

## POINT OF VIEW

# Kashmir : Why not Self-Rule

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The dispute of Kashmir is a historical legacy dating back to 1947. Now it has come to a political crossroads (the impetus of which is given by the Armed Militancy in Kashmir) where the contenders of its solution(s) are regional based with religious overtones also. Various Political Parties/groups in J&K have offered a number of solutions. Barring centrifugal forces as represented by BJP and Jamait-i-Islami, the other political groups seem to be amenable for a process called dialogue, so that a consensus is emerged for this vexed problem. SELF RULE may broadly accommodate the main features of various political formations in J&K state, India and Pakistan.

Presently, J&K is a part (though disputed) of sovereign India & Pakistan is another sovereign state which claims it to be its part on the basis of two-nation theory i.e. all majority Muslim states should have been part of independent Pakistan as per Britishers' partition formula. As the fate of J&K could not be ascertained as per the UNO resolutions, i.e. through referendum, it is now obligatory on the part of India to accept the ground realities and satisfy the urges of both Kashmiri people and of Pakistan. The first step in this direction will be to have a joint control over the whole of J&K including that part which is under Pakistan occupation, in shape of joint sovereignty. The joint sovereignty envisages a constitutional umbrella over whole of J&K where any one of the players could not fiddle with its political set up as per its exigency as any political agenda of anyone player will not be acceptable either to the people of J&K and nor to the other constitutional guarantors. J&K state will remain politically trouble free and will not be at the whims and mercies of one of the political players as it has been in the past of which Kashmiri people constantly refrain, i.e. their own political leadership was never allowed to grow as most of the political leadership foisted on it through rigged elections. This control of joint sovereignty over whole of J&K will be duly guaranteed by UNO i.e. (i) in case, in remote future, there may be a situation where both India and Pakistan being joint guarantors may collaborate and directly or indirectly sabotage the evolving democratic processes in J&K (ii) to alleviate the fears and apprehensions of various present political formations and groups, of either side of the fence, that in absence of UNO protection their political independence can be compromised by either or both of the sovereign guarantors.

This joint sovereignty will not entail that India or for that matter Pakistan has bartered away their piece of land which is in their present occupation. The concept of Joint Sovereignty negates both Kashmir as a full Sovereign State (as demanded by JKLF) or merger of Indian part of Kashmir to Pakistan, (as demanded by Pakistan, Militant groups and Hurriyat). In a new international situation and weakening of co-relation of forces (like UNO no more interested in Plebiscite, failure of OIC to offer any political relief to Pakistan or to the Militant groups ; failure of all Arab/African Muslim States; to offer any scourge to Militant groups; abandoning of Afghanistan in terms of Pakistan Muslim centric policy due to 9/11 September attack on America; due to which Pakistan's Muslim fundamentalist forces' political agenda recoiled around

Musharraf's neck and India's predominately powerful position) which compelled Pakistan to climb down from its selected positions and offer India a chance to settle the Kashmir dispute without showing that it has given its piece of land either to Pakistan or to the Militants.

Politically, India remains a Sovereign entity having Kashmir as protectorate with all the three subjects for which Kashmir Maharaja acceded to India, in this new scheme of things. Pakistan will have the satisfaction of being a joint protectionist of Kashmir along with India and Kashmiri people's satisfaction that it is no more a political entity to be fiddled either by India or Pakistan.

There are many political groups which offer various solutions to the problem besetting J&K. National Conference talks of internal autonomy i.e. pre-1953 position. It is well taken care of whereby no Indian law will be applicable to J&K in this scheme of Self-Rule. Every law/rule will be made by the elected representatives of whole of J&K, based upon rotational governance and secularism. Likewise, the positions of JKLF and the present conglomerate of Hurriyat Conference are also embedded in the Self-Rule where J&K people are supreme in deciding their polity and economy without the hegemony either of India or Pakistan. People are their own arbiter in deciding their fate as no rigged election; no foisting of leadership from above, no dismissal of duly elected government will be within the purview of either of India or Pakistan. A fully autonomous J&K having joint protection both of India and Pakistan duly guaranteed by UNO will be as equal to any sovereign state which is the demand of JKLF at present. Likewise the demand of Hurriyat that Kashmir people have never given a chance to rule themselves and have been a chessboard of politics of Indian rulers is well taken care of by this self-rule and ironically Pakistan itself abandoning the idea of accession of J&K to it.

The demand of people living in Ladakh who want devolution of power and people of Jammu region who have fears of Kashmiri exploitation is a matter of regional autonomy, minority rights, secularism and democracy.

The fears of any minority regarding their future in terms of their empowerment, political structure, secularism and the main features of democracy remain their grave concern. In any future political setup when there is a rule of democracy, it has to be ensured that by democracy one does not mean majority rule of a political party or rule of a majority religious community but such a framework where minorities can also come to the highest seat of power. This can be done in two ways?

By decentralization of powers, in terms of regions i.e. Jammu, Kashmir and Ladakh where the regional units will be headed by Dy. Chief Minister to be further controlled by a Chief Minister. For this Regional Councils for three regions of the state will elect their own legislature to be headed by Dy. Chief Minister. Chief Minister who will be heading all the Deputy Chief Ministers; will be on rotational basis i.e. two years each from each region by having assembly of 6 years duration.

The budget allocations of all the three regions will be equally divided with no transfer of the funds from one region to another. This way all the three regions will develop equally without any cause of concern for the people living in that region.

The future set up on J&K will be strictly on the basis of secularism where the state will be equally distant from all religions. No sponsorship for any religion covert or overt. Economic relations with other countries will not be based upon any religion but strictly of state economic interest.

By this way the demand of Lada-khi people and Jammu people will be taken care of who do not want to be absorbed or alienated in a coming future Muslim majority state.

Lastly, in the scheme of Joint Sovereignty only three subjects i.e. Defence, Foreign affairs and Communications will be under the joint control of the two powers i.e. India and Pakistan and in the rest of the subjects J&K will be fully autonomous. ~~del del del~~