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A STUDY ON INDO-PAK RELATIONS AFTER MINISTER SUSHMA SAWARJ POINT BLANK REFERENCE IN UN

Deepa Viswam

ABSTRACT

Sharif goes back even on agreement reached at Ufa in Russia little can be expected of him except empty rhetoric. This time too Nawaz sharif has mentioned k-word in the UN general assembly.

The territory under Pakistan control should not be used for terrorism.

KEYWORDS :Confidence building measure, cultural relation, back channel diplomacy, article 370, nuclear deterrence.

INTRODUCTION :

After Ufa talks indo-pak relations there was mudslinging across borders and no thaw in relations. Peace process appeared more bumpy that expected .They were mutual accusations and criticisms with flurry of issues with Rahuls sharif mootng nuclear agenda –cold start doctrine.

REVIEW OF LITERATURE

(Basrur, 2008) Kashmir was significant for highlighting this self-image specifically because its majority population was Muslim, and the struggle to hold on to it against Pakistan's claims gave India's early political life a strong point of reference.

(Malik, 2008) The very position of Kashmir is such that without it Pakistan cannot defend itself against an unscrupulous government that



might come in India'

(Lamb, 1992) In the UNSC Pakistan denied all Indian allegations of illegal action in assisting the tribesmen in Kashmir. It represented the situation in Kashmir in the start of the issue as essentially one of the popular revolt against the oppressive regime of Maharaja.

(Ali, 197) The Pakistan also stated that the accession of Kashmir to India was based on fraud and violence and therefore, could not be recognized .

(Lamb, 1992) Instead of an escalation of the war in the last days of 1948 there were negotiations leading to a cease-fire which took effect on 1st January 1949 and on 27 July 1949 Indian

and Pakistani military representatives signed at Karachi an agreement defining a cease-fire line in Kashmir which, until the 1965 was to mark the limit of the two states.

(Chaudhry, 1968) On 14th March 1950 the UNSC decided to appoint a mediator in the Kashmir dispute.

(Behara, 2006) The Jammu and Kashmir Liberation Front (JKLF) is another political force that seeks a united, sovereign, and independent Kashmir. Finally, there are the militant organizations, with the strength of more than one hundred, which function jointly in AJK and Azad Kashmir.

(Travers, 2008) Kashmir has always been central to the Hindu notion of Rashtra- Rajya (nation-state), and the BJP has traditionally advocated that Article 370 be abolished since Kashmir, by virtue of its Muslim majority, needed to prove its loyalty to India by abandoning all claims to special treatment on the Indian side of Kashmir, those willing to explore a political solution within the framework of the Indian constitution (the entire spectrum of political parties) and those excluding this possibility (the separatists, especially the Hun-iyat) a consensus is necessary on Indian side (Behara, 2006)

(Margolis, 2001). Is there a way to settlement of the sub-conflict of Kashmir Without a settlement of the sub-conflict, which focuses and magnifies all the historical, religious and political hatreds between the two conflicting countries, the perilous stalemate will continue indefinitely, expose to dangerous rise of war at any time .

METHODOLOGY

Content analysis is also carried to study how the variables are used by the parties in conflict. Four news newspapers were selected by simple random sampling method from the period of Sushma swaraj at the United Nations general assembly made a remark discussion veer around one point and not on several points and discourse in the Indian media until Prime minster Modi visit to Kashmir November 13, 2015.

Sushma swaraj at the United Nations general assembly made a remark instead of four proposals only one point that Pakistan must end support to terrorism.

The UN must pass the comprehensive convention on international terror in the current 70th year of the world body.

Article 370

In the new Indian express 12 October 2015 "forget repeal article 370 can't be even be abrogated rules court" proviso to clause (2) ARTICLE 368 FALL WITHIN FOUR CORNERS OF ARTICLE 370(1) would not apply to the state except by an order issued in accordance with the mechanism devised under art 370.

But the editorial of the Hindu "the importance of article 370" October 15, 2015 permits that article 368 remains available for such measure but to wait till the resolution of the dispute with Pakistan.

The bench observed that the president under 370(1) was conferred with the power to extend any provision of the constitution to the state with such exceptions modifications as the president may deem fit subject to consultations of concurrence with the state government.

Without the concurrence of the state government of Jammu and Kashmir the article can't be repealed as it falls within the ambience of article 370(1).

THOUGH IT WAS DECLARED Temporary it can't be repealed owing to the instrument

Article 370 has its roots in paras 4 and 7 of the instrument of accession. Provisions like article

35A and proviso to article 253 and proviso to clause 2 article 368 has been added to the provisions as applied to the state.

From the following statements it is implicit that article 368 though available falls within the ambit of 370(1) and 370(1) with the concurrence of the state government the president has to carry out the amendment.

So there is no question of abrogation or repeal.

The applicable cutoff date of article 370(1) is March 5, 1948 the Indian constitution came into effect on January 26, 1950. As quoted by Abhijit bhattacharya Supreme Court advocate in his article "Full circle on article 370" in the Deccan chronicle, 18 October 2015.

He also reiterated through this article that though the president may by public notification declare that this article shall cease to be operative only with such exception and modification and from as such date as he may specify"

President power stand vetoed "provided that the recommendation of the constituent assembly of the state referred to in clause (2) of article 370 shall be necessary before the president issues such notification.

There is no hurry as hundreds of federal laws are applicable to the state of J&K.

The j&k court by its verdict of October 12, 2015 on article 370 has openly acknowledged the supremacy of the constitution of India. Virtually nullifies its earlier decision sovereignty of jk accession to India in 1947 notwithstanding.

Lies that had exposed

They have violated all sorts of agreements in 68 years. The lie was exposed by major general akbar khan in his book raiders in Kashmir.

1965 war got exposed through Gen Musa khan that this pakisthan army chief my version.

Pakistan army intrusion in kargil got exposed autobiography pervez mushraff. Though there was assurance to Mr.vajpayee in Jammu 2004 Pakistan was sending troops across the border. The founder of Aligarh Muslim university sir Syed Ahmed founder of the speech at Meerut on March 14, 1888 of mohammedans are not allowed to rule the Pathans would come out as swarm of locusts near their mountains.

Kasuri book release and criticism of his work in media

Head of the observer research foundation susdheera kulkarni was attacked by nine people at this home around 9.30 on 12 October 2015 with face blackened by Sena activists'.

But former pakisthan khurished mohammed kasuri in the evening passed off without a by further incident.

One of the vehement critics Mr.Narayanan India Former National Security Advisor former Governor General of Bengal was trenchant critic of kasuri wherein –"Pakistan demand to include the third stake holder the Kashmir , revising the status quo was Pakistan demand". Inviting APHC to Pakistan 2006, Mumbai attacks 2008 attack multiple target in Mumbai, thoughts on demilitarization, disagreement with the parties to the conflict, the statement of Indian officials affect indo-pak relations feigning ignorance of Pakistan training men to act as proxy for Pakistan received flak from the Indian establishment.

Mush raff confession that he publicly admits his country's "active role in creating monster of

today" -as stated in the editorial of the new Indian express

Nuclear deterrence

The joint statement between sharif and obama has been criticized as they have violated all norms of regional peace and stability.

Back channel talks

It was Kasuri in Mushraff period wherein Satish Lamba and Tariq aziz led to the frame work for resolving Jammu and Kashmir.

The joint statement issued in Washington

The joint statement that was released in Washington between US_ pak made more focus to Haqqani network and LeT and played the Kashmir issue and sale of F-16.

Even after White House meeting with president Obama Pakistan prime minister had asked for third party mediation.

Vikas swarup in New Delhi Ministry of External Affairs spokesperson had claimed that it was significant that US-Pakistan joint statement had for the first time mentioned LeT Haqqani network .There was a strong interpretation from the global community to curb the menace of terrorism.

CONCLUSION

In spite of a huge share of money that may be apportioned off to the tune of Rs 80,000 Crore the state of J&K during the recent visit of PM Modi to the state. In the times of India Modi visit to the state has not lend any hope for cementing a better relationship instead the progress is the fissure in the coalition of BJP-PDP.

The year ends with more lacunae in building strong ties in indo-pak relations with no end to cross border terrorism. Media as well as think tanks have strongly advocated back channel diplomacy instead of dialogue to revive talks.

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