

KASHMIR POLICY RESEARCH INSTITUTE (KPRI)



Seminar Report INDIA'S SETTLER COLONIALISM IN KASHMIR 4-February-2022

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Background

Demographic engineering is a population strategy employed by 56 governments to shift ethnic demographic balance of an area towards a favorable position. The Hindu chauvinist BJP's Settlement Policies that are aimed to facilitate flow of Hindus to the Muslim dominated Kashmir valley in IOJK are seen as a similar strategy to change demography of the state. These policies would mutilate Muslim identity of Kashmir valley and bear serious implications for Kashmiri exercise of right to self-determination.

Settler colonialism is both a historical and contemporary phenomenon. Conventionally associated with the genocidal origins of the white settler colonial states of the US, Canada, New Zealand, and Australia, the settler colonial project of dispossession and demographic change is also evidenced by the apartheid state of South Africa, the Zionist settler apartheid of Palestine, and now more officially, the Indian settler-colonial project of Kashmir.

Kashmir has been colonized by the Indian state since 1947, but recent changes demonstrate how it is increasingly becoming a settler-colonial project. As opposed to classic colonialism that aims to unlawfully retain control of a territory, take advantage of its resources and deny its people self-determination, settler-colonialism seeks to acquire land so that colonists can settle permanently and form new communities in what they see as their new home. In Kashmir, we have seen a combination of classic as well as settler-colonial strategies.

For Union of India the state of J&K (IOJK) has remained a demographic challenge because of its pre-dominant Muslim character. At the time of partition, out of three regions of the state, two regions Jammu and Valley of Kashmir were Muslim majority areas. According census of 1941, Muslims constituted 60% of the total population of Jammu. After 1948, a major portion of the Muslim population from Jammu were massacred by Dogra regime with collaboration of Indian regulars as well as RSS and in large proportion migrated to Pakistan. The successive Indian governments brought Hindus in the areas vacated by Muslims. The Indian government is satisfied with demographic balance in Jammu and Ladakh region of IOJK. However the Muslim dominance in Kashmir valley and aggregate Muslim character of IOJK is source of discomfort for her. The BJP which is political wing of RSS has always been proponent of abrogating special status of IOJK and assimilating it into Hindu Raj has always been its dream. In 2014, BJP formed alliance government in IOJK with PDP and swiftly set on course of facilitating mass inflow of Hindus into IOJK. The efforts in this regard included grant of citizenship to Sikhs who migrated from West Pakistan, Resettlement of Pandits in separate colonies and settling non-state retired soldiers in valley. Moreover, the abrogation of article 370 and article 35 of Indian constitution has facilitated Indian authorities to grab land in disputed territory. The IOJK's Industrial Policy 2016, Sainik colonies, Delimitation commission can be seen as a step further in that direction. These settlements and policies are capable of injuring the numerical and demographic strength of Muslims in IOJK, and are in dire violation of International Law. The Indian leadership has always feared potency of valley to thwart Indian ambitions of complete integration of IOJK. That is why successive Indian governments and particularly current Modi led BJP ethno fascists religious extremists have tried to neutralize its Muslim identity. The practices in this context included census data manipulation, planned migrations etc. Recently the settlement policies of BJP led Indian government stimulated much louder alarms in Kashmir valley. There is a need to highlight the severity of the issue so as to preserve the identity and disputed status of IOJK.



Aijaz Hussain Lone
Secretary JKLC



Syed Faiz Naqshbandi
Convener APHC



Altaf Hussain Wani
Chairman KIIR, Member APHC



Mrs. Shamim Shwal
Member APHC



Sheikh Abdul Mateen
Member APHC



Raja Muhammad Sajjad Khan
Director KPRI

To put limelight over this issue and garner expertise from subject matter experts, Kashmir Policy Research institute (KPRI) hosted Seminar titled "Indian settler colonialism in Kashmir".

The session was attended by students, MPhil scholars from Institute of Kashmir Studies UAJK, research associates and departmental officers.

Distinguished speakers included:

Raja Muhammad Sajjad Khan Director KPRI

Mr. Altaf Hussain Wani Chairman KIIR member APHC.

Shaikh Abdul Mateen member APHC.

Syed Faiz Naqshbandi convener APHC.

Mrs. Shamim Shwal member APHC.

Professor Dr Khadija President Kashmir Women Forum.

Raja Muhammad Sajjad Khan

**Director Kashmir Policy Research
Institute (KPRI)**



Raja Muhammad Sajjad Khan, welcomed all the participants, research scholars from Institute of Kashmir Studies UAJK, subject matter experts for their valuable knowledge contribution in making this session resourceful and successful particularly Mrs. Shamim Shwal for her presence being the only female member of All Parties Hurriat conference (APHC). He said that this session would help us to better understand the steps taken by Indian State after the illegal actions of 5th of August which can be regarded as demographic changes within the pretext of settler colonialism.

Talking about settler colonialism he remarked "Any colonial entity or power is more interested in local resources of the region they occupy than the social dynamics, as soon as they exhaust the resources or as soon as their goals are achieved they usually wind up their presence and move on. Same cannot be said about the settler colonial entity or power as it

intends to permanently occupy the region and alter the socio cultural dynamics of the region, to achieve so they adopt various tools which might include institutions like judiciary, army, paramilitary etc. Recent actions in IIOJK is indicator of it as Modi led BJP's religiously intolerant regime is extending their Hinduvta manifesto and all problematic eventualities happening in the region are ripple effects of its brazen hate mongering.

He appreciated the work of JKCCS and Khurram Parvez he said, "Being part of Jammu and Kashmir Coalition of Civil Society under the very watchful eyes of Indian occupational forces he formulated extensive annual Human Rights Reviews, HR reports and documented through research various aspects of conflict which is extraordinary. JKCCS has exposed the state terrorism in IIOJK".

He said that there are many similarities between Kashmir and Palestine conflicts and the legal opinion of International Court of Justice on Wall's case. Research aspirants should study it for better understanding of the issues, in the future we are planning lecture series on such topics as well. I would request the distinguished speakers to provide us with suggestions to better counter the Indian malicious campaign utilizing the available platforms at base camp, like Kashmir Policy Research Institute, Jammu & Kashmir Liberation Cell or University of Azad Jammu and Kashmir UAJK. Hopefully this session will be resourceful to all the aspiring researchers who want to garner knowledge for any related research in near future.

Mr. Aijaz Ahmad Lone

Secretary Jammu & Kashmir
Liberation Cell and Cultural
Academy



Mr. Aijaz Ahmad Lone thanked all the participants and guests speakers for their presence. Delivering introductory remarks he said "I'm honored to be in the presence of such distinguished personalities who have first-hand experience of whole ordeal of Kashmir conflict. War of narratives has left the truth in disarray because lies are propagated at industrial scale with manufactured scenarios, it is vital that firsthand fact based knowledge be obtained from the individuals who have been throughout the evolutionary phases of this long standing conflict. In this way a genuine database can be formulated based on which manifesto of future activities can be established".

He further remarked "Kashmir has witnessed oppression throughout its history in one form or another, from Mughal dynasty to Sikh rule and subsequent British colonization. The year 1947 can be regarded as the year which brought about the dawn of independence in subcontinent however same cannot be said for Kashmir as this unfortunate piece of land experienced unfinished partition within the ominous pretext of not merging with the dominion corresponding to majority of population".

He further said "Our brothers and sisters across the LOC are true custodians of Kashmiri heritage and culture, they encompass the majority of population and all socio political events

leading up to today revolve around them. Indian claims to be a secular democracy but in reality its Hindu exclusive ethno national manifesto has plagued the minorities particularly Muslims of Kashmir. Their economic, social and political activities have been reduced to stand insignificant in wake of flooding of foreigners in their lands.

He concluded his remarks by saying “The latest episode of 5th of August has indeed revealed the true intolerant face of India, previously they masked their true intentions behind the fake pretext of secularism and democracy however now given the international stakes involved and blind eye from the other countries in favor of their world view and national/economic interests India has openly revealed its true teeth. All the eventualities in Kashmir are excuses to reduce the indigenous population into minority and eventually vanquish them from the face of the world. With reference of this seminar I look forward to the guest speakers to provide their subject matter expertise and particularly suggest a way forward to counter hostile steps taken by India.”

Altaf Hussain Wani

Chairman Kashmir Institute of
International Relations (KIIR)
Member All Parties Hurriat
Conference APHC



Greeted all the participants and fellow speakers, thanked the organizers for making such a procession possible and remarked “The term Indian settler colonialism was first coined by the Kashmir reading room on their website. First and foremost, we will have to look at the legal aspects of whole dilemma behind rolling back of Article 370 and 35A of the Indian constitution, these articles allowed the state a certain amount of autonomy, its own constitution, a separate flag, ability to legislate, defined the permanent resident of Jammu and Kashmir and disallowed non Kashmiris to acquire property in the state. In addition to this, the fundamental rights of residents, possession of property of Jammu & Kashmir cannot be dictated by India and they are out bound from Indian Power Jurisdiction. These special status and domicile laws have always been hard to digest for right wing religious extremists ethno fascists. They never fully adhered to these privileges given to Kashmiri people. Attempts have been made several times in the past as well to affect these special rights utilizing whatever means available to them. RSS which is an extremist Hindu nationalist organization has a mainstream brainchild known as BJP which started legal battle as soon as it attained power in the election in fact doing so was part of its election manifesto. In July 2015, an RSS-backed think-tank called the Jammu & Kashmir Study Centre first came up with the idea to challenge Article 35A in the Supreme Court. A petition was filed in the Delhi High Court against the Article. Later, it was also challenged in the Supreme Court.

The main objections raised were on the right of women if she marries a man of their choice (non-state resident) as by doing this she can lose her right of inheritance. Former state rulers were called out for nepotistic politics and new leadership ground up was promised. The other objection was the so called violation of rights of Hindu workers settled in Kashmir for generation and promised economic revival and development.

All these claims can be expunged by considering legal matters. If Article 370 and 35 A are excluded from the constitution the 'Instrument of Accession (IoA) stands void and Indian Government loses every ground for claiming the Illegally Occupied State of Jammu and Kashmir.

The concurrence of the government of the state of Jammu and Kashmir is tantamount however it was not received because no Legislative or Constituent Assembly existed.

As no such legal procedure was followed in the above mentioned procedure adopted by Indian government, so this revamping of Article 370 and 35A is controversial and totally lack any legal footings.

Delimitation commission, headed by Justice Ranjana Prakash Desai, was appointed specifically for political engineering in IOJK.

He further remarked "The real estate summit has put Kashmir up for sale it's an attempt to alter the region's demographic identity and is a form of brazen loot of resources and minerals.

He concluded his remarks by saying "All is not bleak, there's definitely silver lining around the grim cloud as despite signing more than 200 MOUs there have been little to no investment from Indian corporates and many so called developmental projects are still on papers . Over the past few months we have witnessed unprecedented amount of international media outlets reporting on Kashmir, while state to state policies are based on mutual interest's worldview and influential backdoor channels, reporting of such caliber is praise worthy. Genocide watch has testified before the US congress and openly called out India as perpetrator of HR violations and declared it as a nation on the brink of genocide. United Nations has forwarded twelve publication calling out HR violations and arrest of civil justice warriors. UN has issued a report taking notice of Indian child soldiers. International backlash and rebuttal on Khurram Parvaiz was exemplary, so UN special representatives should be applauded for their role and only way to commend them is by referencing their work in our fact based researches and continuing with rejuvenated will and determination, instead of just narrating things as they are in our research we should be more analytical in our approach, by defining policies and way forward. We don't need to panic good days are ahead".

Sheikh Abdul Mateen

**Special Representative Chairman
All Parties Hurriyat Conference
(APHC)**



He greeted all the participants, fellow speakers, Director KPRI and rest of the organizers for making this session possible .He remarked "on 27th of October Indian army entered Kashmir through conspiracy and eventually subsequently the numbers expanded literally turning the valley in the most militarized zone in the world .Indian designs to bring demographic changes in Indian administered Jammu and Kashmir hereinafter after the acts of 5th August can be referred as constitutional invasion to reduce the indigenous majority of Muslims into a

minority which is being achieved through a meticulous and elaborate plan. The people of IOJK have been suffering from severe violation of the gross and systematic violations of human rights”.

Recalling Masarat Alam Bhatt’s efforts he remarked “Masarat Alam Bhatt incarcerated for years was flag bearer of political resistance in 2008 .He then prophesized about Indian malicious plans and today stands vindicated as proven by the events of 5th of August .The real intentions behind the Indian unilateral act of scrapping article 370 and consequently abrogating article 35A as well as to introduce Jammu and Kashmir Reorganization Act, 2019 is to bring demographic changes in IOJK in order to convert the Muslim majority population into minority by paving the way for the settlement of non-state subjects particularly Hindus in IOJK. Although the colonial term has been applied to Kashmir in the past, the abrogation suggests that the settler colonial term may be more fitting. Settler colonialism is premised on the recruitment of a settler class whose goal is not only to occupy indigenous land but also to eliminate the indigenes who stand in their way. Thus, as non-Kashmiris flood the region as new residents, India’s identity as a settler state comes to the fore.

The draconian black laws often play a crucial role in facilitating the erasure and elimination of indigenous communities in settler colonial projects. Exploring features of the post-Partition legal regime especially military impunity, arbitrary detention, and displacement reveals how the settler colonial mindset animated India’s relationship with Kashmir long before the events of August 5th.

Syed Faiz Naqshbandi
Convener
All Parties Hurriyat Conference



He initiated his remarks by drawing stark contrast between colonialism and settler colonialism by saying “We need to lay theoretical framework for understanding settler colonialism, Colonialism and settler colonialism are distinct, yet intertwined, modes of oppression. While both entail migration and a relationship of ascendancy, their ultimate desires are fundamentally different. Classic colonialism is a system of domination facilitated by territorial acquisition. The colonizers, in dominating an indigenous majority, act to fulfill the interests of their distant metropolis. Their goal is not to stay in their newly sought territory, but rather to exploit profits to sustain the permanent subordination of the colonized. The primary objective of settler colonialism, by contrast, is to permanently occupy the colonized territory: settler states recruit settler classes that bring with them a purported sovereign prerogative to establish a new state on someone else’s land. To sustain their dominion, settler states with the help of a local administration will spin narratives of a unique cultural identity, create independent structures of law and order, and rely on both military and economic power Law, in particular, often cements and expands a settler colonial projects, The law not only establishes and reestablishes the allocation of land and resources but also controls the distribution of violence in a settler regime. In settler colonialism, territory is

fetishized. Land is the object of desire the place where settlers can imagine a society of their choosing on land perceived as their own, in the heat of this desire settlers rationalize the elimination of the indigenous who complicate the realization of their imagined policy. It is the synchronization of these forces that gives the project its distinctive feature which can be termed as replacement. To replace is to eliminate the indigenous population. This replacement is driven by the “logic of elimination. The logic of elimination does not necessary entail violence. To eliminate the indigenous equally includes displacement, forced assimilation, and the induced disappearance of indigenous heritage and institutions. Whereas classic colonialism is marked by a vicious cycle where the freedom of the colonized is perpetually postponed, true settler colonialism will extinguish itself, so there is no indigenous community to stand in distinction from the realized settler one, the indigenous identity, unlike the colonized one, is entirely dispensable”.

He further said “Kashmir’s militarization is designed to make Kashmir a place non-Kashmiri Hindus can feel entitled to claim as their own, and to reimagine a Kashmiri identity that excludes its Muslim population. India has similarly used the military in proposals for returning the Kashmiri Hindu diaspora back to the region, suggesting enclosed, heavily guarded colonies equipped with their own amenities. This ahistorical vision of a Kashmiri society without Kashmiri Muslims underscores the state’s investment in eliminating the aspects of Kashmiri identity that challenge its settler colonial narrative. This settler narrative, like most, was still intimately linked to the land, with the Indian state having illegally seized Kashmiri territory well before the abrogation. As of 2018, military forces had illegally grabbed nearly 54,000 acres of land in Kashmir, included in this occupied land is not just strategic borders but civilian infrastructure like hotels, sports stadiums, university facilities, and hospitals. Occupied land has also frequently, and perhaps conveniently, overlapped with resource-rich regions, like those known for saffron production. Indian and Kashmiri state laws that have facilitated the gradual elimination of the indigenous Kashmiri.

The events of the abrogation were critical in making the purchase of land possible for new settlement communities, exploring Kashmir’s post-Partition legal infrastructure reveals how the settler colonial mindset has animated India’s relationship with the region long before the events of 2019. In particular, a military impunity regime, arbitrary detentions, and displacement are key facilitators of the project”.

He said “5th of August was not a beginning, not a diversion, not a rupture, but the extension of seventy years of mass killings, blinding, torturing, disappearances, and rape all of which advanced the mission to physically and symbolically eliminate the Kashmiri indigenous people”.

He remarked “Although Indians themselves took the matter to the UN however seeing ball out of their court many claim that UN resolutions are ineffective now , it’s not the case .UN resolution can only be rendered ineffective if :

1. Time frame of implementation is mentioned.
2. Member states reach over an agreement endorsed by UNSC.
3. UN passes another resolution to cancel the previous one.

None of the criteria have been met in case of Kashmir conflict and UN reiterates its position about a free, democratic, non-biased and impartial plebiscite”.

He concluded his remarks by saying “Individual efforts will lead to collective results, on an individual level we must make good use of social media, formulate complaints to related international organizations, and write petitions, applications to the head of states. We should remember occupations are never permanent and we have seen empires crumble in front of steadfast willpower of freedom loving men and women”.



Mrs. Shamim Shwal
Member APHC
Kashmir Tehreek-e-Khawateen



She appreciated the efforts of organizers to bring such an event into fruition.

She remarked “The focus of my session will be the steadfast women of IOJK who against all odds are keeping the flame of struggle alive. We have witnessed a sort of international hypocrisy with respect to the matter of equal coverage or rebuttal on crimes against women where International response to cases like Malala Yousafzai has a stark contrast when it comes to the same with reference to women of Kashmir. We can safely assume the flags bearers of women rights and social justice have prejudices or serve a narrative which is quite contradictory to their official stance.

She further said “I congratulate the women and men of IOJK who despite having limited resources against heavy odds are sacrificing their today and tomorrow for a just cause. Their unarmed and unsupplied effort is commendable who with bare hands are standing up to the oppressors”.

She remarked “To pay homage to the sacrifices of our predecessors it is important that we carry on their legacy, I congratulate the whole nation for remembering their work and sacrifices to find a way forward. Hope is tantamount to carry on any struggle, if these no hope the efforts wean. To provide hope to our brothers on the other side of the LOC it is important that we acknowledge their work, struggle and sacrifices”.

She told “Indian forces are using women in Indian occupied Kashmir as weapon of war. These Occupational forces are continuously violating UN charter, covenants, agreement and all the international legal instruments for the protection of women rights, Indian Occupational forces are using rape and molestation of women in IOJK as weapon of war contrary to Geneva Convention as per which Rape is prohibited through common Article 3 which term it synonym to genocide if committed on mass scale on purpose”.

She remembered the women who laid their lives during and after the events of 13th of July 1931 as they mobilized people to protest against the tyrannical treatment of Muslims she said “Seven women were martyred by Dogra regime following events at Srinagar central jail. In Kashmir valley. In Shopian Miss Sajida Bano received a bullet wound in military firing she was pregnant and died along with the child on the spot. The second woman to die was Miss Jan Begam, resident of Nowshahra Srinagar, was killed in police firing. The 3rd female martyr was Miss Freechi, resident of Jalal Saeb Baramulla, died of a bullet wound received in a military firing, she hurled at face of a police officer in course of a procession of women which disfigured him permanently. The 4th woman to die was Miss Fazli who was killed on 24th September 1931, when the military opened fire. Women have always been at the forefront of this struggle realizing that occupational state is deploying rape on the Kashmiri populace as a method of humiliation and frightening targets women as the cultural marker of their community, and is then used to humiliate the community through their women. Protected by their power which is hallmark of any tyrannical rule”.

She remarked “Remarkably, the women of the working classes of the Muslim society fought shoulder to shoulder with their counterpart against the injustice and misrule of the Dogra despots. Clearly, then during its first phase of the freedom struggle, the women participants came from the lower sections of society, illiterate and uneducated. These women of the lower orders were not led and organized by educated women but it was their movement that educated women joined later in the period.”

She said that many massacres and mass rapes committed by Indian occupational forces, “On February 1991, more than 800 soldiers entered in two adjacent villages Kunan and Poshpora and cordoned off the village. Males were interrogated overnight. The soldiers then gang-raped almost 80- 100 women of that villages that night till 9:00 AM as well as the next day. Women were raped without consideration of their ages and physical conditions. The raped women were from 13 year age to 80 years, similarly in 1992, army unit entered the village of Chak Saidapora Shopian, district Pulwama, at least nine women, including an eleven-year-old girl and a 60-year-old woman were gang raped by several of the army soldiers, in the same year during an army search operation near the town of Haran, Five soldiers entered in the village and raped at least two women. Such perils are faced by the resilient women of Kashmir”.

She concluded her remarks by saying “Indian regime intentionally targets women as women run household, if women are effected whole household is effected and family unit is

disturbed, this meticulous pogrom of systematic abuse has left households destroyed in wake of Indian brutalities. We should not worry as every tyrant meets its end, I want to convey my message to the higher ups that if we are provided military aid by just a slight amount we can surmount resistance similar as in Afghanistan, I once again reiterate we should not lose hope indeed good days await”.

Professor Dr Khadija Turabi
President Kashmir Women
Forum



She commended the organizers and said “Wars are not won with weapon or numerical superiority but will power. Persistence is key to success, one who prepares well remains steadfast and avails the opportunity meets success. Many tyrannical regimes have come and gone be it crusaders, pharos or regimes like the USSR, none could withstand determination of people demanding their just rights, crumbling of berlin wall and recent eventualities in Afghanistan are an example of it”.

She further remarked “We have nothing to fear or be ashamed of as we are on the just course, our cause is a genuine one unlike the tyrannical occupational regime of India. International laws and resolutions back us up and approve of our just narrative”.

Talking about the role of Ummah with regard to Kashmir she said “We need to retrospect what circumstances lead to some of our closest allies befriend Modi’s Hinduvta regime. The same brotherly nations which backed us at every platform are now investing in IOJK to bring about residential pundit exclusive colonies and economic activity so it is requirement of time that we analyze this newly formed fraternity of Gulf States and an ethno national religious extremist Modi government”.

She further said “Kashmiris will not give up the demand for the right to self-determination until people of IOJK get their birthright as per the UN resolutions. Wherever it is in the interest of the United Nations, they can get their resolutions implemented but they do not see the blood in IOJK. It is a pity that the Muslim countries have not been able to unite and see the cruel face of India. Kashmiris will succeed in their valiant struggle to secure freedom from oppression and illegal occupation”.

She reiterated call on the international community to take practical steps to hold India accountable for its gross and widespread human rights violations in IOJK. She said “Our ultimate objective is a peaceful resolution of the Jammu and Kashmir dispute as per relevant UNSC resolutions in accordance with the wishes of the Kashmiri people. By implementing black laws, torture, rape fake encounters and arbitrary disappearances India tends to deny Kashmiris their just struggle for their inalienable right to self-determination which we will hopefully one day achieve by the grace of Allah Almighty”.



Recommendations

- Research related to subject matter should encompass policy and analytical approach.
- Pakistan/AJK needs to establish a legal Experts team to expound the disputed status of IOK territory and illegality of Indian settlement policies under fourth Geneva Convention.
- The presence of occupation forces and non-compliance with UN resolutions on IOK are required to be projected as violation of UN charter.
- The Government of Pakistan and AJK should seek ICJ's advisory opinion on Indian Settlement of non-state subjects in IOK.
- Research institutes should raise these issues at various multilateral platforms, and seek support of international custodians of human rights to probe into the matter. We also need to convince the world that ongoing uprising in Kashmir is also a product of such repressive approach of Indian government towards Kashmiri Muslims.

About Us

Established in March 2017, a premier think tank in Azad Jammu and Kashmir. It is an independent, nonpartisan and non-profitable which is dedicated to conduct research, provide comprehensive understanding and evolve policies about the State of Jammu and Kashmir and other related regional and global issues.

Vision

For a broader regional peace and stability of South Asia, the Kashmir Policy Research Institute (KPRI) envisions the peaceful resolution of Kashmir Conflict as per contemporary conflict resolution models in the light of UN Charter and UNSC resolutions.

Mission

To highlight various aspects of the Kashmir Conflict in order to reach over an amicable solution as per the wishes for Kashmiri masses in the light of UN resolutions for promotion of regional peace.

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