Forum: The Fourth General Assembly

Issue: The question of the Kashmir territorial conflict

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Introduction

During World War II, the political decisions made by the British and by India caused an uproar not just against Britain's ruling of the nation, but against the religious biases in the fate of the country and its stances. The majority of this division was between Hindu and Muslim populations, with writer and philosopher Dr. Muhammad Igbal believed to have created the vision for a separate Muslim state. This idea spread among India's population and was then shaped and executed with the help of rulers Muhammad Ali Jinnah and Jawaharlal Nehru, which led to the British agreement to partition in an effort to avoid a civil war. This partition that eventually became established in 1947, with many of the states of pre-partition India being given instruments of accession, and the ultimate decision as to whether they wanted to become a part of the state of India or the newly formed nation, Pakistan. These decisions were made by the rulers of each state almost entirely on the idea that Muslim-dominated states would become a part of Pakistan, and Hindu as well as Sikh-dominated states would join India. However, the state of Jammu and Kashmir was led by Maharaja Hari Singh, who although Sikh, ruled a state that had a majority Muslim population, with the 1941 census stating that 77 percent of Kashmir's population were Muslims. The ruler initially remained undecided, but after an invasion of tribal militia groups into the state due to the ruler's refusal to join Pakistan, Hari Singh needed the military aid of troops from India to fight off such groups, ultimately in exchange for the instrument of accession towards India. Troops from Pakistan as well as other groups made further attempts at seizing the land, and eventually

got approximately a third of the state under Pakistani rule, however, in attempts to stop the overall gain of Kashmir by Pakistan, India and Britain offered the citizens of Kashmir a referendum to stop the military involvement. This stopped all troops and non-state actors from seizing all of Kashmir aggressively as due to Kashmir's Muslim population, a referendum had an absolute chance of being towards Pakistan. However, the remaining part of Kashmir continued under Indian occupation, but with rights different to other Indian states. Jammu and Kashmir would be given a "special status" under article 370, allowing for it to have a separate constitution and the ability to pass laws pertaining to its specific citizens and control whether Indians could settle and buy property in the state. This marked the end of the first Indo-Pakistani war regarding the dispute between Jammu and Kashmir with the freedom of both countries from the British. However, the second only arose a couple decades later, with Pakistan's repeated attempt to seize the state. Unsuccessful, this war took place not just within the state of Kashmir, but over the entirety of Indian and Pakistani borders. With mass violence, the involvement of the United Nations stopped arms supply to either nation from any country, leaving them to their own military, and calling for an immediate ceasefire. This ceasefire, eventually accepted by both countries, led to an end of the war, with no changes in the rule of Kashmir, but involved the USSR as a mediator between the two countries. However, under Modi's rule of India, the majority of Article 370 was revoked, stripping the state of its previous autonomy, and turning Indian-occupied Kashmir into a regular Indian state or province. This striked an uproar from the Kashmiri people, Pakistani militants, and rebel groups in the area, causing for a major increase in the involvement of Indian troops in Kashmir, and skyrocketing levels of uncontrollable havoc, chaos, and violence, leaving mass populations dead or missing, and increasing the tension between two of our world's nuclear powers...

Definition of Key Terms

Instrument of Accession

A legal document given to each of the rulers of the states of the region that was previously known as India during the partition in which they could decide to join the state of India or Pakistan. For the majority of rulers, this decision was based on the distribution of religious communities, with most states that consisted of Hindu and Sikh populations joining India, and those with Muslim populations joining Pakistan. The instrument of accession of Jammu and Kashmir state was towards the union of India.

Secular State

A secular state refers to the choice of a country or state to not consider any religion as the "official belief" of that region. Generally, a state referring to itself as secular can be beneficial to states which are religiously diverse, allowing for them to express and practice their religious rituals without the involvement of politics or legalities. For example, in 1956, Pakistan became an Islamic Republic and therefore follows Sharia or Islamic law across the entire nation regardless of other religious beliefs that may exist within the country.

Pandits

Kashmiri Pandits refer to the Hindus in Kashmir who are native to the Kashmiri Valley. They are the only remaining Hindus left in the state of Jammu and Kashmir due to the region's majority Islamic population. During the Kashmir Insurgency, since they were part of the very small non-muslim population of Kashmir, many Islamist groups would attack and target Kashmiri Pandits, leading to the exodus of Kashmiri Pandits and the formation of Panun Kashmir.

Standstill Agreement

The Standstill agreement was agreed by both India and Pakistan which stated that arrangements made between the states under British rule would remain the same until there were any new appropriate and mutually beneficial decisions for either nation. This

included the dealings with the state of Jammu and Kashmir as the state signed this agreement as well to try and avoid outbursts of violence in the region.

Article 370

Article 370 was an article of the Indian constitution that gave Jammu and Kashmir a special status separate from every other Indian state. This article loosely consisted of the ability for the state to exercise special and independent decisions, give its citizens dual citizenship between India and Kashmir, ensure that India is not involved in financial threats faced by the state, allow for no reservations for minorities in the state such as Hindus or Sikhs, stop Indian citizens from buying property and settling in the state, refuse to give India the "Right to Information" of the state, revoke the citizenship of a woman who marries outside of the state, and a few other legislations [India Today].

Ceasefire

A ceasefire generally refers to a call or command to suspend fighting or war between two parties. Ceasefires often happen as a result of the external impacts of war on violence on the people surrounding war-torn areas, the economies of either state and even sometimes environmental hazards. For example, a ceasefire was called by the United Nations between India and Pakistan in order to prevent a further escalation in the battle. When a ceasefire is called, it means that neither party has won or lost the initial battle or war and that both parties are ordered to simply terminate all hostile or violent acts against the other.

Islamism

Generally confused with the religion Islam, Islamism is a political ideology rather than a religion, which is loosely based on symbols of Islam. Islamism in itself is the ideology of reviving Islam politically, however, can often be carried out incorrectly in un-Islamic, extremist, and harmful methods. For example, many of the groups of non-state actors and militants in Kashmir are said to be "Islamist", but incorrectly enforce

such political ideologies through violence, bombings, and targeting and are not displays of the religion Islam, but rather harmful depictions of the political ideologies of Islamism. Such groups are also often referred to as "Mujahideen" or "Jihadi Groups", and generally share common acts of violence and extremism against non-Muslims.

Maharaja

The term "Maharaja" itself is a Sanskrit title that is used in India. Historically, it is used as a title for the individual who serves as the ruler for a native principal state of India [Britannica]. After the partition and independence of India, these individuals had to make decisions based on the religious majority of their population, the want of their population, and their own personal discretion on whether to become a part of India or Pakistan by signing an Instrument of Accession. For example, Hari Singh, the former ruler of Jammu & Kashmir was a Maharaja and he did not make a choice until significantly after the partition, and eventually signed the Instrument of Accession to join India.

Plebiscite

A plebiscite refers to a vote or election of a governmental official or decision based on the votes of an electorate or an entire region and a referendum refers to submitting to a decision by popular vote. In this case, the entire population of Jammu and Kashmir was the electorate, and a plebiscite would have been based on all of their votes, which is why India's election only involving their portion of the region was considered void by the United Nations Security Council. A plebiscite or referendum is also identified by the UN to be the only way in which a solution can be reached for the Kashmir Territorial Conflict and was promised to the people of Kashmir multiple times by India to both the Pakistani government and the United Nations themselves.

Key Issues

Deaths and Disappearances

Since 1990, an estimated official number of 66,000 people have been killed in Kashmir [JSPOT]. However, this only includes the deaths that were reported and does not include the 8,000 civilians who have gone missing [Article 14] while the actual number is likely significantly higher, with unreported deaths and those which are covered up. The people of Kashmir are constantly being reprimanded by the army and rebellion groups whether it is due to their settlement in Kashmir, religious beliefs, or political standings.

Muslims in Kashmir

As of today, Kashmir is officially the most densely militarised region on the planet [Kashmir Action], with around 500,000 armed troops in the region and 100,000 operative military personnel [Sage Pub]. These troops are majorly Indian, and with the every-so-often uprising of Muslim Kashmiris, thousands of Muslims are killed for attempting to stand against the ruling of India, whether it is for their want to be an independent state, want to join Pakistan, or simply for the regain of their autonomy previously given by India. Especially since the majority of the civilian population is Muslim, statistically, the majority of the people being massacred are those who follow the Islamic faith. Out of many of the people who have been detained due to their protests against the removal of Article 370 or in opposition to Modi, there have since been claims of injuries and torture against the Muslim people of Kashmir, and the detained individuals.

Hindus and Sikhs in Kashmir

Although most of the military-caused deaths are Muslim individuals, Kashmir is not just militarized by official personnel, but by many rebellion groups and non-state actors that follow extremist values. Jammu and Kashmir in general is majority Muslim, but the Jammu district in specific is majority Hindu, and

especially with the revokement of Article 370, many more Hindu and Sikh Indians have settled in Indian-occupied Kashmir. The presence of these extreme Islamist groups has caused a similar phenomenon to happen against the Hindu and Sikh populations through the many fatal attacks committed by the rebel groups. Due to Kashmir's heavily Muslim population and previous invasions of Pakistani militants, Kashmir has been ridden with non-state actors and non-state actor groups that claim to follow extremist Islamist political ideologies. Previously, such groups have been involved with many bombings, having started the Kashmir Insurgency against the Indian Administration of Kashmir and due to their violent attacks against Kashmiri Hindus, caused the Exodus of Pandits in Jammu and Kashmir

Safety of Citizens

Due to the outrage and protests that took place after Article 370 was revoked, there are Indian officers and military personnel that remain in Kashmir to continuously prevent another uproar or insurgency such as the previous one. Additionally, there continue to be militants and non-state actors that live in Kashmir and have stayed in groups. Although prevented from committing major acts such as bombings, many citizens of Kashmir are unsafe because of the extremist groups, the Indian military, and possibly even as a result of the Indian government themselves.

Abductions and Missing Individuals

Between recent years 2019 and 2021, when Kashmir had no internet access or service and when the Indian government had made attempts to try and control the Kashmiri population, 9,765 women have gone missing, which does not include all the other men and children who have not been found. Although this may be a result of seeking refuge in other regions or nations or migration, the majority of the people who reside in Jammu and Kashmir are unable to leave due to a multitude of reasons, such as a lack of financial wealth or means to transport.

These disappearances could also be related to extremist groups, however, it has been speculated by many Kashmiri residents that some of these missing person cases are because of state-sponsored abductions. Civilians in Kashmir are often apprehended, searched, or taken into custody by the army, even when they are not being arrested. Although it is illegal for a citizen to be apprehended by the army without the presence of police, it has been reported to take place without law enforcement a lot of the time. Often, families in the state have had groups of Indian army men show up and take a relative into custody with the promise to bring them back within the next few days. However, many of these individuals do not end up back home at all and are said by the army to have "escaped from custody" [Fair Planet]. These abductions could be to instill fear and control over the people of Kashmir, but could also be easily targeted towards individuals who are more likely to rebel or protest against the actions of the government and military.

Sexual Assault

Considering that many of the civilians of Kashmir who have gone missing are women and young girls, the safety of women in Kashmir is a detrimental issue, especially due to the number of reported cases of sexual assault. With little access to the internet, let alone social platforms, the women of Kashmir have very few resources where they can reach out for help. The law enforcement in the state is not always present as mentioned previously, not always accessible, and sometimes just does not carry out the proper methods for victims of sexual assault. Many women have recently spoken out about their experiences of sexual assault by large groups of men in Islamist groups for decades, unable to speak up or take action due to violent threats to them and their families. Additionally, it has been said that Indian forces in Kashmir have also taken advantage of the vulnerability of female civilians and have used rape and sexual assault as a form of punishment and public humiliation of the individual, their relatives, and their community [Research

Society of International Law]. In the past three decades, to condemn and suppress activist communities in Jammu and Kashmir, it has been reported that over 11,000 women in Kashmir have been raped or molested by Indian military forces [Geo].

Loss of Kashmiri Rights

Since the removal of Article 370 and the mass outrage from the Kashmiri citizens, in order to silence and control the population of Jammu & Kashmir, drastic measures have been taken and implemented by the Indian government, many of which have caused for the Kashmiri people to lose the rights that they should be or have been previously entitled to.

Autonomy in Indian-occupied state

As mentioned before, Article 370 was put in place to allow the Kashmiri people to live under India's rule without losing the integrity or order of their state. It still identified Kashmir as a separate state, allowed for the citizens to keep their Kashmiri identity and made sure that Jammu and Kashmir could remain a place that was built up of majority if not all Kashmiri individuals by granting the ability to stop Indian citizens from settling, allowed for them to refuse certain information from the Indian government, and for a woman to keep her citizenship when marrying out of state, further emphasising the danger posed to women in modern-day Jammu and Kashmir. This deal was mutually beneficial, as it kept the Kashmiri people in relative order and avoided outbursts while also allowing India to rule over Kashmir without bearing the financial threats or consequences faced by the state. Although the article was revoked in an attempt to integrate the economy of the overall country, more so, it has just caused a loss of Kashmiri culture, identity, authenticity, and safety, and has essentially turned Kashmir into somewhat of a war zone.

Separation of Families

The Line of Control that lies between Pakistan's territory of Kashmir and India's territory of Kashmir essentially serves as part of the border and partition between countries India and Pakistan. It is one of the most heavily militarised borders in the world [Al Jazeera], and unfortunately, has not allowed anybody to pass through successfully since 2018. However, when Azad Kashmir was initially captured and seized by the Pakistani military and India remained as the ruler for the remainder of Kashmir, it caused major issues in terms of displacement. Families were separated along the line of control, and many people are now unable to ever come back to their homes and rightful families. This would include young, developing children who are separated from their parents and can not care for themselves or women who are left unprotected or isolated in the presence of militant groups. However, no work has been done in attempts to relocate any of the displaced individuals or allow them to connect with one another, completely stripping the civilians of their basic human rights.

Censorship

Lastly, one of the most controversial rights that has been taken away from the civilians of Kashmir is their right to mobile services and the internet. Although most parts of the state were given access to 2G data in 2022, this is still very limited and they are unable to access any social media platforms. However, even with such limited access, Jammu and Kashmir experienced more internet outages than every country on the planet, accounting for 70% of India's internet outages in 2022 and 24 out of a global 112 outages [QZ]. Not only could this be a sign of not providing efficient and necessary resources to those in Jammu and Kashmir, but such outages could yet again be systematic and planned. The region experienced the longest internet shutdown in a democracy [QZ] as they did not have 2G services all the way from August 2019 up until January 2020, which is exactly the period after Article 370 was revoked. Thousands of individuals were killed,

detained, sexually assaulted, tortured, and went missing within those months as a result of protests and outrage against Modi's governmental decisions. And the majority of these figures were only revealed and discovered after they had access to the internet again. This further correlates with the concept of possible state-sponsored abductions as due to the censorship of the Kashmiri people's voices and media, the entire world has been forced to turn a blind eye to the atrocities that have taken place in the region recently.

Political Involvement

Rising Political Tensions

As mentioned previously, India and Pakistan are both very powerful nations, with them each having nuclear power, a large supply of arms, and many powerful allies, the continuation of the Kashmir territorial conflict has only allowed for political tensions between the two countries to get worse and worse, with them having experienced three wars just over Jammu and Kashmir. If this issue continues to worsen and increase tension between the countries, it could pose major threats to the citizens of either country or neighbouring countries, to any of the countries' allies, and to the possibility of a third world war.

Recent Politics in Pakistan

Recently in Pakistan, there have been some major political changes and outrages. The army organized a coup against the government and seized control over the nation, as former Prime Minister, Imran Khan, was initially illegally arrested and then released by the discretion of the Supreme Court, but was then arrested again for allegations of "illegally selling state gifts" [Al Jazeera] and is currently awaiting trial. Since then, the army has taken control over Pakistan with the new Prime Minister being a man known as Shehbaz Sharif. There have been protests all over the country for the former Prime Minister, and many of the individuals who have been speaking up against the new government have been arrested or

prosecuted by the government. Many of the recent efforts to help the people of Kashmir and the Muslims of Kashmir were done by Imran Khan, but due to his arrest, many of his plans would no longer be able to be put in place. Additionally, the outrage in Pakistan also eliminates another possible solution, which would have been the referendum. Initially, the majority of the people of Kashmir would have wanted to be a part of Pakistan due to their religion, but the current political state of the country would likely mean that the only solution that would benefit the people of Kashmir is their independence.

Major Parties Involved and Their Views

India

India was the initial country that had Jammu and Kashmir as a division and state within the nation. Then due to religious conflicts, the partition took place between different districts and divisions of India, forming a second country, Pakistan. After independence and after Maharaja Hari Singh's indecisiveness, India's view was to try and persuade the Maharaja to make Jammu and Kashmir part of India in exchange for providing security against Pakistan's invasion. Initially, India held the view of believing that Kashmir was a rightful part of their country due to Hari Singh's signage of the Instrument of Accession, which is why they were okay with giving Kashmir special rights to maintain its autonomy. However, as of recent events and governmental changes, India's view is to be able to fully integrate Kashmir into India and India's economy as this is the most economically beneficial option, regardless of the ethical and political consequences.

Pakistan

Additionally, Pakistan was also one of the countries that disputed Kashmir as it was formed when India was partitioned. Unlike India, Pakistan is not a secular state and

is officially known as the Islamic Republic of Pakistan. Even though Pakistan has undergone recent government changes which may have slightly altered their decisions, the overall view remains the same. Pakistan has always believed that they have a right to Kashmir as it is a state that has a majority Muslim population, as expressed by their countless past efforts and invasions to try and seize Kashmir. Prime Minister, Shehbaz Sharif, expressed his total dislike of India's removal of Article 370 and treatment of the Kashmiri civilians by stating that India is making "Kashmiris into a disempowered minority in their own land" [Hindustan Times].

China

China is a nation that has had very close involvement with the Kashmir territorial conflict. As a result of the annexation of Tibet, China still controls a very small portion of Kashmir known as Aksai Chin, which they won through the China-India War that took place due to China's want of a landmass for safeguarding and a specific road that was built. China is quite against India and their political decisions but has diplomatic relations with Pakistan, which means that the country likely supports the previous UN resolutions that have been passed regarding Kashmir and also the want for the Kashmiri people to have access to human rights as this view is aligned with Pakistan.

Russia

Russia is also a country that has been previously involved in the Kashmir territorial conflict. Initially, Russia adopted a neutral stance and the Soviet Union served as a mediator between India and Pakistan after a ceasefire that took place because of the United Nations Security Council, and had even abstained on some of the resolutions concerning the conflict. Since Russia is allied with Russia, China, and Pakistan, it would be expected that Russia is generally quite neutral. However, Russia has recently expressed its partnership with India, which means that Russia could still show support for India's role in the Kashmir conflict as they would benefit from improvements in India's economy. Additionally, when Russia stopped occupying Afghanistan, Pakistani militants

were provided with arms that were from Russia's previous occupation of Afghanistan, which could have meant that Russia provided Pakistan with those specific arms as they have previously helped the nation before.

United States of America

The United States has also previously been a part of this conflict since during the Second War (1965), the US provided parties with arms but then after the resolution passed that called for a ceasefire, retracted arms from both parties. However, since then, the United States' policy on Kashmir has not changed, with the nation believing that both countries should try to negotiate a solution while still taking into account the views of the Kashmiri people.

UNICEF and **UN Women**

Out of all of the groups of people that are harmed throughout this conflict, currently, the women and children of India's portion of Jammu and Kashmir are at extreme risk. Both organizations want to ensure the safety of the women and the children regardless of political affiliations as the Kashmiri women and children are often going missing, being tortured, detained, abducted, or sexually assaulted, and as well as that, they lack many basic rights such as the right to the internet. Many mothers and their children would also be separated along the border between India's Jammu and Kashmir and Pakistan's Azad Kashmir, which means that UNICEF and UN Women would likely also work towards reuniting broken families.

Development of Issue/Timeline

Date	Event	Outcome			
	The Dismissal of the PM	With the plan of partition and Maharaja Hari Singh n having made a decision to become a part of either Ind			

		or Pakistan, Prime Minister "Ram Chandra Kak" was dismissed by the Maharaja. This former PM had actively participated in trying to make Jammu and Kashmir an independent state to protect both the Muslim and the Hindu/Sikh populations of the state. By many of the people of Kashmir, this was seen as an act against the idea of independence, and therefore, an act that benefitted India, outraging Muslim populations.
12 August 1947	The Standstill Agreement	The Standstill agreement, which was between India and Pakistan to prevent havoc after freedom from the British was petitioned by the people of Jammu and Kashmir to involve the lack of violence or capture of the state by either side which was agreed by the ruler of Pakistan, but not of India.
14 August 1947	The Partition	The British agreed to a partition in India due to religious beliefs, creating Pakistan as a separate nation. All states and territories of India pre-partition are given the choice to join either India or Pakistan, mainly based on the majority of their population's religious values, with Muslim-dominated states wishing to join Pakistan and Hindu-dominated states wishing to join India. Jammu and Kashmir was yet to decide whether it would become a part of India or Pakistan.
15 August 1947	India's Independence	With the efforts of ruler Mahatma Gandhi, after decades, India was finally freed from British rule and both India and Pakistan were declared independent

		states. This was done after struggles involving the boycotting of British products and taxation as well as peaceful protests led by Gandhi.					
22nd October 1947	The First War	With Pakistani militants and rebels invading the state of Jammu and Kashmir in attempts to seize the state, the beginning of the first war between India and Pakistan was marked.					
24th October 1947	Azad Kashmir	Pakistan successfully seized a portion of Jammu and Kashmir's land with the help of the army and Pakistani militants, which still remains a state ruled by Pakistan.					
26th October 1947	Instrument of Accession	Due to recent violence in Jammu and Kashmir, the ruler, Maharaja Hari Singh, decided to make a deal with India to sign the Instrument of Accession, granting India rule over Kashmir in exchange for protection from India against Pakistani militants and non-state actors, all of which was against the wishes of the Kashmiri people.					
31st October 1947	Plebiscite	To avoid the continuance of Pakistan's troops in Kashmir and to prevent the capture of the rest of the state, the ruler of India issued a letter to the ruler of Pakistan stating that the people of Kashmir should be able to decide their fate by plebiscite or referendum. This discouraged many militants from Pakistan as well as the assistance of the Kashmiri population as considering that the state was majority Muslim, a referendum had high chances of being in favour of					

		Pakistan. This statement has still not been fulfilled by India since 1947, and the people of Jammu and Kashmir have been unable to take any official decisions by referendum or plebiscite.
21st April 1948	Resolution 47	With continuous violence Kashmir, India raises the current war between the countries in the United Nations Security Council. Resolution 47 was then created which officially stated that a referendum would be provided to the people of Jammu and Kashmir, fitting the previous statements by India. This resolution also urged an immediate ceasefire with Pakistan having to remove all their troops and India having to minimize theirs. Both nations agreed to a ceasefire, but Pakistan's troops were not removed and Kashmir remained partitioned between India and Pakistan due to Pakistan's previous capture of Azad Kashmir.
5th January 1949	Truce	In addition to the ceasefire that took place as a result of Resolution 47, the UNCIP urged that a plebiscite would take place within Jammu and Kashmir to decide which nation the state would join if both countries were to immediately demilitarize the area. However, they both failed to meet such instructions, with miscommunication regarding how many militants and troops needed to be extracted and the timing of such. For example, there were disputes on whether the Pakistani militants should be extracted when the truce was formed or during the plebiscite, causing a failure to

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		meet the requirements and no plebiscite or referendum taking place.				
17th October 1949	Article 370	The Indian government implemented Article 370, providing the people of Jammu and Kashmir with autonomy, specifically involving the entrance and purchase of real estate of Indian citizens in the state.				
September 1951	India's referendum	India held an election for India's occupied portion of Jammu and Kashmir in which 25 seats voted for Kashmir to become a part of Pakistan and 75 seats voted for Kashmir to become a part of India and the nation, therefore, deemed another referendum unnecessary. It is debated that Prime Minister Sheikh Abdullah rigged all 75 seats and the entire election.				
October 1951	Resolution 91	Pakistan and the UN did not count this election as a substitution for an actual plebiscite with the United Nations Security Council passing Resolution 91 which mentioned that a plebiscite still needed to take place across the entire state of Jammu and Kashmir and with no biases. However, this was never followed through.				
1951-1952	Hari Singh loses power	Due to India's abolishment of the monarchy, Maharaja Hari Singh, former ruler of Jammu and Kashmir, lost all of his power over the state and its decisions, and the Constituent Assembly would answer to the Indian government as a replacement.				

8th August 1953	The Arrest of Sheikh Abdullah	Sheikh Abdullah, Prime Minister, expressed his want for a plebiscite or referendum as a result of Resolution 91 which did not work in India's favour and his recommendations were opposed by the majority of the members of his cabinet, leading to his eventual dismissal and then arrest.
24th January 1957	Resolution 122	The United Nations Security Council passed Resolution 122 which stated that India's previous constitution of the State Constituent Assembly did not account as a solution to the territorial conflict. India's Home Minister identified Jammu and Kashmir as an integral part of India and denied a plebiscite, with the Constituent Assembly officially declaring Jammu and Kashmir as a part of India.
1962	China-India War	China attempted to take control of Aksai Chin (Eastern Kashmir) which was a part of India's portion of Kashmir, starting a war between the two in which China temporarily occupied Aksai Chin. This war also took place as a result of rising political tensions between the nations as a result of China's previous annexation of Tibet such as India providing asylum for the Dalai Lama.
August 1965	The Second War	Due to the havoc within the state of Kashmir, especially with the remaining troops and the involvement and occupation of China, Pakistan formulated "Operation Gibraltar" to invade Kashmir with troops and militants

		and cause an uproar among the Muslim people of Kashmir. Operation Gibraltar is a controversial and debatable topic, with many denying its overall existence and many senior military officials of Pakistan having denied ever taking part in such a plan for a mission. These uproars of the people, the militia, and the troops caused mass violence, sprouting the second war between the nations.
23rd September 1965	Resolution 211	Resolution 211 was passed, which urged for an immediate ceasefire by both parties to help stop the violence in the region. The Soviet Union, the United States, and the United Kingdom all got involved to try and end the war, with the US and UK halting their supply of arms to either side of the war, which was eventually agreed to and ended the war.
1971-1972	Line of Control	The partition between the land of Kashmir which was controlled and militarized by Pakistan and that of India was initially known as the ceasefire line at which both parties had previously agreed to a ceasefire and would not continue past. However, the third war between India and Pakistan resulted in the agreement to recognize this line as an official "line of control" and partition in Kashmir.
1971-1972	Simla Agreement	To try and minimize the violence that took place due to the third war, both parties agreed to the Simla Agreement as a peace treaty which decided that the

		dispute of Kashmir would be decided by both parties in the future and that the Line of Control would be accepted and respected by both parties until such a decision is made and approved.
31st July 1988	Start of Kashmir Insurgency	The Jammu and Kashmir Liberation Front marks the start of the Kashmir Insurgency and the outrage of the militia in Kashmir against the Indian administration by conducting four bombings across Kashmir with two of them turning out successful.
1989	End of Soviet Occupation of Afghanistan	Due to the Soviet Union's end of occupation in Afghanistan, many of the weapons and arms formerly used in this occupation were transported to Kashmir and used by militia and non-state actor groups throughout the state, increasing violence.
1989	Exodus of Pandits	Many Kashmiri Hindus (around 90,000 to 100,000 out of 120,000 to 140,000 [Wikipedia] [Kashmir and the Future of South Asia] were forced to migrate away from the Muslim populations of Kashmir due to Islamist groups targeting Hindus and Sikhs in addition to the Indian military in Jammu and Kashmir.
28th December 1991	Panun Kashmir	Due to the exodus of Pandits, the Kashmiri Hindu Organization attempted to establish a separate territory for Kashmiri Hindus away from the militia and rebel groups known as Panun Kashmir.

5th August 2019	Removal of Article 370	Narendra Modi, Prime Minister of India, revoked Article 370, disallowing Kashmiri citizens autonomy and control over their own land. This meant that Jammu and Kashmir as a previous state would now be converted into a division of India, with no special rights or laws, and the freedom for Indian citizens to move in and out of the state and buy and sell Kashmiri land without the say of the people. This sparked many protests throughout Kashmir's Muslim populations and many individuals had to be detained or were injured, to try and minimize protests, the internet and mobile services of Kashmiri citizens were cut off and they were given curfews.
6th September 2019	Report	A report released by the Indian government reveals that since the removal of Article 370, 3800 residents have been detained with 1200 still not having been released [Reuters] as well as many Kashmiri activists and former chief ministers.
January 2020	Internet Access	As of January 2020, people in some areas of Kashmir have been given access to a maximum of 2G data and no social platforms, with very few districts having access to 4G.

Previous Attempts to Solve the Issue

Splitting Kashmir

One of the previous attempts to solve the territorial dispute of Kashmir has been to divide Kashmir between India and Pakistan. Pakistan had previously captured around a third of Kashmir's land now known as Azad Kashmir during the first India-Pakistan war. This line was then formerly known as the ceasefire line as it was where Indian and Pakistani troops came to a ceasefire as called for by the UN. Afterwards, Kashmir was officially split in 1971 when India and Pakistan came to an agreement to change this border to the "Line of Control", which would essentially serve as part of the partition between India and Pakistan. Although this border is still in place, it only temporarily solved the issue as it was not a solution that was favourable to the Kashmiri people and a major part of the issue lies within the outrage of the people of Kashmir. This solution worked more for practicality when dealing with each individual territory rather than as an official end to the issue.

Pakistan's Invasion in 1947 and 1965

Initially, the people of Kashmir wanted to become a part of Pakistan as it was a Muslim-dominated state and that was how the majority of states in India were distributed after and during the partition. However, the ruler of Jammu and Kashmir remained undecided for an extended period of time. In an attempt to solve this dispute and temporary independence, Pakistan organized a tribal invasion, starting the War of 1947. However, India promised the people a referendum, which essentially stopped the remaining Pakistani militants from attempting to capture the entire state. But since this referendum never ended up happening, Kashmir was left with a partition and partially occupied by both nations rather than one. Once again, in the second war of 1965, Pakistan attempted to invade India's portion of Kashmir to seize the territory but was unsuccessful. So not only did these invasions not end up serving as a solution due to Pakistan's inability to seize the entire territory, but also due to the violent nature of the militants and groups that invaded Kashmir. Additionally, as mentioned before, if Pakistan were to have fully seized Kashmir, this likely still would have not been an appropriate solution due to Pakistan's recent political state.

The Promised Referendum

The people of Kashmir were given false promises of a referendum a number of times. If a referendum had taken place immediately, it would have prevented the issue as a whole as the Muslim-dominated state would have become a part of Pakistan, exactly as the people wanted, and would not have caused many protests or too much outrage. However, due to India's strong want to seize Kashmir as its own, the referendum was not an option. Later on, when an Indian official sent out a letter promising a referendum which led to the loss of stamina of the Pakistani militants, this promise was still not kept, and at the time, likely would have also served as a solution. Once again, when proposed by the United Nations Security Council multiple times, this referendum was still not offered up as an option to the people although it was enforced by the majority of the members of the SC. However, once again, even if the timing for this was correct, Pakistan may still not have the appropriate current governing body or Prime Minister to rule a controlled Kashmir.

Internal Associations

Not only does the issue lie within the territorial dispute of Jammu and Kashmir, but there have been previous attempts to solve the issues that lie within India's rule over Kashmir. For example, one of the most prevalent issues in India-occupied Kashmir is that many people in Kashmir end up going missing, often by what is presumed to be state-sponsored abductions. An example association within Kashmir that has attempted to assist in this issue is the use of APDP (Association of Parents of Disappeared Persons). Such an association is just built off of the parents of missing children, but can allow for emotional support, an increased chance of finding the children, and assistance if any of the victims or families want to fight for criminal justice.

Possible Solutions

Jammu and Kashmir Independency (secular)

A very clear option to solve this issue is to take a decision that is not in favour of either India or Pakistan, which is to make Jammu and Kashmir an independent nation/state. Considering that India and Pakistan as well as specific non-state actor groups are in conflict and have caused such violence because they are at war with each other, making Jammu and Kashmir its own state would stop either country's involvement or entitlement to the land. This solution would also involve the idea of making Jammu and Kashmir a secular state, considering that although it is majority Muslim, there are multiple beliefs and religions across the country and would help decrease the violence and tension from India's side since India in itself is considered a secular nation. This would also bring back the initial idea of Article 370, allowing for the people of Kashmir to have their rights, and control the ownership of property in the land by Indians and would allow for the Kashmiri people to have their own passport and governing body.

Jammu and Kashmir Independency (non-secular)

Similar to the previously mentioned solution, making Jammu and Kashmir its own independent state would likely be the best solution, however, the involvement of religion in its independence still poses an issue. Although making Kashmir a secular state would greatly reduce the violence and aggression posed by the Indian government and military, there are other parties that are involved in the violence against the Kashmiri people. Many of these are extremist organizations that claim to be under Islamic beliefs but are actually follow Islamism such Hizb-ul-Mujahideen groups that as and Harkat-ul-Mujahideen, both of which fight for Kashmir's independence from India but also for the ability for it to be a Muslim state. Kashmir's independence would likely resolve a lot of the peace, but by making the nation a secular state, there is no guarantee that there will be a stop to the involvement of non-state actors against its secularity.

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Appendix

Appendix A: Islam 101 - Jorge Scientific Corporation





Islam 101

History

According to Islamic tradition, a man named Mohammed began receiving revelations from the angel Gabriel which came directly from god, known in Islam as Allah. These revelations were received in Mecca, a city in the Arabian Peninsula, now part of Saudi Arabia. Born in 570 A.D., Mohammed received revelations from approximately 610 A.D. until his death in 632 A.D. When Mohammed made his revelations known to local Jewish scholars in Mecca, declaring himself a prophet, he was rebuked. During the first few years (~5 to 7), only a handful of people came to Islam. Eventually Mohammed was driven out of Mecca and fled to the town of Medina. There, Mohammed made agreements with the local tribes, gained support, and raised an army. Many people were converted to Islam, and when Mohammed secured enough power, Mohammed returned to Mecca to conquer it. In Islam, Mohammed is considered the perfect example of a Muslim, therefore, anything he did is considered worthy of emulating. Significant examples include: Mohammed's killing of 500-700 Jews of the Qurayzah in Medina who were beheaded by sanction of Mohammed himself; and Mohammed's command to wage Jihad against non-Muslims until they accept or submit to Islam. These are accepted in Islam as authorized behavior.

The compilation of the revelations is contained in the Qur'an, which, in Islamic parlance, is considered "the uncreated word of God (Allah)." Because it is direct divine revelation, it can never be changed or annulled.

The Hadiths are the collections of the words and deeds of Mohammed as witnessed by those who traveled with him. There are many Hadith scholars and thousands of individual Hadiths. Hadiths are rated based on their "chain of transmission" which determines the authenticity of the individual Hadith. The most authoritative Hadith scholars are men named Bukhari and Muslim. Strongly authenticated Hadith by Bukhari is second in authority to Islam only to the Qur'an itself.

Islam is not just a religion, but a "complete way of life governed by Islamic Law (Shari'ah)." Islam is the social, cultural, military, political, and religious life of a Muslim governed by Islamic Law. Theology is subordinate to the requirement to adhere to the Shari'ah. Islamic Law was formed from the Qur'an and the Sunnah (the 'way' of the Prophet) as detailed through the Hadiths.

<u>Four Schools</u> – In *Sunni* Islam, there are four doctrinal schools of law; the *Hanafi*, *Maliki*, *Shafi'ite*, and *Hanbali*. Sunni Islam makes up 85-90% of the Muslim world. It is to be noted that *Takfirism* and *Wahhabism* arise exclusively out of the *Hanbali* School of Islamic law, the form of Islamic law that is official in Saudi Arabia. Shia Islamic Law states that it uses the four Sunni schools as the basis for its law – though there are irreconcilable differences between Shia and Sunni law.

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Ijma - or scholarly consensus, is the doctrine that holds when the grand mujtahids came together at one time and one place to discuss one issue where they unanimously agreed (based on four criteria), then the agreed upon ruling becomes an absolute rule in Islamic law that cannot be contravened or annulled. The four schools of jurisprudence agree in approximately 75% of the law. "Jihad" and relations between Muslims and non-Muslims are issues where there is scholarly consensus.

Abrogation - is an Islamic legal doctrine that holds that what was revealed later in the period of revelation to Mohammed controls or overrules those things that were revealed earlier where disagreement exists. Therefore, the peaceful verses of the Quran ("...there is no compulsion in religion") are abrogated by chronologically later violent verses ("...fight and slay them (unbelievers) where you find them.").

Jihad - from Reliance of the Traveller (Shafi'ite Islamic Law), means to "war against non-Muslims ... to establish the religion (of Islam)." Also understood as "just war" or "holy war." No other definition of 'jihad' has ever existed at any point in history in any authoritative Islamic Law. When Muslims cannot fight the jihad against non-Muslims, they are required to fight with the pen or mouth. If even this is not possible, Islam requires them to fight with their "heart" and hate/despise the unbelievers for the sake of Allah.

Islam divides the entire world into the Dar al-harb and the Dar al-Islam.

Dar al-harb - the world of the sword, the infidel and perpetual war. Countries that are non-Muslim reside in the dar al-harb. Individuals from the dar al-harb are designated as harbi, "enemy person, person from the territory of war."

Dar al-Islam – the Land of Islam and peace. Peace on earth does not come until the entire world has been made of Dar al-Islam. Islam is under permanent jihad obligation to reduce the dar alharb to non-existence.

Shaheed / Martyr - a Shaheed or Muslim martyr is a person who is killed while fighting the infidel, or the non-Muslim. When a Muslim dies, he is prepared for burial and buried within a short time, as prescribed by Islamic Law. He awaits the Day of Judgment at which time all the good and bad deeds of his life are weighed on a scale. If the bad outweigh the good, the person is cast into hell. If the good outweigh the bad, that person still must go through the fires of hell to be purified, and then he goes to Paradise/Heaven. A Shaheed is buried as he was killed so Allah can see he is a Martyr and is taken to Paradise/Heaven immediately. It is the only guaranteed way in Islam for a Muslim to get into Heaven.

Zakat - mandatory financial giving and one of the Five Pillars of Islam. Per Islamic Law, which comes directly from Sura 9:60 in the Qur'an, a Muslim must give 2.5% of their financial earnings - after expenses as calculated by a "Zakat Calculation" table - to eight (8) categories equally. Category seven (7) is "The Cause of Allah" and is defined as Jihad. This means that all Muslims are required, by Islamic Law, to support jihad - which the West calls terrorism.

The Five Pillars of Islam are the basic requirements of all Muslims and includes: Shahadah - the statement of faith; there is no god but god (Allah) and Mohammed is his messenger.

Salah - five daily prayers Zakat - almsgiving

Sawm - fasting

Hajj - pilgrimage to Mecca

The aforementioned information is understood as authoritative Islamic doctrine and taught at the most prestigious Islamic institutions in the world. This is also taught in Islamic schools at the elementary school level around the world, to include the majority of Islamic schools in the United States. To imply this information is not correct is to make a statement that the majority of the Muslim world understands and teaches an incorrect version of Islam.

Appendix B: Line of Control - Static

Line of Control

The **Line of Control** (**LoC**) is a military control line between the Indian- and Pakistani-controlled parts of the former princely state of Jammu and Kashmir—a line which does not constitute a legally recognized international boundary, but serves as the de facto border. It was established as part of the Simla Agreement at the end of the Indo-Pakistani War of 1971. Both nations agreed to rename the ceasefire line as the "Line of Control" and pledged to respect it without prejudice to their respective positions.

The part of the former princely state under Indian control is divided into the union territories of Jammu and Kashmir and Ladakh. The Pakistani-controlled section is divided into Azad Kashmir and Gilgit—Baltistan. The northernmost point of the Line of Control is known as NJ9842, beyond which lies the Siachen Glacier, which became a bone of contention in 1984. To the south of the Line of Control, (Sangam, Chenab River, Akhnoor), lies the border between Pakistani Punjab and the Jammu province, which has an ambiguous status: India regards it as an "international boundary", and Pakistan calls it a "working border.

India constructed a 550-kilometre (340 mi) barrier along the 740 kilometres (460 mi)–776 kilometres (482 mi) LoC by 2004. The fence generally remains about 150 yards (140 m) on the Indian-controlled side. Its stated purpose is to exclude arms smuggling and infiltration by Pakistani-based separatist militants. The barrier, referred to as an Anti-Infiltration Obstacle System (AIOS), consists of double-row of fencing and concertina wire 8–12 feet (2.4–3.7 m) in height, and is electrified and connected to a network of motion sensors, thermal imaging devices, lighting systems and alarms. They act as "fast alert signals" for the Indian troops, who can be alerted and ambush the infiltrators trying to sneak in.

A number of villages lie between the Indian fence and the zero line. Pakistan has not constructed a border fence, however a number of villages lie near the zero line. In the Tithwal area, 13 villages are in front of the Indian fence. The total number between the fence and zero line on the Indian side is estimated to be 60 villages and at least one million people are spread over the districts adjacent to the LoC from Rajouri to Bandipora.

Pakistan and India officially designated five crossing points following the 2005 Kashmir earthquake—Nauseri-Tithwal; Chakoti-Uri; Hajipur-Uri; Rawalakot-Poonch and Tattapani-Mendhar.

Appendix C: Rape in Kashmir - HRW

III. Rape by Indian Government Forces in Kashmir

Reports of rape by Indian security forces in Kashmir emerged soon after the government's crackdown began in January 1990.¹⁸ Despite evidence that army and paramilitary forces were engaging in widespread rape, few of the incidents were ever investigated by the authorities. Those that were reported did not result in criminal prosecutions of the security forces involved.

A Pattern of Impunity

In one well-publicized case, in May 1990 a young bride, Mubina Gani, was detained and raped by BSF soldiers while she was traveling from the wedding to her husband's home. Her aunt was also raped. The security forces had also fired on the party, killing one man and wounding several others. The government claimed that the party had been caught in "cross-fire." After the incident was publicized in the local and international press, Indian authorities ordered the police to conduct an inquiry. Although the inquiry concluded that the women had been raped, the security forces were never prosecuted.¹⁹

In July 1990, police in Sopore registered a case against the BSF for the rape of Hasina, a 24-year-old

¹⁶ See Amnesty International, "India: New Allegations of Rape by Army Personnel in Jammu and Kashmir," p. 3.; and Flavia Agnes, "Fighting Rape -- Has Amending the Law Helped?" *The Lawyers*, February 1990, pp. 4-11.

¹⁷ Flavia Agnes, "Fighting Rape -- Has Amending the Law Helped?" The Lawyers, February 1990, pp. 4-11.

Numerous incidents of rape have been reported by Indian and Kashmiri human rights groups. See, for example, Committee for Initiative on Kashmir, Kashmir Imprisoned (July 1990).

¹⁹ Amnesty International, *India: Torture, Rape and Deaths in Custody*, (London: March, 1992), p. 21.

woman from Jamir Qadeem, on June 26, 1990. According to doctors at the Subdistrict Hospital in Sopore, the BSF had entered the neighborhood at about 11:00 p.m. after an exchange of cross-fire had taken place between their forces and some militant groups. The BSF had then conducted a search of the neighborhood. The doctors stated that when Hasina was brought to the hospital she had vaginal bleeding. The medical superintendent's report also recorded bite marks on her face, chest and breasts and scratches on her face, chest and legs, and injuries to her genital area. A police report filed on July 5, 1990, charged members of the BSF with rape. However, to Asia Watch/PHR's knowledge, they have yet to investigate the case. \(^1\)

The reported rape on February 23, 1991, of women from the village of Kunan Poshpora by army soldiers of the Fourth Rajputana Rifles became the focus of a government campaign to acquit the army of charges of human rights violations. The incident provides a telling example of the government's failure to ensure that charges of human rights violations committed by members of its armed forces are properly investigated and those responsible held to account.

The rapes allegedly occurred during a search operation in the village conducted by the army unit. The village headman and other village leaders claimed that they reported the rapes to army officials on February 27, and that the officials denied the charges and took no further action. Officials countered that no clear complaint was made. A local magistrate who visited the village requested that the commissioner order a more comprehensive investigation, only to be told that officials in Delhi had denied the charges without checking with officials in the state. A police investigation that was eventually ordered never commenced because the police officer assigned to conduct it was on leave at the time and was then transferred by his superiors.

In response to criticism of the government investigation, army officials requested the non-governmental Press Council of India to investigate the incident. A committee sent by the Council visited the village more than three months after the incident occurred. After interviewing a number of the alleged victims, the committee concluded that contradictions in the women's testimony, and the fact that the number of alleged victims kept changing, rendered the charge of rape "baseless." The committee examined medical reports based on examinations conducted on 32 of the women two to three weeks later, on March 15 and 21, 1991, which confirmed that the hymens of three of the unmarried women had been torn. The committee concluded that the medical evidence was "worthless", that "such a delayed medical examination proves nothing" and that such abrasions are "common among the village folk in Kashmir." About the torn hymens, the committee argued that they could be the result of "natural factors, injury or premarital sex."

While the results of the examination by themselves do not prove the charge of rape, they do raise serious doubts about the army's version of events in Kunan Poshpora. The alacrity with which Indian military and government authorities in Kashmir discredited the allegations of rape and their failure to follow through with procedures that would provide critical evidence for any prosecution -- in particular prompt independent medical examinations of the alleged rape victims -- undermined the integrity of the investigation and indicates that the Indian authorities have been far more interested in shielding government forces from charges of abuse. Under the circumstances, the committee's eagerness to dismiss any evidence

²⁰ See Asia Watch, Kashmir Under Siege, p. 87.

that might contradict the government's version of events indicated that it was far more concerned about countering domestic and international criticism than about uncovering the truth. The report echoes the government's concern about international criticism by arguing that the charges against the army constituted "a massive hoax orchestrated by militant groups and their sympathisers and mentors in Kashmir and abroad ... for reinscribing Kashmir on the international agenda as a human rights issue."

Those who have attempted to document incidents of rape have also been abused by Indian security forces. In November 1990, Dr. K., a surgeon at the Anantnag District Hospital, was arrested after he had made arrangements for a gynecologist to examine seven women who had alleged that they had been raped by security forces. The women, who had been brought to the hospital while Dr. K. was on night duty, reported that the security forces had broken up a wedding and raped all of them, including the bride. On November 29, Dr. K. was arrested from his home by members of the CRPF who had surrounded his house. The CRPF blindfolded him along with two friends who were with him at the time and took them to a military camp. The security forces asked Dr. K., "Why did you call the gynecologist?" When he replied, "I treat people irrespective of who they are," they proceeded to beat him with *lathis* (canes) and a metal belt. His friends were also beaten in this way. The three men were detained for four days.

Even when investigations are ordered, they do not result in prosecutions. A magisterial inquiry was ordered in the case of five women reportedly raped near Anantnag on December 5, 1991, but the magistrate's report has never been submitted. According to the *Kashmir Times* of January 14, 1993, the state government has ordered inquiries into 87 incidents of killings, rape and arson. None has resulted in criminal prosecutions. In seven courts-martial held between April 1990 and July 1991 involving incidents of rape, deaths in custody, illegal detention and indiscriminate firing on civilians by army soldiers, only one officer has been dismissed. The most severe punishment for the remaining officers was either a suspended promotion, or marks of "severe displeasure" in their files.²¹

Asia Watch and PHR documented fifteen individual cases of reported rape by forces of the Indian army and Border Security Force (BSF). Two of the incidents occurred within a few days of the Asia Watch/PHR team's visit to Kashmir; the third had occurred several months earlier. To our knowledge, government authorities have ordered an investigation into only one of these incidents. As of March 1993, the results of that investigation had not been made public.

Appendix D: Impact of Abrogation of Article 370 On J&K - PIB

Press Information Bureau Government of India Ministry of Home Affairs

03 FEB 2021 4:43PM by PIB Delhi

Impact of Abrogation of Article 370 On J&K

After the constitutional changes and reorganization of the erstwhile State of Jammu-Kashmir, the Union territories of Jammu-Kashmir and Ladakh have been fully integrated into the mainstream of the nation. As a result, all the rights enshrined in the Constitution of India and benefits of all the Central Laws that were being enjoyed by other citizens of the country are now available to the people of Jammu-Kashmir and Ladakh.

The change has brought about socio-economic development in both the new UT's i.e. UT of Jammu-Kashmir and the UT of Ladakh. Empowerment of people, removal of unjust Laws, bringing in equity and fairness to those discriminated since ages who are now getting their due along with comprehensive development are few of the important changes that are ushering both the new Union Territories towards the path of peace and progress.

With the conduct of elections of Panchayati Raj Institutions such as Panches and Sarpanches, Block Development Councils and District Development Councils, the 3-tier system of grassroot level democracy has now been established in Jammu and Kashmir.

This was stated by the Minister of State for Home Affairs, Shri G. Kishan Reddy in a written reply to question in the Rajya Sabha today.