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## Dynamics of Indian Human Rights Violations: A Case Study of Resurgence of Freedom Struggle In IIOJ&K

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**Abstract:** South Asia has witnessed one of the most protracted social movements for liberation in India Illegally Occupied Jammu and Kashmir. Since 1947, despite UN resolutions in favor of granting the right of self-determination to the people of Kashmir, India has not shown compliance. With the shrinking of hopes for a political solution, however, once again, the resurgence of freedom struggle in the Indian Illegally Occupied Jammu and Kashmir provoked by the killing of a young Kashmiri freedom fighter named Burhan Uddin Wani in 2016 was further triggered by the abrogation of article 370. Hence, this research study aims to highlight the resurgence of the freedom struggle and the Indian hard power response towards a political solution and also to examine the uncompromising political approach towards Kashmiris, as well as the lackluster response of the international community particularly the Western bloc. This paper investigates the dynamics of human rights violation in Kashmir by the Indian armed forces through the lens of framing theory and theory of conflict analysis.

**Key Words:** Social Movement, Framing, Violence, United Nations, Counterinsurgency

### Introduction

“Those who deny freedom to others deserve it not for themselves.” Abraham Lincoln

Kashmir has endured bloody and protracted conflict in which the people of Indian Illegally Occupied Jammu and Kashmir (IIOJ&K) have been suffering all forms of torture and human suffering, be it mental, emotional, social or physical. But Kashmir has drawn very little attention from international states and scholarship. Thus, the contemporary research in this area is negligible and bigoted because of the social, political and censorship laws imposed in IIOJ&K. Nonetheless, before taking the debate further, it is important to understand the geographic, demographic, and political context of the IIOJ&K.

The Kashmir valley possesses an important geographical coverage for both India and Pakistan, expanding on the most beautiful, natural and scenic region. The northern, western side of IIOJ&K consists of India, Pakistan in the west, and China in the

northeast, whereas the state of Punjab and Himachal Pradesh of India are in the south. Kashmir valley comprises of the Muslim majority population, while Jammu consist of a mixed population that includes Hindus, Muslims, and Sikhs, whereas Ladakh comprises of Buddhists (Jacob 2015). Jammu and Kashmir had its oppressive and colonial ruling dating back to Maharaja's pre-independence time (before 1947); nonetheless, the situation worsened due to the Indian government taking control of the Jammu and Kashmir (J&K) region in the post-1947 era. The conflict between India and Pakistan over the dispute of IIOJ&K resulted, in three full-fledged wars between these two neighbours: the war of 1948, 1965 and 1971 (Bose and Jalal 2018).

Meanwhile, some of the people in IIOJ&K opted for a freedom struggle to liberate themselves from Indian rule. Hence, the formal freedom struggle movement was launched in the late 1980s. As per the report presented by the Association of Parents of Disappeared Persons (APDP) and

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Jammu Kashmir Coalition of Civil Society (JKCCS) approximately 650,000–750,000 Indian forces have been permanently deployed in the region. Thus, making IIOJ&K, the most extremely militarized conflict zone in the world (APDP and JKCCS, 2019).

In the post-9/11 era, to halt international criticism and legitimize the application of its kinetic force and quell the liberation movement, the Indian government framed the construction of 'terrorism' discourse in the valley. This social construct was carefully crafted so the world could identify the struggle for freedom as terrorism. The freedom struggle in IIOJ&K resulted in the killing of the young freedom fighter Burhan Uddin Wani, who rendered a campaign to highlight Indian oppressions through social media in 2016. This encounter has further erupted crises in the valley.

Furthermore, to have an in-depth analysis, this research study is based on two theoretical assumptions; firstly, the rise of social movement and the component of the Indian military's application of hard power and excessive force to a political problem and secondly, a political government's unpromising approach to the people of Kashmir followed by the international community's response. This study suggests that any iron-clad approach would push the people towards a more rigorous and sustained social uprising. Therefore, instead of clamping down on the people resisting the state, an effort should be made to understand the underlying causes of the social movements, thereby addressing, people's grievances because mobilization and sustenance of violent social movement depend on the power of ideas, organizational strength and the peoples' support.

### Study of the Social Conflict through the Lens of Framing Theory

Framing is considered as a significant aspect of 'collective action', that includes issue-driven movements like anti-globalization or revolutionary struggle for independence and freedom. Historically, the social movement for liberation in Kashmir was political in nature. Being part of a vibrant social movement, necessary channels are offered to individuals and groups to give vent to their feelings after experiencing psychological strain and grievances, real or imagined. The freedom strugglers have been frequently using a related argument, which, pointed towards some presumed external political, economic, and cultural imperialism (Wiktorowicz, 2004).

The concept of "frame" draws on the work of sociologist Erving Goffman. It refers to a person's worldview or "interpretative schemas" consisting of

values (perceptions of right and wrong) and beliefs (assumptions about the world, the attributes of things, and the mechanisms of causality) (David, Rochford, Worden, and Benford, 1986: 464–481). "Framing" symbolizes the dynamic construction and dissemination of sense, meanings, and the accomplishment of a social movement vis-a-vis the mobilization of resources and appealing to the youth for recruitment (Martha 1992). Movements identify problems and attach responsibility, suggest explanations and solutions through tactics and strategies (prognostic framing), and offer inspirational frames to influence the fence sitters to become vigorous members of the movement. The fundamental propelling idea to mobilize is to resonate the movement concept and version of "reality" with the movement's prospective constituency. This process has been referred to as "frame alignment" – the emergence of correspondence and equivalence between an individual's as well as an organization's securities, beliefs, ideals, and principles. However, it requires that the movement agents manipulate the constituents by indoctrinating them with intended values and or beliefs (David, 1986). Another form of framing is to identify "master frames"—i.e., those specific to the movement and play an organizational role and the sub-frames derived from the master or primary sources (Benford & Snow 2000: 611–639). By and large, framing is a theoretical description that deals with the representative and rhetorical features bringing forth the contours of the movement and esoteric appeals to the people leading to mass recruitment and mobilization.

For many movements, media can be a fundamental source of transmitting ideas and claims based on exaggerated perceptions. Framing processes create the conditions by which people who join the movement share a common meaning and purpose. When done right, framing creates a form of collective peer pressure where people feel compelled to come together to be part of the experience.

Religion can provide very appealing framing tools with which the rank and file of the movement can identify themselves. Religious scriptures, symbols spiritual belongings can be used as pretexts and justifications for violence. The religious framing of mobilization in Kashmir has been the most important claim of social groups as the Muslims. Their framing claims highlight that Muslims of Kashmir are oppressed and subjugated to the tyrannical rule of Hindutva. The Hindu-based dominated government. However, religious movements frequently become the vehicle for such protest when the social movements of

opposition political parties are either banned or curtailed.

Framing theory emphasizes how social and intersubjective processes create motivation. In other words, framing theory attempts to explain violent radicalization and terrorism in terms of a particular constructed reality shared by the members of a dissident group—a constructed reality or worldview in which problems are seen as more than just misfortunes. However, injustices place responsibility for these “injustices” and construct an argument for the effectiveness and/or moral justification of using violence against the state or those civilians who side with law enforcement. This theory emphasizes a person's relative position rather than innate characteristics. Moreover, frame theory takes a dynamic view of radicalization: The intersubjective and communicative process of formulating the situation/question/problem, rather than the situation/question/problem itself, is the key to understanding radicalization (Della, 1992).

### **From Social Expansion to Conflict Resolution**

Johan Galtung model of conflict analysis ([1969](#)) describes that a conflict can be viewed as a triangle whose angles are represented by A (attitude), B (behaviour), and C (contradictions). These sides of the triangle indicate the mutual impact that attitudes, behaviour, and contradiction (conflict) have on each other. Due to the interplay or trigger of these three angles, the conflict can be initiated, exacerbated or mitigated. The critical analysis of this theoretical model can serve to analyze factors related to three perspectives from the worldview of the conflicting parties. At first, we shall discuss contradictions: It explains the conflictual structure between the various parties involved in conflicts, such as the state and segment of the population and the widening inequality, disputes over territory, marginalization, and relative deprivation (Ramsbotham, Woodhouse and Miall, [2011](#): 9-11). The political economy of war or freedom movements and revolutionary struggles for the right of self-determination can be bracketed into this category. This can also be equated with structural violence by the state against that particular group which feeds into people's grievances and eventually incite them to challenge the state by opting for self-defense.

Attitude” includes the perception and non-perception of the parties themselves and each other. Usually, it is negative, and sometimes it is sharply negative, especially in violent conflicts, when the parties may develop derogatory stereotypes about

each other. Attitude consists of racism, discriminatory attitudes, sexism, victimhood and trauma (Ramsbotham, Woodhouse, and Miall, [2011](#): 9-11). The next point in the triangle is the ‘behaviour’ aspect, which stems from the cries of attitudes and contradiction. The ‘behaviour’ involves coercion or hostility in the case of conflict, explaining the phenomenon of violence, insurgency attacks, discriminatory acts, threats, coercion, or destructive attacks. It is the category of ‘direct violence’ which focuses on applying kinetic response to either quell or suppress the freedom struggle in IIOJ&K.

The emphasis of Galtung work is drawing a distinction between direct, cultural, and structural violence. He opines that during conflict resolution, we can end direct violence by changing conflict behaviour; mitigate structural violence by removing structural contradictions and injustices, and reduce cultural violence by changing attitudes. The ABC Triangle defines various types of violence. Attitude commonly refers to cultural or symbolic violence, behaviour indicates direct violence, and conflict designates structural violence (Galtung, [2007](#): 22). Consequently, the ABC triangle is suitable for understanding the Indian military direct violent approach, which falls under ‘behaviour’ category.

According to Galtung, when direct violence is put to an end but cultural and structural violence continues it is known as ‘negative peace’. When structural and cultural is brought to an end, it is known as ‘positive peace’ (Galtung, [1969](#): 167-191). Negative peace is the product of cultural repression, deprivation, exploitation, and injustice, while positive peace, in contrast, is the embodiment of liberal culture where justice and other social and essential services are provided regardless of ethnic, sectarian and religious background. In order to achieve positive peace, a cooperative structure based on justice, basic human rights and the right of self-determination must be granted. Prior to this notion, the conflict in IIOJ&K is the product of negative peace as the people of Kashmir have not been given their basic rights as well as the right of self-determination.

### **Negative Peace and Militarization in IIOJ&K**

The resurgence of the freedom struggle was initiated due to the inappropriate attitude of the Indian state towards the people of IIOJ&K. By and large, the impelling causes of opting for the freedom struggle are i) The Indian government failed in following Article 370 of the Indian Constitution, ii) Imprisonment of the Kashmiri leader, particularly non-violent leaders iii) Establishment of the puppet regimes in Srinagar by

New Delhi iv) Engineering rigged election, v) Violation of Human Rights in IIOJ&K. Besides, civil liberties including the freedom of association, assembly, movement and expression are severely curtailed through the use of formal and informal means by the state. Syed Ali Gillani, while addressing the Secretary General of the United Nations on September 20<sup>th</sup>, 2004 stated that *“India’s actions for last 15 years were the worst example of state torture and terrorism, which were also admitted by the delegation of European Union in its report of 24<sup>th</sup> August 2004”* (Musharraf 2006:77-89). According to the research conducted by JKCCS that since 1989 more than 8,000 people have disappeared (Jammu Kashmir Coalition of Civil Society, 2016). Mr. Bilal Nazki, the Chairperson of the Jammu & Kashmir State Human Rights Commission (SHRC) opines that *“as the state government had previously admitted the existence of mass graves in these districts, the commission was reiterating its call for the authorities to complete their investigations”* (Jammu and Kashmir State Human Rights Commission, 2011). Henceforth, there is no evidence of investigation to bring the culprits to book who are involved in these heinous war crimes. The Kashmiri social movement for liberation was dealt by the Indian state with the approach of ‘out terrorizing the insurgent school of thought’.

Furthermore, the lack of a proper governing system, infrastructure development and administrative neglect as well as the hesitation of the government to transfer powers to local bodies also added fuel to the fire. More agitation was witnessed due to human rights violations in 2009 and 2010. Approximately, 112 people were killed during numerous protests (Chowdhury, 2016). The protesters, mostly youth, merely involved in pelting stones, were meted out with heavy firing, resulting in numerous fatalities (Kak, 2011: 31-34). The post-2010 era was characterized by an intermittent period of unrest and grievances of the people that were never addressed; for example, no relief or aid was provided to the Kashmiris during the 2014 flood, which wreaked havoc in IIOJ&K (Jaccob 2015).

### Strategic Transformation of Social Movements/Freedom Struggle

In this study, framing theory is related to Kashmir’s indigenous freedom struggle, which deems Hindu governments as oppressors of the majority Muslim population. Therefore, the liberation/social movement supports such a struggle against the Indian government by the Kashmiri people. Similarly, the Indian Law Enforcement Agency (LEAs’) approach of

brutal force to suppress the freedom struggle is evident from the fact that there was increased retaliation by Kashmiri groups that included a number of groups, among which Kashmir Liberation Front (JKLF) was the prominent one. On the political front, other groups joined hands under the auspices of the *Hurriyat* Conference, which aimed to resist the presence of Indian forces in IIOJ&K. From July 2016 until late 2019, acknowledging the harsh Indian response by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in a rare precedence of 2018 annual report, brought the atrocities in the valley to the limelight. The most striking and dramatic incident that provoked the freedom struggle was the killing a young Kashmiri freedom fighter Burhan Uddin Wani, Sartaj Sheikh and Pervaiz Lashkari in an ‘encounter’ by LEAs in Kokernag on July 8, 2016. But more importantly, the death of a young Wani caused massive reverberation across the IIOJ&K and was perceived as a martyr and attracted multitudes of Kashmiris to stand up for the liberation of Kashmir. It has to be kept in mind that a “frame alignment” between the individual’s sacrifice for a cause and the movement’s message (liberation) – a configuration in which both supplement each other and the message reaches to the core and periphery with great momentum. The Muslims in the conflict zone of IIOJ&K aligned the frame of individuals and the movement’s thematic message, which led to mass protests, spreading from the rural heartland to the urban centers in Kashmir. Resultantly, in the first month after Wani’s death, due to the firing of, LEAs, over 30 protestors lost their lives, during the protest held in the valley. Besides, the Indian armed forces also killed around 102 civilians. According to media reporting, more than 15,000 people were injured by gun pellet firing and shelling of the Indian police (Hussain 2017). Former chief minister of IIOJ&K Mehbooba Mufti claimed that nearly 200 people killed during the protests in 2016. The next year in 2017 killing of 108 were reported by JKCCS. The year of 2018 has been even deadlier estimated at around 500-600 people lost their lives during the freedom struggle (Lunn, 2019). While the first half of 2019 witnessed another highest number of killings, approximately 300 (Pal, Ghoshal, and Bukhari, 2019). The killing of civilians between 2016 and 2019 is evidence that law enforcement has resorted to brutal and excessive use of force in response to street protests. International Human Rights (IHR) have accused Indian’s LEAs for using brutal force incongruence to international law regarding use of force (Kak, 2015).

Thus, the Indian brutal and hardline response against the Kashmiris was interpreted and framed

largely as a war on Islam launched by disbelievers. In fact, it was set into a master frame of hundred year-long victimization of Muslims at the hands of Hindus. While this mindset existed, since the early days of the conflict, it has gained unprecedented support since 1989. The Indian government's approach of socially excluding the Kashmiris and suppressing their demand of self-determination can be placed in the structural violent category of 'contradiction'. The Far-Right Hindu Nationalist government's policy of socially, culturally, and demographically marginalizing the Kashmiris is a form of cultural violence and that is symbolic representation of 'attitude'. The 'behaviour' variable is the direct violence category, which signifies the kinetic approach to quell and suppress the liberation struggle through the application of force. The Inspector General of Police (IGP) for Kashmir, Syed Javid Mujtaba Gillani acknowledged that "police and military operations are causing great resentment among the population" (Ashiq, 2016). Many people in IIOJ&K travelled a long distance for taking part in the protest (Times of India, 2016). In the protest of August 2019, even the non-violent separatists, who either support IIOJ&K joining Pakistan or becoming an independent state, are been incarcerated and locked down, and this is rare crackdown and political blockade in Indian history (Pal, Ghoshal and Bukhari 2019). Moreover, legal provisions under 'The Army Act, 1950, Code of Criminal Procedures Act, 1973 Code and the Armed Forces in Special Powers Act (AFSPA), 1990 of India, provided the Indian forces complete immunity from prosecution (Nath and Askari 2017). These protocols allowed them to freely search, arrest and shoot civilians, mainly freedom fighters in IIOJ&K, entirely outside the due process as provided under the law. Gradually, the rippling effects of the Wani's martyrdom caused wider resentment among the population, thus, further delineating it from the rest of the Indian Union. In the line of framing theory, the recruiters came to accept the key tenets of the idea of the liberation movement, more intense socialization takes place in closed study groups and through face-to-face communication. During this stage, esoteric and emotional appeals are reinforced by ideological and spiritual teachings, encouraging the new member to understand the organization's real or imagined purpose.

Whether, the frames are "imperialist" as well as "war on Kashmiri Muslims" the response to the indigenous struggle, many features, particularly in their focus on the international character in terms of international silence over the killings of Kashmiris, both frames also expose the policies of Far-Right Nationalist regime through the domination of Hindu

Nationalism and the social exclusion of Kashmiris through cultural reductionism. For example, arming the minority Hindus with weapons and explosives so as to equip them to intimidate the majority of Muslims in the valley was a bad counterinsurgency strategy. Village Defense Committee (VDC) members were given weapons and ammunitions which caused communal strife between Hindus and Muslims in IIOJ&K. Such initiatives created deep schism amongst the communities, especially in the Chenab Valley region, which suffered in the past from communal riots (Khan 2017). Besides, in order to alter the demographic profile of IIOJ&K, a large number of Hindus were settled in territories of IIOJ&K causing further unrest in the valley. On the issue of demographic change, Senator Rhiannon of Australia opines that "it is a very serious issue as well as a matter of concern". She also drew a parallel between Israel establishing settlements in Palestinian land and the Indian inclination to bring about demographic changes in IIOJ&K (Public Talk, 2018). The former Ambassador to the United States Aizzaz Ahmad Chaudhry had already predicted in 2018 that termination of Article 35 (A) of the constitution, which prohibits people from outside IIOJ&K from purchasing immovable property in the valley is on the cards. Purposely, measures such as abolishing article 35 (A) are taken to facilitate the settling in of more outsiders in IIOJ&K" (Public Talk, 2018). Eventually, India scraped the laws of article 370 and 35 (A) in July 2019, that had further created resentment in the majority Muslims population of IIOJ&K. In the given circumstances, mobilizing agents of freedom struggle or social movement have very easily reached out to a "sentiment pool" on the peripheries and who are languishing under the strained deprivation and marginalization because they already share attributional propensity of the movement, but are unable to organize and express disenchantment.

In nutshell, the post-Wani era is marred by the excessive and egregious use of force against IIOJ&K civilians. The unarmed civilians in IIOJ&K subjected to the horrors of war crimes due to the draconian AFSPA and the Public Safety Act (PSA), which obstruct law and justice. This was previously reported by the global Amnesty International, which called the PSA an illegal law that gives the right to the occupying forces to commit crimes (United Nations High Commission for Human Rights, 2018).

### **Far-Right Indian Nationalism and Political Manipulation**

Far-right nationalism gained unparalleled preeminence with the emergence of *the Bharatiya*

*Janata* Party (BJP) under Modi's rule as Prime Minister. BJP manipulated the political system very effectively to their advantage and extended an olive branch to the People's Democratic Party (PDP). Despite Modi's led BJP autocratic approach, the PDP chose to map out an unusual alliance with BJP to form a government in IIOJ&K in 2015 (Jacob, 2016). The alliance faltered due to hardline and centralized political control by both PDP and BJP (Khan, 2017). Mehbooba Mufti from PDP resigned from the Chief Minister's office due to the BJP military offensive against the protestor and freedom fighters in IIOJ&K in the Holy Month of Ramadan (Financial Express, 2018). BJP's approach was called as "confrontationist" politics by PDP. On the contrary, whereas BJP brands PDP's approach as part of "appeasement" politics (Singh and Pandit, 2017). As a matter of fact, there are deeper and more profound ideological differences between BJP and other political parties of IIOJ&K, that cannot be bridged by forging a temporary alliance.

Historically, the BJP with its hardline *Rashtriya Swayamsevak Sangh* (RSS) ideology always expressed enthusiasm for altering the politico-cultural landscape of IIOJ&K. In creating a new ultra-right nationalist narrative, they abolished article 370 of the Indian Constitution on August 5, 2019, which entitled greater autonomy to its disputed status (Kapur 2019). This act of BJP brought Kashmir into the Indian Union in complete disregard of the seven decades of Kashmiris demand of plebiscite and self-determination. BJP's hyper-nationalist cosmology emphasizes that article 370 is the vice of the Indian Constitution, and it runs counter to their idea of Indian nationalism. Syama Prasad Mookerjee's evocative slogan "*Ek vidhan, ek nishan aur ek samvidhan*" (*one country, one emblem and one constitution*) has been the BJP's political sloganeering (Happymon 2017). However, the J&K flag and its constitution do not actually take precedence over the national flag or constitution of India. From the point of view of the Kashmiri nationalists, the repeal of Article 370 means a complete "Indian occupation" and a change in the demographic profile of the valley.

Until 2019, the erosion of the special status to Jammu and Kashmir as prescribed in article 370 of Indian Constitution was the driving force behind the resurgence of freedom struggle followed by the execution of militarization and dictatorial policies of the Indian state. But what the BJP's hard-lined ideological leadership and its patrons in the RSS fail to realize that their excessive use of force has given a 'Renewed Cause' to the reactionary forces in Kashmir. In fact it is the abrogation of the special status of Kashmir that infringes the major premise on which Kashmir

acceded to India in partition of 1947. Accession was based on explicit guarantees that the state of Jammu and Kashmir would enjoy full autonomy and that the central government in Delhi would deal only with defence, foreign affairs and communications. (Mohmand, 2019). Presently, the guarantees and the terms of accession are pulled apart by the Modi's Nationalist government due to its infamous bid to bring IIOJ&K under auspices of the Indian Union by denying their legitimate demand of separate state. Besides, the Indian claims that the struggle for liberation in IIOJ&K is externally sponsored effort to indoctrinate the indigenous communities of Kashmir. India portrays such assumptions as the product of international terrorism. It masks and aligns its military response with that of global response to the terrorism and so called 'Radical Islam'.

### **Kashmir and International Empathy: An Intersubjective Dimension**

The international community stands at the horns of two opposite dilemmas: On one side is the geostrategic importance of India and on the other side there is the issue of gross human rights violation. Besides, the international justice system, has failed to end the widespread use of lethal force, massacres of civilians, sexual violence, arbitrary detention, enforced disappearances, mass graves, extrajudicial executions and the suspension of internet services by the LEA to prevent Kashmiri voices from reaching international communities. According to Bidisha Biswas "*Government of India's is implacably opposed to any external intervention or mediation effort in the conflict*" (Biswas 2017). Pakistan has consistently maintained the demand of external intervention in the form of mediation or arbitration; however, it has been vehemently denied by India. General Musharraf, the ex-President of Pakistan expected the west - especially the US - to resolve the Kashmir issue (Musharraf 2010). President of Azad Kashmir, Mr. Masood Khan argues, "*the role of the international community in relation to Kashmir is determined by realpolitik, which meant commerce without conscience and willing indifference to the human values*" (Institute of Strategic Studies 2018). Largely the interest of great power is determined by its huge economic base and investment opportunities but the least, the strategic alliance to counter the threat of China, that was built around the containment of China in the South Asia region. However, the policies of the major powers, especially the United States, continued to greatly hinder a peaceful settlement. This policy is evident as the US has sanctioned one of the indigenous liberation groups in

Kashmir, Hizbul Mujahedden, as a terrorist organization. This organization has grown out of Kashmiri local youth, who had launched armed uprising against the Indian government since the partition of the Sub-Continent (JKCCS, 2017: 5-9). *Hizbul Mujahiddeen*, carries enormous following in the valley given the fact that the martyr Burhan Uddin Wani's funeral was attended by around 200,000 people despite under round a clock curfew. Largely, in the normative form, these atrocities are being accepted as Indian internal issue.

As for the role of the United Nations (UN) is concerned, it has traditionally taken a very cautious and indifferent approach to Kashmir, balancing it to a large extent in the bilateral framework of the India-Pakistan strategic rivalry. Instead of taking diplomatic positions and taking a neutral stance, it was still unwilling to live up to the idea on which it was based; morality and principles should determine results, not the strategic interests of the great powers.

However, United Nations High commissioner for Human Rights' reports of 2018, highlighted the ongoing human rights violation in Kashmir from 2016 until 2018. Hence than it presented two recommendations, i) establishment of a commission of inquiry for an independent international investigation of human rights violations in the IIOJ&K, which Pakistan has demanded since the beginning of the crisis ii) India must fully respect the rights of self-determination of the Kashmiri nation and provide protection in accordance with international law (Public Talk, 2018). The UN proposal for a managed and controlled referendum in Kashmir still seems like the most plausible option. Various solutions to the problem of Kashmir and its nation are timely when needed, which are i) Kashmir should be declared as a separate independent state ii) To hold a plebiscite in Kashmir in order to give rights of self-determination to its people iii) Withdrawal of forces of both India and Pakistan from valley, while placing the region under the UN auspices iv) Let the nation of Kashmir to have its decision whether to join Pakistan or India. However, Indian rigidity and belligerence to negotiate has set all peace efforts in the doldrums (Public Talk, 2018). To sum it up, India's denial of referendum or plebiscite in IIOJ&K stems from the fear of rising similar demands from the secessionist movements in Assam, Mizoram, Nagaland, or worse, even big states like Tamil Nadu and Karnataka.

Thus far, high-level bilateral dialogue during summit has failed to resolve the Kashmir dispute, meaning that bilateral negotiations are not a panacea. Rather, they are just one of the methods for achieving

peace, in addition to other peaceful means such as mediation and arbitration. Perhaps, the internationalization of the issue would expose the true colours of Indian authoritarian state, shrouded in the cloak of democracy and liberal institutional ideals. India, since long aspired to get a permanent seat in United Nation Security Council (UNSC) could be undermined through this repressive policy. Moreover, while calling for an independent, comprehensive examination of Indian atrocities in IIOJ&K through a 'fact finding mission or commission', Mr. Ahmed Qureshi, argues that the international community needs to fulfil its promises made to Kashmiris (Swarajya 2017). The proponents of human rights in the international arena are expected to raise the case of IIOJ&K in the light of the oft-quoted phrase of Martin Luther King Jr, "*The ultimate tragedy is not the repression and the cruelty by the bad people, but the silence over that by the good people.*"

The right of self-determination is enshrined in the UN charter and, furthermore, the resolution or finding of some 28 commissions established to which both India and Pakistan are parties. UNSC resolutions only lapse with time and remain valid until they are implemented or rescinded by the Security Council itself. Struggle for the right of self-determination cannot be called terrorism, its sustainability and durability in the face of Indian oppression certifies it as indigenous struggle in IIOJ&K (Public Talk, 2018).

## **Conclusion**

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India persistently remained brutal on Kashmiris by aborting their right of self-determination, which resulted in human rights violations on a larger scale. The killing of Burhan Uddin Wani and other innocent Kashmiris that struggle for their freedom are the cases in point. Human rights violations in Kashmir, is still happening at the hands of India. The international community however; has largely remained oblivious to the brutalities being inflicted upon the Kashmiris, and liberal institutionalism has failed to address the core issue that led to war on three occasions between India and Pakistan and can further spark the conflict between these two nuclear states. However, in July 2019, the former President of the US, Donald Trump, offered to mediate on the Kashmir issue, but India's inappropriate behavior stalled the process.

The Far-Right Nationalist government of BJP or other hardliners have trodden on the path of absolute deprivation of the Kashmiris by altering its 70 years long status. They have scuttled the hope of a political solution by abolishing the 1950s' era article 370, which entitled greater autonomy to Kashmir being a disputed

territory. Since the abrogation of Article 370 of Indian constitution, Kashmir has been forcibly brought into the realm of the Indian Union by locking down the entire valley. It provoked Kashmiris to radicalize their agenda against the Indian state.

Lastly, the Kashmir conflict is central to the strategic stability of South Asia. It has taken the two nuclear-armed states to loggerheads with each other. Addressing the issue of Kashmir is indispensable for reviving peace in the region. Pakistan should rally international attention towards the brutal agenda of India in IIOJ&K.



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