

## Profiling of Human Tragedy in Kashmir and Kashmir Movement: Post Revocation of Article 370

Fazal Rehman Kakar\*

Muhammad Imran Ashraf†

Noor Fatima‡

Vol. II, No. I (2019)

Pages: 1 – 15

### Abstract

*This research paper is an attempt to make a comprehensive profile of human tragedies occurred in Kashmir, look into the sources of human tragedies and provide contemporary developments regarding the issue of human tragedy in Kashmir. This paper also highlights the severe crimes being committed in Kashmir which have affected lives of millions of people in living in Kashmir. There are numerous cases which reflect the violation of humanitarian laws in Kashmir by the Indian on ground troops in the valley. This research paper looks at the massive level of violation of human rights protected in UN charter. Pressing problems such as force full abduction, extrajudicial killings, and violation of political rights, liberty and even right to life will be discussed with comprehensive case studies. In later part Kashmir movement will be introduced and will elaborate its effectiveness in resistance against Indian brutalities.*

**Key Words:** IOK, Plebiscite, Humanitarian law, Hindutva, Rashtriya Swayamsevak Sang, Liberty, Right of Self-Determinations, Princely States, Mujahedeen, OCHR

### Introduction

People in Kashmir are experiencing and suffering from the systematic violence of their basic right of self-determination, right to life, right of liberty and right of free association. India is violating multiple international instruments/regimes to which it was part of. India's unilateral decision to revoke the 370 article on 5 August is best manifestation of this problem. The Kashmir valley has been transformed into the biggest prison in world where basic amenities and requirements are inaccessible to common people. The innocent people of Kashmir are facing the greatest human tragedy in form of humanitarian law violation and complete lockdown by the occupied Indian forces. They are facing the severe kind of brutalities and cruelties from Indian forces due the violation of humanitarian law and right of self-determination promised by United Nations back in 1948.

The issue of Kashmir must not be viewed as mere a conflict between two rival countries but should be handled on humanitarian basis because at last it is the civilian population who suffers at the of this conflict. Kashmiris are facing such barbarism

which was common in back medieval days. The largest democracy has deployed the largest number of almost 1million army personnel with weapons in their hands aiming at innocent people. The use of force is in its peak intensity which has converted into the largest prison in the world. The troops on the ground are using pallet guns, imposed curfew for more than two months, and blackout of communications and imposed military clampdown in valley. The basic and necessary rights of people in Kashmir are trampled with the impunity of India. Unfortunately the international media outlets and international watchdog are silent on the atrocities done by India on Kashmir. The indigenous people as ethnic groups, nationals, racial and religious groups face the real threat to their lives and ways of lives. In this regard global advocacy group Genocide Watch issued an alert for Occupied Kashmir, calling on the UN to "warn India not to commit genocide in Kashmir.

### Kashmir Conflict as the Cause of Human Tragedy in Kashmir

Kashmir Issue has remained a bone of conflict

\*Department of International Relations, National Defence University (NDU) Islamabad, Pakistan.

†Assistant Professor, Department of International Relations, National Defence University (NDU) Islamabad, Pakistan. Email: [imranashraf@ndu.edu.pk](mailto:imranashraf@ndu.edu.pk)

‡Chairperson, Department of Politics and IR, International Islamic University Islamabad, Pakistan.

between India and Pakistan since their creation in 1947. But the recent actions of Indian Government have contributed in the drastic and sudden hostility between the two states. Indian Government on August 5, 2019 revoked Article 370 which granted a special status to the state of Jammu and Kashmir. Since that day onwards; the situation in Kashmir has been kept a secret from the rest of the world. The people of Kashmir had been cut out from the rest of the world as internet and media services were denied to the population and no media outlets were permitted to provide coverage to the sufferings of people of Jammu and Kashmir. Other than that due to the curfew imposed on people of Jammu and Kashmir by Indian Government health services are getting scarce with the passage of time.

Human Right abuses by India have always been the case in Jammu and Kashmir, this claim was substantiated earlier this year when the Office of the United Nations High Commissioner for Human Rights (OHCHR) released a report on human rights condition in Indian Occupied Kashmir. According to the report, 586 people were killed in Indian Occupied Kashmir in 2018 alone. And the situation was worsened after Pulwama Attack that killed almost 45 Indian soldiers in February, 2019 which instantly triggered the Indian Forces to act against the population. The report further highlighted that the authorities in Indian Occupied Kashmir "continue to use various forms of arbitrary detention to target protesters, political dissidents and other civil society actors". And since revocation of Article 370, people of Jammu and Kashmir have been facing wide range of abuses by the Indian Forces. Many young individuals in Jammu and Kashmir have been tortured by electric shocks and beating by Indian forces. Almost nineteen of these young men were interviewed by "The Washington Post" who fearfully gave the description of the abuses done to them by the Indian forces. One such individual named Bhatt described the incident of his torture; according to Bhatt he was questioned by Indian forces about the revocation of Article 370 to which he fearfully answered was a very good decision but instead of getting away with an answer which would please the forces, Bhatt was whipped and was victimized with electric shocks. Apart from targeting young population, elders are also targeted by Indian Forces. Dar, a fifty years old plumber was beaten two times by Indian forces. According to Dar, he was struck with sticks by three soldiers until he was unconscious. He woke up at home, "unable to sit on my bruised and bloodied buttocks and aching back",

he said. Other abuses done by Indian Forces include use of pellet guns against protestors which has blinded and severely injured many of the protestors.

India has also been involved in manipulating the demography of Jammu and Kashmir, according to a report by Bizaa Zeynab Ali, 4000 young people have been captured by Indian forces and have been held with little or no resources at all under the Public Safety Act (PSA) of Indian Government. Prime Minister Imran Khan in his UN General Assembly speech also highlighted this problem by saying that "almost 13000 Kashmiri boys are arrested by Indian Forces and no one knows where they are kept". All of these actions have caused the population of Jammu and Kashmir suffer in ways that have never been witnessed anywhere across the globe. If the situation of IOK is not addressed timely, God knows how many more tragedies and cruelties the people of Indian Occupied Kashmir would have to endure.

### **Revocation of Article 370**

Government of India revoked the article 370 of Indian constitution on 5<sup>th</sup> August, 2019 which gave special status to the state of Jammu and Kashmir and do not allow Indian parliament to make laws for Kashmir. The special status granted by this article allows the state to have its own constitution, its own flag and take decisions in all areas except defense, communications and foreign affairs. This special status was granted to the state, since the end of British rule when the treaty of accession was signed by Maharaja with India.

Article 35(a) which was introduced in 1954 under the article 370 gives right to the state to decide who its permanent residents are. This clause also gives special rights to the citizens of Kashmir in government jobs, buying and having property and for educational scholarships among others. The state defines the permanent residents that are "born and settled in Kashmir before 1911 or those who have immovable property and live in state for not less than ten years till the date". The law bans non-permanent residents from settling in the state, buying land, and taking government jobs or scholarships.

### **Situation after Revocation**

India's government announced a presidential order revoking all of Article 370 apart from one clause which says that the state is an integral part of India. BJP made the revocation of article 370 as a part of their manifesto for elections 2019 and won the majority vote. The Home Minister Amit Shah introduced

a Reorganization Bill in the Indian Parliament, seeking to divide the state into two union territories to be governed by a lieutenant governor and a unicameral legislature. Government argued that article 370 is the hindrance between the development of the area and the region's special status had discouraged outside investment and affected its economy, while terrorism and smuggling were rife.

It has been almost 89 days of lockdown and curfew in the state of Kashmir. India has sent thousands of additional troops to the disputed region, imposed a crippling curfew, shut down telecommunications and internet, and arrested political leaders. Indian authorities banned public movements, shut down schools and colleges indefinitely and put two former chief ministers of J&K Omar Abdullah and Mehbooba Mufti under house arrest.

### **Violation of Women Rights in Kashmir**

Considering the recent scenario in Kashmir and after the seizure of its special status, Indian security forces have committed grave atrocities on the women of Kashmir as punishment for their active support towards their right of self-determination, which being their basic right as an active citizen of the country is currently being subjugated. Furthermore, they are being subjected to Molestation, humiliation, harassment and rape, a way of Indian security forces to brutally inflict their authority on them. Though, everyone is currently being targeted in Kashmir but the women unfortunately, have been the biggest victims of this violent siege.

### **Local Case Study**

In Srinagar which is home to nearly 1.18 million people, some women protesters who took to streets to raise their voice against the brutality of Indian troops and India's recent seizure, were forced to be detained. Considering the case of the daughter of Chief Minister of JK Safia Abdullah was detained and then taken to custody after she protested along with her aunt and popular social Activist Hawa Bashir. They were kept under custody without trial for more than one month. This clearly shows the level of injustice on the part of Indian forces for not letting people exercise their vital right of self-determination

### **Detention Kashmiri Leadership**

Most of the leaders of Kashmir mainly from the National Conference and JKNPP were detained after

the revocation of article 370. They were put under preventive detention and were allowed not given the opportunity to move out of their respective homes. Nearly 400 eminent leaders were either imprisoned or were placed under house custody. NC leader Farooq Abdullah (former chief minister of JK) and Omar Abdullah were also arrested under Controversial Law. This clearly shows how Modi wanted to weaken the political authority of JK to execute his plan.

### **Violation of Right of Freedom of Expression, Censorship and Attack on Press**

Freedom of expression is a central right crucial for an effective democracy and security of every other right. Article 19 of UDHR gives that "everybody has the right to freedom of Expression and opinion, this right incorporates opportunity to hold views without impedance and to look for, get and confer information and ideas through any media and paying little heed to boondocks".

It is seen that during 2016, so as to force a digital curfew in IOK, comprehensive ban on internet providers was forced to limit access to connectivity, social media, and network. The correspondence barricade additionally perpetrated financial tragedies on merchants in Kashmir Valley. Amnesty International remarked that "Blanket and uncertain suspensions of media transmission administrations don't satisfy international human rights guidelines. These shutdowns influence the capacity of telephone and web clients in Kashmir to look for, get, and convey information, which is an essential part of the right to expression and freedom. The confinements on access to phones, specifically, endanger a scope of other human rights also, including the right to life."

Jammu and Kashmir keeps on confronting continuous hindrances to internet access as the establishments keep on suspending internet service providers. As per a United Nations Educational, Scientific and Cultural Organization (UNESCO), South Asia stated the maximum number of shutdowns in the world between April 2017 and May 2018 with India representing the higher level of shutdowns on the globe. Half of all web shutdowns in India were observed in the Kashmir Valley. A widely followed Indian civil society group that tracks web shutdowns reports that 65 of the 134 occurrences of web shutdowns recorded in the state in 2018 were in Jammu and Kashmir. In the initial 4 months of 2019,

Jammu and Kashmir experienced 25 occasions of web shutdown.

As per UNESCO, the Kashmir Valley keeps on being an incredibly perilous place for writers and journalists as 21 reporters have lost their lives in Kashmir Valley since 1990 in "targeted killings or trapped in the cross-fire". UNESCO notes, "Attacks from all sides of the contention militants, the military and state supported rebels had made news reporting and journalism a dangerous field during the 1990s. Abduction, parcel bombs and coercion were normal."

### Case Study

Groups of press freedom revealed few episodes of assaults and restrictions on reporters and journalists in the Kashmir Valley in 2018. On 2 June 2018, reporter Muheet ul Aslam supposedly was attacked by Central Reserve Police Force staff in Srinagar while going to cover the funeral of a civilian who was killed after purportedly being run over by a Central Reserve Police Force truck.

On 27 August 2018, the Indian forces kept Asif Sultan, Assistant Editor of Kashmir Narrator newspaper. On 1 September 2018, he was officially captured for supposed association in a gunfight between Indian security forces and armed groups in the Batamaloo region of Srinagar on 12 August 2018. The Jammu and Kashmir Police told a the native court that through his literatures Asif Sultan would "regularly give coverage to the terrorists of Hizbul Mujahideen, particularly Burhan Wani, to pull in youth towards different terrorist organization operating in Indian administered Kashmir, particularly Hizbul Mujahideen." Asif Sultan was charged under the Unlawful Activities (Prevention) Act 1967 with conspiracy, harboring a "Terrorist" and "supporting the Terrorist Organizations". The Unlawful Activities (Prevention) Act, India's chief counter-terrorism law, grants before charge detainment for to 180 days, incorporating 30 days in custody of police, places restriction on bail, and presumes coerce in specific conditions. The Unlawful Activities (Prevention) Act has been censured by human rights protectors for missing the mark concerning India's commitments under international human rights law. On 14 November 2018, a court denied his bail demand and expanded his confinement until 7 December 2018, although the police was unable to file proper charges against him. Until the 1 May 2019, Asif Sultan stays in detainment. The Twitter record of Kashmir Narrator newspaper was obstructed at the hour of Asif Sultan's

capture; the official explanation given by Twitter was: "Record retained – @Kashmir Narrator's record has been retained in India because of a lawful interest."

### Joint Declaration on Freedom of Expression by United Nations and Regional Organizations

Independent specialists of the United Nations and regional organizations on freedom of speech and expression have made a Joint Declaration on Freedom of Expression and Responses to Conflict Situations, expressing that "governmental measures ought not be utilized to limit the movement of reporters and journalists, including the passage of the journalists from abroad into a state, or media reporting of protests and demonstrations or different proceedings of public interests, except if this is carefully supported by the exigencies of the circumstance, in accordance with the three-part test.

### Violation of Right to Self-Determination

The right to self-determination of the people is given as one of the main purposes of the United Nations at the start of the UN Charter. One of the purposes defines in Article-1 of the United Nations Charter is "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace." Recent reports have revealed multiple violations and atrocities being carried out within Kashmir. The ones carrying out these inexcusable acts are soldiers from Indian Army. Some of their actions include violating the chastity of women, brutal acts of violence against civilians, using deadly weapons against non-combatants and many other such notorious acts. The people have been stripped of all their rights by the Indian troops. Shelling across the LoC has led to shutting down of over 120 government schools which has impeded the education of children and have been a cause of extreme fear for the locals. It has also led to the up rise of students into leading revolts against the armed forces of India. In 2016, the schooling for the whole year was cut down to just four months which led to decline in the quality of education. Living under constant threat and lack of proper medical care has also left the children with mental and physical disabilities and no one is allowed enough freedom to even bring in the proper equipment to deal with such issues. The neglect of safety and security for the children is leading to disruptions in the proper nurturing of their young

minds. Children are also becoming more and more prone to violence and extremism which makes them easy targets for terrorist recruitment programs. The situation escalated to a much greater extent in February 2019 after the attack on Indian paramilitary convoy. In response to this attack, India conducted air strikes on supposed terrorist camps across the Line of Control in Pakistan's Region. According to CNN some recent reports, Kashmir has seen a total of 51,059 casualties from the year 1989 to 2018. At the start of 2019, tensions increased and the people of Kashmir were put under a curfew for almost two months. Kashmir is a territory that is rich in resources and its mountainous areas provide for a formidable defensive posture against any adversary. The rights of self-determination of the people have been lost in the conflict waged by the two countries. The people have been deprived of their voice and are in desperate need of freedom from prosecution. There have been many tries to resolve the issue of Kashmir by Pakistan, India and United Nations. Just recently, President of US, Mr. Donald Trump even offered to mediate on the issue. However, no result has come of that so far. What Pakistan needs to do in order to gain victory over the dispute is to build influence in the international system. The fastest way to do that is to rectify its economy. A strong economy will automatically lead to strong relations with other states and with strong relations, Pakistan can gain the support of other states in its own favor against India.

### **Extra-Judicial Killings in Kashmir**

The violations of Human rights started since 1990 in Indian-occupied Jammu and Kashmir in the middle of counter-insurgency. Tasks by the Indian Army to contain an equipped battle against the Indian rule. These military activities were set apart by excessive utilization of power and force against the civilians. Since 1990, in excess of 70,000 individuals have been killed, more than 8,000 have been exposed to forced disappearances, a few thousands have been captured and confined under strict laws, torture and different demonstrations of brutal treatment against protestors and prisoners have been routinely continued by Indian forces. The Indian government has kept on denying access to international human rights bodies to Jammu and Kashmir. In 2016, the administration denied a request by United Nations (UN) High Commissioner for Human Rights for access to Jammu and Kashmir to examine charges of violations of human rights. UN access was again denied in 2017 and 2018. The Pakistani government

has offered restrictive access to Pakistan administered Jammu and Kashmir, however keeps up that entrance will be conceded simply after the Indian government additionally gives access to Indian-regulated territories.

Extrajudicial killings of people keep on happening with disturbing recurrence in Jammu and Kashmir. From December 2018, there were 4,059 extrajudicial killings in Jammu and Kashmir, out of which 1,081 were civilians. In 2018, at any rate 160 regular folks, 31 of whom were kids, were executed - the most elevated number over the past decade. Nineteen people, including five ladies, were recorded to have been murdered in the Kashmir Valley in 2017, and at any rate 40 individuals in 2018, with regards to military tasks or conflicts between Indian military and activists. Also, extrajudicial killings of activists including Indian military have occurred at a disturbing recurrence in Jammu and Kashmir. 732 activists were exposed to extrajudicial killings by Indian military. The recurrence of extrajudicial killings of activists have expanded in the course of recent years.

In 2018, in another correspondence to the Indian government, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions raised concerns about the charges of the ongoing violations to one side to life of 11 people in Jammu and Kashmir, 10 of whom had purportedly been killed either deliberately or following unreasonable or aimless use of arms by law enforcement authorities or the military. The eleventh individual had supposedly been executed during a trade of fire among police and militants. Featured disappointment of the authorities to direct impartial investigations concerning these killings.

### **Case Study**

The Kathua rape case was about the kidnapping, assault, and murder of a 8-year-old young girl, Asifa Bano, in Rasana town close Kathua in Jammu and Kashmir, India, in January 2018. The case was recorded, the accused were captured and the trial started in Kathua on 16 April 2018. The unfortunate casualty had a place with the migrant Bakarwal people group. She vanished for seven days before her body was found by the residents a kilometer away from the village. The occurrence made national news when charges were documented against eight men in April 2018. One of the fights, on the side of a free CBI test, was gone to by two clergymen from the Bharatiya Janata Party, both of whom later

surrendered. The assault and murder, just as the help the charged got, started across the board an outrage. On 10 June 2019, six of the seven individuals were convicted. Three of those were condemned to life in jail for three to five years.

### **Demographic Changes by India in Kashmir**

India has intensified its campaigns to change the demographic configuration of Jammu and Kashmir and renovate the Muslim majority into a minority.

Demography of Jammu and Kashmir, predominantly of the Kashmir Valley, has been a subject of debate on social media for the past three months. This originates from nullification of special status of Jammu and Kashmir by the Narendra Modi administration on August 5. Revealing the government's verdict, Union Home Minister Amit Shah had then proclaimed that it will allow outcasts to invest in property in Jammu and Kashmir.

A 1927 law, transmitted by the king of Jammu and Kashmir and afterwards sustained through Article 35A of the Indian Constitution, denied outcasts right to possess property in Jammu and Kashmir. It also bares a right to property of Kashmiri woman if she married a person from outside the state. This law was actually adopted in order to protect the demographic uniqueness of Jammu and Kashmir.

IOK has three constituencies: Kashmir, Jammu and Ladakh. The first attempt to make changes in the demography of the state was made in between August and November of 1947 when the state sponsored genocide was carried out in Jammu region, the Muslims of Jammu were butchered under a thought-out plan planned cooperatively by the then Dogra ruler of Jammu and Kashmir, extremist Hindu groups which were aligned to RSS, and leaders of the Indian National Congress, crescent reported.

Horace Alexander's article on January 16, 1948 in *The Spectator* is widely quoted. He articulated the killings up to 200,000. While, according to Ian Stephens, the killings were nearly half a million people and another 200,000 went missing. Despite all these brutalities and crime against humanity, international community remained a silent spectator. Due to this genocide and large-scale dislocation of Muslims, the community went from a majority of 61% to a minority of 30%.

The demography of Jammu was indeed changed after the order of the Agrarian Reforms Act, 1976. The Act gave possession rights to tillers of the land. A huge number of non-Kashmiris were appeared as tillers

after the altering of records and were given possession status.

Another scheming can be seen by the way that during the years 2001–2011, the figure of Hindus has developed impressively in both Leh and Kargil areas of Ladakh locale. In Ladakh all in all, the extent of Hindus has ascended from 6.2% in 2001 to 12.1% in 2011. Experts state that such enormous development, 100%, in the number of inhabitants in Hindus in Ladakh in a time of ten years is inconceivable.

Presently, under the leadership of Narendra Modi, India has amplified its arrangements to change the statistic creation of Jammu and Kashmir and convert the Muslim greater part into a minority.

The truth of the matter is that Rashtriya Swayamsevak Sangh (RSS), a Hindu fundamentalist organization of India, has just orchestrated through deceitful methods State Subject Certificates for a large number of Biharis, Punjabis, and individuals from different conditions of India to dwell in Jammu. Conceding citizenship rights to these displaced people will without a doubt change the demography of Kashmir.

To change the demography of Jammu and Kashmir, different plans are likewise in progress particularly in the Kashmir Valley, where Muslims comprise over 97% of the populace. These incorporate separate housing sectors for non-Kashmiri ex Indian Army officials and composite townships for Kashmiri Hindus.

On the appearance of these Israeli kind settlements India means to settle non-Kashmiris in Indian Occupied Kashmir. Under the modern approach reported for the period 2016–2026, an outsider can get land on lease in Kashmir for a time of 40 years. That is something the native Muslim population has feared will change its demography, culture and lifestyle.

There are various United Nations Security Council (UNSC) resolutions stipulating that the last status of the territory of Jammu and Kashmir will be resolved as per the desires of the native population. India's refusal of the Kashmiris' entitlement to self-determination is a reasonable infringement of these goals.

To invalidate the point of UN goals just as of the Kashmiris' freedom battle, India has depended on various strategies. Changing the demographic statistics of the province of Jammu and Kashmir is a key strategy to diminish the Muslim lion's share there.

This is the thing that Shimon Peres, at the time foreign minister of Israel, recommended to India during his visit on May 18, 1993. He stated, "India ought not be apprehensive or delay to populate Kashmir with individuals from all over India. Just a demographic change in Kashmir can assist India with claiming it".

In its resolution of March 30, 1951, the UN has settled the issue. Subsequently all demonstrations or steps taken by the Indian Government to change the demography of the universally perceived disputed domain are an unmistakable infringement of UN goals.

### **Use of Force against Innocent People –Use of Pellet Guns on Kashmiris**

At first glance, their scars look like pockmarks. Some have their eyes closed; others have a far-away look, eyes glazed over. They could be gazing out at a distant view. But these Kashmiri men, women and children aren't looking at anything. The darkness that surrounds them in Camillo Pasquarelli's photographs surrounds them in life, too; they are all fully or partially blind. Their injuries weren't caused by ordinary bullets. Security forces in the disputed region of Kashmir haven't used those to police demonstrations since 2010, when they fired on protesters and [killed 112 people](#). International outcry followed, prompting the Indian government to supply regional police and the army with pellet guns they called "non-lethal."

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(independence) from both. The presence of [Islamist insurgents in the conflict](#) since the early 1990s has further complicated affairs. Separatists have complained violent extremism has [damaged](#) their credibility and the Indian army casts its work there as a counter-terrorism operation. As a result, Kashmir is one of the most [highly militarized regions](#) in the world.

If there's one constant here, its suffering. According to Doctors without Borders, 41% of adults in Kashmir have [significant symptoms of depression](#). "The pain and suffering surrounds you. It's everywhere when you go to Kashmir," Pasquarelli says. "You know that, somehow, everyone you speak to is related to the conflict. Maybe his neighbor has been injured, maybe his daughter has been killed."

Doctors are fighting to save the right eye of Hiba Jan, the 20-month-old who has become an emblem of India's devastating and highly contentious use of pellet-firing shotguns in Kashmir, where a separatist conflict has raged since 1947. India began deploying the pump-action guns, which spew 600 metal shards at high velocity at a time, in the restive part of Kashmir it controls 2010, since then killing dozens and maiming thousands. As her husband sobbed, Hiba Jan's mother Marsala said that they were shot at trying to escape from clouds of tear gas during disturbances last Sunday. Troops were trying to push back thousands of villagers protesting after the deaths of six suspected militants and a civilian in a fierce firefight that also killed one soldier. "As soon as I tried to open the metal wire mesh door to get out, a soldier outside fired pellets at us," Marsala told AFP at the SMHS hospital in Srinagar. "Instinctively, I covered Hiba's eyes with my hand but pellets broke through the net and one lodged in her right eye," she said, sat in a dark waiting room crowded with other victims.

Violence in Kashmir since it was split between India and Pakistan in 1947 has killed tens of thousands. This year has been the bloodiest in nearly a decade with at least 530 dead so far. New Delhi and Islamabad claim the former Himalayan kingdom in full. India has about 500,000 soldiers in the part it controls, where armed groups are fighting for independence or a merger with Pakistan. India introduced the officially "non-lethal" 12-gauge pellet shotgun in Kashmir in 2010 when major anti-India protests

### **Impact on Kashmir Movement**

The Kashmir dispute is one of the largest and the

oldest prevailing armed conflict in the Subcontinent region. The genesis of the indifference commenced right after the British imperial Colonial rule in the sub-continent had reached its end. It is pertinent to understand the political and administrative conditions that were dominant during that time. Britain after World War –II was unable to continue with the colonial rule in the Subcontinent. The financial and treasury conditions of the country were at its worst. Most of the resources had been spent at winning the war. The Britain was not able to keep the large amount of forces and personal at the other continents, nor was it able to control the behavior of the mercantile companies anymore.

These mercantile companies, i.e., East India Company, were initially granted wide powers and influence on behalf of the government. However, with the passage of time, the behavior of these companies proved to be ineffective and against the interest of the Britain. The companies in the sub-continent and the other regions especially Africa had gone rogue. Therefore, Britain decided to strip these companies of all the powers vested and support extended, on account of the fact that the companies are no longer beneficial for the country but are rather striving for personal interests. The British rule in the Subcontinent ended in 1947. The colonial rule had reached its imminent end after the Indian Independence Act of 1947 was signed and promulgated. The division of the sub-continent had also become effective right after the act was given the assent of the then queen of Britain.

Prior to the partition of the sub-continent the princely state of Kashmir was also being subjugated to the Britain imperialism. The decision was left to the rulers of the princely state of Kashmir, whether to remain independent or accede to either of the two new sovereign dominions of India and Pakistan. The then ruler of the Kashmir, Hari Singh initially decided to remain independent, however, subsequently the Hindu ruler succumbed to the pressure which was built by the Pashtun forces belonging to the tribal areas of Pakistan. After the continued assurance of protection extended by the then PM of India J.L. Nehru, from any incoming attacks initiated and perpetuated by the Pakistan and other tribal forces therein, the Singh signed the Instrument of Accession to India. It was that time when the Article 370 was inculcated to ensure the protection of the autonomy of the Kashmir within the dominion of India.

The first armed conflict between the India and Pakistan followed immediately after the accession had been signed in 1947. The ruler of the then Kashmir was a Hindu; however, the majority of the then subjects was Muslim and was against the accession to India. The Kashmiri people joined the Pashtun forces and began to fight the Singh's regime as well as the accession to an unwarranted dominion. The India immediately approached and brought the whole matter into the attention of the United Nations Security Council (UNSC) on 1st January 1948. Pakistan raised its concerns on the same subject matter two weeks later. The outcome that was suggested by the UNSC was to hold a plebiscite and let the people of Kashmir decide on the matter.

### **Modern Rise and the Genesis of the Movement**

The protests in the Indian occupation started in the wake of the Soviet-Afghan Jihad and the Iranian revolution. The Indian response was the use of brutal force and suppression which is continuing. The pro-independence Jammu and Kashmir Liberation Front (JKLF) and the Pro-Pakistan Islamist group Jamaat-e-Islami Jammu and Kashmir (JIJK) took advantage of the situation and mobilized the growing anti-India sentiments amongst the Kashmir population especially the youth.

The genesis of the modern and contemporary freedom movement can be traced back to the 1984 when a member of the JKLF Maqbool Bhatt was executed. The result was the unending protests and demonstrations which were largely attended by the Kashmiri youth. The movement has been at it since 1989. It has been duly recognized by the United Nations that the Kashmiri people have grievances with the Indian occupation. The Indian Military has been committing war crimes and atrocities. The amnesty international and other international groups have reported the human rights violations even since the elections of 1989.

In 1994, the International Commission of Jurists (ICJ) sent an observer and fact-finding mission to Kashmir. The ICJ mission concluded that the right of self-determination to which the peoples of Jammu and Kashmir became entitled as part of the process of partition had neither been exercised nor abandoned, and thus remained exercisable. It further stated that as the people of Kashmir had a right of self-determination, it followed that their insurgency was legitimate. It, however, did not follow that Pakistan had a right to provide support for the militants, if any.



## **Strengths and Weaknesses of the Kashmir Movement**

Every movement has its strengths and weaknesses. The difference between the both is the never-ending resolve and aspiration to attain what is rightfully owed. The Kashmir movement has comprised of a bit of both.

### **Strengths**

The people of Kashmir have been facing Indian occupation for several decades now. The resolve of the nation does not seem to be effected in any way. Furthermore, it has gotten more and more strong. The people of Kashmir are greatly motivated by Islam and Jihad as the majority comprises of Muslims. Nationalism when mixed with Islamic injunctions can bring a very lethal outcome. As is the case here and the Kashmir movement is becoming more and more powerful. It has been reported by the various international groups and the civil society of the Kashmir that over ninety-three thousand Kashmiris mainly civilians had been killed ever since the movement started. The nations with weak resolve stop at only few deaths and years. However, the Kashmir movement has proved to be resilient and fought against all odds to survive and strive until the end of the occupation.

The Kashmir movement is more organized and formal than ever before. The competent formal leadership and hierarchy setup is the prime strength of any freedom movement. There is a consensus amongst all groups and parties pertaining to the end of Indian occupation and an immediate UN sanctioned plebiscite. The international community, various bodies, and the NGOs have been supporting the cause of the Kashmiri people and their right to self-determination as has also been enshrined in the International Covenant on the Civil and Political Rights (ICCPR) as well for a long time now. The international bodies and various observer groups have reported the human rights violations in the region and have further strengthened the movement struggle for Kashmir. There is a need to further exploit this support and use it to the Kashmiri freedom movement's advantage.

The movements such as this one can gain momentum through various actions. Pakistan can play an important role to further the movement and its mandate. The movement can be further escalated and strengthened through the constant media reporting and raising the voices at all and every

international forum. The international courts can also be approached and consulted in this regard such as the International Criminal Court. The international diplomatic as well as the legal front needs to be iron-clad and powerful. The predisposition towards the Jihad and the Islamic injunctions can do wonders for the movement. The Kashmir movement must be redefined and refocused all its energies towards the single point, i.e., to ensure the freedom of Kashmiri people majority of whom are Muslims and shall not live under an occupied and oppressive regime.

### **Weaknesses**

The freedom movement is as strong as its strong leadership. The leadership in Kashmir has been targeted and martyred in various operations. Furthermore, the leaders have been often arrested and put in an indefinite incarceration. The lack of proper protection for the Hurriyat leaders is a worrisome and weakness of the movement. The lack of modern technology, weapons and training has made the movement dormant and weak. Furthermore, the Pakistan's supporting the unorganized groups has tainted the movement and the criticism from the international bodies has also been recorded in this regard. The darling armed groups of the military are often criticized by the Pakistan's political leadership and vice versa. There is a need of coherent, mutual and informed decision making to further streamline the freedom movement of Kashmir.

The international crimes that have been committed by the Indian forces have only been reported in the media and newspapers. The statistics needs to be reported in the international tribunals and court. The Kashmir movement needs a revamping and inculcating the international institutions would prove to be fruitful in this regard. Article 7, 8 and 9 of the Rome Statute of the International Criminal Court directly applies to the life conditions in Kashmir. Such forums must be approached and taken advantage of in a proper and formal manner. Lastly, the narrative of the Kashmir freedom movement being a bilateral dispute between India and Pakistan needs to be changed and the world leaders are needed to be persuaded in this regard as well. The dispute is an international dispute and moreover, the dispute is no longer a small skirmish or insurgency. The freedom movement has been recognized by the UN and ICJ and as under the Geneva Conventions of 1949 the freedom fighters are lawful combatants and any

freedom movement or struggle against an occupation makes it an International Armed Conflict.

There is a need to properly address this issue and use this interpretation in furtherance of the movement struggles. The Kashmiri youth and the freedom fighters can't do much with the stone pelting and burning the effigies of the Indian Premier. Pakistan will have to step up and do an international humanitarian intervention to free the Kashmir from the fetters of Indian occupation. Pakistan being a nuclear country has a responsibility to ensure that human rights are not being violated. The example of humanitarian intervention can be found in 1971 conflict between India and Pakistan. The same formula can be applied here to ensure the end of the violations of human rights and self-determination. The Jihad over the years has also been included within the list of terms that have been polluted and forbidden. There is a need to revamp the Jihad as has been endorsed by the previous Muslim leaders especially during the caliphate days. Al-Jihad and Al-Qital is the way forward and the examples of Afghanistan, Iran and Bosnia should serve a purpose here as well.

### **Kashmiris Resistance against Indian Oppression**

Despite their accession to India in 1947, it is quite evident that freedom aspirations of Kashmiris never vanished from their consciousness. Ever since Kashmir has occupied by India, its freedom movement predominantly emerged in 1980s, it took full-fledge uphold in insurrection as an uprising against Indian rule. There have been two freedom factions in Kashmir, one which seeks autonomy as a sovereign Kashmir, independent from both India and Pakistan it eminently led by organization named Jammu and Kashmir Liberation Front (JKLF). Other encompasses a pro-Pakistan ideology organization of Hizb-ul Mujahedin (HM).

Contemporarily the Kashmiris struggle is befitting as a far-reaching movement upholding across the world. Indian abrogation of article 370 has spurred many Kashmiris along with many politicians. The curfew under Indian army is led by massive troop movement and a lockdown in the state. The people of Kashmir are being deprived of all communications and accesses to any other indispensable facility.

### **Evolution of Kashmir Movement**

Ensuing the long-driven Kashmiri resurrection in 1990s. it became progressed in anti-Indian resistance

of 2001, resulted in acute tension and state of fear among Kashmiris. It essentially manifested intensive campaign of "*fidayeen*" attacks, targeting a variety of Indian official fixings in the valley encompassing army and paramilitary camps and police headquarters - that began in 1999 and occurred frequently until 2003. This phase also brought the Kashmiris insurgency up to the streak.

In 2008 the valley's prevalent demonstrations were witnessed since 1994 against Indian authority, exhibited in rallies and marches of thousands of people. Instead of using the AK-47 as like of previous generations, this generation of freedom fighters used to throw stones at their oppressors.

Following the death of Burhan wani, who was militant commander and eminent face of Kashmir resilience, in 2016 the widespread demonstrations were unparalleled. Certainly, Burhan's death encouraged a new generation of Kashmiris to take up arms against Indian oppression.

Over the years, India had significant support from local Kashmiri political parties such as the National Conference (NC) and the People's Democratic Party. But today, even those who once swore by the Indian constitution are behind bars or under house arrest. India is making sure that the new generations of Kashmiris witness and experience the brutality of the occupation firsthand to create new waves of resistance among Kashmiri youth. They will probably never agree to negotiate with India on anything less than freedom.

Contemporarily, the revocation of article 370 is chief Indian brutal act. All hopes are vanished yet Kashmiri masses are still struggling to survive. The Indian clampdown has rose various concerns both inside the valley and across the globe.

In post crackdown circumstances, scrapping of Article 370 has fundamentally altered the situation. It has put the identity and the demographic composition of the state on the line, something that has always been unacceptable to a predominant majority. This has introduced a new factor in the situation, something that has made reconciliation with New Delhi almost impossible. One can be sure of a new potential phase of uncertainty, turmoil and the violence. It can possibly lead to drawn more local youth into armed militancy.

### **Pakistan Support for Kashmir Cause**

Both Pakistan and India have confronted even militarily over the status of occupied Kashmir. Since

these atrocities are likely to evoke conflict in Indo-Pak. Indian acts of oppression, Pakistani leadership has shown great concerns and its full provision for Kashmir in post clampdown scenario. As Imran Khan has stressed it on different platforms, including public is using different supports on social media campaigns and worldwide protests. Additionally, the "Freedom March," organized by the Jammu and Kashmir Liberation Front (JKLF) exhibit the public great concerns, its leader Gilani said "We have organized this rally against Indian PM Narendra Modi's decision to scrap Kashmir's special status. We demand that Indian authorities lift the curfew in Kashmir, let people move freely and release all prisoners." Recently Kashmir black day (accession day) is observed in some parts of the globe depicting solidarity with Kashmir.

### **Effectiveness & Impacts Kashmir Movement**

Since the start of Kashmir movement there have been two prominent limbs, one under the leadership of Khan Muhammad Khan declared their notion to go along with the Pakistan as a special status, and the other, under the leaders like Captain Hussein described their participation in the movement to seek the autonomy of Kashmir as a separate state. Whatever the stances were, all of limbs were mutual in one cause and that is to stand against the increasing Indian oppression on Kashmiris. But the questions like: is this movement effective? & what are the impacts of this movement on the region? Here we will discuss the effectiveness, if any, and impacts of the Kashmir movement. Here we will see in light of Kashmir movement 2019.

### **Effectiveness**

Kashmir movement took a new turn when the annulment of Article 370 is laden with chance. India is unilaterally changing the regional status of a profoundly questioned region that is, per square mile, the most militarized spot on the planet. By abstaining from the locale's self-ruling status, it can officially assert that combination and convey a conclusive hit to the district's separatist's motivations. It can likewise better exploit speculation and more extensive advancement open doors for Kashmir. Consequently, numerous Indians will commend the choice as an intense and quite important move. This movement then got a back by Pakistan on the basis of human rights violation by violent Indian Army, be spoken by Pakistani leaders including the PM of

Pakistan in various international forums, including UN and Geneva conference on Human rights. Even US president D, Trump offered the mediation of Kashmir issue, giving Pakistan a strong hand in this issue regarding Kashmir while the ongoing peace process with Taliban, new Delhi is looking for more ways to drag the Pakistan away from international support like dividing the Jammu and Ladakh into two separate administrative entities. This may give Indian administrative Kashmir an advantage for the investment and broader development but will deprive the will of separatists of a self-ruling Kashmir.

### **Impacts**

We will see the impacts of the Kashmir movement after the revoking of the article 370 on the region, neighboring states and Kashmir as well. The abolishing of the article had taken all the privileges Kashmir was given when the 370 was implemented in 1949, now Kashmir can't exhibit it's personalized flag, Kashmir has to follow the constitution of India and an Indian rule of law. The split of Kashmir is another fruit of the revoking, into two federal (also known as Union) territories. One will be called Jammu and Kashmir, which will have a state legislature. The other is Ladakh, which will be ruled directly from New Delhi. Thousands of soldiers are deployed in the territory, and a curfew is employed for an undefined period of time. Two senior Kashmir restriction government officials and previous Chief Ministers, Omar Abdullah and Mehbooba Mufti, have been confined and there is a correspondences 'lockdown'. It is elusive that what's going on the ground. (Trehan 2002) Pakistan and India again came in the brink of the war, while with their stranding economy and political unrest. Internationally, China has said it supports Pakistan's stance, highlighting its opposition to the establishment of Ladakh as a separate territory ruled from New Delhi. The approach of Western governments (counting the UK) on Kashmir since the 1950s has been not to engage in dialogs of power and international law, however just to encourage all gatherings to determine the contest calmly. There will be elevated tension that the abandonment of Article 370 may trigger another all-out clash among India and Pakistan, the two of which are atomic weapon states.

### **Conclusion**

Since the start of the contention, Kashmir has been a combat area, and in this time, its larger part has been constrained by Indian governments which have neglected to take care of the issue. What the Kashmiri

individual's need and what is most likely best for the area is, in their words; "Azaadi" (Freedom). This issue has been the essential driver of conciliatory, political, and military showdown among India and Pakistan. Recently, both the sides are demonstrating enthusiasm to start respective talks. But with the Indian revoking of the article 370, everything seems

to turn to ashes once again. The route to this compromise lies in the techniques for psychological intervention. Mental viewpoint of the issue is more profound than its military, political, and conciliatory measurements and understandings. Not at all like the "sharp rise in the ideal of Hindu nationalism

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