

A Critical Study about the Human Rights Concerns in the Kashmir Valley

**Taha Shabbir¹, Zafar Ali², Shuja Uddin³, Mohsin Wazir⁴,
Muhammad Ali Gopang⁵**

FUFAST, Karachi, Pakistan^{1,2,3}

MPhil SMIU, Karachi, Pakistan⁴

MPhil QAU, Islamabad⁵



Abstract. While the United Nations is authorized to impose final remedies in Kashmir, it has limited itself to making recommendations in the hope of achieving a just and impartial settlement acceptable to all parties to the dispute. This thesis will do an observational examination of the different proposals, utilizing this accurate and positivist assessment of the United Nations' behavior as a case study. To resolve the Kashmir situation, the Security Council must substantiate the following hypothesis: Any decision or omission taken by the United Nations Security Council was motivated by a desire to maintain a negotiated stalemate between India and Pakistan, a kind of status quo, before all remaining issues, whether factual or legal, are settled by direct negotiations between the two disputing parties. The United Nations took action after concluding that it could not resolve the issues under the circumstances, partly due to the conflicting positions and aspirations of the Kashmir dispute's parties and partly due to the UN system's shortcomings. From a positivist perspective, this study will aim to include an empirical examination of the United Nations' actions in settling an international dispute. It will assist in dispelling common misconceptions regarding the United Nations' status, which I assume are the product of an excessively positive or overly pessimistic appraisal of the UN's capacity and belief of its own will to enact a specific solution situation. I will attempt to explain in the concluding chapter of this study why I believe the United Nations is vital to global security, including in its handling of the Kashmir dispute. I am well aware that scholars and leaders in India and Pakistan will almost certainly cast doubt on my primary theory. This is fair, since their active involvement in the issue will easily skew their perception of the UN's role. All also threatened the UN with a rejection of "fairness and impartiality," which is unsurprising. Additionally, they ultimately rejected the most, if not all, United Nations proposals owing to their inability to fulfill their demands. The Kashmir dispute did not begin with India's "invasion" of Kashmir or its protest to the UN Security Council.

Keywords: Kashmir, Pakistan, Indo-Pak, Human Rights, Ethnicity, Genocide



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

INTRODUCTION

Over the decades, Kashmir's breathtakingly beautiful valley has embodied both tranquil contemplation and religious and political development. India's comprehensive synthesis of Hinduism, Islam, and Sikhism has been a point of contention rather than spiritual development in the modern period. If the valley appears to be dysfunctional, the whole planet will be dragged into the fight. This article would discuss the key causes of the rebellion and the duration of the uprising. We will finish with fresh guidelines for addressing the Kashmir dispute. Examining the background to the 1987-1989 Kashmir uprising gives context for the agitation that followed it. Even though Kashmir became a part of India the following year, democracy remained ingrained in the Kashmiri psyche. Additionally, by the 1980s, external influences had expanded the probability that poetic visions of liberation were feasible. Pakistan's power and final triumph over the Kashmiri people in the 1980s, including losses in the 1947, 1965, and 1982 battles, would be discussed. The Soviet-Afghan war demonstrated to Kashmiris that powerful forces can be defeated. The anti-rebellion effort was aided by preparations, supplies, and an already developed network in Afghanistan. The lack of a good-of-government polity that fostered Islamic fundamentalist civil reform sparked the ongoing Kashmir conflict.

BACKGROUND OF THE STUDIES CONTEXT

We will move on to discuss the Kashmiri liberation struggle's past. Kashmir Valley can be divided into two distinct pre-1947 periods. Under the Afghan Empire's control, tens of thousands of Kashmiri Pandits were slaughtered or converted. This takes us to the second point: from 1846 to 1947, Kashmiri Muslims faced severe bigotry under Dogra rule. These two accounts are without a doubt accurate. The Afghan Muslims observed that a large number of Kashmiri Muslims had migrated from Hinduism to Islam, illustrating this bigotry.

The Dogra Maharaja dynasty rose to power in the newly created state of Jammu, which is situated within the Jammu region. The Dogras promised to pay the British a lump sum for the Kashmir Valley in the 1846 Treaty of Amritsar. British missionaries discovered that the people of Kashmir in the nineteenth century were "ignorant, illiterate, and poor." They were entrusted with the responsibility of establishing various schools for Kashmiri children, which many of them attended. However, since Muslim religious leaders were opposed to western schooling, the majority of Muslims valued tradition over education development. Following increased educational opportunities, some deserving Kashmiris discovered the harsh reality of scarce employment and state facilities. When he succeeded his uncle in 1925, Maharaja Hari Singh set a high premium on him. However, since he was reliant on his aides, he lost touch with his constituents and became increasingly distant from their concerns.

The Dogras' oppression has brutalized our hearts," Kashmiris are the country's most beautiful and wretched nation. Now is the time to act. Sovereignty should not belong to someone born worthy of governing. 'Give it up, leave Kashmir!' they all exclaimed. Kashmiris voted as well. On 15 July 1947, only one month before the partition, Mahatma Gandhi found time to visit the state of Jammu, where he urged citizens of both faiths to maintain optimism for regional peace. Maharajah Hari Singh, who was unable to choose between the two nations prior to the British Empire's decision to terminate its dominance over India, was unable to do so.

On August 15, Kashmir was partitioned with the hope that a definitive judgment will be forthcoming. The 1947 events are memorable for the myths and inaccuracies perpetuated for the gain of Pakistan, India, and Kashmiris. Following a thorough examination of economic and social factors, the Kashmir Socialist Party declared in September 1947 that "accession to Pakistan is therefore advantageous to the people's welfare." 17 In September 1947, the Kisan Mazdoor Conference decided that Pakistan should be designated as a Muslim-majority state owing to its high concentration of Muslims and its proximity to three main highways and all major rivers. 19 Sheikh Abdullah and his National Conference colleagues were released from jail on September 29, 1947, initiating the process of deciding Kashmir's potential right to independence. They entered into standstill agreements with Pakistan and India, allowing the Kashmiri community to reflect on the problem.

GAPS IN THE EXISTING LITERATURE

Examining the political, cultural, and religious background of the Indian subcontinent is important for comprehending Pakistani-Indian relations, as it tends to explain the underlying, deep-seated issues that gave rise to the Kashmir conflict. One might say that this perplexing conundrum goes all the way back to the subcontinent's infancy and social milieu. The British invasion of the Indian subcontinent in the mid-seventeenth century flipped Indian civilization on its head. The reasons and methods through which the British achieved absolute superiority will be ignored in this thesis, since they fall beyond the scope of my study. One might argue, though, that British control over India would have become much more difficult had it not been by the Mogul Empire's internal degeneration precipitated by the intensification of the Hindu-Muslim-Sikh conflict. From 1650, when the East India Company founded a factory in Bengal, to 1833, when the Crown assumed control and became the effective ruler of India, with the Company serving as the Crown's local controlling body. The Company's role in the Indian government was abolished by the Government of India Act of 1858. Under British control, the Indian subcontinent was markedly different from Akbar's or Aurungzeb's India. Not only had the once-unifying authority broken, but its forerunners had split the planet into several rival factions.

While the Security Council has the authority to impose concrete remedies, it has limited itself to making recommendations in the hope of achieving a just and impartial settlement acceptable to all parties to the dispute. Using this factually

reliable and positivist evaluation of the United Nations' actions as a case study, this study will undertake an analytical analysis of the Security Council's various recommendations for addressing the Kashmir crisis in order to illustrate the following hypothesis: Any action taken or not taken by the United Nations Security Council was motivated by a desire to preserve a negotiated stalemate between India and Pakistan, a sort of status quo, before all outstanding issues, whether of fact or law, are settled by direct talks between the two disputing parties.

The United Nations took measures after deciding that it could not address the issues under the circumstances, partly due to the diametrically opposite views and aspirations of the Kashmir conflict's parties, and partly due to the UN system's weaknesses. From a positivist viewpoint, this study will aim to offer an analytical interpretation of the United Nations' actions in settling an international dispute. It may assist in dispelling common misconceptions about the UN's role, which I assume are the product of an excessively optimistic or overly pessimistic evaluation of the UN's ability and trust in its own will to enforce a solution in a specific situation. In the concluding chapter of this thesis, I will attempt to explain why, despite its handling of the Kashmir crisis, I believe the United Nations is crucial for global peace. I am well aware that scholars and politicians in India and Pakistan will almost certainly question my basic hypothesis. This is understandable, since their deep passion for the subject will easily blur their knowledge of the UN's status.

All also accused the UN of ignoring "fairness and impartiality," which is unsurprising. Additionally, they ultimately rejected the majority, if not all, of United Nations proposals due to their inability to fulfill their demands. The Kashmir problem did not begin with the ostensible "invasion" of Kashmir, nor with India's Security Council protest. It started long ago in the past of the Indian subcontinent; in its separation and in the very existence of its inhabitants. This is a dilemma compounded by nations' interpretations of the United Nations' status, the strength and strength of the parties to each dispute, and their allegiance to each of the foreign forces working in this divided world. Kashmir does not seem to be an exception to this rule. Every course of action taken by the United Nations seems to have been the only feasible and practical one in light of the six predominant circumstances. In terms of methodology, I will do a critical analysis of the available literature in the area. I expect to thoroughly study the Security Council Resolutions on the Kashmir dispute, the literature written about the United Nations' efforts to settle the conflict, official documents from India and Pakistan, and the leading newspapers and periodicals that cover the problem.

CONTRIBUTION OF STUDY

Since Pakistan voted in support of the resolution and India voted against it, it was almost certain that the resolution would fail. Nehru described the strategy as "astonishing and objectionable" and a "barometer of India's self-esteem." He recently reaffirmed India's position on monarchy and the status of Princely India in a speech

to the Indian Parliament. According to The Economist's analysis of the situation, both the United States and the Soviet Union recognized that extending the war on the subcontinent would benefit China's particular interest in sowing turmoil south of the Himalayas. India and Pakistan were both pressed to push the dispute to an end. On September 8, US Secretary of State Dean Rusk announced that the US will suspend military supplies to India and Pakistan. "If these two countries reach an understanding," he said, "the subcontinent would become impregnable in terms of security and peace." It seems as if "moral pity for Pakistan was swept aside in the haste to extinguish the blaze before China arrived and began tossing paraffin around." That is why the government in Washington is becoming more circumspect in the use of the term plebiscite.

The US has extended its previous invitation to India's and Pakistan's heads of government to visit the US after a review of its foreign policy in that area. President Mohammed Ayub Khan refused the invitation and landed in December 1965 in Washington. The US was willing to exert jurisdiction on behalf of the United Nations and the US rendered extensive support to all parties, which gave the US greater authority to support the United Nations in achieving a cease-fire. Throughout this time period, the Soviet Union supported the US in its attempts to end the war. On 4 September, Soviet Prime Minister Alexei Kosygin sent simultaneous messages to President Mohammed Ayub Khan and Prime Minister Shastri pleading with them to end tensions and seek a peaceful settlement of the Kashmir conflict.

PROBLEM STATEMENT

On January 1, 1948, the Indian government referred the Kashmir dispute to the United Nations Security Council. In a letter to the United Nations, it invoked Article 35 of the Charter, which empowers everyone to call to the Security Council's notice a condition that is likely to jeopardize the maintenance of peace and security. India declared that tensions between India and Pakistan had deteriorated as a result of Pakistani nationals and tribesmen operating from Pakistan's Northwest Frontiers territory, which borders India, beginning operations against the State of Jammu and Kashmir, which had acceded to India on October 27, 1947, and was ruled by India. Pakistan's Administration wrote a lengthy letter to the Security Council on January 15, 1948, in which it categorically refuted the Indian Government's arguments and denied giving help and defense to the attackers. Pakistan observed that a number of tribal leaders and Pakistanis had volunteered to assist the Kashmiri people in their fight for freedom. Pakistan persisted, drawing the Security Council's attention to its own charges against India, the most egregious of which was reported by Philip Noel Baker, the British Security Council delegate, in 1948: "I believe that the Kashmir problem is the •greatest ••and gravest single question in international relations." President De La Tournelle of France reaffirmed this position in 1948, informing the Council that "given the enormous scale of the states concerned, the consequences of freeing the opposing powers could be incalculable."

QUESTIONNAIRE

To appreciate and comprehend the seriousness of the issues at stake, as well as the ramifications of India and Pakistan's divergent attitudes, it is important to explore the two parties' national aspirations, their effect on their respective Kashmiri polities, and their true motives. I'd address economic and geopolitical problems simultaneously, since they are inextricably linked. The previous portions dealt with ideological issues. The world's situation is far too obvious. There is no indication that partition had a destabilizing effect on the economies of India or Pakistan. The British developed an irrigation scheme for the Indus basin sixty years before partition, 2 "which would irrigate Crown lands, generating income for the Government of the Republic of India not only from water rates, but also from the sale of Crown lands. The plan of the British engineers omitted statutory delimitations, which have not yet existed.

LITERATURE REVIEW

Pakistan's representatives became conscious of this volatile economic condition on April 1, 1948, when the Indian East Punjab Government cut off water supply to Pakistan's canals, and Pakistan felt the repercussions immediately; Pakistan soon discovered that the status of Kashmir's water sources was critical to the agricultural economy. As long as "two-thirds of Pakistan's total water supply originates in Kashmir, the source of the snow-fed Indus, Pakistan cannot allow the State to be ruled by an adversarial entity." Pakistan's leaders have repeatedly stressed Kashmir's economic value in order to highlight how important Kashmir is to Pakistan's survival and... security. Zafrullah Khan, a former Pakistani Foreign Minister, emphasized the importance of these economic conditions in his country's case before the Security Council on February 8, 1950. He stressed the state's economic dependence on Pakistan by citing the amount of exchange between Kashmir and Pakistan. Concerning the true economic aspect – the canal waters – he stated: "The three rivers that flow into Pakistan from Kashmir – the Indus, the Jehelum, and the Chenab – dominate a significant portion of Pakistan's agricultural economy." West Pakistan's agriculture is almost entirely dependent on its irrigation system, which employs technical methods to make the waters of these rivers accessible for agricultural purposes through irrigation works and channels. The flows of these rivers irrigate up to 19 million acres of land in western Pakistan. If India annexes Kashmir, this supply route would be completely cut off. This is not an instance of West Pakistan harboring irrational fears. It started long ago in the past of the Indian subcontinent; in its separation and in the very nature of its people.

A Kashmir Liberated

Sheikh Abdullah however would inevitably have wanted an independent Kashmir in 1947, when he would almost certainly have succeeded to the throne. However, as a result of Pakistan's aggression, he needed India's assistance as well,

and thus expeditiously approved the State's accession. To assert that Kashmiri Muslims wanted freedom purely for political reasons will be incorrect. Premnath Bazaz, a well-known Kashmiri journalist, wrote "Independence Movement in Kashmir" in 1954, defending Pakistan's position in Kashmir. He was expelled from Kashmir in 1949, along with another Kashmiri Pandit, Kanhayalal Kaul. "We, the citizens of Jammu and Kashmir, have thrown our lot with the Indian people not out of zeal or need, but out of a conscious decision," Abdullah said in 1948. Our citizens have been united by a shared tradition of values and shared pain in the cause of liberty". He later noted that the State's one million non-Muslims will be out of position in Pakistan and that Kashmiris also often preached secularism, with India serving as their ideological den.

The Indian Union's Formative Years

The state held its first-ever Legislative Assembly elections in September 1951. The National Conference easily snatched up the remaining 75 spaces. The Indian Constitution's Article 370 was enacted in 1952 as a means of bridging the divide between Indian secularism and Muslim sub-nationalism. By 1953, Abdullah had developed a tense relationship with his own cabinet and had discussed several times revoking the accession and establishing an independent Kashmir. Sheikh Abdullah was imprisoned in August 1953 for being dishonest and autocratic. Abdullah, like other Indian politicians, benefited from autonomy due to his avoidance of criticism, his close association with the press, and the domination of his own party within the administration. Nehru was reportedly concerned about his potential prospects as a result of his links to the Americans and the British. Bakshi Ghulam Mohammad, his colleague and deputy, succeeded him as President of the Constituent Assembly in February 1954, ratifying the State's accession to India. Bakshi Ghulam Mohammad was a nationalist during the war for independence, and as Kashmir's Prime Minister, he sought as much autonomy from India as possible.

The Emerging Elite

In the 1950s, there is evidence that Kashmiri culture declined. Among government officials and the general public, violence and mismanagement sowed division. Protesters have been accused of being pro-Pakistani. As a result, local government officials were dubbed Indian agents. This marked the beginning of the common man's alienation from the Kashmir leaders he desired. The local elite quickly recognized that, as a result of the confusion around a possible referendum, they might garner help from New Delhi in order to combat 'secessionists.' As a consequence, these elites and their bureaucratic counterparts amassed significant wealth. Surprisingly, the State chose Urdu (Pakistan's native language) over Kashmiri as the official language. Urdu was probably selected because it was mostly trained for the rich, enabling it to begin monopolizing lucrative State Government employment and eventually becoming the Government's official language (which were subsidized

by the Indian Federal Government). This nexus of the wealthy, corporate community, senior bureaucrats, and politicians was able to secure not only lucrative salaries for themselves, but also highly coveted university positions, thus increasing their dominance at the expense of the common Kashmiri.

The War of 1965

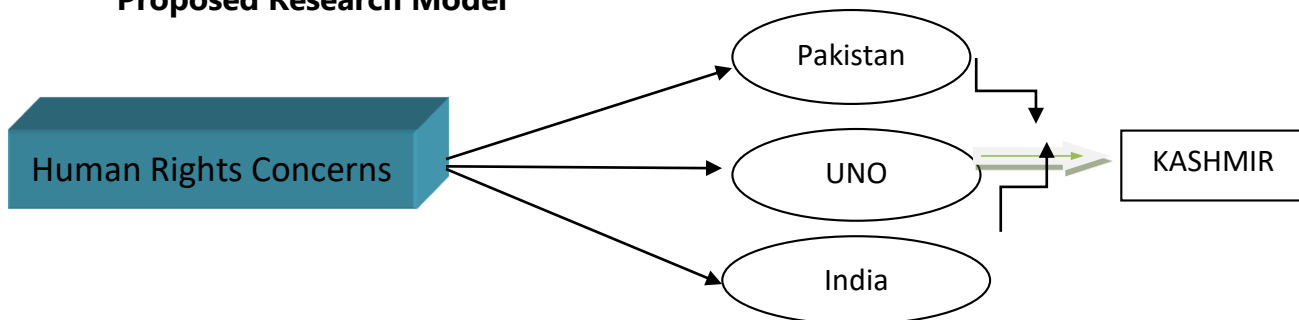
Under Bakshi's rule, the state made substantial progress in terms of modern colleges, hospitals, hospitals, and highways. Bakshi resigned as Prime Minister in 1964. Pakistan shifted at that time. In 1958, a military coup deposed the elected legislature, and General Ayub Khan, Pakistan's new dictator, secretly pursued Kashmir. To garner popular support, the military pledged Pakistan's military Kashmir as well as security against Indian incursions. Pakistan would never abandon its claim to the entirety of Kashmir, as they demonstrated, despite the fact that Pakistan's letter K stands for Kashmir. In 1965, Pakistan occupied Kashmir suddenly in an effort to militarily overtake it, sparking a brief war in which Pakistan was soundly defeated. The people of Kashmir supported India's army in repelling Pakistan's offensive. Following the battle, the overwhelming majority of Kashmiris developed a deep anti-Pakistan sentiment, with Pakistan considered as the aggressor. India and Pakistan agreed in the 1972 Simla Agreement to settle their disputes bilaterally, without recourse to the United Nations or other third parties.

The Kashmir Deal

Abdullah and Kashmir drew closer to India after the 1971 War, in which India not only defeated Pakistan but also split it in half. Abdullah said in 1972 that "our dispute with the Government of India is not over accession, but over the degree of autonomy." The 1975 Kashmir Accord, signed by Prime Minister Indira Gandhi and Chief Minister Sheikh Abdullah, expanded India's legislative authority over Kashmir (however Article 370 remained). Kashmir was a significant part of India during this time period. Kashmir's beautiful and picturesque landscape, which includes forests, valleys, and lakes, has been the setting for numerous Indian films. The Indian upper class spent weeks at a time in Kashmir during the season, socializing in the cooler environment of places like Gulmarg (near Srinagar). Thus, though the Kashmiri group maintained its distinct identity within India's mosaic, by the 1970s, they had assimilated to India's multi-cultural ways.

THEORETICAL AND RESEARCH FRAMEWORK

Proposed Research Model



Hypotheses Developed

- H1: There is a significant relationship between Kashmir conflict and intention to resolve the human rights violation by UNO.
- H2: There is a significant relationship of animosity between Pakistan and India relating to Kashmir dispute.
- H3: There is a significant relationship between adaption of peace and intention to resolve the matter by any of the countries.
- H4: There is a significant relationship between user perceived value and intention to purchase.

FINDINGS

Impunity for human rights abuses and a denial of recourse to justice are two of Jammu and Kashmir's most serious human rights issues. State-specific legislation, such as the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 (AFSPA) and the Jammu and Kashmir Public Protection Act, 1978 (PSA), has created mechanisms that hinder the usual course of law, obstruct transparency, and jeopardize victims' rights to redress. The Indian Parliament enacted the AFSPA 1990 on 10 September 1990, but it was "deemed to have come into effect" retroactively on 5 July 1990. This act vests substantial power in security forces deployed in Jammu and Kashmir and safeguards them lawfully from civil lawsuits for their behavior by requiring the central government to approve any possible prosecutions against such staff prior to their commencement. It is nearly identical to the Armed Forces (Special Powers) Act 1958, which is in effect in a number of states in north-eastern India; however, due to Jammu and Kashmir's special status under Indian Constitution article 370, a separate version of the same law was needed. Section 7 of the AFSPA 1990 forbids the prosecution of security forces members without the prior approval or "sanction" of the Government of India. This effectively absolves government

authorities of accountability for abuses of human rights. The central government has not released a single prosecution against armed forces personnel since the legislation took effect in Jammu and Kashmir nearly 28 years ago. India's authorities reply that they have a "zero tolerance" strategy for human rights abuses and that all allegations of human rights violations are fully prosecuted and adjudicated by military courts.

International human rights scholars and organizations, such as treaty agencies, have also consistently urged the dissolution of the AFSPA. The Human Rights Committee concluded that the provision authorizing litigation against employees who violate the AFSPA "contributes to an atmosphere of security and deprives citizens of redress," and recommended that it be "abolished and courts determine whether cases are vexatious or violent." The Committee proposed that "judicial inquiries be mandatory in all instances of death at the hands of security or armed forces officers, and that judges performing those proceedings, even those performed under the 1952 Commission of Inquiry Act, be empowered to sue security or armed forces personnel." Several United Nations Member States demanded that India revoke or amend the AFSPA during India's UPRs in 2008,⁵⁰ 2012,⁵¹ and 2017,. During the third period of the UPR, the Government of India acknowledged that questions regarding AFSPA had been addressed and that there was a "ongoing and vibrant parliamentary discussion" about whether "AFSPA should be abolished or the need for sanctions maintained." ⁵³ However, in March 2018, Union Minister of State for Home Affairs Hansraj Gangaram Ahir informed Parliament that no proposals to revoke or change the AFSPA in Jammu and Kashmir were being considered. "However, a suggestion is being made to strengthen the organizational effectiveness and humaneness of the Armed Forces (Special Powers) Act, 1958. . The Indian National Human Rights Commission has recognized that Section 19 of the 1993 Protection of Human Rights Act greatly limits its authority to prosecute cases involving armed forces. Additionally, the Human Rights Committee recognized that India's National Human Rights Commission lacks the authority to prosecute incidents against security forces and is barred from investigating past human rights abuses due to a one-year statute of limitations. The Committee proposed that these restrictions be lifted and that the Commission be empowered to investigate any allegations of state agent abuse.

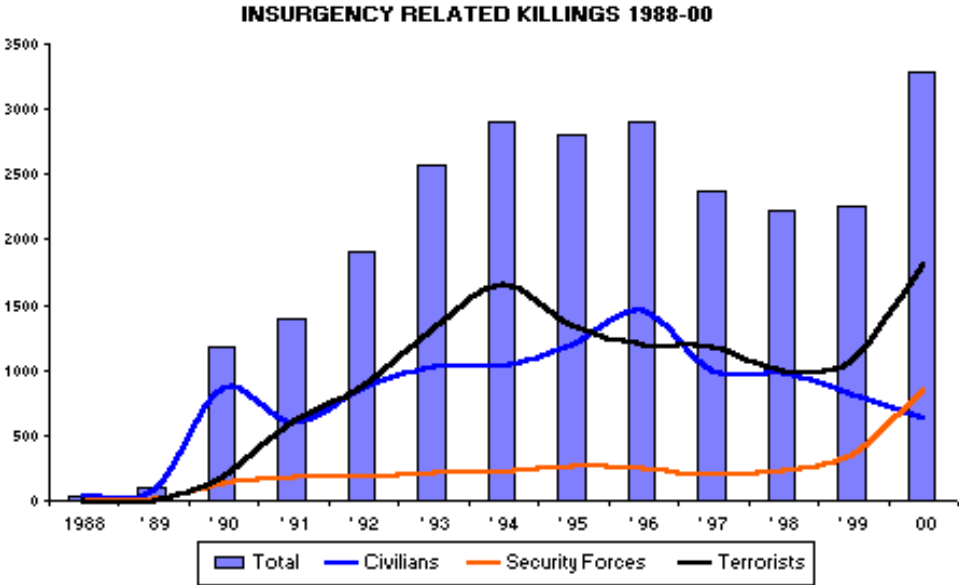


Figure 1: Insurgency in 1990`s

Students and their right to an education bore a heavy burden in 2016 and 2017. Mass marches, extended curfew hours, and regular demonstrations weighed heavily on students and their right to an education. Between July 2016 and May 2017, a media investigation discovered that schools and colleges were suspended for over 60% of working days. According to classified information obtained by the OHCHR, almost 1.4 million children skipped school in 2016. According to local sources, schools remained closed for more than four months after the start of the 2016 demonstrations.

Human rights activists seeking to attract foreign attention to the human rights crisis in Jammu and Kashmir have faced resistance, including the fact that several journalists have been denied entry. As previously said, Khurram Parvez, a renowned human rights defender, was arrested and detained on 15 September 2016 under the PSA, only one day after being denied membership to the United Nations Human Rights Council in Geneva. Kartik Murukutla, a human rights lawyer who works at JKCCS alongside Khurram Parvez, was detained at the New Delhi airport immigration desk on 24 September 2016 upon his return from Geneva following the same Council session; he was informed that a "look out" notice had been issued in his name, which he alleges is a form of intimidation and retaliation against him for his association with the international human rights organization. On 5 September 2017, Kamran Yousuf, a Kashmiri photojournalist, was arrested and charged with sedition for allegedly participating in a "conspiracy against the government." The National Investigation Agency charged Kamran Yusuf in a special court in New Delhi with participation in "several stone-pelting cases," claiming as primary proof his mobile number was "consistently found in locations where counter-terrorist operations were in progress." According to the Department, Kamran Yusuf was not a "true journalist"

since he lacked "formal preparation," devoted his reporting exclusively to "anti-national activities," and had never covered the government's development work. He was paroled on 12 March 2018. Paul Comiti, a French journalist and documentary filmmaker, was arrested in Srinagar on 9 December 2017 for reportedly breaching the conditions of his Indian visa.

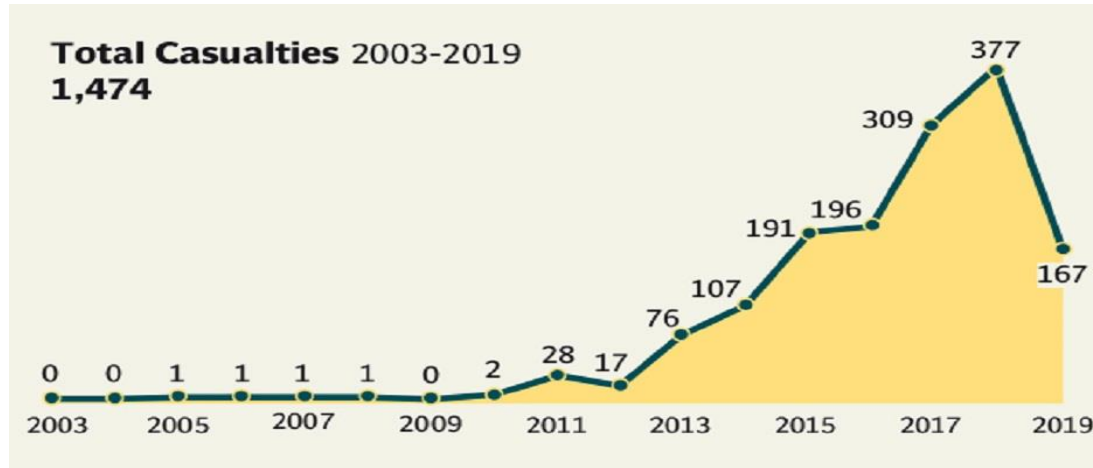


Figure 2: Casualties Between 2003-2019

DISCUSSION

The Seeds of Discontent

Since 1947, a group called the Plebiscite Front has maintained secessionist feelings in Kashmir, and subsequent generations of Kashmiris have become accustomed to the Plebiscite Front's pro-Pakistan ideology. The party, we conclude, disintegrated as a consequence of Abdullah's long history of anti-Pakistan rhetoric resulting from his experiences with Jinnah. Pakistan has often sought territorial annexation of Kashmir, grossly underestimating the Sheikh's populace's clout. As a result, the time had arrived for Abdullah to be discussed. The Sheikh specified in his will that his corpse be taken to the Arabian Sea rather than buried in Kashmir (as Muslims customarily do), as he saw Kashmir as enslaved territory. His usage of the Arabian Sea, as the Indian Ocean is referred to throughout the Arabian Peninsula, shows his final years' sympathies with Islam and communism.

Additionally, Pakistani accounts confirm that Saudi funds were frequently used to establish educational facilities such as Madrasahs in the area. Madrasahs began to expand in the Kashmir Vale in the early 1980s, and these institutions instilled Islamic fundamentalism in Kashmiris from an early era. Children were taught to "battle for Islam" and were instilled with a deep-seated contempt for their Kashmiri Pandit peers. According to anecdotes, classes teaching the alphabet discovered that "B is for Batta." M is an abbreviation for marun. Batta chu marun," where 'Batta' refers to indigenous non-Muslims and 'marun' implies to attack, implying that 'indigenous non-Muslims must be destroyed. The first overt incidents of violence occurred in

early 1986, when Muslim fundamentalists targeted a minority group in Kashmir, the Kashmiri Pandits. Though the disease's exact cause remains unknown, it resulted in the deaths of thousands of Pandits and the devastation of 24 Hindu temples by Muslim mobs.

Many of these atrocities were committed in the name of Islam. Jagmohan, the Governor of Kashmir at the time, noted that the majority of protests happened on Friday evenings when crowds scattered from mosques. Mosques evolved as venues for religious sermons interspersed with vehement political pronouncements. These speeches were frequently delivered by professional mullahs dispatched from Pakistan to Kashmir for this purpose. According to a Kashmiri who attended mosques during this time period, such inflammatory language and skewed details were used that even the most sophisticated and knowledgeable individuals who listened to them finally came to their senses. As a result, stone throwing at city cars and police officers became very popular on Friday nights. Indeed, the eruption of separatist violence that swept through the valley was a wholly contemporary concept for Kashmiris. Kashmir has no tradition of defending itself from hordes of foreign rulers and was therefore motivated by nonviolence and pacifism as dictated by Kashmir's cultural heritage in the Rishi Order⁵⁰. As a result, Islamic fundamentalists soon gained control over the submissive Kashmiri populace. Insurgents were able to defend their crimes as 'justice' by invoking Islam.

The Insurgency

Contrary to common opinion, the rebels did not arm themselves in reaction to an undemocratic form of governance. Indeed, as previously shown, they had already picked up their guns prior to the vote. Their campaign was driven by religious and moral convictions. The dominant National Conference party fostered this climate in many forms through a number of propaganda drives. And, in the run-up to the 1984 referendum, Farooq Abdullah and the National Conference managed to purposely provoke revulsion towards India in order to achieve political benefit. There is insufficient evidence of Indian injustice during this period, and it is possible that the National Conference used this to mask the State Government's bad and unethical results. Indeed, had India become more actively involved in state affairs, it would have been able to end the current insurgency. Pakistan asserts that it is assisting the Kashmiri people in their struggle for independence from the barbaric Indian Army, which commits heinous human rights violations against oppressed Muslims in India, a non-Muslim republic. They are fighting a proxy war against Pakistan, which has never acknowledged Kashmiris' democratically reaffirmed accession to India, according to India. Kashmiris are divided about whether to recognise Pakistan, India, or their right to self-determination. Though Pakistanis and Indians coexist relatively peacefully, Kashmiris bear the brunt of the conflict's unresolved status.

"How is Pakistan?" slogans were read. "La ilaha ilallah, in the name of Allah." (How is Pakistan's alliance with the United States? There is just one Deity, and that is God.) The query "Azaadi ka matlab kya?" is then asked. "La ilaha ilallah" (What is the meaning of liberty? There is no other God but God.) suggest that Pakistan was associated with Islam and independence for Kashmiris. Individuals who originated and propagated these slogans later established the Jammu and Kashmir Liberation Force (JKLF). The JKLF aspired to Kashmir's independence. Indeed, its founder, Hashim Qureshi, later sought refuge in Western Europe after Pakistan hijacked his group and exploited its representatives to draw India into a religious conflict rather than for the sake of democracy.

Kashmiri Independence Day was declared on January 20, 1990. This day was selected weeks in advance as the day on which the masses would take to the streets and retake Kashmir from India, essentially their army, on behalf of the Kashmiri people (who would gradually become a Republic and/or enter Pakistan). The vast majority of Kashmiris expected this, and on January 19, the biggest migration of Kashmiri Pandits happened. Despite the fact that the crowds gathered in Srinagar rather than in other parts of the State such as Ladakh or Jammu, the danger was quite real. Between January 1 and January 19, 1990, 319 violent crimes were recorded – 21 armed robberies, 114 fires, 112 arsons, and 72 incidents of gang violence.

The list of innocent people targeted by terrorists' bullets exemplifies another facet of Islamization. Among those slain were eminent educators and champions of secular values. Not only Pandits, but also Muslims, including Professor Mushir-ul-Haq, Vic Chancellor of Kashmir University, and Maulana Mohammad Syed Masoodi, a renowned Muslim scholar, were killed by the attackers. 73 academic libraries have been seized for allegedly containing non-Islamic materials, and the freedom of free expression has been suspended. Clearly, the rally was not against India, but against something deemed un-Islamic.

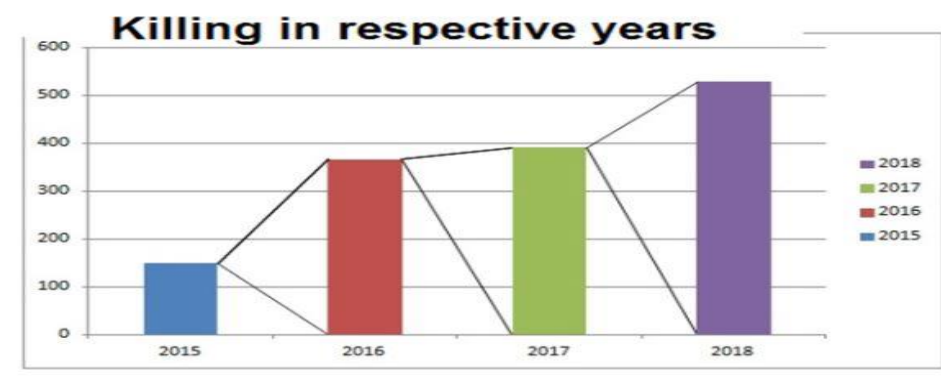


Figure 3: Killing Between 2015-2018

Resolving the Conflict

This section would look at various ways for bringing peace to the disputed territories of Jammu and Kashmir. Notably, the precise contours of a Kashmir

approach remain unknown. There are many draft resolutions available; additional ones can be drafted; additionally, it is important to consider the existing status of the Line of Control prior to implementing a future plan. All viable options must be implemented with the aspirations of Kashmiris living on both sides of the LOC in mind. Though resolving Kashmir's issues is critical to the peace process, it is also critical to consider the Kashmiri people's wishes. No remedy will last without the commitment, dreams, and desires of Kashmir's people. Several of the previously mentioned techniques include an interpretation of the Line of Regulation in its current configuration. Indeed, the region is divided in half by a boundary - the Line of Actual Control - with India administering one half and Pakistan administering the other. India wishes to formalize this status quo and establish it as the internationally recognized border. Pakistani and Kashmiri advocates, on the other hand, oppose this plan, since both countries pursue greater regional control. Pakistan has consistently called for the accession of Kashmir to Pakistan. It asserts that the state would vote to enter Pakistan, owing to the state's majority Muslim population.

While the mountainous terrain can present unique challenges, recent discussions indicate that these can be overcome. This case includes detailed awareness of the ground situation as well as a comprehensive understanding of political problems. Both sides must acknowledge the legitimacy of the other's claims, commit to maintaining the status quo by intimidation, and refrain from incorporating irregularities. This is accomplished by the following three steps: 1) Placed an end to the dispute without disengagement or redeployment. 2) Provide technical monitoring and intelligence capability that will facilitate the negotiation of significant force reductions. 3) Develop a comprehensive strategy of demilitarization.

With up to a million armed men engaging in war around the Kashmir border, the possibility of ending the violence and maintaining peace in the region seems remote at the moment. However, dawn still comes after the darkest period: maybe the state of Jammu and Kashmir would also undergo a dawn. Additionally, it is critical to understand the feasibility of the decision. Kashmir is a vast nation with a sizable population and enough land and infrastructure for self-sufficiency. However, creating the infrastructure necessary to be a viable organization, both economically and socially, will need far more money. Both India and Pakistan's governments must take an active role in the region's development process in order to ensure the region's citizens' well-being, encourage high-quality educational institutions, and foster the tourism industry's long-term growth.

CONCLUSION

We assert that Kashmiris, especially Muslims, have frequently pursued a high degree of liberty in the aftermath of centuries of subjugation. Kashmir remains a part of the Indian Union due to the impracticality of forming a separate republic. Generations of Kashmiris have developed into proud Indians, commemorating historic events such as India's independence and celebrating Indian sporting and film

triumphs. In the 1980s, it was unclear if the uprising's explosion of youth was inspired by sincere dissatisfaction with the state's democratic structures or by the Arab world's deliberate disinformation drive and fundamentalist indoctrination. Both players were almost certainly involved. Finally, since Pakistan gave arms to the rebels, it proved to be a more convenient method for them to express their opposition to the repressive government while also raising much-needed funds.

Pakistan sought Kashmir from the start because it epitomized the country's *raison d'être*; Muslims deserved their own country. As Sheikh Abdullah claimed in his speech explaining his choice for India, the 40 million Muslims in India exceeded the 27 million Muslims in then-West Pakistan in 1947, suggesting that religion played no role in the decision. Pakistan pursued Kashmir in the 1960s, initiating an unexpected war in 1965 and then arming the Kashmiri insurgency. Pakistan's protests against India's invasion of Kashmir were justified, as Kashmiris were en route to Pakistan during Pakistan's invasion of independent Kashmir. Though India considered Kashmir to be an integral part of India for decades, Pakistan orchestrated the final takeover of Kashmir.

FUTURE RECOMMENDATIONS

In 2005, the uprising begins unabated. However, the bulk of ex-Kashmiris who have been militants are refugees, mostly Pakistanis and Afghans. Al-Qaeda was also there, as John Walker Lindh, the 'American Taliban,' said. For months, the 'American Taliban' engaged the Indian Army in Kashmir. India retains the edge, considering the reality that the plurality of nations continue to regard the insurgency that exploded in the wake of September 11, 2001, as largely jihadist in nature. Additionally, they pressured the international community aggressively to settle the problem in their favor, and the vast majority of Pakistanis prefer to hold that Pakistan cannot attain Kashmir. "Kashmir ko hum len nahin sakte hain, aur aap de nahin sakte ho," Pakistani Prime Minister Nawaz Sharif announced in private to India's Prime Minister Atal Bihari Vajpayee in the late 1990s. This indicates that Pakistan acknowledges its lack of (military) capability to invade Kashmir and that the Indian Government would not cede it without the consent of Indian people. After India gained the upper hand over Pakistan in the Kashmir conflict in 2003, it would be unfortunate if India settled it without involving Kashmiri civilians.

REFERENCES

- Bazaz, Prem Nath, *The History Of Struggle For Freedom In Kashmir; Cultural And Political, From The Earliest Times To The Present Day*, New Delhi: Pamposh Publications, 1954
- Behera, Navnita Chadha, *State, Identity And Violence: Jammu, Kashmir And Ladakh*, Center For Policy Research, New Delhi: Manohar, 2000
- Birdwood, Lord. "Kashmir." *International Affairs*, XXVIII (July, 1952), Pp. 299-309.

- Blinkenberg, Lars, India-Pakistan. The History Of Unsolved Conflicts, Odense: Odense Universtetsforlag, 1998
- Brecher, Michael • !H!. Struggle~ Kashmir. New York: Oxford University Press, 1953.
- Brierly, Js. Thelawofnations. New York: New York And Oxford, 1963.
- Callard, Keith B. Pakistan's Foreign Policy:~ Interpretation.New York:Institute Of Pacific Relations, 1957.
- Campbell-Johnson, Alan.Mission With Mountbatten.New York:E.P.Dutton And Co.,Inc.,1953.
- Colucci, B., Lemish, D., 2011, Communicating With Violence, NEW YORK, UNICEF, ISBN: 978-0-578-09512-7
- Crawford, B. And Lipschutz, R., The Myth Of "Ethnic Conflict": Politics, Economics, And "Cultural" Violence: "Cultural Conflict In India: Punjab And Kashmir", By Nirvikar Singh, United States: University Of California, 1998.
- Crocker,Walter. Nehru.New York:Oxford University Press,1966.
- Das, Taraknath. "The Kashmir Issue And The United Nations." Political Science Quarterly, LXV (June, 1950), Pp. 264-282,
- Girl Scout Research Institute. (2002). The Net Effect: Girls And New Media. New York: Girl Scouts Of The U.S.A.
- Government Of India.White Paper.Indian States.New Delhi: Government Publication,1950.
- Inis L. Swords~ Plowshares, Third Edition. New York: Random House,1954.
- Ireland F.C., 2018, Mob Attack OR The Phychology OF Violence, U.S.A., Forgotten Books, ISBN-10: 0267627165. Cramer S., Inkster D.B., 2017, Op.Cit.
- Jacob, Philip E. And Alexine L. Atherton. The Dynamics Of International Organizations. Illinois: The Dorsey Press, 1965. –
- Jagmohan, My Frozen Turbulence, New Delhi: Allied Publishers, 1992
- Kodanda Rao, P. "Conununalism In India." Current History, XXX (February, 1956), Pp. 79-84.
- Korbel, Joseph. Danger !!!.Kashmir. Princeton: Princeton University Press, 1954.
- Lilienthal, David E. "Another 'Korea' In The Making?" Colliers. New York, August 4,1951, Pp. 23-58.
- Lumby,E.W.R. The Transfer Of Power In India. New York: Frederick A. Praeger,1954.
- Madan, T.N., Muslim Communities Of South Asia: Culture, Society, And Power, 3rd Edition, Institute Of Economic Growth, New Delhi: Manohar, 2001
- Menon,V.P.The Integration Of The Indian States. New York: The Mcmillan Company,1956.
- Messervy, General Sir Frank."Kashmir." Asian Review, XLV (January, 1949)1 PP• 469-483.
- O'Connell, D.P.The Law Of State Succession. Cambridge: The University Press,1956
- Organization for Economic Co-operation and Development, 2018, Children & Young People's Mental Health in the Kashmir, OECD.

- Razdan, Omkar, *The Trauma Of Kashmir: The Untold Reality*, New Delhi: Vikas Publishing House, 1999
- Schofield, Victoria, *Kashmir In Conflict*, London / New York: I.B. Tauris, 2000
- Security Council Official Records, 1948-1965. United States Government. Department Of State Bulletin. Washington, September 27, 1965.
- Shabbir, T., M Nadeemullah, & Saeed Memon. (2020). Uses And Impact Of 'Open Data' Technology For Developing Social Sector In Pakistan. *Pakistan Journal Of Multidisciplinary Research*, 1(1), 50-64. Retrieved From <https://www.pjmr.org/pjmr/article/view/24>
- Shabbir, T., Mohsin, & Auj E Kamal. (2020). Use Of 'Open Data' In Urdu Literature Research And Its Effectiveness. *Liberal Arts And Social Sciences International Journal (LASSIJ)*, 4(1), 219-230. Retrieved From <http://journals.pu.edu.pk/journals/index.php/jms/article/viewfile/3734/1824>
- Shabbir, T., Abro, M. (2019). Impact Of 'Open Data' On 'News Media' And Its Effectiveness In Social And Political Development Of Pakistan (A Case Study From U.K. Perspective). *Dialogue*, 14(3), 161-171. Retrieved From <https://ideapublishers.org/index.php/lassij/article/view/163/99>
- Sharma, Usha, *Cultural, Religious And Economic Life Of Jammu, Kashmir, And Ladakh*, New Delhi: Radha Publications, 2001
- Smith, Vincent A. *The Oxford History Press*, 1958.2!. India. London: The Clarendon Talbot, Philips. "Kashmir And Hyderabad." *World Politics*, I Pp. 321-332. (April, 1949),
- Thorner, Alice. "The Issues In Kashmir." *Far Eastern Survey*, XVII (August, 1948), Pp. 173-178
- United Nations. Press Release (PM 473, August 12, 1947)
- Valkenburg, P.M., Piotrowski J.T., 2017, *Plugged In: How Media Attract And Affect Youth*, New Haven, And London, Yale University PRESS, ISBN 978-0-300-21887-9
- White Paper On Jammu And Kashmir. New Delhi: Government -1948. *Hindustan Times*, Year 1950.
- William, Rushbrook. "The Indus Canal Watet's Problem." *Asian Review*, LI (April, 1955), Pp. 137-154.
- Zinkin, Taya. "Indian Foreign Policy." *World Politics*, VII (January, 1955), Pp. 179-208.