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A view on the issue of occupied Kashmir (2008-2018): Disputed territory

Abstract

Kashmir is famous for its extraordinary natural beauty and resources. The reason for three wars between Pakistan and Indian since 1948 is a Kashmir dispute. The southern and eastern side of the Kashmir region is occupied by Indian security forces and the second region Southern and eastern side is occupied by Pakistan. Human right violations in occupied Kashmir by the Indian armed forces are a constant problem. India has used force to control people of Kashmir that becomes causes of human rights violation in occupied Kashmir. Since 1947 to present 2021, Indian government used armed forces to control the valley of Kashmir by use of power and human rights abuses includes extrajudicial killings, executions, torture, illegal detentions, disappearances, rapes, and fake encounters. In this article, we will be looking at the issues of Kashmir and the problems faced by the people of Kashmir.

Key words:

Kashmir, India, Pakistan, Dispute, and Human Rights Violation

Introduction & Background

Human Right Violation in Kashmir by the Indian armed forces are a constant problem. Majid (2016) described that India is ymg io integrate Kasinum into Indian administrations but the Kashmir resisting against al the efforts or forced used by India. On other side Kashmiri want to decide their political future and self determination rights committed in UN resolutions of 1948-1949. On the other side, both countries are nuclear power and have more chances of another nuclear war between both countries. The result of this dispute will be nuclear devastation and destruction of the entire region of Kashmir and most probably for the whole world. Presently, it is at a diplomatic hyper point between two nuclear powers.

Kashmir is a mountainous region with the most beautiful mountains and valleys which enjoys a very important geopolitical situation. On the west side, it is surrounded by Pakistan, and on the east, it is embraced and surrounded by china. In the south of Kashmir, the Indian provinces Himachal Pradesh and Punjab are located. Its Northern side is near to the border of Afghanistan too.

Why is Kashmir controversial?

India and Pakistan both says that Kashmir is not the disputes territory but it belong to us and was taken from us by the those perceptive because it is a Himalayan region located between India and Pakistan. Once this region was a princely state and have their own rules but when the subcontinent divided into India and Pakistan, there had been a

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conflict about Kashmir between India and Pakistan as they say that it fully belongs to them, so India forcefully applied their rules on Kashmir and started ruling them and Pakistan was totally against this and Kashmiri's people were also against this. There were many fights between India and Pakistan related to Kashmir and the next war seemed to be a nuclear war which would be very dangerous for all.

During the British Indian Empire they formed hundreds of princely states in the region of the Indian subcontinent. After World War II (1938 to 1945), British decided to bring their rule to an end. The fate of these all states was brought to scrutiny. It was said by the British government that it depends on the will of all these states either they join Pakistan or India. They were free to make their decision without any type of pressure and threats after the British authorities leave.

Both the countries, Pakistan and India was on the edge to take borders and from the partition between them. In June 1947 British accepted Pakistan Plan. But the monarch ruler of Kashmir state Maharaja Hari Singh was confused to join India or Pakistan. However, the population of Kashmir was 77% Muslims according to the census of 1941 was 264. Hari sing decided not to join both countries until their formation is done.

Pakistan decided to act according to communal lines and wanted to take back Azad Kashmir forces in the region. When there was no decision of Hari Singh about joining Pakistan or India .In 1947 Pakistan took action and invaded Kashmir and captured its northern and western parts. On the request of Maharaja Hari Singh, India sent his troops to Kashmir and Pakistani advances were arrested. Thus, those areas which are located in southern and eastern parts of Kashmir were retained by Indian union forces and constituted the state of Jammu & Kashmir.

If we look at the previous reports and survey, we can see that in the year 2017 killings has raised in Jammu Kashmir as compared to the previous few years.

According to the reports of 2018, it seems that after the killing of Burhan Wani in 2016, the human rights violation in Kashmir was at the peak by the Indian Army. The human rights which are violated by Indian forces are as follows:

Violations in Kashmir

a. Use of Pellet Shotguns:

The killing of the young militant Burhan Muzaffar Wani on July 8 was a disastrous mistake by the Indian security forces operation at this point.

It is reported that around 51 % of the 5800 Civilians injured in the ongoing violence in the valley were hit by pellet guns and in these pellet guns there is a lot of destruction were there on the Muslims of occupied Kashmir. The Indian forces create many hazards in the way Muslims to celebrate their holy religious days like Eid, Muharram, etc.

In 2018 there were 500 killed Kashmiri's in pellet guns by Indian forces to stop the Muslims from celebrating EID UL ADHA. There is a young Kashmiri's who was saying that his eyesight left only 20% during these pellet guns attack and he applied for medical treatment to the government for his help but no action was taken for this.

According to CRPF in occupied Kashmir, there are 1.3 million pellet guns in just 32 days to control street protests. In these pellet guns, most people lost their eye sights, and near about 30000 pellet cartridges have been fired so far. When the injured people are brought to the hospitals hit by pellet guns, they are not allowed to cure them except only SHRI MAHARAJA HARI SINGH HOSPITAL. 14% of people hit by pellet guns are admitted to hospital were under 15 age.

According to an initial study issued by SKIMS hospital, these guns were used to quite Indian protests in 2010, six people were killed and 189 were injured during this.

Near about 1000 civilians were maimed and visually blinded from pellet guns in Kashmir, in 2016 near about 20 civilians have died and 6000 were maimed in Kashmir.

The former C.M Omer Abdullah met Narinder Modi to stop the use of pellet guns, if the situation is uncontrollable then use an alternate on the place of pellet guns.

Many human rights violation organizations raised their voice to stop the use of pellet shotguns in Kashmir, they use a hashtag of #BanPelletGuns campaign to stop this.

Gautam Navlakh says that the government has no rules to use pellet guns since the union ministry decided this.

The Jammu & Kashmir court has also announced a ban on the use of pellet guns, then the central government made an excuse that the pellet guns were used in alternate of rubber bullets, shillings, and other things.

b. LACK OF JUSTICE

The Kashmiri's are not allowed to go in court for any of their matter. If they go into the court by chance then the decision is not in their favor. The Kashmiri's got the punishment of the act which they did not even commit. Government did not perceive them any legal justice, also they were harmed to demanding justice.

c. VIOLATION OF RIGHTS OF HEALTH

The Kashmiri's are not provided with basic health facilities in hospitals. Doctors are not allowed to give any treatment to Kashmiri's. The medicines are not given to the Kashmiris. They are badly treated by the Indian government based on medical treatment for their health.

d. LACK OF EDUCATION

The Kashmiri's are not allowed to go into any educational institutes of India the environment of the school, colleges are like that of jail. The students sometimes commit suicide due to so much pressure given by Indian teachers to Kashmiri's.

e. UNEMPLOYMENT

The Kashmiri's are not given any job. Even they are not allowed to do their own business. The Indian army is destroying the shops of Kashmiri's on daily basis. As a result, many Kashmiri's are dying because they do not have enough money to buy food for them as well as for their families and these are the worst violations of human rights.

f. FREEDOM OF RELIGION AND BELIEF

The Kashmiri's do not have the freedom to practice their religion. They are not allowed to go Masjids for prayer. If they go to Masjids, they are killed by Indian forces badly. And they are not allowed to eat cows even in all over India if they do so then they are harmed badly by Indian religious men and also by forces.

The Kashmiri's are not allowed to celebrate their occasions like Eid, Independence Day, etc. They are not allowed to raise any slogans against them. If they do so they are badly humiliated.

Here are some major violations that are occupied by Indian forces on Kashmir.

On 28th March 2008, the workers of human rights find near about 1000 graves which were unmarked and people do not know about these graves, these graves were near the control line, and then there was a clash between protestors and police. The protestors were finding their relatives and the Indian forces threatened them to move back otherwise they were also killed unmarked as to their other Kashmiri's.

On 12th August 2008, when forces killed Hurriyat Rehnuma Sheikh Abdul Aziz with their other five companions, they were protesting against the decision of the government to change the 800 canal of Kashmiri plot to Hindu shrine.

In 2016, at the death of Burhan Wani, more than 100 protestors were killed. There were a lot of protestors and then Indian forces started shelling and bullets on them to move back them and in this situation, more than 100 other Kashmiri's protestors were also killed, and there were 25265 people have been injured in this protest.

According to JKCCS, including 160 civilians, 267 Baaghi, 159 Indian forces, a total of 586 people were killed last year since the highest deaths from 2008.

Since 8th July 2016, there were 7000 people which were affected by pellet guns in which most of the people lost their vision in which the children below 15 years were infected.

In 2016, in the report of HRW, they highlighted the crackdown on the protestors, the Indian forces killed more than 90 people and 100 were injured there, they used pellet guns on them. They burn 32 schools in Kashmir to disrupt their education.

The year 2018 was a deadly year for the people of Kashmir in history in Indian occupied Kashmir. In Kashmir Indian forces killed more than 450 people and maimed them, in which women and children are also included and are most harmed.

There were heartless scenes when 8 years old Aasifa was raped and hanged with their scarf and her body was found from a forest after some days in 2019, Aasiya Jan, a schoolgirl along with his sister-in-law Neelofer Jan went out to their orchard at the dream. The Neelofer husband Shakeel Ahmed told the press,

“I went to search them when they cannot return in the evening and a neighbor told me that 2 ladies were left their homes when a patrolling party was passing there and then I moved towards police station but also, I could not find them and lost them.”

The greatest number of civilians were killed in south Kashmir comprising the following districts namely Anantnag, Kulgam, and Pulwama. The year 2017 has been the most violent year from the year 2011.

Facts and figures of death in Kashmir from 2008 to 2018

year	Police and armed forces	civilians	militants	Total
2008	151	156	364	671
2009	117	100	245	462
2010	103	166	201	470
2011	72	55	101	228
2012	35	33	76	144
2013	82	48	73	203
2014	83	53	99	235
2015	59	54	107	220
2016	105	147	145	397
2017	124	109	217	450
2018	160	160	267	587
Total	1091	1081	1895	4067

Policies of Pakistan government on the issue of Kashmir

There were two governments in the duration of 2008 to 2018, they made new policies and continued previous policies as started by previous governments of Pakistan. These governments urged the issue to resolve them but unfortunately, they were not succeeded in their efforts. These governments were Pakistan's People Party and Pakistan Muslim league (N). They made several policies.

PPP's Kashmir Policy

Pakistan People Party is a social-democratic party in Pakistan. The Pakistani nation was tired of the dictator government of General Perwaiz Musharraf. They welcomed the new government of the Pakistan People Party in Pakistan & AJK. PPP ruled five (5) years from 2008-2013. They continued the policy of calling insurgents in Kashmir "terrorists". After entering office in 2008, the government faced two major problems with India: 1st one is Kashmir and 2nd is terrorism from India. The president of PPP Asif Ali Zardari tried to repudiate the rumors and explained his statement that his party would not change policy about Kashmir's freedom. He gave his statement about Kashmir "Internationalizing Issue". His government tried best for the freedom of Kashmir in every form of the United Nation. The regional political landscape of South Asia appears to change rapidly. New actors of China at that time tried best to grip on the area of AJK and Laddakh. PPP government supports China's efforts for peace in South Asia, especially in AJK & Laddakh. China openly supports Pakistan's about Kashmir in the General Assembly of the United Nations at that time even today. PPP leadership that internationalizing the Kashmir dispute supporting the Kashmir movement politically, morally, and normalizing by lateral relations with India was an effective way to move forward. Pakistan People's Party supported the Jihad groups which were hoping for freedom of the Kashmir movement. In 2008, The Prime Minister of National Security Adviser Mahmood Ali Durrani visited New Delhi to meet Indian Leadership. Both sides discussed a wide range of issues. Durrani denied Pakistan's involvement in the bombing of the Indian Embassy and his trip led to the Rawlakot route for trade across the L.O.C.

In 2009, the PPP government increased its focus on the issue of Kashmir. They made complaints against India in United Nations Military Observer Group in India and Pakistan (UNMOGIP) on the issue of LOC ceasefire and the president Asif Ali Zardari met with the Hurriyat Rehnuma Mirwaiz Umar Farooq and give them hope that the Pakistan government will always support you on Kashmir issue.

The Pakistan people's party brought the issue towards the United Nations but the Indian government made many excuses like the Mumbai attacks and they ignored the issues in the UN. From 2008 to 2013, there were not so clear attempts for the freedom of Kashmir and at that time the relation between both countries.

Indian authorities blamed Pakistan as some of the perpetrators of the attack were Pakistani Nationals and had already fought against Indian IoK. Pakistan took a moderate position amid the surgical attack across L.O.C. Social safety nets of Kashmir only one of the best initiatives taken by the Pakistan People's Party during their entire tenure of 5 years from 2008-2013. Anger simmered in occupied Kashmir give an interview to the Indian television channel about the relation between India and Pakistan should not be occurred "hostage".

The most important policy was the introduction of administrative changes in northern areas of Pakistan like Gilgit Baltistan, and the reason behind this was to send the signals to India that Pakistan is serious about to restart backchannel talks on Kashmir.

PML-N's Kashmir Policy

In the wake of turning out to be Prime Minister of Pakistan for the third time, Nawaz Sharif, from the earliest starting point, confronted various issues at neighborhood and unfamiliar fronts. At a worldwide level, Pakistan was confronting confinement on the issue of holding psychological oppression in ancestral regions. Its relations with the US were stressed during President Obama's subsequent term. Indeed, even Obama's replacement Donald Trump additionally squeezed Pakistan for not making military moves against Haqqani Network. The US and Afghanistan government considered Haqqani Network an expected danger and considered it answerable alongside the Afghan Taliban for psychological oppressor assaults in Afghanistan. In the interim, India, Iran, and Afghanistan built up a nexus that Pakistan saw as a counter CPEC by building up Chahbahar port in Iran. Indian powers likewise began infringement across LOC by focusing on regular people. Indian military additionally guaranteed careful strikes on LOC that was denied by Pakistan armed force by saying that any such activity would be answered with full power. On the inward front, Nawaz Sharif confronted a solid resistance from Pakistan Tehreek-e-Insaf (PTI) drove by Chairman Imran Khan on the issue of gear 2013 general decisions and defilement. At last, Nawaz Sharif was precluded by SCP in 2017 and Shahid Khakan Abbasi supplanted him as Prime Minister of Pakistan. Prior, Prime Minister Nawaz Sharif who likewise had an arrangement of protection Minister and Foreign Minister wanted to

standardize relations with India without compelling India to determine the issue of Kashmir. Nawaz Sharif's tilt toward India to advance neighborly exchange relations irritated the military foundation in Pakistan. In the interim, a few episodes like Indian Prime Minister Modi's private visit to Jati Umra Raiwand in 2015. Nawaz's mystery meeting with Indian 'steel financier' Sajjan Jindal in Murree in 2017, tight lips of Nawaz on the capture of Indian covert operative Kulbhushan Yadav and his fear monger exercises in Baluchistan, Dawn releases outrage, further stressed common military relations. It is seen that because of the nonappearance of lasting unfamiliar pastors in the PML-N government, Pakistan couldn't seek after its case all the more powerfully about Kashmir at a worldwide level. Notwithstanding, in any event, having a 'delicate' corner toward India, Nawaz, under extraordinary public and armed force pressure, featured the issue of Kashmir at a global level while tending to at UNGA meetings held in 2013, 2015, and 2016. The detail of the discourses is given in the following sections.

Conclusion

Kashmir is a disputed territory in this article. We have learned about the Kashmir being in both the country has a significant impact on its people, the constitution is not clear for them and people are suffering due to the brutal torture by the Indian people and being in major lockdown were they don't have access to the human basic resources. Both the government are clear about the deciding of giving the Azad Kashmir their rights peace to the people. While on the other hand, in the Indian occupied Kashmir the people are suffering and are opposed to giving their voice to the public. The result of this dispute will be nuclear devastation and destruction of the entire region of Kashmir and most probably for the whole world. Presently, it is at a diplomatic hyper point between two nuclear powers. And so, it is reported that around 51 % of the 5800 Civilians injured in the ongoing violence in the valley were hit by pallet guns, and in these pellet guns there is a lot of destruction were there on the Muslims of occupied Kashmir. The Indian forces create many hazards in the way Muslims to celebrate their holy religious days like Eid, Muharram, etc. And the people face as listed in the article use of pallet shotguns, lack of justice, rights of health, lack education, unemployment, freedom of religion and belief.

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