration of autonomy. Government of India should honor the instrument of accession it has entered into with Jammu and Kashmir. Our autonomy has been unconstitutionally eroded. It should be restored. Rather, who is also the Finance Minister reminded to the All Party Delegation (APD) that Article 370 which forms the basis of Kashmir accession with India was framed by Constituent Assembly and no one has the powers to erode it. We told the delegation that as far as the autonomy is concerned the then Government of India led by Late Narsimha Rao had made promises that sky is the limit, and in 1996 the government had promised not only autonomy but greater autonomy if NC joined the elections. We want promises should be kept. Rather said, whether the party would re-consider their alliance with the Congress if there were no forward movement on autonomy. Rather said no such decision would be taken. There is no cause to worry I do not doubt the sincerity of the Government of India. We are hopeful of a positive response. The Home Minister said yesterday and even today that Jammu and Kashmir should be granted some kind of Autonomy. There has been enough indication from Centre, that it will consider autonomy for the state. Rather said, to the Senior National Congress leader Dr. Mehbooba Beg who was part of delegation said they told APD that autonomy was not only the slogan of his party but it was widely accepted by the people of all the three regions of the state-Kashmir, Jammu and Ladakh. When the State Legislature passed it unanimously. However, NC has been demanding the restoration of the autonomy for a long time. It had to face major disappointment when the proposals was out rightly rejected by the then BJP led NDA Government in 2000. Dr. Beg said the delegation was told there was a need to address the trust deficit among people, which is only growing due to reluctance of New Delhi to implement its own decision taken from time vis-à-vis political and economical problem of the state. “It has already been too late and more delay is only growing to worsen the situation. There has to be wider and time bound interaction with the alienated sections to seek a solution to Kashmir problem, Dr. Beg told greater Kashmir. On dialogue, Rather said, there was needed to start dialogue in a “systematic manner” both at the external front and at internal front to solve Kashmir. The Kashmir problem cannot be solved without meaningful dialogue. The process should be started with the nationalist as well as the separatists. If sincere efforts are put in the problem can be solved. On AFSPA Rather said, they told the delegation that there was no need for continuation of AFSPA in Jammu and Kashmir. It should be removed. He said
though, the party has been seeking from the Center for sometime now the removal of
the Act from certain areas of the state or its dilution, there has been no decision yet
from the Government of India. Responding to a question on continuation of curfew
today, Rather said, the government could not have afford law and problem in the
valley when the delegation was there. He said government had invited Geelani for
talks and were hoping that he would join in the process to try and diffuse the crisis in
the valley. But it was his decision not to meet the delegation, “Rather said, adding
leader of opposition Mehbooba Mufti should have also joined her party delegation to
meet parliamentary group.” The bargaining for sharing of power is an essential
feature of any constitutional, democratic and federal polity. Therefore, the demand for
restoration of autonomy should not be seen as some kind of an outlandish activity on
the part of the State Government.

The State Autonomy Report provides a framework to satisfy the urges and
aspirations of people of the state. Moreover, it highlights the fact that the tension in
Kashmir is an internal affair of the country. This position has a little scope for any
external intervention or mediation in resolving problems in Kashmir.

**PDP Formula of Self-Rule**

The People’s Democratic Party (PDP) on Tuesday announced that it would
contest in the upcoming Jammu and Kashmir Assembly election and highlighted
‘Self-Rule’ in top of its political agenda her party. Supremo Mehbooba Mufti said:
“PDP does not see elections at this point of time as an opportunity to govern but as a
responsibility to prevent further disenfranchisement of the people of J&K. She further
expressed hope that they would be able to create opportunities for dialogue to
facilitate, promote and institute a resolution paradigm and a decentralist alternative to
the present set up, as a demand of Kashmiri people. She said, our agenda this time is
to restore confidence in the political process by establishing self-rule. Involving more
people often in decision-making that affects their lives and overhauling the way that
Government and Legislative System work to make them more representative of the
people of Jammu and Kashmir.”

PDP president Mehbooba Mufti told reporters week after remaining silent
over the announcement of seven-phase assembly poll of Jammu and Kashmir by the
Election Commission. The PDP president said: “If PDP stays away from the polls
then we are going to facilitate the agenda of those parties, which undermine the
people’s power to elect their representatives. It is a challenge for our party and we accept it. In its two-part election manifesto, the party promised resolution of the Kashmir issue, and development and good governance on the agenda if voted to power. The manifesto also seeks withdrawal of the Security Forces from civilian areas of this troubled torn State besides revocation of the *Armed Forces Special Powers Act* (AFSPA), which can further facilitate peace process thereby facilitating public confidence.”

The PDP manifesto on ‘Self-rule’ means a formulation that will integrate the region without disturbing the extant sovereign authority over delimited territorial space. It does not impair the significance of the Line of Control as territorial divisions, but negates its acquired and imputed manifestations of State completion for power, prestige, or an imagined historical identity. Self-rule is a way of “sharing sovereignty” without need or commitment to political merging. It is based on the creation of innovative international institutional arrangements that have a political, economic and security character. Self-rule encompasses the society, the State, and the economy. Self-rule, being a trans-border concept has a pan-Kashmir dimension, but at the same time, it seeks to regionalize power across Jammu and Kashmir. Peoples Democratic Party Patron Mufti Mohammad Sayeed on 20 April 2009 said that his party’s visionary political and economic agenda has made it to emerge as a genuine, strong and credible regional voice of the people of Jammu and Kashmir. Its exclusively a regional agenda. PDP has now emerged as the real political voice of the State. He said, addressing a series of election rallies in Rajpora and Pulwama assembly segments of Anantnag parliamentary constituency. Sayeed said when it took over in 2002, PDP-led coalition government, not only rekindled a new hope among the states distressed, agonized and traumatized masses, but it had also devised and started implementing focused developmental strategies for every area of the state. After suffering decades of deprivation. For the first time, all the regions and sub regions of the state had started fasting development with the change of guard in 2002. He said and added that the signposts of the landmark developmental initiatives set-off between 2002 and 2005 are visible in every nook and corner of the state. We shall have to restart from where we left in 2005. Sayeed said immediately after taking over power in 2002, while his government’s foremost priority was to give a sense of security to the people. The relaxation in the security environment was effectively supplemented with relief through development and economic rejuvenation. He said
whether in or outside the power, PDP would work towards implementing its unaccomplished agenda of securing peace, stability and prosperity for Jammu and Kashmir. PDP’s agenda is to ensure political and economic, job and social security for the potentially gifted people of the State of Jammu and Kashmir. We would realize this dream one day. He said and added that Jammu and Kashmir is not a place that needs packages and doles it has to be given the freedom and assistance to realize its immense economic potential. Mufti said there are no limits to the State’s economic potential and in addition to its rich water and mineral resources. The brand name Kashmir has many dimensions be it tourism, forests or agricultural and horticultural products. He said the PDP’s vision of a peaceful, stable and prosperous Jammu and Kashmir out lined in its self- rule document is essentially about neutralizing the historical political and economic excesses with the State that were compounded by its natural and political geography.18

Stressing the need for quality intra and inter-state connectivity. Sayeed said lack of good roads and communication network is one of the reasons for the State’s sluggish economic progress. He said construction of the Mughal Road is going to boost the economy of not only Poonch and Rajouri districts but Pulwama and Shopian as well. Referring to other developmental projects initiated by the PDP led coalition government in Pulwama, Sayeed said his Government had also taken up four-lining programme in which, Gallander Shopian road besides, establishing the Islamic University at Awantipora, his Government had also planned to set up a super-specialty hospital near Gallandar Pampore. While a degree College for women has already been sanctioned to Pulwama. A Polytechnic College is also approved for the district. He said, adding that projects have also been approved for up gradation of Pulwama Tahab-Litter Sangam and Pulwama Tahab-Chakora Sangam roads on 30 May 2010. Mufti Mohammad Sayeed the former Chief Minister of Jammu and Kashmir said, that there is need that (AFSPA) should be revoked in order to prevent gross violations of human rights and fake encounters. He said, it is time for the entire political class and Civil Society of India to introspect and change response to the Kashmir problem. Reacting to the killing of three youth in a “fake encounter” in Kupwara and reacted over the fake encounter at Machil. He said gross violation of human rights in Kashmir should have to be prevented. And to maintain peace and prosperity in valley.19
With a thick security blanket in place to enforce curfew, a 39 member All Party Delegation on Monday, 20 September 2010 began the task of assessing the situation in Kashmir by meeting representatives of political parties. Some of the delegates called on separatist leaders, including hardliner Syed Ali Geelani, and moderates like Mirwaiz Umar Farooq and Mohammad Yasin Malik. The Mirwaiz in a memorandum to the delegation said, let the Government of India act on the suggestions given by the Kashmiris and facilitate to establish and empower an official bodies, a Kashmir committee, consisting of senior representatives of all major Indian political parties to develop and enter into a process of engagement with the representatives of the people of Kashmir. Let this process be transparent designed to deliver a negotiated solution to the Kashmir issue that is mutually worked towards by and acceptable to all parties concerned. In a closed door session leaders of the National Conference (NC) the Congress, the Peoples Democratic party (PDP), the Bhartia Janta Party, the Communist Party of India (Marxist) and other smaller groups put forth their views on putting an end to the cycle of violence. The National (NC) said, today that the time had come for the revocation of the Armed Forces Special Powers Act (AFSPA) from the State as it was being misused. Putting his views the senior leader of NC Rather said, we have proposed that autonomy is the best possible solution to the Kashmir problem. The State is an integral part of India. But, the fact is that the way autonomy was eroded from the State unconstitutionally led to widespread discontent among people here. He further said, now it was a time the Indian Government restore autonomy.

However, if anyone comes out with a solution that is acceptable to all, the NC will welcome to it. The Government should hold talks with the people from all shades of life, including the separatists. The Congress leaders, who met the delegation, were led by Pradesh Congress Committee Chief Saifuddin Soz, said, we shall work to generate people of Kashmir. We should reach out to Civil Society for peace and development. Senior party leader Dilwar Mir headed the PDP delegation. The party, however, expressed anguish that it was given only 15 minutes to put forth its viewpoint. We did our best to raise important points. We asked the All-Party Delegation to go to hospitals, visit district headquarters and the families of 107 persons killed in the current unrest. CPI (M) State Secretary Y. Tarigami told the delegates, the current crisis is the manifestation of aggregation of failed political
approaches to resolve the basic problem. There has been failure to develop and evolve a sustainable, result oriented dialogue process, debates and discussions aimed at resolving the main problem rather than dealing with its offshoots. Chairperson of the Jammu and Kashmir People’s Conference, Sajad Lone in a statement reiterated the importance of the Kashmir situation to be seen and addressed in the light of the political contours of the issue that had remained unresolved for decades. Sayeed Ali Shah Geelani did not attend the meeting, but some members of delegation meet him at his residence in Hyderpora Srinagar. Where Geelani reiterated his five-point formula for the resolution of Kashmir issue, India should accept Kashmir is a disputed territory; revoke AFSPA; free prisoners; stop killing and give punishment to those who were involved in recent killings. Home Minister Chidambaram accepted that Kashmiris would be given some kind of autonomy. MS Gandhi Chairperson of Congress said in Delhi, the legitimate aspirations of Kashmiri youth must be understood and respected. Addressing at an All Party meeting on Kashmir in New Delhi, before the delegation visited to Kashmir valley. She said the approach to finding a solution had to be “magnanimous and mature as befits a strong and inclusive democracy. While urging the political parties gathered to set aside ideological and political differences and to arrive at suitable decisions that would break this vicious cycle of violence and suffering. She stressed, we are facing for too serious challenge to allow those differences to stand in the way of resolute, sensitive and appropriate actions. The congress, MS Gandhi said, willing to support a process of healing and dialogue in partnership with the people of Jammu and Kashmir. Making an emotional pitch, she underscored the fact that the people of Jammu and Kashmir are our people, our citizens and therefore this needed to be demonstrated in a spirit of accommodation. In this context, she quoted Prime Minister Manmohan Singh who had said last month that, India’s democracy has shown that it has the resilience to accommodate a diversity of aspirations and unique circumstances, and the capacity to solve complex problems. She said, “we must ask ourselves why there is so much anger. Why is there so much pain, in particular youth. She further said that her heart goes out especially to the parents and families of children who have died.”

New Central Formula for Kashmir

On Sunday, 26 September 2010, India gave the positive response to Kashmir problem. India claimed that Kashmir problem could be resolved through the process
of dialogue. The Center will appoint a group of interlocutors, under the Chairmanship of an eminent person, to begin the process of sustained dialogue in Jammu and Kashmir with political parties, groups, students, civil society and other stakeholders. The decision to begin the process of sustained dialogue was part of the eight-point initiative taken at the meeting of the Cabinet Committee on Security (CCS) on Saturday. Prime Minister Manmohan Singh chaired the meeting. Briefing journalists about the slew of measures finalized, Union Home Minister P. Chidambaram said the decisions were based on the report submitted by him to the Prime Minister and the inputs of All Party Delegation that had visited Srinagar and Jammu on September 20 and 21. Mr. Chidambaram held led the 39 members of All Party Delegation to the State. In a step aimed at reaching out to the people of the State. The Centre would advise the Jammu and Kashmir Government to release all students detained for stone-petting and similar violation of law, and to withdraw all charges. Mr. Chidambaram said the Centre would request the State Government to immediately convene a meeting of the Unified Command to review deployment of security forces in Kashmir valley, especially in Srinagar, with particular reference to descaling bunkers and check points in the city and other towns. He said the Unified Command would review notifications issued for disturbed areas. Replying to a question, he said that withdrawal or dilution of the Armed Forces Special Powers Act (AFSPA) was not discussed. He said the Government would grant annex-gratia of Rs. five lakh to the family of each of those killed in civil disturbances in Kashmir since 11 June. He said the Centre would also advise the State Government to review cases of all Public Safety Act (PSA) detunes and withdraw detention orders in appropriate case. Replying to a question, the Home Minister said there were 84 persons under judicial custody, 110 under police custody, and 51 had been detained under the Public Safety Act since civil disturbances began in Kashmir valley in June. He said that about 108 persons had lost their lives in civil disturbances since June till 21 September. The Center would request the State Government to take steps immediately reopen all schools, colleges, universities, hold special classes and to ensure examinations are conducted on schedule for the current academic year. The Centre has sanctioned 100 crore for educational development for Jammu & Kashmir.
Towards a Lasting Solution to Kashmir Conflict- Scholarly Viewpoints

Quoting Prof. Eobbsbawn, he said that self-determination and secessionism has no relevance in 21st century. He believes that greater autonomy is the only mechanism to end the alienation and to resolve the Kashmir imbroglio. He further said that federal balance in India was essential, and stressed that parameters of autonomy must be worked out with immense care and thought. M. Shafi, Prof. R.R. Sharma, Prof. Riyaz Punjabi, Dr. Austosh Kumar, Prof. Balbir Arora, and Prof. Noor Mohammad Baba also supported this viewpoint. Prof. Austosh Kumar said that Centre has been playing a much more dominating role. The idea of genuine autonomy being granted to the states has not been given a proper chance nor has its potential has been appreciated in providing solutions to the regional problems. It is in the context of the ongoing movements for autonomy or secession in these states as well as shortcoming revealed over the years in the working of the constitution that the core issues of Indian federal democracy need a critical rethinking. Wajahat Habibullah a great writer and good public civil servant, writes, “India must adhere to its constitution and the Kashmiris should be allowed to enjoy the freedom that is guaranteed to them by that constitution.” He further said in his realistic remarks, “Until each citizen can live free from fear, democracy can only be notional, no matter how elections are conducted or who participates.” Does such a situation exist now? He is not without hope. I believe, based on my experience working in the State and with its people that a remedy for the Kashmir situation need not be elusive, if all stakeholders are sincere in their endeavor to restore peace and respect for the dignity of Kashmiri people, is at the core of any resolution. Ignoring the self-respect of Kashmiris believing that they as a people could be bought brought on and fuelled the cycle of ruin.

Summit Ganguly a well-known writer said, “Both regional and ethnic tensions within the State are so high that any settlement will need to consider autonomy for the State and devolution within the states. Any solution to Kashmir problem from the side of policy makers of India must have to acknowledge deep sense of loss, bitterness and a virtually complete lack of in Government both in the valley and in the migrant camps as well. “Kashmiri Muslims feel mutilated and defined by the laws and while the Hindu migrants feel uprooted and betrayed by both the Government and insurgent groups. Any solution to Kashmir conflict must address the underlying grievances of Kashmiri and take a two-pronged approach between India and Pakistan, to end Pakistan’s insurgency and irredentist claim on Kashmir. And among insurgent groups
to bring about the internal reforms and negotiations necessary for restoring peace and normalcy.\textsuperscript{26} \textit{C.Raja Mohan} believes that Kashmir conflict could be solved through the \textit{Confidence Building Measures}. India and Pakistan should have to adopt CBMs and through it, peace can be restored and maintained in Kashmir valley. He included that India and Pakistan should start cross line transportation system and railway linkages, promotion of cross border trade and business, and promotion of joint tourism will pave new avenues for the peace building and conflict building process in Kashmir.\textsuperscript{27}

\textit{Prof. Happymon Jacob} at the School of International Studies, JNU, New Delhi, said, the ongoing unrest in Kashmir is the result of a failure of politics, political courage, conviction and empathy. If Kashmir burns this time, it is because politicians in New Delhi and Srinagar have failed to extend a powerful and convincing political argument to the Kashmiris. Gone are the days when a nation state could demand the undiluted loyalty of its citizens only by force and coercion today, a modern multinational state such as India can command the legitimacy of its citizens only by powers persuasiveness and attraction of its political arguments. He said that mainstream politicians in the valley forget what has always been true in the case of Kashmir. King Martin Luther said, Peace is not the absence of conflict but the presence of justice. Happymon Jacob said, “We can win back Kashmir only by making a convincing political argument, by devising a politically conscious reconciliation process, and by being sensitive to the many injustices by which the Kashmiris have suffered.”\textsuperscript{28} \textit{Sumantra Bose} said, the Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict, internal to the disputed territory and its Indian and Pakistan controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected mutually reinforcing, tracks or axes of engagement and dialogue.\textsuperscript{29} According to \textit{Madhumita Srivastva} said, “Kashmir conflict has always been a problem of ethnic identity Kashmiryat and its resolution may be found in upholding, rejuvenating and establishing the Kashmiryat in an acceptable framework in the larger freedom and political order.”\textsuperscript{30}

\textit{Robert Wirsing} says, “There must be a formal commitment by India and Pakistan to the establishment of a joint commission on Jammu and Kashmir responsible for the LOC’s administration, liaison with UNMOCIP, prevention of violations, over sights of such measures of demilitarization of LOC as may be eventually agreed. By endorsing such principles, India and Pakistan would be
committing themselves to the creation of a permanent, internationally monitored and routinely functioning instrument for bilateral management of security cooperation in Jammu and Kashmir. Vital to the successful adoption and implementation of the above principles is the formal and simultaneous commitment by the five permanent members of the UN Security Council to the suitably empowered international agency, perhaps a revived United Nation Commission on India and Pakistan (UNCIP II) responsible for negotiating the terms of India and Pakistani acceptance of these principles.\textsuperscript{13} According to Iftikhar H. Malik, a scholar of the Kashmir conflict said, “The larger interest of the Kashmiris must receive priority. For a long time, rather than being the focal point, they were simply regarded as a side issue. Yet, it is the Kashmiris who, for generations, have continued to suffer from decisions made about them without consultation.”\textsuperscript{14}

In a conflict resolution process, the willingness of the parties concerned to unleash the process of negotiations is the key. As long as there is stubbornness and condition, attached in order to be able to start negotiations, the prospects for a plausible resolution of any conflict are remoter. The same requirement applies in the case of Jammu and Kashmir conflict. Some of the obstacles and pitfalls, which could be identified in conflict resolution process in Kashmir are as, State policies, marginal role of civil society, hard line and extremist groups, Zero Sum Game approach, role of external elements, failure of International Community, and missed opportunities of peace, etc. The architecture for peace and conflict resolution in Jammu and Kashmir, which has existed till now, ignored two fundamental realities. First, the participation of the people of Jammu and Kashmir in the process of peace and conflict resolution. Second, adopting a flexible position on issues, which have created a stalemate and impeded reaching a solution for a long time. It primarily focused on either maintaining or changing the territorial status quo without considering the basic fact that political will, commitment and seriousness exercised on their part could have made things better, for not only the people of Jammu and Kashmir, but also people of South Asia. Some of the major processes, which may be relevant to an alternate architecture for peace and conflict resolution process in Jammu and Kashmir are, (a) process of dialogue and process of constructive cooperation (b) process of constructive settlements and process of protecting minority rights in Indian and Pakistan controlled Jammu and Kashmir (c) process of regional autonomy in Indian and Pakistan controlled Jammu and Kashmir (d) process of healing wounds through
compensation (e) process of socio, economic upliftment of people through better education, health, employment and other basic facilities, process of mutual tolerance (f) process of neutralizing hard line elements, (g) process of creating a constituency of peace (h) process of creating awareness about conflict resolution on problems and challenges (i) creating an alternate architecture for conflict resolution process and methodology to unleash the processes.

Any viable process conflict resolution in Kashmir needs to take into account the process mentioned above. Building of trust is the key in order to secure benefits of peace and cooperation. If the parties in a conflict are unable to lean lessons from the dynamics of conflicts failures and successes, it becomes difficult to stabilize political, economic and security relations parties who are in the process of resolving the conflict and commenting peace in the post conflict environment. Most important, the involvement of different segments of society in India and Pakistan is essential for the success of conflict resolution process in Kashmir while talking to media persons in Lahore, Mirwaiz said: “Now that the resolution of the Kashmir dispute seems to have entered a decisive phase, the APHC would like to involve political parties of the two countries to be part of the Pakistan-India composite dialogue. APHC will hold talks with political organizations on both sides of the political divide to lend their support to the dispute.”

Arundhati Roy criticizes “oppression” Meanwhile, advocating the right to self-determination for the people of Kashmir, author-activist Arundhati Roy on Sunday contended that in 1947, British imperialism was replaced with Indian colonialism, which "continued to subjugate the people of India". Speaking at a seminar titled "Whither Kashmir? Freedom or Enslavement," Roy asked Kashmiris to ponder on the type of society they have in mind for themselves. "Imperial colonialism is fast being replaced by corporate colonialism and Kashmiris would have to make a choice whether or not they wanted the Indian oppression to be replaced by a future corporate oppression of the local masses," she said. "Your struggle has increased the consciousness in India about the oppression you face, but you must decide what type of society you have in mind once you are allowed to decide your future," she said. Attacking the Indian government for the "oppression of the Kashmiri people", she said India has been using Kashmiris recruited in the army and paramilitary forces to suppress the voices of dissent in the Northeast and vice versa. Besides Roy, rights activist Gautam Naulakha and Delhi-based trader unionist Ashim Roy also strongly
voiced their support for the freedom movement of the people of Kashmir. The fact stands without any doubt that the Kashmir problem remains unresolved for the last five decades, which had extreme adverse impact on India, Pakistan and People in both sides Kashmir. The political uncertainty and instability has trapped the people into a ‘political inferno’. One of its implications reflected crudely in the rise of militancy in the Indian Kashmir in 1989. In the context of recent developments in the Indian Kashmir, the emphasis on the traditional positions of India is that Kashmir’s accession to India in 1947 is final and irrevocable, stands as inseparable part of India. And traditional position of Pakistan is that Kashmir stands as unresolved/unfinished agenda of the partition and has the only option to accede to Pakistan in order to become an integral part of it, won’t help much in the resolution of the problem at present. It is primarily because of the recent developments in the Indian Kashmir. In the changed conditions, both the countries have to be responsive, realistic, pragmatic and accommodative. In this perspective, the political efforts must be directed towards the establishment of peace. Any internal or external and bilateral or multilateral solution of the Kashmir problem must give due consideration to the following political realities. Firstly, that the State of Jammu and Kashmir is characterized by the multiplicity of religion, region, culture language and ethnicity. Secondly, that the demography of Jammu and Kashmir reflects plurality of communities and groups at the State, regional and district levels. Thirdly, that the solution of the Kashmir problem must be realistic, durable and consensus based. In this regard, while the Governments of India and Pakistan must necessarily develop consensus-based and representatives policies. The political parties and leaders in Kashmir must present representatives consensus-based and comprehensive political views and ideas. Fourthly, Kashmiris living in both sides of the Line of Actual Control must be allowed to meet, interact and live in together. The artificial wall of differences must be demolished as early as possible. Fifthly, the distinctiveness of Kashmir and its people, irrespective of their differences in religion, region, language, and culture must be upheld sincerely and must reflect in the future political and constitutional arrangement. Sixthly, the particularistic identities of all minority, religious, linguistic, cultural and ethnic communities and groups must be politically recognized and constitutionally protected. All parties directly involved in the problem may initiate the resolution of the Kashmir conflict in the preceding thematic framework through the meaningful dialogues. All parties, communities and groups must participate in this
process without any condition. This productive and purposeful dialogue may in all possibilities lead to the path of solution to this complex problem. Thus, the Kashmir issue may become an instrument for peace and development and not for conflict and destruction in the entire region of South Asia.

**The Role of Interlocutors**

The government Wednesday named three new interlocutors, including journalist Dilip Padgaonkar, to re-start the log jammed political dialogue in Jammu and Kashmir and help bring peace in the troubled state, but the move failed to cut any ice with separatist leaders. Home Minister P. Chidambaram told reporters in Delhi "we have appointed the group of interlocutors" that also includes Information Commissioner M.M. Ansari and noted academician Radha Kumar. He said a fourth person may be added later in the panel. Calling the three "very credible people", the home minister said the government hoped they would "begin a process of sustained uninterrupted dialogue with all sections of people of Jammu and Kashmir, especially with youths and students and all shades of political opinion". The move, which Chidambaram said was a "clear demonstration of the seriousness on the part of the government of India" to solve the problems that have been there "for many, many years", comes in the wake of renewed unrest in the Kashmir Valley in the last four months that has left at least 109 civilians dead, mostly in firing by security forces. But it failed to break the ice in the Kashmir Valley that has been bristling with anger amid frequent shutdowns, street protests and curfews since June. Geelani, who heads the hard-line faction of the separatist amalgam Hurriyat Conference, said: "This is a futile exercise." "By appointing the interlocutors, India only wants to delay addressing the real issue in Kashmir which is about the demand of freedom by the people," he said. A supporter of the state's merger with Pakistan, Geelani said any dialogue with New Delhi could be possible only if the government accepted his five-point formulas.

Mirwaiz Umar Farooq, the chairman of the moderate faction of the Hurriyat Conference, reacted by saying: "Interlocutors are appointed to know the point of view of the groups to be engaged in the dialogue process. The government of India knows our demand for freedom. "What is the role of interlocutors selected from the civil society? We had proposed steps for creation of a conducive atmosphere for the dialogue process. Jammu and Kashmir Liberation Front leader Yasin Malik, who favours independence, added: "It is not the problem of schools and colleges that can be solved by appointing academicians and members of the civil society as
The decision to have a new group of interlocutors was part of the eight-point initiative announced by the government after the Sep 25 cabinet meeting chaired by Prime Minister Manmohan Singh. Chidambaram urged Jammu and Kashmir politicians to engage with the interlocutors "so that we can move forward on the path of finding a solution to the problem". The group will cover the views of all the three regions -- Jammu, Ladakh and Kashmir. The government's earlier move to engage separatist leaders in "quiet diplomacy" had failed in December last year. The process broke down when militants shot and severely injured Hurriyat leader Fazal Qureshi. Qureshi is a senior leader of the Mirwaiz-led Hurriyat faction that had agreed to secretly talk to the central government. Two of the three new mediators were involved in the Kashmir peace process earlier at different times. Padgaonkar was a member of the Kashmir Committee led by eminent lawyer and now Bharatiya Janata Party MP Ram Jethmalani. Noted educationist and economist Ansari, who was professor and director at the Hamdard University before becoming information commissioner, said the new role was "indeed a great challenge". Ansari told a private TV channel that the interlocutors will "start and initiate the process of confidence building", as well as "address the grievances" through consultation and dialogue.

Radha Kumar, who heads the Nelson Mandela Institute of Peace in Jamia Millia Islamia, was engaged in back-channel discussions with the Mirwaiz and hardliner Geelani. She was in the valley recently and had visited Geelani at a Srinagar hospital. Professor Radha Kumar, one of the Kashmir interlocutors appointed by the Indian Government to talk to the various sections of Kashmiri people, has posted this note on her Face book profile on Jan4, 2011. We are reproducing it here for wider reach and discussion. Dear All, This New Year I pray that your lives may be free of trouble, and that you may be free to pursue your aspirations, individually and collectively. For my friends in Jammu, Kashmir and Ladakh, I pray that peace returns, along with good governance and the rule of law, and that together we can work for a lasting political resolution. Many of you have asked me questions about what we (Kashmir Interlocutors) can or will do. Some of you are aware that I have been involved in civil society initiatives for peacemaking in Jammu and Kashmir for over a decade now – a period which has been marked by small successes and bigger failures. I have learned that peacemaking is one of the most difficult tasks in the world, one which requires enormous patience and persistent effort. The longer the conflict lasts, the greater are the patience and effort required, because the task now comprises more
than peacemaking – it also necessitates peace-building, i.e., the revitalization of institutions of governance and society which have been fragmented and polarized by decades of conflict. Peacemaking, at its core, is a process of negotiations with the major stakeholders to achieve an agreement that they are all willing to sign (and, with monitoring, abide by). Peace-building, on the other hand, is the process of creating and/or strengthening the institutions, which will sustain peacemaking and ensure the implementation of a peace agreement. In protracted conflicts, the two processes have to go hand in hand if a lasting peace is to hold on the ground. Our task, as you know, is to find a political solution and establish a roadmap towards it. In my view, this entails wide-ranging consultations on which issues need to be part of a lasting agreement, as well as pushing for the establishment of conducive conditions that will lead towards achieving that agreement. We have been at this task for 3 months now. What have been the results thus far? (1) We have begun wide-ranging consultations with a range of political and public opinion in the cities and districts of Jammu, Kashmir and Ladakh. We are at present halfway through, but when we cover the gamut, we hope that several interlocking tracks for an inclusive peace process will emerge. (2) A major category of stakeholder, the two Hurriyat’s and allied groups, has not yet talked to us. They have their own imperatives as well as compulsions, and we respect those. I hope that when they find the time is right they will play the important role they have in achieving conducive conditions and a lasting agreement. (3) Similarly, we have not yet managed to hold talks with the BJP in Jammu, though we have met with key BJP leaders in Delhi. We hope these talks will occur on our next visit to Jammu. (4) We have managed to push for speeding up prisoner releases but the process is still very slow; and we do not yet have satisfactory information on new arrests. To many this will seem like too little too slow. It is. We will keep pushing, and we will work for our efforts to gain momentum rather than showing sluggish change on the ground. For this we need all your support.

But New Delhi’s most important initiative on Kashmir, which India and Pakistan claim in full but rule in parts, has provoked widespread disappointment and dismay. “...the eight-point plan of action unveiled last month had generated tremendous hope and enthusiasm. And yet the actual announcement of a three-member non-political team has provoked widespread anger and hostility and even invited ridicule,” says Amitabh Mattoo, Professor of International Studies at Delhi’s Jawaharlal Nehru University. Syed Ali Shah Geelani, a senior separatist leader
spearheading the ongoing protest strikes, has described the appointment of interlocutors as a “futile exercise.” Moderate separatists led by Mirwaiz Umar Farooq say an Indian parliamentary panel would have been an appropriate forum to reach out to the strife-weary people. Geelani has laid down five conditions to start a dialogue with New Delhi or end street protests and strikes — the worst outbreak of anti-government violence since a separatist revolt broke out in 1989. The conditions include that India must accept Kashmir as an international dispute and revoke all oppressive laws including the Armed Forces Special Powers Act, which gives Indian troops powers to shoot, arrest and search while battling the separatist insurgency.

After several failed rounds of peace talks between moderate separatists and New Delhi in the past decade, many locals say India is only buying time and is not serious about resolution of the dispute. “At least 150 rounds of talks between New Delhi and Kashmir in the past six decades, has changed nothing. They (Indians) have always used dialogue as a tool to corrupt Kashmiri leadership or buy time to continue with its occupation,” Geelani said recently. Mattoo says the three interlocutors chosen are undoubtedly professionals who have excelled in their respective fields. But the impression has been created that the panel has been finalized without due diligence or a serious application of mind by those who are quite oblivious to the complexities of the problems in the state and are insensitive to the sentiment of the people living there. “In Jammu and Kashmir, symbolism is almost as important as substance.”

Chief of Kashmir’s main opposition People’s Democratic Party, Mehbooba Mufti, said nomination of the new Kashmir interlocutors has dampened hope and is more or less a useless exercise. Why has New Delhi’s most important initiative on Kashmir almost collapsed before it has started? A four-month-long separatist strike, curfew and security lockdown has kept Muslim-majority Kashmir valley on the boil, shutting down much of the scenic region. Separatists want Kashmir’s complete freedom from India while New Delhi sees the mountainous region as an integral part of the country. New Delhi and Kashmir doubt each other’s sincerity and the gulf is widening between their positions with each passing day. The two sides need more flexibility to start fresh peace talks or much troubles lie ahead for Kashmir, the cause of two wars between India and Pakistan. Addressing a press conference at Hurriyat headquarters, Mirwaiz said that Hurriyat had taken a unanimous decision to not meet "New Delhi's new pointmen".


He reiterated that the three interlocutors — Dileep Padgaonkar, Radha Kumar and M. M. Ansari — would not help in any way to resolve the problem in Kashmir. "We are of the opinion that Kashmir needs a serious and meaningful effort at the highest level to get us somewhere," Mirwaiz said. He said that Centre did not even acknowledge Hurriyat's to establish and empower a Kashmir Committee, comprising senior representatives of all major Indian political parties, which will enter into a process of engagement with the representatives of the people of Kashmir. "We will also advocate to Pakistan that a similar Kashmir Committee, bringing together all political forces, should also be established in that country," Mirwaiz said. "This will ensure that all major political forces in India and Pakistan are on board the peace process."

Dileep Padgaonkar who heads three-member group of interlocutors has been making noises geared to the expectations of the separatists. He has been calling Kashmir a dispute rather than an issue and even acknowledges that Pakistan is party to its solution, Centre’s interlocutors on Kashmir today got the backing of Chief Minister Omar Abdullah for comments on involving Pakistan to resolve the issue but the BJP accused them of dabbling in issues beyond their mandate. While the Congress said, no party should play politics on such a sensitive matter. Omar said the comments made by Dileep Padgaonkar, heading the three-member group that Pakistan has to be involved for a permanent solution to the Jammu and Kashmir, issue cannot be ignored. “Nothing what the interlocutors had said with regard to Pakistan’s role in Jammu and Kashmir is wrong. After Simla agreement whenever talks were held with Pakistan, Kashmir has figured in it,” he told reporters here. Parliament had passed a resolution in 1995 calling for withdrawal of Pakistani troops from PoK, Omar said on the sidelines of a function here. “Rightly or wrongly, is it not making Pakistan a party. Pakistan has a role in Jammu and Kashmir. How can you ignore it?” asked the Chief Minister. In New Delhi, Congress steered clear of questions on whether it supports the stand of Padgaonkar, saying no party should play politics on such a sensitive matter. “No individual, group political party or political groups should play politics into it and ignore national interests. Nobody should conduct (themselves) in a manner which put obstructions in such sensitive works. Kashmir is a sensitive issue and the job of the interlocutors is also very sensitive,” party spokesperson Shakeel Ahmed told reporters. His comments came in the backdrop of BJP slamming Padgaonkar for his comment and demanding that the PMO explain if
this was part of the brief of the team. Padgaonkar had also said that a dialogue with Pakistan is as necessary as holding talks with people of Jammu and Kashmir to resolve the Kashmir issue. He had said, “we have been engaged with Pakistan, every successive governments in India is engaged with Pakistan on this issue and it is not the question of internationalization, it is a bilateral dispute which is going on since 1947-48 and a dialogue with Pakistan is as necessary as the dialogue with the people of the state. When asked about the criticism, Padgaonkar had stuck to his views, saying what he had stated was nothing new.

The Congress spokesperson while praising the Centre-appointed interlocutors as “very competents should not be put in interlocutors’ job through unnecessary statements,” Ahmed added. Centre’s interlocutors on Jammu and Kashmir on Thursday said there was need for reducing the trust deficit between the government and people, but confidence building measures and focus on development should not distract the pursuit of a political settlement. “CBMs and development should not distract from finding a political settlement to the Jammu and Kashmir problem, while a political settlement should also not impede the development scenario,” journalist Dileep Padgaonkar, who is leading the three-member team of interlocutors, told reporters here. On the question of talks between India and Pakistan to resolve the Kashmir issue, he said it was up to the two countries to take a decision on the matter. “The (issue of) dialogue with Pakistan was raised ... the position in Delhi is that the Centre is ready to talk to Pakistan on all issues including Jammu and Kashmir,” Padgaonkar said. He added that it was between New Delhi and Islamabad to decide on the timing of the talks. Padgaonkar said during their latest round of interactions with people of the state, they felt there was need for serious and urgent efforts to reduce the trust deficit between the government and the people. “Serious and urgent efforts have to be undertaken to reduce the trust deficit between the rulers and the ruled. Governance has to be transparent and accountable. Due process of law must be observed to resolve human rights—related problems,” he said, reading out from a prepared statement. Radha Kumar said the interlocutors were informed that 3,050 persons were arrested during the summer unrest in the Valley and so far 3,000 have been released. “We have also been informed that 15 political prisoners will be released in the next few days,” she said. Padgaonkar, academician Radha Kumar and former Information Commissioner M. M. Ansari briefed the media here after concluding their third visit to the state since their appointment by the Centre as
interlocutors on October 13. The chief interlocutor said a visible difference on the
ground would create a congenial atmosphere to explore various options for a political
settlement that is acceptable to all regions and communities of the state. Asked about
the demand of MLA of Kashmir’s Langate area Shiekh Abdul Rashid for holding
talks with militants, Padgaonkar said violence has to end from both sides for a fruitful
dialogue to begin. “No dialogue can be held in presence of gun,” he said, adding, the
settlement of the Kashmir issue must emerge after a sustained dialogue with all
stakeholders including the Hurriyat and other allied groups, to ensure that it
“genuinely reflects” the will of the people of the state. 38

The Government of India has appointed three interlocutors to “start (a)
dialogue with all groups in Kashmir” and has appointed two task forces one for
Jammu and the other for Ladakh “to examine their development needs with particular
reference to deficiencies in infrastructure and make suitable recommendations”. Whatever be the standing and competence of the interlocutors – Dileep Padgaonkar, M. Ansari and Radha Kumar – their appointment was widely criticized for being
lightweight and for the non-inclusion of a heavyweight political leader among them.
But more important than the composition of the interlocutors is to define their task.
As far as a dialogue with the separatists is concerned, all the separatists refused to
speak to the interlocutors, saying that it was a futile exercise – though the
interlocutors stressed their role in resolving the Kashmir issue. When senior political
leaders of India, as part of the all-party delegation, which visited Kashmir, had called
on the separatist leaders, it was a gesture of goodwill But even they could not offer
any solution of the Kashmir problem beyond the limits of the Indian Constitution.
What more can the interlocutors offer to the separatists? As far as the mainstream
parties, their views are well known and were reiterated at the all-party conference held
in New Delhi. Their representatives had also participated in five round table
conferences convened by Prime Minister Manmohan Singh.

Positive Side

On the positive side, the central team met some youth leaders in jail as per the
advice of the prime minister and the Congress Party President Sonia Gandhi. The visit
of the team to the house of Shakeel, husband and brother of the two young women
who were raped and murdered in Shopian, was also a positive gesture. So was the
visit to the office of Parveena Ahngar, president of the Association of Parents of
Disappeared Persons. During their first visit to the state, only two members of the
team – Dileep Padgaonkar and Radha Kumar – visited Jammu for a day. Jammu-based parties like the BJP and Panthers boycotted them for their “pro-Kashmir and “anti-national” statements in Kashmir. But a number of groups of refugees of 1947, 1965 and 1971, and Gujars, Paharis and Muslims could not get an appointment with them for lack of time. There were some protests in Ladakh, as they did not visit the region.39

Second Visit

In their second visit, only two members – M. M. Ansari and Radha Kumar – came to the state. They visited Ladakh and Kashmir but not Jammu. In Buddhist majority Leh district, the demand for separation from the state and for union territory status was raised. But delegations from the other district, which is Muslim-majority, opposed it. They, however, complained of discrimination against the region and their district. In the Kashmir region, the two interlocutors are not reported to have made any new contact. One of them, however, urged the state government to release political prisoners on the occasion of Eid. The government, on the hand, arrested more persons and put senior separatist leaders under house arrest. In any case, the interlocutors had no authority to order or advise the state government to take this step, however right it may be. The lesson that the interlocutors must have learnt in their work so far is to listen to all views and avoid expressing their own. Second, they must have learnt by now that regional tensions are the foremost problem of the state. Any dialogue on resolving the Kashmir issue would be facilitated if regional harmony is restored.

Visit of Task Force

As far as the task forces are concerned, their composition cannot be faulted. For each is headed by a member of the Planning Commission and includes many well-known academicians. They are required to examine the development needs of Jammu and Ladakh to redress their regional grievances. First, it would have been better if the state government had appointed them for development of the individual regions is after all a state subject. The Gajandragadkar Commission and Sikri Commission were both appointed by the state government to look into regional grievances. Second, the grievance of the two regions of Jammu and Ladakh is against alleged discrimination in development and employment policies of the state
government. A comparison with Kashmir would have been possible, for this purpose, if that region had also been included in the proposed study of development needs of the other two regions. Otherwise, Kashmir would have a reason to feel neglected. Moreover, development is no substitute for political aspirations, including a share in political power. Since for the last 63 years, the chief minister has always belonged to Kashmir, except for two and half years when this post was occupied by Ghulam Nabi Azad of Jammu, Jammu and Ladakh perceive that Kashmir has dominated them. A Jammu Congress leader recently demanded that the chief ministership should rotate between the two regions. Ladakh has an additional grievance, that it is not recognized as a region in the constitution of the state. It is administered by a Srinagar-based administration from which it remains cut off for more than half a year. Thus, the task force for Jammu includes the region’s divisional commissioner whereas that for Ladakh includes the divisional commissioner of Kashmir. The frustration of the people of Ladakh has led to a demand for union territory status. As Ladakh lacks a common regional identity and it has been divided into the two districts of Buddhists-majority Leh and Muslim-majority Kargil, a common regional and ethnic identity has been replaced by religious identities, giving rise to communal tensions.  

**No Alternative to Regional Autonomy**

No fresh exercise is, in fact, needed to satisfy regional aspirations. As far back as in 1952, the Delhi Agreement between Nehru and Sheikh Abdullah provided for autonomy of the state within India and, at my suggestion, autonomy for regions within the state. Whatever the BJP might say today, the founder president of its predecessor Jana Sangh, after a prolonged correspondence with Nehru had, in his letter dated 17 February 1952, agreed to support that agreement. The Jammu affiliate of the Jana Sangh, the Praja Parishad which had started the agitation for full integration of the state, withdrew it after Nehru’s assurance of regional autonomy. Again, when Sheikh Abdullah was leading the Plebiscite Front, the 1968 J&K State People’s Conference, attended by all separatist groups of Kashmir, including the present Mirwaiz’s father Farooq, the pro-Pakistan People’s Conference and the Jamat-e-Islami unanimously approved a draft for internal constitution of the state – whatever be its final status. It provided for regional autonomy and devolution of power to districts, blocks and panchayats. Regional autonomy was also an unwritten part of the Indira Gandhi – Sheikh Abdullah Agreement of 1975. Sheikh Abdullah at a
conference of representatives of Jammu and Ladakh reiterated his commitment to implement regional autonomy. It was also included in the National Conference manifesto called “New Kashmir”.

Balraj Puri report submitted in 1999 as head of the state government-appointed regional autonomy committee. He had, after consultation, elaborated on a proposal for the constitutional, political, cultural and economic aspects of the concept. The report had recommended delegation of legislative and administrative powers to the elected regional councils on some specific subjects and a further devolution of power to elected bodies at the district, block and panchayat levels. The committee had, inter alia, suggested an eight-point objective and an equitable formula for allocation of funds, which included population, area, road connectivity, share in state services and admission in higher and technical education, infant morality, female literacy in each area and its contribution to the state exchequer. The formula or its modified form, after public discussion, can be used to determine the share of funds at every level instead of deciding it, as at present, on political subjective considerations. The chief minister announces a share in plan size for every year and make on spot announcements for redressal of individual grievances presented to him at public durbars, attended by thousands of people! The interlocutors and task forces or any other initiative by the Government of India can serve a useful purpose only if the ground realities are kept in view. The interlocutors and task forces now at work in Jammu and Kashmir can come up with something useful only if they pay attention to regional aspirations and recommend measures to end grievances in the three regions of Kashmir, Jammu and Ladakh.\textsuperscript{41}

For the just and fair resolution of the Kashmir conflict, an alternate architecture for peace is essential. The question is, has the time for such an initiative arrived and if not then what can be done to create conditions in this regard? Only through a process of purposeful dialogue can the Kashmiris, Indians and Pakistanis ensure a better world for themselves and for the people of South Asia. There is no other way to defeat the forces of darkness who have kept South Asia’s poor and underdeveloped by not abandoning the path of confrontation and following the path of reconciliation and cooperation. If India wants to protect its integral part then India has to win the hearts of wounded masses of Kashmir. By providing them greater autonomy and through addressing all the problems of people Kashmir, India should have to control misuse of power, and minimize Armed Forces. Armed Forces have so
much power that they do not respect dignity of Kashmiris and violate the fundamental rights of Kashmiris. India has to revoke Armed Forces Special Powers Act from Kashmir and ban all violation of human rights in Kashmir done by Armed Forces. Above all India should have to treat Kashmiri’s not like animals but like humans and provide full justice to Kashmiris. Let us eradicate ourselves to render our services to our fellow human beings, to show compassion for creatures, and to preserve nature, so that there will be plenty for people. The world would be much more peaceful, if we will adopt Gandhian methods of Non-violence. It is obligatory for all the countries of the world to maintain peace and cooperation and avoid hatred towards others. Indian leaders should not forget the past glories of India. India was known for its best principles of tolerance and peaceful co-existence. Jawaharlal Nehru was quite right in his saying, that India is the best example unity in diversity. These features are to be protected and preserved by this way; we can make India free from violence and conflict. Conflict resolution mechanism is the best option to be adopted in Kashmir context. For the resolution of the Kashmir conflict, peaceful methods of conflict resolution must be adopted. For reaching amicable solution of the Kashmir conflict India, Pakistan and the people of Kashmir must be flexible in their approaches and policies. Above all India should address all the problems of Kashmiri people. On the other side, Pakistan should avoid to support militancy in Kashmir. All the parties involved in Kashmir conflict must show their interest in resolving the Kashmir problem.
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