

## **Kashmir: is there any legal solution available to this problem?**

(The writer in this article will give historical perspective of this problem then he will run through the legal aspect of this debacle. Later on, the writer will provide some solution to this dispute)

Kashmir was a princely state of British India. Majority of the inhabitants are Muslims in Kashmir. As per the rule of partition Kashmir belonged to Pakistan because it was a Muslim majority state. The Muslims of that region also wanted to merge with Pakistan. However, the then ruler of Kashmir Maharaja Hari Singh wanted Kashmir to be ceded with India. Pakistan and India fought 3 wars over Kashmir. Pakistan lost 2 and one was ended up with ceasefire agreement. 4849 UN resolution was brought in by the United Nation. The father of the nation of Pakistan Muhammad Ali Jinnah regarded Kashmir as the jugular vein. The Hindus in Kashmir always wanted to be the part of India. In 1947, the then army chief of Pakistan ruled out the possibility of Pakistan getting Kashmir. Irregular forces were used by Pakistani establishment. Historically the current part of Pakistan administered Kashmir was mostly governed by the British. On the other hand, Indian administered Kashmir was mostly governed by the dogra raj put, Mughals and Sikhs. Another historical problem in Kashmir is the clash between Muslims and Kashmiri pundits. This kind of divide in Kashmir was propped up by the British raj. British thought when the clash will cross all limits then they can reassert their position strongly. However, the Kashmir problem after the independence was bravely dealt by the Indian politicians. In 1963, Pakistan transferred shakskam valley to China which was the part of Kashmir. The problem is not over yet. Post 1971 Indian troops were heavily involved in Kashmir. There is a clash ongoing between the local Kashmiri Muslim and Indian army. In 1989, jihad in Kashmir was fully supported, aided and abetted by Pakistani authority. They manipulated the local Kashmiri Muslims to wage war against the Indian state. To tackle that Indian army had to search their houses. A generation of Kashmiri youth has lost their future because of this asymmetrical warfare. From 2004-2007 there was no militancy in Kashmir. Border was calm. Problems again erupted when Peoples party of Pakistan came into the power. General Kiyani and his ilk wanted to flare up the border again to bring back the world's attention on Kashmir. Things went spiral out of control when General Raheel Sharif became the army chief. Indian armed forces decided to surgically attack along the line of control in 2016. At least

# Debacle In Kashmir

**WJ Hussar**



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