



© Logo copyright
application lodged

Freedom Team of India

This article was published in *Freedom First*, January 2011. This version, published on 15 January 2011 by the Freedom Team of India (FTI) with permission from *Freedom First*, can be disseminated freely with appropriate referencing to FTI.

The views expressed in this article are not necessarily the views of the Freedom Team of India

Come on, liberals: Let's change India!

Ensuring greater liberty in Kashmir

Sanjeev Sabhlok

On Kashmir, a matter of vital significance to the world, it is important to not focus on any legalities or technicalities but to revert straight to the basics. I will therefore consider two basic issues in this article: (a) Kashmir's territory and (b) its people, and hope to deduce policy insights that are compatible with liberty and peace.

Kashmir's territory

No nation can hope to defend the freedoms of its citizens without first securing its territory. National boundaries are, however, only rarely created by civilized debate. In most cases, brute force and physical possession are its markers. A nation that loses physical control over land loses it for ever. History moves on.

India's partition was based on the communal principle, with princely states given the option of acceding to either India or Pakistan. This – the communal principle – however, is badly flawed, indeed meaningless. The failure of this principle is evident from the fact that roughly the same number of Muslims live in India today as they do in Pakistan. It is likely, therefore, that this principle was a façade for British geopolitical calculations to weaken the mighty India of the future.

Be as it may, this principle failed to make any headway from day one. When the Muslim ruler of Hindu-majority Junagarh acceded to Pakistan, Indian forces took it over and held a plebiscite in 1948 to provide 'legitimacy' (Note, however, that only possession matters, so this idea of a plebiscite is a desirable but not necessary condition of national territory). India also rejected the Nizam of Hyderabad's independence dreams, and took it over.

In Kashmir, however, things went badly wrong. After dithering for months, by which time chaos and anarchy had set in, the Hindu raja of Muslim-majority Kashmir fled Srinagar, acceding Kashmir to India. But his action was devoid of any implications for when he did not control the Kashmir valley, how could he possibly hand it over to anyone? When Nehru flew planes into Srinagar and took over the valley, the matter should therefore have come to a close. In the meanwhile, Pakistani troops – through a front of organized tribal forces – took over what is now called Azad Kashmir.

But then Nehru quite unnecessarily lodged a complaint with the UN, claiming the entire Kashmir territory (territory that India has not physically controlled *even for one instant*). He also committed unnecessarily to a plebiscite in Kashmir. Things got murkier when J&K was allowed its own constitution and Article 370 of the Indian Constitution gave Kashmir a privileged status.

But things have dramatically changed. Both nations are now nuclear states. It should be obvious (unless people are willing to risk mutual assured nuclear destruction) that *all* options on the boundary have now been closed. Pre-nuclear era treaties and commitments are worthless and the LOC cannot be budged except at grossly unacceptable cost.

Some Kashmiris, looking for a way out, still ask for an independent state. But they should realize that this option is entirely off the table. Pakistan will never allow this to happen (after all, the "K" in its name comes from Kashmir), and India is aware that China – with its menacing control over the

Karakoram highway – will use defenceless Kashmir to threaten India. This means that India can never afford to have an independent Kashmir.

So what is to be done? The most logical solution is for India to withdraw its complaint to the UN and recognize Azad Kashmir *provided* that Pakistan (a) agrees to recognize the LOC and that Kashmir is an integral part of India, (b) totally stops aiding and abetting terrorist activity in Kashmir, and (c) works constructively towards trade and cultural relations with India. Should this happen, the people of Kashmir, who are fed up with endless violence, will find at least some respite.

However, this won't happen easily. It is not in Pakistan's interest to resolve the Kashmir issue. If this issue disappears then Pakistan will have one fewer reason to exist – further deepening its already severe existential crisis. Therefore Pakistan is likely to continue terrorising Kashmir.

One plausible way to achieve this is to improve the governance in Kashmir to such an extent that Muslims in India (and particularly in Kashmir) will become wealthy and will thereafter themselves throw out the terrorists sent by Pakistan. But this is further complicated by political parties like BJP that keep stoking communal conflict and promoting Hindutva. Such parties only strengthen the hand of the Pakistani generals and create doubt in the minds of Kashmiri Muslims.

Unless all political parties in India agree to separate religion from political discourse, resolving the territorial problem in Kashmir will remain a distant dream.

Kashmir's people

Despite all these complications, territory is a relatively minor matter. Nations exist for the sake of the people, not the other way around. Therefore Kashmiris must *want* to live in India: and by that I mean *all* Kashmiris – not just those who work for the J&K government or the Kashmiri Pandits or the Hindu and Buddhist residents of Jammu and Ladakh.

For that to happen genuine freedom must be ensured. True, the J&K constitution guarantees civil and political rights, but the India itself is unfree, so how can J&K experience freedom? The Indian constitution violates our freedoms in innumerable ways (as shown in my book, *Breaking Free of Nehru*); and governments in India use an archaic colonial governance system for their socialist ends. The end product is a horribly corrupt, statist society.

India ranks at the *bottom of the Third World* on the Heritage index of economic freedom – well below Botswana, Uganda, Namibia, Rwanda and Tanzania, and *below* Bhutan, Pakistan and Sri Lanka. Even Pakistan offers more economic freedom than India. Indian misgovernance has surely increased secessionist demands; demands that Kashmiris would have otherwise snubbed. With such deplorable governance, how can we prevent Kashmiri youngsters from being attracted to Pakistani propaganda?

The solution: freedom and good governance

Kashmir's solution boils down to freedom and good governance. And while Article 370 must be abrogated, it is best done as part of a *liberation package for the entire country*.

This package should ensure that all Indians are treated equally (discrimination such as reservations must go); poverty is eliminated; corruption is reduced to the unavoidable minimum; freedom (subject to accountability) is ensured; and restrictions on movement and settlement within NE India and tribal areas of India are abolished – along with the abrogation of Article 370.

Once genuine freedom and good governance are available in Kashmir, anyone who talks about secessionism will be ignored by the people. And then the Kashmiri Pandits (and others who have been forced to leave) will be able to return to their homeland, marking the end of this tragic and bloody chapter in India's history.

Freedom Team of India

I invite leaders from Kashmir (of any religious denomination) who want genuine freedom and good governance in Kashmir to join Freedom Team of India (<http://freedomteam.in/>). Existing political formations in India do not understand even the basics of freedom, and so we are obliged to work to bring freedom to India (and Kashmir). **Contact Sanjeev at sabhlok AT yahoo DOT com**