



**RESEARCH PAPER**

**No Modus Operandi for Seeking Solution to Liberate Kashmiri Muslims**

Dr. Humaira Masood <sup>1</sup> Muneera Sultana <sup>2</sup> Dr. Muhammad Muzaffar<sup>3</sup>

1. Assistant Professor, Punjab Secretariat, Lahore, Punjab, Pakistan
2. Ph. D Scholar, Department of Political Science, Lahore College Women University, Lahore, Punjab, Pakistan
3. Assistant Professor, Department of Political Science, GC Women University Sialkot, Punjab, Pakistan

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**Corresponding Author:**

muzaffarrps@g  
mail.com

This study highlights the different perspectives of Kashmir conflicts which deprived the Kashmiri people from their basic rights like right of self-determination, right of life and property, right of communication. Kashmir is a bone of contention between the two South Asian players, India and Pakistan since their emergence on the globe in 1947. Both states failed to resolve the issue cordially. Round the years, the human rights violation of Indian armed forces in Indian held Kashmir (IHK) is a source of extreme concern for Pakistan. The provision and utilizations of promised right of self-determination is the only way which brought peace and harmony in Kashmir particularly and in the region generally. The failure of Bilateral efforts of India and Pakistan to determine the Kashmir issue has been made certain groups like, pro- Pakistan, pro-India, pro-independence of Kashmir who claimed to be the rightful owner of the issue. Their presence in the area of concerned parties (Pakistan, India and China) helped them to strengthen and propagate their point views among the domestic/international forums. United Nations should play a constructive role for holding a free and fair plebiscite in Kashmir according to its dates back Resolutions yet nothing viable suggested or implemented by this international agency.

**Introduction**

This Kashmir is a bone of contention between the two South Asian players, India and Pakistan since their emergence on the globe in 1947. Both states failed to resolve the issue cordially. Round the years, the human rights violation of Indian armed forces in Indian held Kashmir (IHK) is a source of extreme concern for Pakistan. The provision and utilizations of promised right of self-determination is the only way

which brought peace and harmony in Kashmir particularly and in the region generally. The failure of Bilateral efforts of India and Pakistan to determine the Kashmir issue has been made certain groups like, pro- Pakistan, pro-India, pro-independence of Kashmir who claimed to be the rightful owner of the issue. Their presence in the area of concerned parties (Pakistan, India and China) helped them to strengthen and propagate their point views among the domestic/international forums. United Nations should play a constructive role for holding a free and fair plebiscite in Kashmir according to its dates back Resolutions yet nothing viable suggested or implemented by this international agency. This study highlights the different perspectives of Kashmir conflicts which deprived the Kashmiri people from their basic rights like right of self-determination, right of life and property, right of communication. The failure of India/Pakistan for solution increased the miseries of Kashmiri people.

The valley of Jammu and Kashmir is currently divided among three powers of Asian region, majority of which (45%) is under the illegal control of India and the rest of the area was controlled by Pakistan and China at a rate of 33% and 22%, separately (Vivek & Sethi, 2003). The current division of Kashmir was rooted from the uprisings against the government of the last Dogra ruler of Jammu and Kashmir, Hari Singh, and the Indian intervention in Kashmir in October 1947. At present, the conflicting area is divided into five regions, two regions are managed by Pakistan, commonly known as Gilgit-Baltistan and Azad Kashmir, while rest of three are occupied by India and mostly known as Indian held Kashmir, (IHK) (Kashmir Region - New World Encyclopedia, n.d.). A control line that also called a ceasefire line between the areas managed by Pakistan and India established in 1948 by UN and provided the both states right to assert their respective claim on the controversial area of Kashmir (Mahajan, 1950).

This geographical division of Kashmir between two neighboring rival states does not make it a sheer territorial dispute but it also involves political maneuverings, cultural differences and economic discrepancies expending century's historical tussle in the whole sub-continent. The IHK is itself seemed to be divided into three regions (Jammu, valley, Ladakh), the recent years conflicts only represent the intensification of ethnic, religious, economic, and political diversities in the area. (Parashar, 2004, pp. 278-296). These multiple issues hinder the progress towards the solution of both states linked to the issue of Kashmir. A part from macro level structural division the Kashmir, the conflict has some micro level implications for the people of both Pakistan and India besides Kashmiris. The transformation of Pakistan /India from neighbors to nuclear neighbors has increased the importance of Kashmir issue which up till now proved to be the core conflict between the two countries of south Asia.

### **Kashmir Issue**

Ideological and interest level differences between India and Pakistan besides British colonial legacy has complicated the solution of Kashmir conflict. So, the simple demand of right of self-determination has been transformed into a multi faceted conflict between the neighbors. According to the Indian Independence Act of 1947, not only the two new states named as - India and Pakistan- emerged on the globe but also it ended the British control over the 584 princely states of Indian region. Princely states were given three options for the decision of their future, in which third option (to adopt the position of an independent state) was considered as non-acceptable, and they had

left to choose whether to join India or Pakistan (Ernst & Pati, 2007). The last British Viceroy, Lord Mount Batten explained it in his policy statement that "rulers of Princely states have a choice to join one or other dominion in respect to geographic situation of the state as well as public interests" (Copland, 1991, pp. 38-69). This categorical announcement of viceroy decided the fate of 584 princely states while Hyderabad, Junagarh and Kashmir remained undecided. Their indecision treated by newly emerged Indian state through different means and settled them by forces, only Kashmir remained unresolved due to the resistance from local Muslim population. (Mahajan, 1950)

This unfinished agenda of partition was caused many direct wars and regular border violations on LOC between Pakistan and India. This conflict could be avoided between the neighboring states if that right which was exercised by the people of 584 Princely States, is also allowed the Kashmiri people to use for their future. UN resolutions -after Indian involvement of that international agency- also failed to give Kashmiri people that right of self-determination which was recognized by the both parties at the early stage of the conflict (Dar & Muzaffar, 2019).

After 1948 war between India and Pakistan, two significant developments were happened, firstly, UN active involvement for the solution of the issue although it lasted only till 1960s. UN failed to provide any substantial formula for the solution of the conflict as all its recommendations because India refused to accept any international mediation on the issue. (A mad, 1955) The reason behind the Indian blunt refusal for any solution was the manipulation of Kashmir politics in its favor through handful Kashmiri leaders and with the presence of large army in the area.

The early years of twenty first century brought a hope of Kashmir is when President Pervez Musharraf and Prime Minister Atal Behari Bajpayee met in Islamabad and decided to start bilateral dialogues on all issues including Kashmir. President Musharraf four point formula on Kashmir was highly discussed during that period and certain practical steps were also taken regarding it (Affairs, 2008). Yet as history tells that the indecisiveness in power games always find reason of withdrawal from the consequences, so these efforts for "normalization" of relations between India and Pakistan received a major setback with terrorist attack in Bombay on 26 November 2008 (Levy & Scott-Clark, 2013). That attack halted all dialogue between the two countries because India blamed Pakistan for terrorist attack in usual practice. A renewed effort for a dialogue was made in second decade of twenty first century yet they could not sustain and later the presence of Narendra Modi as Indian Prime Minister, stamped the failure of dialogue because under him, the Hindu extremists and Ultra Nationalist have become very vocal in their criticism against Pakistan. So, as long as Prime Minister Modi policies do not change, there is hardly any chance of India and Pakistan dialogue which means the Kashmir issue remains unresolved (*Modi's Grand Strategy in Kashmir?*, 2019).

The nuclearization of the region of South Asia is considered very critical for global peace as its two neighboring state has not only possessed a large number of nuclear arsenal but also ready to use them as deterrence. Pakistan policy of 'first use option' is symbol of it (Ganguly & Kapur, 2012). The issue of Kashmir remained unresolved which can trigger a nuclear war any time between India and Pakistan

because their previous wars record indicated that any political need in India brings them on verge of a new war.

The stance of both of the states about Kashmir is not giving any solution. The Indian point of view about Kashmir is more ethnic and rigid as compared to Pakistan. India considers that Kashmir is an integral part of its union and Pakistan rejected its claim keeping the spirit of partition and Indian independent Act in mind(Char et al., 1996). According to the partition plan, Kashmir should be the part of Pakistan due to majority Muslim population, geographical proximity and the main motive behind the partition -Two Nations Theory - Hindu and Muslims of India are two nations which needed their own homelands for survival. The Muslims of Pakistan as well as of Kashmir consider that without the annexation of Kashmir with Pakistan, the partition process would be incomplete because its current position is challenge to the Two Nation Theory(Affairs, 1977). On the other side, the Indian hegemonic designs in the region formulates its relation to its neighbors which has further become more rigid due to its growing international influence. Besides, Religious character, ethnic diversities and incomplete nation building has great influences on Indian foreign policy(James &Özdamar, 2005).

### **India's stance on Kashmir Issue**

With the passage of the time, the complexities and stakes of the concerned parties of Kashmir conflict began to rise. For India, initially, it was support for Dogra Raja for his 'so-called' signature on Agreement of Accession about which a well renowned scholar Alaster Lamb claimed that it had not been signed between India and Kashmir (Lamb, 1991, pp. 150-151). Later, it has become a matter of prestige for India to maintain its claim to secular democracy (Budania, 2001, p. 92), national unity and regional hegemony. That's why, most of Indian leaders has believed and propagated widely through the years that "Kashmir is an integral part of India" and the current Modi Government's decision for the revocation of special status of Kashmir under the Article 370 of Indian Constitution Act was a stamp on their beliefs. To prove their claim on IJK, Modi government imposed curfew and cut off all communication lines in the area which created an unrest and violent reaction internally in the area.

This current development of Indian policy is, in fact the continuity of previous official policies regarding IJK, like, the deployment of large number of forces(Das, 2019) and labeling of the indigenous movement of Kashmiri people as a terrorist activity sponsored by Pakistan are common methods. The objective behind all these activates was, to prove its claim in the area and presented the movement to rest of the world as religious war between Muslims and Hindus imposed by Muslim fundamentalists (Yusuf, 1994, p. 249).

India has employed a very rigid policy about the solution of Kashmir issue. Different strategies are used for the continuous occupation on Kashmir which started from the international mediation in 1948 yet it never accepted any international solution in later years. Secondly, Pakistan has become a scapegoat for India for the non-solution of Kashmir conflict as every existed problem there is directly or indirectly blamed to Pakistan by Indians.

The strategic location of Kashmir is very important for India as it provides not only a route to the Central Asian States but also an opportunity with significant location to India for spying to Pakistan and China, Siachen Glacier is the main

boundary between India and China. The loss of Kashmir means loss of geographical edge on both neighbors with the probability to become a direct target of Pakistan and China (Kalis & Dar, 2013).

Water resources, another future war factors among states in coming centuries is also a source which force India to not back off its claim on Kashmir as its integral part of united India and never ever agreed to alter its status. The presence of Pakistan in lowland regarding its water reservoirs' general placement which mostly linked to Kashmir region, provides India a tool for exploitation as it did during Indus basin treaty and continuous of construction of many dams on the region to damage the major source of development of an agrarian country like Pakistan.

These are some apparent reasons which indicate why India is not ready to discuss Kashmir issue even in bilateral relations talks with Pakistan even after recognizing in Shimla Agreement in 1972. So they believed, If Pakistan has desired to hold talks on Kashmir issue only negotiation will be made about Pakistan administered Kashmir territory. Indian popular excuse to hold talks is that Pakistan's involvement in 'insurgent' activities in Kashmir. The only solution in Indian view is that Indian administered Kashmir territory is integral part of India and Pakistan should accept it. They will never ever go for the ways of losing this territory or its complete independence options (Zutshi, 2017, p. 122).

#### **Pakistan's Stance on Kashmir Issue**

To Pakistani perspective, Kashmir must become the part of Pakistan due to the partition plan requirement, one its majority of population was Muslim and it has close geographical and strategic links with Pakistani area. Yet, India is occupying the Kashmir without any solid reason for more than seven decades and succeeded to show Kashmir as its integral part by using the controlled media policy.

Pakistani as well as Kashmiri leaders declared the accession of Kashmir as the biggest fraud of twentieth century which continued after the two decades of twenty first century. Pakistani leaders consider Kashmir as unfinished agenda of British colonial legacy while it has become a lifeline and jugular vein due to geographic importance of the region and religious link among the people of both sides of border. Pakistan government and people are committed to provide moral, political, economic and diplomatic support to people of Jammu and Kashmir who are continuously struggling to achieve their final destination, the right of self-determination (India: "Everyone Lives in Fear": Patterns of Impunity in Jammu and Kashmir, Vol.18, 2008, p. 214).

For Pakistan, the support of Kashmiri Muslims is matter of its own existence on much level, ideological, strategic, and political. Pakistani support for all the oppressed communities struggling for their independence as evident from the early days of its creation (A mad, 1955). Kashmiri is not an exception.

Indian forces, record brutalities on Kashmiri people and the silence of international community forced Pakistan to stand with the goals with which this state has been demanded and acquired. This ideological support also entangled with the need of security for the new Muslim state as it's so vulnerable if Kashmir remained under Indian occupation. Its strategic and geographic position can't consider be secured. The absence of Kashmir from Pakistan also can challenge its relations with

China as silk Route and current China Pakistan Economic Corridor (CPEC). So Prime Minister Liaqat Ali Khan was write to call it as “Cap on the head of Pakistan” which put Pakistan on the mercy of the mentality of Indian Government (Kalis, & Dar, 2013, pp. 119-120).

Water resources are not only importance for India but for Pakistan, too. It's all water reservoirs rooted from IHK. Sardar Sikander Hayat, Prime Minister of AJK was partially seemed to be right when mentioned that in March 6, 2003, “without the rivers of Kashmir Pakistan will become desert. The freedom fighters of Kashmir are in reality fighting for Pakistan's water security”. Four out of five rivers of Pakistan which irrigated the most of fertile land has their bases in IHK. How an agriculture country felt to be secured when its life line based on another country which enmity proved more than once.

This insecurity which created in the region due to the Kashmir issue is the main hurdle in bilateral relations between Pakistan and India. To meet this challenge of insecurity both states are spending huge amount of their budget son defense which directly caused an arm race in the region. Unfortunately, this arms race later transferred from traditional to nuclear after 1998 when both states announced their nuclear status through nuclear explosion in May 1998. This huge spending on defense affects the welfare of the population of both countries which major part is living below the poverty line. The condition is worse in India than in Pakistan (Verma, 2009, pp. 46-50)(Experts, n.d., p. 16). The nuclearization of Kashmir issue has become a major source of destabilization of south Asian region because now the outbreak of war will be terrible for the world peace.

The non-solution of the Kashmir issue not only influenced the life of the population of two countries but also the regional stability, too. Almost all research reports revealed that there can be no peace and prosperity in the region without solution of outstanding problems, top of them is Kashmir, between two nuclear powers of the region- Pakistan and India. Most of the researchers are agreed that regional organizations like SAARC cannot growt o leading regional development and economicintegrationwithoutgoodrelationsbetweenIndiaandPakistan(Fayaz, 2016).

#### **Human Rights Violation in Kashmir**

IHK has become a case study for human right violation in the world, from rejection of right of self -determination to forced disappearance, sexual assault on women and children, mass killing, torture and so on. International human right organizations like Human Rights Watch, Asia Watch and Amnesty International published reports regarding the situation of human right in Kashmir yet India is successful to blame Pakistan for supporting the struggle of Kashmiri people to cover in human acts of Indian forces. India is responsible for worst human rights violations and state terrorism in Kashmir currently, communications cut off for more than eight months after the revocation of Kashmir 'special Status in Indian Act is the classical example of it but it is the policy of deception adopted by Indian to “mislead the world and attaining the sympathy of international community to continue its repression in the Indian held Kashmir”(Pervez, 2013).

In August 2019, when Modi Government according to its election campaign rhetoric for the correction of the “historical Blunder”(Article 370: What Happened with Kashmir and Why It Matters - BBC News, 2019, p. 37) not only revoked the special

constitutional status of Jammu and Kashmir but also split the IJK into two separate federally-governed territories, named as Jammu and Kashmir and Ladakh. But before announcing the decision, the Indian government deployment of additional troops in the area, shutting down the internet and phones services, and placement of thousands of people in preventive detention, including elected leaders made it clear to the world that they were expecting severe reaction against their decision. All the actions, although create a little stir globally and caused international condemnation yet it was beyond hue and cry.

The imposition of curfew in Kashmir by Indian government practically turned the IJK as a biggest sub jail of the world. International human right published a 43 pages report about the situation of human right and asked the two governments to follow the UN recommendation for the maintenance of basic right of people. Indian government as 'routine' rejected the report calling it "false and motivated narrative" (Avenue et al., 2019). OHGHR reported about the use of Pellet-firing shotgun on civilian excessively after July 2016 as a crowd control weapon which raised the number of injuries and death. The report also mentioned India Armed Forces Special Act ( IAFSA for Jammu and Kashmir) of 1990 which prohibit the prosecution of armed personal into civilian courts is also a "key obstacle in accountability" because it provide protection against any human right violation.

Public safety act is also another symbol of human right violation as it allowed the Administration to detain a person for two years with any charge and trial. The tragedy further enhanced when in 2018, it also decided they can be detain outside the area too (A "lawless Law" A 'Detentions under the Jammu and Kashmir Public Safety Act, 2011). The UN human rights office also reported that armed groups were responsible for all types of human rights abuses like kidnappings, killings of civilians, sexual violence, recruitment of children for armed combat, and attacks on political workers of different organizations in Jammu and Kashmir.

Human rights violation in IJK is one of the major hindrances in the peace building process regarding the conflict. Pakistan and peace loving world are concerned regarding the violations of human rights in the area. The provision of the basic rights for the people in the area is pathetic and international organizations have many a times highlighted the issue yet no practical set was taken to minimize the miseries of Kashmiri people by the both governments and international community (Demand That the Indian Government Lets Kashmir Speak, n.d.).

### **Role of Major Powers**

Princely state of Kashmir, under the government of Raja Hari Singh had to decide according to partition plan either they wanted to join India or Pakistan. This simple equation turned into a long lasting unresolved issue till today because the armed intervention from Indian side and Pakistani resistant turned into a war between the two emerged states. It was India which politician decided to involve the international community for the solution of a simple right of self-determination. After seven decades, international community failed to come up any viable solution for the conflict.

Kashmir issue was remained on international radar in early years of cold war yet Eisenhower's determination in 1954 to keep Pakistan in western camp stamped the

fate of Kashmir conflict as Soviet Union decided to endorse Indian point of view and made it clear that it intended to Veto any resolution on Kashmir conflict which was not acceptable to India.

Tashkent Declaration in 1966 after India –Pakistan war on Kashmir in 1965 was last serious effort of international powers involvement in the issue mainly through Soviet mediation without any conclusion. Later, Shimla Accord which was signed in 1972 between Indra Gandhi and Z. A. Bhutto, announced to the world, a bilateral solution would be found in future for Kashmir conflict, first. Yet now, it can be said that there are certain agreements which were made long ago, are needed to be revisited, refreshed and reiterated to make them workable, tangible and fruitful for the nations for which they exist (Iqbal, 2016).

After a violent uprising in Kashmir in 1989, international community generally and as a lone super power, US specifically intervened in the conflict. Yet its attitude was not sympathetic towards Pakistani point of view because India was offering larger business opportunities to global market which nobody ready to miss for an old unresolved issue. Nuclearization of India and Pakistan arsenal in 1998 and the linking issue of Kargal war forced the American President to intervene personally and guarantee for the workable solution of Kashmir conflict in reciprocity. It is believed that only US has the combination of political clout and diplomatic and economic resources to force India and Pakistan to reach some agreement on conflict but its lack of interest just increased the miseries of people of Kashmir (Schaffer, 2008).

#### **UN Security Council**

Kashmir conflict is a great challenge for the international body, UN which was established to maintain peace and human right in the world without any political, ethnic or racial discrimination. Yet, its success level is so questionable regarding the solution of different conflicts. India is refusing from last six decades to internationalize the Kashmir conflict but it is also Indian government which after few weeks' efforts to make this imperialistic occupation perpetually by force presented the issue in, January 1948 in UN. The UN Security Council appointed the United Nations Commissions on India and Pakistan (UNCIP) to examine the Kashmir issue and suggest ways to settle it (Lamb, 1991).

The deciding powers behind the UNSC was US, USSR, china, Britain and France, among them Britain were mainly responsible for the issue, so US and France relied on British judgment for the solution while Soviets who initially remained aloof and later showed tendency towards Indian point of view due to Pakistan's entry in the western alliance system of cold war.

UNCIP initially presented many recommendations, established LOC and Military Observer Group (Subbiah, 2004) but all its suggestion and recommendations was dismissed by Indian government which was till then succeeded to manipulate the situation in IHK. Pakistan's involvement in cold war in favor of US led Western camp ended all hopes of any practical role for UNSC during cold war because it provided India a undivided support of Soviets and an excuse to rejects all options for solution of the conflict.

#### **The role of Media**

The role of media is considered as a watch dog in democratic set up which highlight their respective government's achievements and make them accountable for



their failures. It also helps the government in shaping the public opinion for certain points, yet this fact also can't be ignored that it works as the basic tool to propagate someone as hero and villain too and can fabricate any issue positively or negatively. Today, even Media can be used as a tool to normalize the tension between competing forces within one state or among the states. Its preventive, constructive and active role in conflict cannot be denied yet the story regarding Kashmir issue is different. Media either it is India or Pakistan or international. Is not playing its recommended or needed role regarding the conflict? The language and presentation of media for any event help to perceive it as a mediator between these forces (R.K, 1997).

The role of media regarding Kashmir issue is seemed to be bit partial, biased and official because both states India and Pakistan linked the conflict to their national interest so any presentation which damaged their point of view can't be allowed. So Indian media presented that picture which their government allowed them and in which everything worst happened in their respective region is due to Pakistan and its sponsored organizations under the umbrella of its security agencies. While Pakistani media focused and highlighted that news which showed that India is an occupier and aggressor and violator of human rights IHK.

According to Adil Altaf, the presentation of media houses the presentation of events like killing of innocent people, mass rapes, So pore shoot out, Gawkaadl Massacre, Asia-Nelofar rape case, the tragedy of Kunana Poshpra in totally vertical then the original sense of the tragedy which not only lose faith on them but also kept rest of the world in dark from the original situation in the valley (Altaf, 2019). A German news channel DW have done a research on media role on Kashmir issue and found it "controversial". According to one of the speaker of the research "Pakistani media is in denial mode while Indian media is finger-pointing mode without any real clue (Welle (www.dw.com), n.d.) the research also pointed out that Indian media has become "a veritable arm of the state and its military might".

The media regarding Kashmir conflict avoid any fact finding mission rather it is reported that one of Indian journalist resigned and protested when its media house owners insisted him to rewrite the report ignoring fact in favor of Indian government stance. In 2014 a study published on the name of "Partial Journalism" by (Dr Danish Nabi, 2014) in Trends in Information Management (TRIM) which concluded that the Indian national press has given a lower profile to the strikes in Kashmir Valley "either by not publishing the news stories about strikes; or by representing the strikes as "sponsored" programs of resistance leaders, "crippling" or "halting" the normal life; or by diluting the details about strikes".

Besides India/Pakistan median the role of international media is also very important in handling the Kashmir issue. An archives site on internet provide two years archival information on Kashmir issue. (The Coverage of Kashmir Issue on International Media - Archive, Pakistan Tehreek-e-Insaf, n.d.) A bird eye of view of the site told the viewer that mostly information published in Al-Jazeera and New York Times which mostly presented Indian point of view.

### **Conclusion**

The world has witnessed many transformations in last seventy years, cold war started and ended, globalizations changed the world into a global village, Asian

economies began to challenge the western world, many conflicts were started and ended, many wars were fought and reached its ends yet Kashmiri people miseries are still there and increased with the rising political and ideological extremism within Indian government and state machineries. UNSC which imposed sanctions on Iraq and Iran to bring them on the negotiation table and signed international agreement, which launched attack on Iraq and Afghanistan to get its objectives failed to force India to accept any suggestion or recommendation for the solution of Kashmir Issue. US, being unipolar super power, deciding the fate of many states after 1990, also did not offer any mediation or solution for the issue. Besides, many times encourage India through its weak diplomacy to maintain statuesque in the valley which increased the violation of human right in IHK. India which claimed to be the biggest democracy with secular constitution failed to give the right of self-determination to Kashmiris which it recognized itself in UNSC. Pakistan with its 6<sup>th</sup> largest army with nuclear arsenal, so-called friendship with US, China and Muslim world could not succeed to get a solution which brings Kashmiris in peace and stability in the region. This discussion can't be ended, no proposal or plan will be executed until the concerned parties sat on the table, ignore their vested interests and decide something for the benefit of humanity.

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