

"Unresolved Conflict: The Kashmir Issue and Its Implications for South Asian Stability"

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Abstract

Kashmir is a long-standing and significant dispute between Pakistan and India since the partition of British India in 1947. Despite multiple attempts to resolve the issue through bilateral and multilateral channels, it remains unresolved. The two nations have had several wars which have deteriorated their bilateral relations which resulted in military standoff and human right violations. India's attempts to strengthen its control of Kashmir by force have always been challenged by Pakistan, who supports the Kashmiri people's right to self-determination under the UN Resolution of 1948-49. This paper aims to provide an overview of the Kashmir issue by highlighting the economic, political, and territorial importance of the region of Kashmir. Due to its strategic location Kashmir holds significant importance as it is considered as a major source of economic prosperity. The scenic beauty promotes tourism, and this region is also a home for several hydroelectric power projects due to the availability of ample amount of natural water resources. Due to these factors both the countries i.e., Pakistan and India tend to treat Kashmir for their own benefits and interest rather than addressing the catastrophic conditions of the people of this region. The paper also emphasizes the abolition of Article 370 and 35-A by India that endangers the lives of Kashmiri people. It also explains the current situation of Kashmir where India held G-20 conference to show the world that Kashmiri people are in favor to align with India. The project concludes by highlighting the human rights violations in Kashmir which imposes great threat to develop peace in the South Asian region.

Keywords: Political Issue, Territorial Dimensions. Impact ,South Asia, Economic Factor

Introduction

Quaid-e-Azam Muhammad Ali Jinnah, the founder of Pakistan, considered the Kashmir issue to be one of the most important issues faced by the two nations. In his speech delivered on 11 August 1947, Jinnah stated that **"Kashmir is the jugular vein of Pakistan, and no nation or country can afford to have its jugular vein in the possession of another nation or country."**¹ Jinnah's stance on the Kashmir issue was consistent throughout his political career, and he worked tirelessly to draw international attention to the issue and to ensure support for the Kashmiri people's right to self-determination.

Kashmir is a region of significant economic, political, and territorial importance, which has been a bone of contention between India and Pakistan for many years. Kashmir is an ethnically diverse Himalayan region, covering around 86,000 sq miles (222,738 sq km), and known for the beauty of its lakes, meadows, and snow-capped mountains. The conflict between the two countries causes the involvement of other countries, both to resolve and suppress the conflict but no significant improvement is observed till date as Pakistan and India are both treating Kashmir for their own interests while ignoring the plea of Kashmiri people.

Economically, the region is rich in natural resources, including minerals, forests, and water resources. The region's economy is primarily based on agriculture, horticulture, and tourism. The tourism industry in Kashmir is a significant contributor to the economy of the region, and the scenic beauty of the region attracts tourists from all over the world. The region is also home to several hydroelectric power projects, which provide electricity to both India and Pakistan. In addition to this, the Kashmir region is known to be rich in other natural resources including gold, copper, and coal.

Politically, the region's strategic location has made it a subject of interest for both India and Pakistan. The strategic location of Kashmir at the crossroads of South Asia, Central Asia, and the Middle East, make it a vital transit point for trade and commerce as it connects with the Arabian Sea which which provide the route to trade in Europe The region is also of significant military importance, as it is located at the border between India and Pakistan, and both countries have stationed their troops in the region.

Territorially, the region is of great importance to both India and Pakistan. India claims the entire region of Jammu and Kashmir as an integral part of its territory, while Pakistan claims the region of Azad Jammu and Kashmir and Gilgit-Baltistan. The dispute over the region has resulted in several wars and military standoffs between the two countries, and the

situation in the region remains volatile. Most of the population in Kashmir is Muslims who want to become a part of Pakistan, but India is deliberately trying to eradicate Muslim generations to include Kashmir in their own territory to gain socio-economic benefits.

On August 5, 2019, India unilaterally abolished the Articles 370 and 35-A of the Indian Constitution and annexed Kashmir, making the situation even worse. Pakistan is persistently advocating for the people of Kashmir and working to eradicate their suffering. More than half of the population in Jammu and Kashmir saw violent government crackdowns, public outbursts, and cross-firing between militants and armed forces during the years following the uprising. The massive military presence seriously threatened the security and freedom of the population of Kashmir that suffered from physical and mental health problems due to violence and continuous repression. Human rights abuses, murders, economic ruin, and social strangulation of the Kashmiri people are common in the region. The strategic stability of South Asia has been severely affected by the abrogation of these two articles.²

In current scenario, India held G-20 tourism meeting in Srinagar from May 22-24, 2023. The Indian authorities want to show the world that normalcy had returned in the picturesque, disputed territory of Kashmir to attract tourists and investors in the region.

Economic Interest of Pakistan and India in Kashmir

Pakistan's economy is considered as low-income developing economy since its independence in 1947 due to biased distribution of territory, industrial assets, wealth, and other economic resources which are essential for an emerging country. Economic growth of a country is linked with trade with neighbouring states and countries. Kashmir is a disputed territory between Pakistan and India which has negative effects on Pakistan's economy. According to Quaid-e-Azam's saying Kashmir is jugular vein of Pakistan and no nation or a country would tolerate its jugular vein remains under the sword of the enemy.³ Pakistan has economic interests in Kashmir as well, some factors/ interests are in the following areas: -

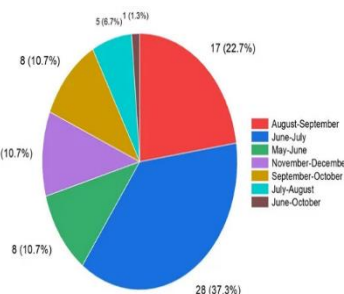
1. Agriculture

As Pakistan is an agrarian country most of our livelihood depends on agriculture. Agriculture is the backbone of economies of Pakistan and India. Agriculture sector is indispensable to the country's economic growth, food security, livelihood, employment generation and poverty elevation. It contributes about 19.2% to the GDP and provides employment to around 38.5% of labour force. More than 65%-70% of Pakistan's population depends on agriculture for its livelihood. Agriculture is the most important occupation of the people of Kashmir valley. Even those engaged in other sectors depend on agriculture for raw material. The state is occupied mostly by mountainous terrain, of which only about 30% is under cultivation.

material. The hilly and mountainous areas differ from the plains in topography, elevation, and the physiographic diversity of habitats for flora and fauna.

2. Crops

The region of Kashmir is known for the cultivation of a variety of crops, including wheat, rice, maize, barley, pulses, and fruits such as apples, cherries, apricots, and walnuts. Although cropping activity goes on through the year in some districts, there are two distinct seasons i.e., Kharif (monsoon crops—sown at the beginning of monsoon and harvested at the end of monsoon) and Rabi (winter crops—sown at the beginning of the winter season and harvested at the end of winter). The Kharif season is related to rainfall; if it is good, the crop response will be good, but on the other hand, if the rainfall is unfavourable, the crop response will be poor e.g., rice, maize, pulses, and fodder. The Rabi season is marked by the onset of winter when the temperature starts coming down. These crops are not only consumed locally but are also traded to other part of Pakistan and even internationally.⁴



3. Livestock

Livestock farming is an essential component of agriculture in Kashmir. The region has a significant number of cattle, sheep, and goats. Livestock farming provides a source of income for many rural households and contributes to the production of milk, meat, and other dairy products.

4. Horticulture

Kashmir is famous for its horticultural activities, particularly plants and fruit cultivation. The region's moderate climate and fertile soil are conducive to growing a wide range of fruits, including apples, pears, peaches, cherries, apricots, plums, and almonds. These fruits are not only consumed domestically but also exported to other parts of Pakistan and internationally.

5. Sericulture

Sericulture or silk production is another agricultural interest in Kashmir. The region has suitable conditions for silk farming, and silk production contributes to the local economy. Mulberry trees, which are necessary for silkworm rearing, are grown in the region.

7. Tourism

Tourism is indeed a significant interest for Pakistan, including the region of Kashmir. Pakistan is known for its diverse landscapes, rich cultural heritage, historical sites, and scenic beauty, making it an attractive destination for tourists. Kashmir, particularly the Pakistani-administered part of the region, holds immense tourism potential. The picturesque valleys, majestic mountains, sparkling rivers, and serene lakes in Kashmir attract

tourists from around the world. Some popular tourist destinations in Pakistani Kashmir include Neelum Valley, Sharda Valley, Leepa Valley, Banjosa Lake, Ratti Galli Lake, and Rawalakot. Tourists visiting Kashmir can enjoy various activities such as trekking, hiking, mountaineering, boating, and camping. The region is also known for its traditional arts and crafts, including



woodwork, handwoven textiles, and intricate embroidery, which adds to the cultural experience for tourists.

Efforts are being made by the government and local authorities to promote tourism in Pakistan, including Kashmir. Infrastructure development, improvement of facilities, and marketing campaigns are some of the initiatives taken to attract more tourists to the region. Overall, tourism is an area of interest for Pakistan, including Kashmir, and the region's natural beauty and cultural attractions have the potential to contribute significantly to the country's tourism industry.⁵

8. Hydro Electric Power Projects

The Indus River and its tributaries, which flow through Kashmir, provide a reliable source of water for irrigation. The development of irrigation infrastructure, including canals and dams, has enhanced agricultural productivity in the region. The Jhelum and Chenab River also flow from Kashmir that later joins the Indus River providing the regions of Punjab with water for irrigation that promotes agriculture and brings prosperity to the whole country.

Kashmir being a region with abundant water resources, has significant potential for the development of hydroelectric power projects. The utilization of hydroelectric power in Kashmir has been a focus for both Pakistan and India, as they seek to harness the region's water resources for energy generation. Here are a few notable hydroelectric power projects in Kashmir:



Mangla Dam: Mangla Dam is located on the Jhelum River in the Mirpur district of Azad Kashmir. Although the dam primarily serves irrigation purposes, it also has a significant hydroelectric power generation capacity. The Mangla Dam power station has an installed capacity of 1,000 megawatts (MW) and contributes to the electricity supply in both Azad Kashmir and Pakistan.

Neelum-Jhelum

Hydroelectric Project:

The Neelum-Jhelum Hydroelectric Project is located on the Neelum River, a tributary of the Jhelum River, in Azad Kashmir. This project involves the



construction of a dam and a power station. With an installed capacity of 969 MW, it aims to generate clean and renewable energy for Pakistan. The project was completed in 2018.

These are just a few examples of the hydroelectric power projects in Kashmir. The development of such projects aims to tap into the region's water resources and utilize them for renewable energy generation. It's important to note that the construction and operation of hydroelectric power projects in Kashmir can be influenced by political considerations and the complex dynamics of the region.⁶

Uri Hydroelectric Project: The Uri Hydroelectric Project is situated on the Jhelum River in the Uri area of Indian-administered Jammu and Kashmir. It consists of several power stations, including Uri-I and Uri-II. The project has a combined installed capacity of approximately 480 MW and contributes to the electricity supply in the Indian state of Jammu and Kashmir.

Baglihar Dam: The Baglihar Dam, also known as the Baglihar Hydroelectric Power Project, is located on the Chenab River in Indian-administered Jammu and Kashmir. While primarily designed for irrigation and flood control, it also generates electricity. The project has an installed capacity of 900 MW and supplies power to the Indian grid.

9. Wood Industry

The wood industry in Pakistan including the region of Kashmir, plays a significant role in the country's economy. Pakistan has rich forestry resources, including various species of trees suitable for timber production. The wood industry encompasses activities such as logging, processing, manufacturing, and trading of wood and wood-based products. In Kashmir, which is a region disputed between India and Pakistan, the wood industry also holds importance. Kashmir is known for its beautiful forests, particularly the dense forests of deodar (*Cedrus deodara*) trees. Deodar wood is highly valued for its durability, strength, and attractive grain patterns, making it popular for furniture, construction, and handicrafts.

The wood industry in Pakistan, including Kashmir, faces challenges related to deforestation, illegal logging, and unsustainable practices. Efforts are being made to promote sustainable forestry practices, conserve forests, and encourage responsible wood sourcing. Overall, the wood industry in

Pakistan, including the region of Kashmir, plays a vital role in the country's economy, and efforts are being made to ensure sustainable practices and conservation of forests.

10. Handicrafts

Kashmir is famous for its rich tradition of handicrafts. The region is known for producing exquisite handwoven textiles, intricately carved woodwork, papier-mâché crafts, copper and silverware, and Kashmiri shawls. Handicrafts have been an important economic activity in the region, providing employment and contributing to local tourism.



11. Other Small Industries

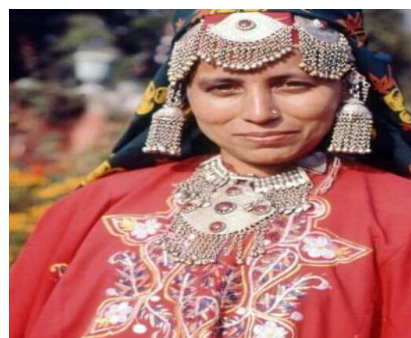
Kashmir has a presence of small-scale industries involved in activities such as food processing, textiles, leather goods, paper production, and furniture manufacturing. These industries cater to local demand and contribute to the regional economy.

Kashmir has a rich tradition and heritage in the field of gems and jewels. The region is known for producing and crafting various gemstones and jewellery items. Some of the notable gems and jewels associated with Kashmir include:⁷

Kashmir Sapphire: Kashmir is famous for its high-quality sapphires. Kashmiri sapphires are known for their intense and velvety blue colour, often referred to as "cornflower blue." They are highly valued for their exceptional clarity, colour, and luster. Kashmir sapphires are considered among the most sought-after gemstones in the world.

Kashmir Ruby: Kashmir also produces rare and fine-quality rubies. Kashmiri rubies are known for their deep red colour and excellent transparency. These rubies are highly prized for their intense colour saturation and are considered extremely valuable in the gemstone market.

Kashmiri Gold Jewellery: Kashmir has a tradition of intricate gold jewellery craftsmanship. Skilled artisans create exquisite gold jewellery pieces using traditional techniques, incorporating delicate filigree work, enamel work, and stone settings. These jewellery pieces often feature intricate designs inspired by local motifs and cultural influences.



Silver Jewellery: Kashmir is also known for its silver jewellery, which is crafted with great precision and artistry. The silver jewellery of Kashmir often incorporates traditional

designs, such as floral patterns, leaves, and intricate geometrical motifs. These pieces are popular among locals and tourists alike.

Beaded Jewellery: Kashmiri artisans also create beautiful, beaded jewellery using various materials such as gemstone beads, pearls, and silver. These pieces showcase the craftsmanship and creativity of local artisans and are often adorned with intricate patterns and designs. Kashmir's gem and jewellery industry has faced challenges due to political instability and economic factors. However, efforts are being made to promote and revive this industry, showcasing the region's rich heritage and traditional craftsmanship. 2022, GDP of Azad Jammu and Kashmir was estimated to be US\$6.6 billion, giving per capita income of 1512 dollar USD, above from in Sept 2013, when Azad Kashmir's GDP was estimated at \$3.2 Billion.⁸

Political Interest of Pakistan and India for Kashmir

Political Stance of Pakistan for Kashmir:

The current perturbation in Indian-Held Kashmir is rooted in the struggle of the people for the exercise of the right of self-determination. Pakistan sustains the right of the people of Jammu and Kashmir to self-determination with the resolutions of the United Nations Security Council. The resolutions of 1948 and 1949 made provisions for the holding of a free and impartial plebiscite for the determination of the future of the state by the people of Jammu and Kashmir.⁹

Pakistan's Kashmir policy has always been in instability between bilateral talks on the one hand and a militaristic approach on the other. After India's scrapping of Kashmir's special position, the issue came into the limelight. Khan, addressing the UN General Assembly, reprimanded India for its move, warning of a "blood bath" in Kashmir. Khan's policy on Kashmir and his approach toward India had significantly altered. Khan, who had earlier talked about finding the solution through bilateral talks, now advocated for international intervention in Kashmir. Imran Khan is not the first leader to seek international intervention. His forerunner, Nawaz Sharif, lifted the issue in the UN General Assembly in 2013 and 2015, while in 2017, the issue was raised by the Pakistani envoy, Maleeha Lodhi. However, Nawaz Sharif was not able to defrost, and the matter remained deadlocked. Following the abrogation of Kashmir's special status, however, Pakistan had more support. Initial solidarity came from China, which announced that it would support Pakistan in "issues related to its core interests." Turkey and Malaysia were also supporters of Pakistan on Kashmir. The Organization of Islamic Cooperation also called for the peaceful resolution of the matter of Kashmir and maintained that Kashmir remained one of the OIC's topmost agenda items. But the diplomatic success was brief as Saudi Arabia remained impartial over the Kashmir issue and backed India on cross-border terror during Modi's visit to Riyadh in October 2019. The UAE has detailed the decision to scrap Article 370 as India's internal matter. Moreover, four

permanent members of the UN Security Council; the United States, Russia, France, and the United Kingdom — refused the Chinese proposal for the council to accept the Kashmir issue.

Compared to India's vacillating Kashmir Policy, Pakistan's Kashmir policy has all-along been quite exceptionally balanced and consistent. India has been altering its policy objectives and tactics with the passage of time according to periodic developments. While India gaze at Kashmir as a Muslim majority state whose ruler opted to accede to India. India stringently refrained from applying the same principle to Junagadh whose ruler decided to join Pakistan. Instead, India forcibly occupied the state. The Kashmiris freedom struggle is often termed by the Indians as Pakistani inspired rather than acknowledging it as authentic expression of Kashmiris' desire for self-determination. To the Pakistanis, Kashmir dispute has become a sign of Indian highhandedness and broken promises and commitments.¹⁰ What the Pakistanis argue is that the people of Kashmir are permitted to exercise their inalienable right of self-determination under a UN supervised plebiscite in accordance with the resolutions of 13th August, 1948 and 5th January, 1949.. All what Pakistan stresses is that the Kashmiris are permitted to exercise their right of self-determination as promised by the UN. India continuously arguing that the intensification of the Kashmiris' freedom struggle since 1990 is not Indigenous. Compared to India, which has systematically diminished the special status it gave to the State of Jammu and Kashmir (J&K), Pakistan did not absorb either the Northern Areas or the Azad Kashmir though in case of the Northern Areas only recently a special status has been allocated as the Gilgit-Baltistan region. Determined to retain Kashmir as a part of the Indian Union, India has been persistently trying to inject well calculated moves to erode the special status it had given to J&K under its Constitution with the intention of finally merging the state completely into the Indian Union. This was promoted initially by British surrender of its impartial role in partition processes enabling India to gain the necessary foothold there in the state towards this end. Over the last 70 years, Pakistan has periodically but successfully managed to internationalize the Kashmir dispute. Pakistan's multi-pronged approach helped the process of internationalization. Pakistan allowed the local as well as the international press to cover the developments and results of the crisis on this side of the Line of Control (LoC).

India's Political Interest Regarding Kashmir:

Two years after the Indian parliament revoked the autonomous status of Indian-administered Kashmir, Prime Minister Narendra Modi's government seems to have succeeded at bringing the region under its direct authority. When India first made its move, it startled the world and led to fears of a rise in violence in the valley and a potential open conflict with Pakistan, the nuclear-armed state that claims sovereignty over

Kashmir in its entirety. Delhi also worried about the diplomatic fallout with west as Pakistan joined China in insisting India through the United Nations security council.

On Aug. 5, 2019, Modi's Hindu nationalist Bharatiya Janata Party (BJP) not only abrogated Article 370, under which the local legislature could make its own laws except in finance, defense, foreign affairs, and communications, but it also revoked Article 35A, which empowered the legislative assembly to define permanent residents and offer them special privileges such as exclusive land rights. Modi also split the three different divisions of the erstwhile state—Jammu, Kashmir, and Ladakh—into two union territories. While a state has its own government and powers to pass laws, union territories are much smaller administrative units ruled by an appointee of the central government.

Ultrnationalist governments, like the Bharatiya Janata Party (BJP) government in India, construct their foreign and domestic policies based on the belief that they are superior to all their adversaries and thus invincible. They, however, periodically face reality checks that cause them to question this belief and readjust their priorities and strategies. In the last few years, India's government had two such reality checks in the form of military humiliations. First, in February 2019, Pakistan downed an Indian aircraft that had ventured into Pakistan-administered Kashmir and captured its pilot. Islamabad later released the pilot "in a gesture of goodwill," but the humiliating episode left a permanent mark on India's nationalist government and caused it to rethink its approach to Kashmir. Second, in June 2020, at least 20 Indian soldiers were killed in a violent face-off with Chinese forces over the disputed border between India's federally administered territory of Ladakh – earlier a part of Indian-administered Kashmir – and China. According to media reports, during the altercation, the Chinese military also took control of several strategic areas that were previously claimed and patrolled by Indian forces.¹¹

All this leads one to conclude that India will continue to hedge on managing and, therefore, complicating the conflict in Kashmir, rather than resolving it once and for all.

Territorial Interests of India and Pakistan in Kashmir

The territorial dispute over Kashmir between India and Pakistan has been a longstanding issue rooted in the historical, cultural, and religious complexities of the region. This project aims to explore the territorial interests of both India and Pakistan in Kashmir, shedding light on the historical context, strategic considerations, and socio-political factors that have shaped their perspectives.¹²

I. Historical Context:

The partition of British India in 1947 led to the creation of India and Pakistan as independent nations. The princely state of Jammu and

Kashmir, with a Muslim majority but a Hindu ruler, became a disputed territory. The conflicting claims of India and Pakistan were based on religious, cultural, and historical affiliations, setting the stage for the ongoing territorial dispute.

II. India's Territorial Interests:

- **Integral Part of India:** India considers the entire region of Jammu and Kashmir, including Jammu, Kashmir Valley, Ladakh and Gilgit-Baltistan, as an integral part of its territory. This perspective is grounded in India's identity as a diverse, secular, and democratic nation-state.
- **Access to Water Resources:** The Indian-controlled portion of Kashmir holds strategic significance due to its control over several rivers, including the Indus, Jhelum, and Chenab, which are vital for Northern India's water resources. India argues that maintaining control over these rivers is crucial for its agricultural, industrial, and domestic needs.
- **National Security:** India asserts that retaining control over Kashmir is imperative for its national security. It contends that Pakistan has supported and continues to support militant groups operating in the region, posing a threat to India's internal security.

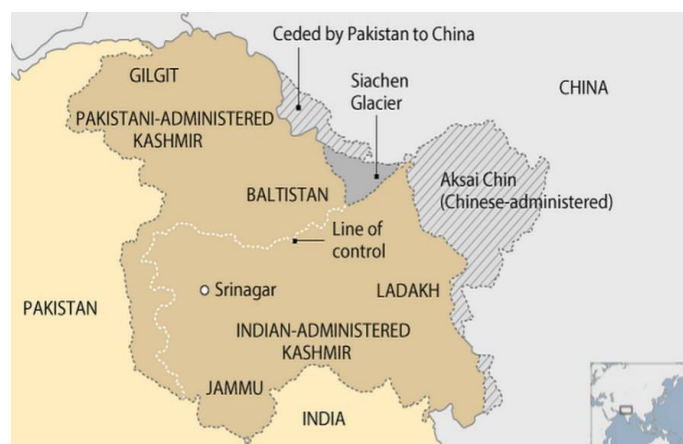
III. Pakistan's Territorial Interests:

- **Self-Determination:** Pakistan maintains that the Muslim population in the Kashmir Valley should have the right to self-determination, as originally envisioned during the partition. It advocates for a plebiscite to allow the people of Kashmir to decide their political future.
- **Strategic Control:** From a strategic standpoint, Pakistan views control over Kashmir as crucial for its security and defense. The region's proximity to Pakistan's heartland and its strategic location along the western borders make it strategically important. It provides Pakistan with a buffer zone against potential threats and enhances its ability to monitor and counter any security challenges.
- **Historical and Cultural Affinity:** Pakistan argues that the region's historical, cultural, and religious connections align more closely with Pakistan than with India. It highlights the Muslim majority in the Kashmir Valley and emphasizes the need to protect the rights and aspirations of Kashmiri Muslims.

IV. Geostrategic Considerations:

- **Proximity to Central Asia:** Both India and Pakistan view Kashmir as strategically located due to its proximity to Central Asia. Access to Central Asia could facilitate economic and trade opportunities, energy cooperation, and geopolitical influence in the region.¹³
- **Nuclear Deterrence:** The Kashmir dispute has fueled tensions between India and Pakistan, both nuclear-armed nations. Both countries have used the territorial dispute to assert their military capabilities and maintain a balance of power in the region.

- **Regional Influence:** The contest over Kashmir extends to broader regional dynamics. India and Pakistan seek to gain influence among neighboring countries, garner international support, and secure their positions within regional organization.



Human Rights Violation in Kashmir

Human rights violations have risen dramatically in Jammu and Kashmir since late 1989, the launch of the campaign for secession or for the state to join Pakistan. Numerous thousands of Kashmiris are arbitrarily detained under special laws that lack vital legal safeguards and provide the security forces with broad powers to arrest and detain. They are held for months or years without charge or trial. Torture by the security forces is a daily routine and so brutal that hundreds have died in custody as a result. Scores of women claim that they have been raped. Efforts by relatives to use legal avenues to gain reparation have been persistently frustrated: court orders to protect detainees are routinely flouted and the legal machinery in the state has broken down. A judge of the Jammu and Kashmir High Courtsaid in October 1994 that the rule of law in the state had ceased to exist.¹⁴

Hundreds of civilians, including women and children, have been extra executed. Frequently, these deliberate killings have been disguised by officials claiming they occurred in "encounters" or "crossfire". They continue to be regularly reported. Such killings and hundreds of deaths in custody by far the highest in any Indian state are eased by laws that give the security forces with virtual immunity from execution. They also allow the security forces to shoot to kill. In December 1994 Amnesty International detailed 128 cases of "disappearance" in the state, not many of which have been clarified by the government, and the figures continue to rise, as do reports of other, grave human rights violations. They have increased further since security forces' operations intensified in mid-1992. The Kashmir Times reported in November 1994: "Reports of violations of human rights

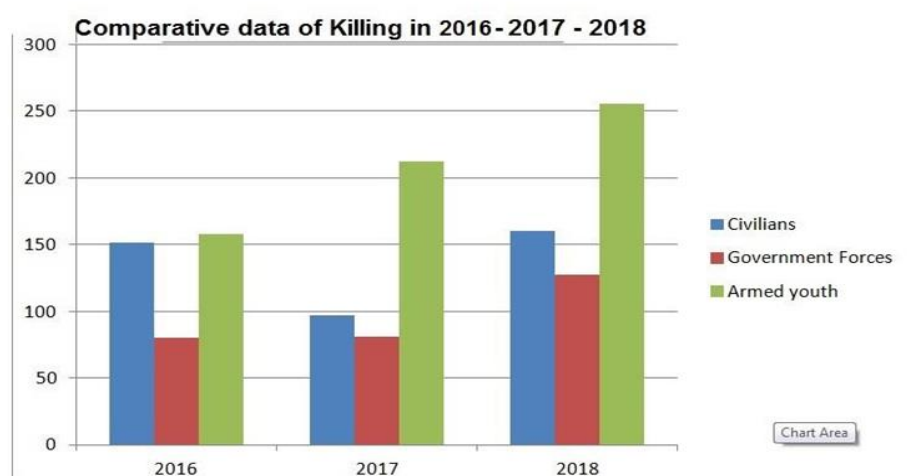
are pouring in from across the Valley [of Kashmir] and the authorities seem not [to be] responding to the reports". In Amnesty International's view, there is a harmonious pattern of gross violations of human rights in Jammu and Kashmir. The situation has reached alarming proportions.

Yet the human rights crisis in the state has been ignored by the government and the transnational community. International human rights experts on these specific human rights violations from the United Nations and from international organizations such as Amnesty International continue to be denied access to the state. Since the secessionist campaign started, an estimated 17,000 men, women and children have died in the state from violence from both sides, according to police and hospital sources.¹⁵

The government is not alone in violating human rights norms, armed opposition groups have committed multitudinous abuses themselves. They have taken and killed hostages and have subjected a number of them to torture, including rape. Family members of politicians have been assassinated or kidnapped. Amnesty International has constantly and unequivocally condemned these human rights abuses and has warned the groups themselves that taking hostages does not further, in any way, the protection of human rights. Amnesty International continues to call on these groups to stop these abuses and to abide by basic norms of humanitarian law. Three Indian security forces operate in Jammu and Kashmir: the army and the paramilitary Border Security Forces (BSF) and the Central Reserve Police Force (CRPF).

Thousands of security force personnel are deployed in the state. Allegations of human rights violations have intertwined all three forces, but utmost concern the BSF. The local police are suspected by officials of sympathizing with secessionist groups.

Graphic Representation of the Human Rights violations in Jammu & Kashmir during recent years:



Arbitrary Arrest and Detention:

Most of the Kashmiris arrested by the Indian security forces are young men picked up in operations designed to identify suspected militants. The local police are infrequently informed when the security forces make arrests. Although Indian law requires that anyone arrested should be brought before a justice within 24 hours of arrest, this rarely happens. The government has failed to implement repeated assurances given by the Minister of State for Home Affairs that families should be informed of an arrest within 24 hours: the relatives of those arrested are often not told why they have been taken and to which place. People are arrested on bare suspicion. In October 1994 more than 5,000 Kashmiri militants were in custody for aiding and abetting the Kashmiri campaign, according to an official, but civil liberties groups in the state estimated that four times that number were being held. Some are held outside the state where it is impossible for relatives to visit them. The Kashmiri press in November 1994 reported several cases of people who were constantly, incorrectly, detained simply for having the same name as known leaders of secessionist groups wanted by the security forces.¹⁶

Preventive detention and special laws in force in Jammu and Kashmir lack pivotal legal safeguards. The government can detain people for over to two years without charge or trial under the Jammu and Kashmir Public Safety Act on broadly defined grounds of state security. In violation of international human rights standards, there is no need to bring them before a judicial authority instantly after arrest. The grounds for detention can be withheld from the detainee simply for reasons of "public interest". This frequently happens. Under the Terrorist and Disruptive Activities Act people can be detained arbitrarily for "disruptive activities": this could include questioning whether Jammu and Kashmir should remain part of India or whether a plebiscite should determine the state's future, as the Indian Government formerly promised.

Thousands of arrests have been made under these laws each year. Court orders to protect detainees are routinely flouted. Some of those arrested are released after weeks or months, but others remain detained without trial for years. Shabir Shah had been detained for five years without trial when he was released in October 1994. He had spent an aggregate of 18 years in prison for peaceful political activities. Amnesty International has received numerous complaints that people continue to be detained even beyond the legal period of their detention, even after the courts have ordered their release.¹⁷

Torture:

Torture in Jammu and Kashmir is of exceptional brutality and explains the shocking number of people who have died in custody of the

security forces. In areas where the security forces are engaged in counter-insurgency operations, the entire civilian population is at threat.

Forms of Torture

The methods applied during torture are extremely cruel and humiliating. The torture includes both physical as well as psychological. The physical torture is:

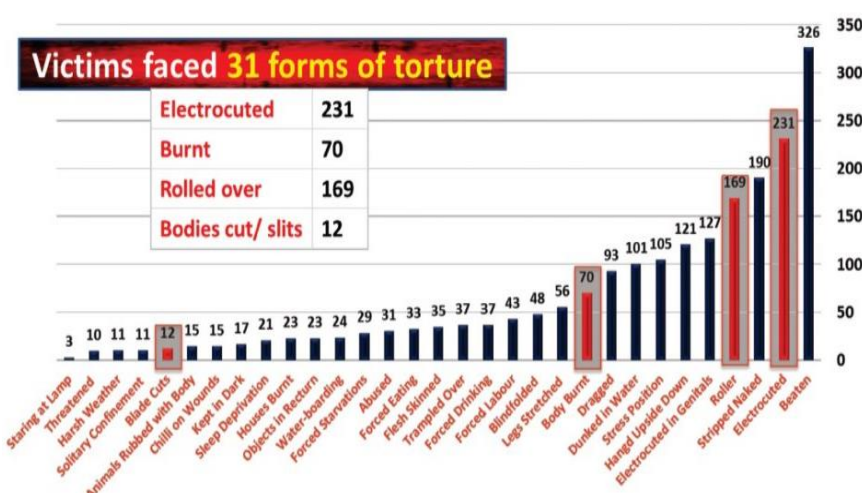
- Severe and prolonged beatings and electric shocks to sensitive parts of the body.
- Burning with hot iron and cigarettes, pouring hot oil over body and hot wax in the ears.
- The roller treatment in which several men roll a heavy metal or wooden log across the body of the victim, crushing the bones and joints down to feet.
- Hanging upside down, putting chili powder into the eyes.

Psychological torture and degradation in:

- Forcing victims to eat human excretion and drink urine.
- Forcing family members to witness the torture inflicted on their women and children.
- Compelling family members and non-members to watch chopping of limbs, crushing fingers and removing nails.
- Using abusive language.

It has left people disabled for life: Amnesty International knows of several victims whose legs had to be amputated because of torture. This happened to Manzoor Ahmed Ganai, who died within weeks of having his legs amputated in February 1993. Soldiers had set light to his legs with paraffin and had suspended him upside down for around 24 hours. A doctor treating him in Srinagar's Bone and Joint Hospital said he could have been saved if he had received timely medical treatment. The government informed Amnesty International that "often such reports are circulated to divert attention from terrorist activities", and assured Amnesty International that the allegations of his torture would be investigated. However, Amnesty International was never given the results of the investigation, or informed whether any similar investigation took place at all.¹⁸

Medical evidence, including data from foreign doctors examining torture victims in the state, corroborates a number of the torture allegations. Torture has also been documented by the UN Special Rapporteur. Even the police have testified to the torture of suspects in several cases. Nevertheless, the Indian Government routinely denies all allegations that its troops are responsible for torture. No members of the security forces have been brought to justice for torturing detainees in their custody.



Deaths in Custody:

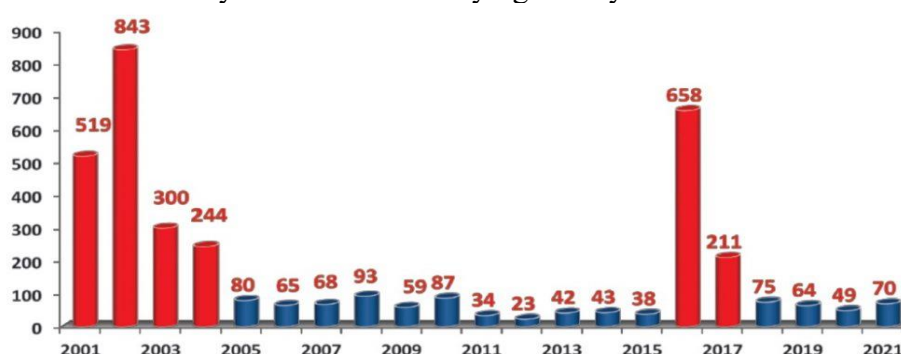
Hundreds of Kashmiris have died in custody after arrests in "crackdown operations" to identify suspected militants. Sometimes the mutilated bodies of the victims are returned to the families without further explanation. However, in recent years the government has increasingly sought to cover up such killings by attributing them to "encounters" or "crossfire", without providing any evidence, rather than ensuring that the perpetrators are brought to justice. Such claims have been made even in cases where witnesses saw the arrest and the bodies of the victims showed marks of torture harmonious with the findings of medical examinations or police reports. The Times of India commented in March 1993 that over the past six months, "custodial killings of both militants and others became nearly a daily phenomenon". Many more have been reported since then.¹⁹ Masroof Sultan, a student, was tortured with electric shocks in a notorious interrogation centre called Papa II in Srinagar. He was beaten until one of his legs was broken and survived three attempts by BSF labor force to murder him. They apparently intended to kill him in retaliation for the shooting of three BSF men one day earlier. He survived by pretending to be dead. The police found him, barely alive, after the BSF announced that a "militant" had been shot dead in an "exchange of fire".

Not a single investigation by an independent and impartial body into the many cases of people reported to have been killed in custody is known to have been carried out. None of the perpetrators have been brought to justice.

Excesses against Women:

Rape, molestation, and other forms of sexual abuse have been extensively practiced by the Indian security forces on women in Kashmir. "In Jammu and Kashmir rape is practiced as part of systematic attempt to

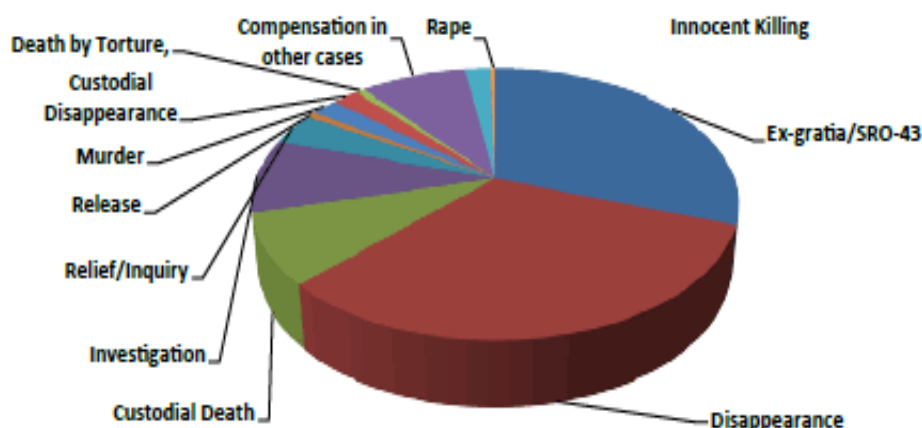
humiliate and intimidate the local population during counter-insurgency operations" (Amnesty international report). Kashmiri women also become target of the bullets of Indian soldiers. This also became a cause for the rising of militancy in Kashmir.²⁰ Most people do not bear atrocities against women folk, and they took arms against Indian forces. The worst tragedy of mass rape in the history of Jammu and Kashmir by the security forces on 23- 24 February 1991. The victims of Kunan, poshpora do not narrate their horrifying tales as destiny had sealed their fate. In Kunan village thirty-two women were raped in a single night. The communities of the world raised outcry for several months, eventually the case was closed, and victims were forgotten. The children of the victims leave their education as they could not bear humiliation by fellow students saying them you were born out of rape.



Extrajudicial Executions:

Hundreds of men, women and children are reported to have been extra judicially executed by security forces in recent years, often in reprisal for attacks on their own personnel. On six January 1993 at least fifty-three unarmed people were shot dead in reprisal killings by members of the BSF in the town of Sopore. Although this was the one instance in which the government departed from previous practice in the state and instituted a judicial inquiry, the inquiry is not known to have been completed and the culprits are not known to have been brought to justice.

In October 1994 at least thirty-seven unarmed demonstrators were shot dead by members of the BSF who ran amok, firing indiscriminately in the town of Bijbehara. The fourteen BSF men identified by a BSF Staff Court Inquiry and a magisterial inquiry as responsible are not known to have been brought to justice. Investigations into such cases are exceptional: hardly any reports of extrajudicial executions have been the subject of any official investigation. Furthermore sections 4 and 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act grant the security forces broadly defined powers to shoot to kill in "disturbed" areas facilitating extrajudicial executions and killings of suspects in custody.²¹



G-20 Summit held in Kashmir.

The G20, established in 1999, is an intergovernmental forum which comprise of nineteen countries including EU. It addresses significant issues related to the global economy which includes international financial stability, climate change, and sustainable development. It is the premier forum for international cooperation on the most important issues of the global economy and financial agenda. The objectives of the G20 includes the policy coordination between its members. Firstly, to achieve global economic stability and sustainable growth; Secondly, to promote financial regulations that reduce risks and prevent future financial crises and lastly, to modernise financial architecture.

Delegates from the Group of twenty leading rich and developing nations began a meeting on tourism in Indian-controlled Kashmir on May 22 to May 24, 2023. Indian authorities hope the meeting would show that the contentious changes have brought peace and fortune to the region. The delegates discussed topics such as ecotourism, destination management and the role of films in promoting tourist objectives.

G20 member China, which is locked in a military standoff with India along their mostly un-demarcated border in the Ladakh region, refused attending the tourism working group meeting, and no government delegations are expected from Turkey or Saudi Arabia. China cited its firm opposition "to holding any kind of G20 meetings in disputed territory". The UN special rapporteur on minority issues, Fernand de Varennes, said New Delhi was seeking to use the G20 meeting to "portray an international seal of approval" on a situation that "should be decried and condemned".²²

In April, Pakistan, which also lays claim to Kashmir but is not a G20 member, described the meeting as irresponsible. The former Jammu and Kashmir chief minister Mehbooba Mufti claimed India had turned the region into the equivalent of the Guantánamo Bay prison simply to hold

a meeting on tourism. She also accused the Bharatiya Janata party, the party of the Prime Minister, Narendra Modi, of hijacking the G20 for its promotional purposes.

As India attempted to exude a sense of normalcy by hosting the third G-20 tourism working group meeting in Kashmir amid heavy security and Pakistani Foreign Minister Bilawal Bhutto Zardari conducted a protest campaign on his side of the divided territory.

Expressing outrage, Bhutto Zardari called India's decision to hold the first major event on its side of Kashmir since revoking its special autonomy almost four years ago a "display of arrogance."

By attempting to hold the G20 summit in Jammu Kashmir, India is cunningly trying to kill many birds with one stone. The fascist, BJP Government of PM Narendra Modi seems adamant about exploiting the G20 to achieve specific geopolitical and domestic political objectives during its Presidency. It is adopting an indirect approach to not only pronounce its sovereignty over the internationally recognized disputed territory but by implication would also seek international approval to all its genocidal atrocities, vicious suppression of human rights and civil liberties and freedoms of the Kashmiri Muslims.²³

Conclusion

In conclusion, the issue of Kashmir remains a complex and deeply rooted conflict with significant political, economic, and territorial interests at stake for both India and Pakistan. Both countries have treated Kashmir as an industry, utilizing it as a means to pursue their respective agendas and maintain control over the region. This approach has had severe consequences for the people of Kashmir, resulting in human rights violations and a prolonged state of instability.

Economically, both India and Pakistan have utilized the resources of Kashmir for their own gains. The region is rich in natural resources, including water, minerals, and tourism potential. India has heavily invested in developing tourism in the Indian-administered Kashmir, promoting it as a major tourist destination. Meanwhile, Pakistan has sought to leverage the water resources of the region, utilizing them for hydroelectric power generation and irrigation purposes. The economic interests of both countries have further complicated the resolution of the conflict, as they have become deeply intertwined with their political goals.

From a political standpoint, India and Pakistan have engaged in a longstanding struggle for dominance in the region. For India, maintaining control over Kashmir is crucial for preserving its territorial integrity and national unity. The Indian government considers Kashmir an integral part of its sovereignty, viewing any attempts to challenge its authority as a threat to its national security. On the other hand, Pakistan has consistently sought to assert its claim over Kashmir, presenting itself as a protector of the rights of

Kashmiri Muslims. The territorial dispute has fueled tensions between the two nations and has been a major obstacle to the resolution of the conflict. The territorial interests of India and Pakistan in Kashmir reflect a complex interplay of historical, geopolitical, and socio-cultural factors. India emphasizes maintaining territorial integrity, securing water resources, and addressing security concerns. Pakistan emphasizes self-determination, historical and cultural affinity, and human rights concerns. The resolution of the Kashmir conflict requires sustained dialogue, goodwill, and a genuine commitment from both India and Pakistan to address the aspirations and concerns of the people of Kashmir while considering their own territorial interests.

The human rights situation in Kashmir remains a pressing concern. Both India and Pakistan have been accused of human rights violations in the region. Reports of extrajudicial killings, enforced disappearances, torture, and restrictions on freedom of expression and assembly have raised alarm among international human rights organizations. The people of Kashmir have borne the brunt of this conflict, enduring violence, displacement, and a climate of fear and uncertainty. The human rights abuses committed by security forces and militants have further perpetuated the cycle of violence and hindered efforts towards peace and reconciliation.

Against this backdrop, the G20 Summit held in India provides an opportunity for international stakeholders to address the Kashmir issue. The G20, comprising the world's major economies, can play a significant role in encouraging dialogue and fostering a peaceful resolution. It is crucial for the participating nations to recognize the urgency of the situation and exert diplomatic pressure on India and Pakistan to engage in meaningful dialogue. The international community must encourage both countries to prioritize the well-being and aspirations of the people of Kashmir, ensuring that their human rights are protected and their voices are heard.

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