



# INTERNATIONAL JOURNAL OF KASHMIR STUDIES



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- Articles, research notes, review articles, comments, rejoinders and book reviews are welcome from all parts of the world. They should be sent/mailed to the Chief Editor, *International Journal of Kashmir Studies*, Email: [chiefeditorijks@prfjk.org](mailto:chiefeditorijks@prfjk.org)
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- The first page of the article should contain the title of the article, the name of the author, and a footnote giving the current affiliation of the author, and comments, if any.
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- The major objective of the *International Journal of Kashmir Studies* is to provide a forum for scholars engaged in Kashmir studies and dynamics of Pakistan. In addition, the journal is publishing articles related to Kashmir conflict, International affairs, political studies, diplomacy and public advocacy, security paradigm, defense and strategic studies, law based approaches, peace and conflict studies, governance and economy, Self-determination and other solidarity rights. Besides promoting research in these fields, the Journal also seeks to provide a forum for expression of views on current history. It hopes to create a dialogue among specialists and leaders in public affairs in a wide range of areas and disciplines.
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# INTERNATIONAL JOURNAL OF KASHMIR STUDIES

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## **Objectives of the IJKS**

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- To assess and examine the needs and requirements of research in Kashmir studies and dynamics of Pakistan.
- To publish articles related to Kashmir studies, international affairs, political studies, diplomacy and public advocacy, security paradigm, defence and strategic studies, law based approaches, peace and conflict studies, governance and economy, self-determination and other solidarity rights.
- To coordinate research programmes of various universities and other research bodies in and outside Pakistan and cooperate in the academic activities and scholarly pursuits of all official and nonofficial institutions engaged in this field;
- To seek, acquire and preserve source material (private papers, newspapers, rare books, documents and pamphlets, etc.) relevant to the above fields;
- To arrange interviews with important persons who can recall significant incidents relating to the fields mentioned above and to preserve a record of such conversations for current and further use by Historians, Social Scientists and scholars of various fields;
- To publish biannual Journals of high academic quality;
- To sponsor and commission scholarly works by independent academic researchers;
- To devise and adopt ways and means to further the objectives of the forum as a body responsible for research in above mentioned areas;
- To cooperate with international research organizations, and study Kashmir Issue in wider context of its neighbouring countries.

The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

(UNCIP Resolution  
05 January 1949).

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The Policy and Research Forum (PRF) is a premium Think Tank in Azad State of Jammu and Kashmir. It is an independent, nonpartisan and non-profitable forum. PRF is publishing *International Journal of Kashmir Studies* peer reviewed bi-annual journal fulfilling the standards of HEC recognized journal.

The *International Journal of Kashmir Studies* has devised a clear policy for the publication of different articles. Articles submitted should contain elements relating to the Kashmir studies and dynamics of Pakistan. In addition, the journal is publishing articles related to Kashmir conflict, International affairs, political studies, diplomacy and public advocacy, security paradigm, defense and strategic studies, law based approaches, peace and conflict studies, governance and economy, self-determination and other solidarity rights.

As per layout of the journal, the first page of the article should contain the title, name of the author and an abstract of the article. For the sake of uniformity, we have included a “Note to Contributors” on the back of the cover page. For citation and references, the IJKS follows the format outlined in Sixteenth Edition of *The Chicago Manual of Style*.

The current issue carries six articles. The first paper offers a thorough analysis of massive human rights violation in Indian Occupied Kashmir (IOK). This article provides immense insight on unlawful Acts of Indian Government which denied the right to life, property, education and importantly right of self-determination. This article examines the human rights violation in IOK from a legal perspective of international law, international humanitarian law and other conventions.

The second article demystifies the ubiquitous phenomena of terrorism. This article discusses the context and scope of combating terrorism in Pakistan, more precisely its reasons, risks and challenges. However the paper argues that it is need of the hour to take immediate and necessary steps to combat terrorism to protect lives of innocent people and to save humanity.

The third paper is an attempt to explore the human rights violations in Indian Occupied Kashmir after the murder of Burhan Muzaffar Wani. This paper undertakes an extensive as well as meticulous analysis of human rights violations and to explore the impacts of widespread human rights violation on the freedom movement in Indian Occupied Kashmir.



The fourth paper focuses on the role of Kashmiri women in the freedom movement of Kashmir. This article gives an insight how Kashmiri Muslims equally have been struggling for their right of self-determination in the Indian held Kashmir for many decades. This article examines Kashmiri women have become the most horrible sufferers of every kind of brutal acts and violence in the form of physical, psychological, cultural, as well as economic disruption.

The fifth article attempts to analyse the stand of youth on political turmoil. This study examines impact of political turmoil on Youth of the state and their perceptions about conflict resolution. It also highlights various factors which lead the educated youth to the path of violence.

The last article demonstrates that how individual identities are constructed by language and multilanguage. The article inspects the role of language in identity construction in Pakistan with a focus on people using powerful language to construct their individual identity and how language has been utilized by the political leaders to pursue political power.

The process of evaluation and blind peer reviewing is comprehensive. We have an Internal Review Committee (IRC) consisting of the Chief Editor, Editor, Associate Editors and Assistant Editors. The committee recommends an article for evaluation after preliminary assessment. The article then goes through a cycle of evaluation, editing, review and proofreading.

An acknowledgement letter is forwarded to the author, which should not be deemed as an acceptance letter. It is just to inform the author that the article is being sent for blind peer review. Then the article is sent to two appropriate scholars. Articles are evaluated on the recommendations of nationally and internationally known referees belonging to various disciplines. It is the policy of the forum that the internal committee recommends at least two reviewers one local and one foreign for the evaluation of every article. If they recommend changes and suggestions, the article is sent back to the author for revision. After positive recommendation from both the reviewers, an article is accepted for publication in the *International Journal of Kashmir Studies*.

(Dr. Sania Muneer)  
Editor in Chief

## ***Human Rights Violations in Indian Occupied Kashmir: A Legal Perspective***

***Rabia Mustafa\****

### ***Abstract***

*The Kashmir conflict is not only a territorial concern for India and Pakistan but along with its diplomatic, economic, legal, political and regional dynamics, it is an issue which is directly related to the intrinsic and inalienable right to life of millions of people. However, the brutal acts of the Indian government Kashmiris have been denied the right to life, property, education and significantly the right to self-determination. Although, Kashmiris across Jammu & Kashmir have always been portrayed at the international media as victims, yet it would be unjust if denied being called as survivors. The implementation of Armed Forces (Special Powers) Acts (AFSPA), and other barbaric laws, Indian state actors are violating the basic rights mentioned in Universal Declaration of Human Rights. Despite all levels and intensities of discrimination, physical and sexual molestation, killings, enforced disappearances, horrendous crimes and grave human rights violations committed by the Indian army*

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*against this unarmed nation; their struggle to achieve freedom based on the rights granted by international law, international humanitarian law and other conventions. The present paper is an attempt to analyse the human rights violation in the Indian occupied Kashmir (IOK) and its impact on their lives. This study also highlights human rights violation in IOK in the legal perspective of International Law, protocols and conventions which seems to persist as long as the world community does not treat this part on equal terms.*

**Key Words:** Kashmir, Human Rights, Violence, Law.

## **Introduction**

The basic tenets of international law reiterate, “Individuals should not be arbitrarily deprived of their lives, and homicide should be deterred, prevented and punished.” The rights are additionally anchored and ensured by the Universal Declaration of Human Rights (UDHR) 1948. The United Nations Human Development Report (UNHDR) underlines “inherent freedom and equality by marking a ban on discrimination.” It also states that “Everyone has the right to life, liberty and security.” Although, different declarations, covenants and agreements of international law guarantee these rights, yet the general population of Indian occupied Kashmir (IOK) is being tortured, discriminated, separated from families and mutilated.

The Indian Occupied Kashmir, with more than 700,000 Indian troops, is one of the most vigorously hostile regions on the planet with a proportion of single warrior for eleven civilians. It has been generally publicized as well as reprimanded, both nationwide and

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<sup>1</sup>La Rosa, Annee-Marie, and CarolinWuerzner. “Armed Groups, Sanctions and the Implementation of International Humanitarian law,” *Global Review of the Red Cross* 90, no. 870 (2008): 327-341.

globally on media, Indian Security Forces (ISF) have been safeguarded and shielded since 1990 through oppressive laws forced within State. The laws like Armed Forces Special Power Act (AFSPA) damage basic human rights and global standards, to which Indian government is a signatory.

There is a dire need of repealing of the laws accommodating the insusceptibility from indictment of the police and the military, and specifically the nullification of the 1958-Armed Forces (Special Powers) Act. India must ratify various treaties like, the Convention against Torture and the International Convention for the Protection of All persons from Enforced Disappearance.

As indicated by the statistics accumulated from various sources, nearly 94,000 Kashmiris have illegally been killed by the ISF in IOK. Out of these, 7,000 people have been executed in Indian custody. Moreover, 1,07,000 structures have been wrecked, almost 22,000 ladies have been bereaved, more than 1,05,000 have been orphaned and a figure of 10,000 women have been recorded for being raped and attacked by Indian military and paramilitary troops in IOK since 1989. Not only this but a new technique to torture the Muslims in IOK has been established in which more than 7000 individuals have been succumbed to the pellet gun wounds since July 8, 2016, out of which more than 500 children between the ages of 5-16 years lost their vision.

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<sup>2</sup>Henckaerts, Jean-Marie. "Study on Customary International Humanitarian Law: A contribution to the Understanding and Respect for the Rule of Law in Armed Conflict." *International Review Red Cross* 83, no. 857 (2007): 175-212.

<sup>3</sup>Minorities at Risk Project, Chronology for Kashmiris in India, 2004, Accessed December 29, 2019 <https://www.refworld.org/docid/469f38961e.html> .

<sup>4</sup>United Nation, "Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan" *Office of the United Nations High Commissioner for Human Rights*, June 14, 2018.

All the above-mentioned facts and figures are an absolute violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects. Moreover, India has ratified Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) yet the women are having been met with the worst fate. Many individuals have been disappeared and so the concept of half widow prevails in the state of Jammu and Kashmir. People file their cases but they all go in vain. This is also against the Convention for the Protection of All Persons from Enforced Disappearance (CED) to which India is a signatory.

India, frequently depicted as the world's biggest popular democracy, possesses a constitution that ensures a wide scope of human rights, and is a living archive, bolstered by expansive open support and authorized by a staunch Supreme Court, whose human rights law is regarded reasonably around the world. The fundamental right to life (article 21 of the Constitution) specifically has been given an extensive elucidation translation by the courts.

Everybody has the privilege to life, freedom and security. Unfortunately, with all international shields and certifications for the individuals, through different understandings, affirmations and agreements, the general population of IOK are being mortified, segregated, tormented and executed. The use of various tormenting means is discussed below to highlight the grave human rights violations by the Indian forces which are against the human rights, international humanitarian law and beyond all the UDHR 1948.

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<sup>5</sup>David Turns, David. "Weapons in the ICRC Study on Customary International Humanitarian Law," *Journal of Conflict Law* 13, no. 1 (2009): 211-231.

## **Human Rights Violations through State Institutions in IOK**

### **Indian Police**

There are huge number of cases recorded for excessive use of power by the Indian police against unarmed protestors and demonstrators, with insufficient adherence to the standards of proportionality and need. The lopsided utilization of power amid demonstrations has brought about more than 100,000 deaths in Jammu and Kashmir, while somewhere else, for example, in New Delhi, numerous demonstrations happen without carnage. There is an exorbitant and discretionary use of force by the Indian police which are additionally intensified by statutory insusceptibilities that limit accountability. However, the section 197 of the Criminal Procedure Code (CPC) requires an earlier sanction from the government before discernment can be taken of any encounter by a public servant for criminal impeachment.

### **Killings under Custody of Indian Forces**

It has been observed that a substantial number of cases have been documented about tormented and mutilated bodies under police and judicial custody. The Convention against Torture highlights all such acts under International law. Such acts are grave violation of International Convention against Torture (ICT) and the Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

### **Armed Forces and (Special Powers) Act, 1958**

The Armed Forces (Special Powers) Act (AFSPA), 1958, has been in power for last five decades. It was initially established to counter Naga Resistance. AFSPA has been installed in the North East areas along with Jammu and Kashmir. This act allows the state to overlook certain rights in certain circumstances. It also allows overriding of

the rights in more disturbing ways. The right to life may suffer in case these laws are deployed. The state of emergency may not be announced yet the intrusive law may prevail.

The draconian law has been persistently in force since 1958. Its installment is observed in different states in different forms especially in the North East. Moreover, it has been used as projection of state power since 1990 in Jammu and Kashmir. There are numerous reports been recorded where it has been used in Jammu and Kashmir violating the fundamental rights resulting in loss of many innocent lives. This law was described as 'hated' and human rights commission called it 'draconian'.

The section 4(a) of the Act expresses that military officers after having an opinion about what might be deemed fundamental, and hence by based on such “sentiment” “can shoot or generally use force, even to the causing expiry of any individual” and can “incarcerate, without warrant” and “move in and search any premises without any official warrant” whenever, and use power to accomplish this target. Section 6 of the AFSPA gives them full assurance against any indictment or lawful procedures in regard of anything done or 'indicated to be done' in exercise of the powers given by this Act. The outcome is that in these states, and obviously, in Kashmir, self-assertive arrests, detainment, torment, rape and assault, midnight raids into houses, enforced disappearances and custodial deaths have turned out to be fate of the people.

Additionally, Section (b) enables such military staff to crush any safe haven from which, as he would see it, armed assaults 'are probably

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<sup>6</sup> Michael J. Glennon, "The Constitution and Chapter VII of the United Nations Charter," *American Journal of International Law* 85, no. 1 (March 1991): 80.

<sup>7</sup>Duncan Mc Duie-Ra, "Fifty-Year Disturbance: the Armed Forces Special Powers Act and Exceptionalism in a South Asian periphery," *Contemporary South Asia* 17, no. 3 (August 2009): 262.

going to be made' or which has been used as an alcove by absconders 'needed for any offense.' This discretion has given the guise of vandalizing the private property even schools and places of harmony and peace. The Section (c) of the Act allows the capture without warrant, with whatever 'constrain as might be essential' of any individual against whom a sensible doubt exists that one's is going to submit a cognizable offense.' As clear, the arrangements of these demonstrations damage significant arrangements of worldwide law and make India responsible for insurance of human rights as mentioned in the Bill of Rights.

The widespread installment of the armed forces along with other paramilitary forces creates an environment in which the utilization of the lethal force becomes inevitable to deal with the conflicting situations. The accountability is evaded before any civil prosecutions could be commenced against armed forces by invoking AFSPA's prerequisite of earning prior consent from the Indian central government. As per its provisions AFSPA provides immunity to the prosecution of the forces. Indian government never allowed the civil prosecution in Jammu and Kashmir in case of any member of the armed forces is involved.

In 2006, the United Nation General Assembly collectively approved the 'International Convention for the Protection of all Persons from Enforced Disappearances'. Prior, there was the United Nations Declaration of Human Rights (UNDHR) dealing the above impact Its Article 2 asserts that, 'the prohibition of disappearances' is outright and no state can escape from its legality. The Article 7 emphasizes that, "no circumstances, whether a threat of war, internal

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<sup>8</sup> A. Bimol Akoijam, and Th. Tarunkumar. "Armed Forces (Special Powers) Act 1958: Disguised War and its Subversions," *Eastern Quarterly* 3, no. 1 (January 2005): 5-19.



political instability, or any other public emergency may be invoked to justify” these demonstrations of infringement prisons in Jammu and are loaded with prisoners retained under the notorious PSA.

These forces are in entire dismissal of the most important postulates of international law cherished in the Universal Declaration of Human Rights, 1948 (UNDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), UN Convention on the Elimination of Enforced Disappearances (UNCAT), and UN Convention Against Torture among others. India has signed the last two but not ratified any of these. Similarly, several UN bodies have pronounced it to be in violation of International Law, namely Convention on the Elimination of All Forms of Discrimination against Women, 2007 (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination, 2007 (CERD) and International Covenant on Economic, Social and Cultural Rights ,2008 (CESCR).

Although International human rights law forbids the discretionary dispossession of life under any conditions, yet the Article 6 of International Covenant on Civil and Political Rights (ICCPR), prohibits discrediting from the privilege to life, notwithstanding amid events of crisis. Its Articles 4 and 7, unambiguously proscribe torment, even during national crisis or incase the state security is undermined. The Indian armed forces working in the Occupied Kashmir, have been intentionally and systematically abusing the international law and all the human rights in horrendous ways. The

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<sup>9</sup>David P. Forsythe, *Human Rights in International Relations* (United Kingdom: Cambridge University Press, 2017), 31.

<sup>10</sup>Fozia Nazir Lone, *Restoration of the Historical Title and the Kashmir Question: An International Legal Appraisal* (United Kingdom: BRILL, 2018), 34.

Indian government is signatory to these laws therefore is accountable to the world community, International Criminal Court (ICC) and International Court of Justice (ICJ).

A world with individuals and without any overarching authority or rules is a wilderness. In this manner, it is useless to take a look at the Kashmir issue without taking all the lawful perspectives under investigation. The international humanitarian law, relevant to one side of self-assurance in strife zone of IOK is found in Article 3 common to the four Geneva Conventions of August 12, 1949, known as the common Article 3 which gives International Law and standard administering the lead of gatherings in an internal armed conflict, including government powers and agitators.

### **Role of Indian Government**

There is a genuine concern regarding the likelihood of government complicity in the homicide. There is no doubt that the contention in Kashmir establishes an unaffected security threat, which means that the Indian government has reserved to go up against that risk have brought about grave infringement of global human rights and humanitarian law. Besides, the Indian establishment have played minor role in settling these maltreatments. The Indian armed forces and security officers are rarely held accountable for human rights abuses in Kashmir.

The Supreme Court of India has similarly reproached the military value system and recommended modifications on various occasions, remarkably in 1982 when it referred to another verdict which viewed, Military Courts are commonly offhand bodies assigned by a military officer from among his subordinates. Moreover, the PSA and AFSPA are initiatives taken collectively by Indian government. The grave violations carried out in IOK are deemed to be credited to the Indian

Government which must be held accountable for breaching the International Law and conventions; as India is signatory to most of the international conventions and has to abide by those rules and regulations.

### **Denial of Fundamental Right to Self-Determination**

The UN Charter and Article 1 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) reiterate individual's right of self-determination. The people can substantially decide their political fate and pursue their cultural, social and economic development by this right.

The people of J&K have been acknowledged to be granted the right to self-determination and maintained by the UN and concurred by the parties involved i.e. India, Pakistan and Kashmir. The UNSC Resolutions including (47) of April 21, 1948, (51) of June 03, 1948, (80) of March 14, 1950, (91) of March 30, 1951, (122) of January 24, 1957 are significant in this conflict. Moreover, the UN Commission on India and Pakistan (UNCIP) resolutions of August 13, 1948 and January 05, 1949, announce that the ultimate position of the State of Jammu and Kashmir is to be made as per the desire of the general population communicated through the democratic process for a free and fair plebiscite led under the protection of the UN.

The international law is purposefully and seriously violated by repudiating this fundamental right to self-determination. As per Article 25 of the UN Charter, it remains a worldwide obligation to compel India to grant this fundamental right to the Kashmiris who are deprived for over seven decades. It also demands the global community to force to investigate the grave violations of human rights abuse in IOK.

However, as per all the conventions, the final disposition of the J&K lies with the will of the masses articulated by the democratic means of an impartial, yet fair and free plebiscite escorted under the patronages of the United Nations.

### **Deprivation of Right to Life**

Article 3 of the Universal Declaration of Human Rights(UDHR) inculcates that “Everybody has the privilege to life, freedom and security” The International human rights law restricts self-assertive deprivation of life under any conditions. Article 6 of ICCPR, forbids disparagement from the privilege to life, notwithstanding amid events of crisis. ICCPR Articles 4 and 7, expressly prohibit torment, even amid national crisis or when the safety of the state is vulnerable.

Moreover, there is Protocol II of June 1977 for Protection of Victims of Non-International Armed Conflicts which emphasizes, people who do not take any immediate part in threats are “entitled to respect for their person, honor and convictions and religious practices.” They will in all conditions be dealt thereby accommodating with no antagonistic distinction. Article 13 says: “The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.” To offer impact to this assurance, the Protocol says: “The Civilian populace accordingly and in addition regular citizens, will not be the object of assault. Acts or dangers of viciousness, the main role of which is to spread fear among the citizen populace are precluded.” It is tragic that the State, which supported these international Acts, its military is involved in killings, plunder, arson, and assault of people, has not abided by the Convention.

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<sup>11</sup>Seema Kazi. *Between Democracy and Nation: Gender and Militarization in Kashmir* (New Delhi: Women Unlimited, 2009), 33.

<sup>12</sup>InamulHaq, “Conflict and Human Rights Violation: A Study of Kashmir Valley,” *Journal of South Asian Studies* 5, no. 3 (January 2018): 120.

## Violation of Right to Freedom of Opinion and Expression

The opportunity of being free in articulation is an essential right for a functioning democracy and security of every individual. Article 19 of UDHR stresses that “everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The privilege of the right to speak freely in IOK is limited under 'preventive measures that confines the working of political leaders and their capacity to interface with the public. The political leaders are restricted under arcane imprisonment as per the PSA. Since 2016, to force a 'digitized curfew' in IOK, the prohibition on use of web and internet administrations was forced to confine access to online networking and social media. The correspondence bar likewise caused financial tragedies on traders in Kashmir Valley. The Amnesty International remarked that “Blanket and indefinite suspensions of telecommunication services do not meet international human rights standards. These shutdowns affect the ability of phone and internet users in Kashmir to seek, receive, and impart information, which is an integral part of the right to freedom of expression.”

The right to freely exercise one's religion and conviction is ensured under the international law. Media reports affirmed that the Indian government forced subjective and unlawful restriction on Muharram parades on eighth and tenth Muharram which adds up to disavowal of religious opportunity. Rather, the administration utilized animal

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<sup>13</sup>*Ibid.*

<sup>14</sup>United Nation General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women* 1979.

<sup>15</sup> The Universal Declaration of Human Rights, December 10, 1948, Article 19.

horrendous tactics to scatter the Muharram parades. The rehashed curfews and restrictions on movements hindered the congressional Friday prayers multiple times at Kashmir's historic Grand Mosque (Jamia Masjid) Srinagar. The Muslims are restricted from carrying out their religious commitments by imposing restrictions on their movement.

#### Violation of the Liberty to Peaceful Association and Gatherings

Several reports account for relentless imposition of curfew without any leniency offered to cater for the needs of the segments of population like elderly, infirm and children. The curfew has been used by the state administration as a tool to suppress civil liberties and inflict collective punishment for the entire population. The violations are huge in number in IOK as there are numbers of records of tenacious curfew depriving provision of food and other requirements of the vulnerable part of society like elderly, weak and minors. It has been seen that state administration exercises curfew and restrictions as an apparatus to stifle civil liberties and cause aggregate castigation for the masses. These are also the violation of the International Covenant on Economic, Social and Cultural Rights to which India is signatory.

As broadly observed, since the agitation began on July 8, 2016 IOK confronted the longest time limit which proceeded for over 50 days without any breaks prompting the most horrible humanitarian sufferings. Most of the basic rights given by the International Law and International Humanitarian Law were curtailed over the

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<sup>16</sup> Amnesty's International "*Communications Blackout in Kashmir undermines human rights*" July 22, 2016 , accessed December 12, 2018  
<https://www.amnesty.org.in/show/entry/communications-blackout-in-kashmir-undermines-human-rights>

obligation of constant curfews. The section 144 of the Criminal Procedure Code, disallowing congregations of multiple people, stays in power for a large portion of the occasions in the IOK. Congregations, walks, spray painting, handouts, even quiet vigils are restricted.

### **Torture and Brutality in IOK**

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment together with Geneva Convention identified with The Protection of Civilian Persons in the Midst of War 1949, and Additional Protocols of 1977 accommodate security against humiliating and debasing treatment; torment, assault, authorized prostitution or any type of revolting ambush. The Kashmiris visiting IOK keep on highlighting the miseries and the untold stories. According to them those who endured torment at the hands of the Indian security forces tell that use of torture comprise stripping off naked during custody is prevalent for seeking confessions.

A lot of studies done in the past uncover that women in Kashmir are among the worst sufferers from sexual brutality in the world. The figures are a lot higher than that of Chechnya, Sierra Leone and Sri Lanka. The Indian forces have been involved in molestation and assaults of Kashmiris - most of which go unreported due to the dread of social disgrace, and of retaliation by state offices. The CEDAW and International Convention on the Elimination of All Forms of Racial Discrimination (CERD) favourably talk about all the rights which are being denied to the women of the Indian occupied Kashmir.

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<sup>17</sup>Anil Kalhan, "Symposium Volume: Perspectives on Fundamental Rights in South Asia," *Drexel Law Review*, Vol. 2 No. 2 (Spring 2010): 362, accessed at December 14, 2018.

## **Demographic Changes in IOK by the Indian Government**

The common masses, civil society and leadership of Jammu and Kashmir are skeptical of the view that the Indian government is aiming at bringing demographic changes in IOK. The center is utilizing all the means for converting mainstream Muslim community into minority with the help of placement of non-state subjects as well as non-Muslims.

The Indian Parliamentary Committee recommended in 2014 that West Pakistan refugees be settled in IOK. In this regard, the Indian government proclaimed the choice of establishing Sainik colonies thereby settling permanently the Indian soldiers. They also aimed at building townships for resolving the case of displaced Pandits of IOK. The provisions of the Fourth Geneva Convention are breached by the installation of colonies for Indian soldiers. Under its Article 49, the forces occupying any territory or part shall not banish or transfer any part of civilian population. Henceforth, the state of India does not legally possess any right of settling its irregular population in the state of IOK.

## **Enforced Separation of Families**

The refugees who have fled the IOK to stay away from mistreatment often express their wish to meet their friends and family on the opposite side of the Line of Control (LoC). In one such record, they shared the episode of conversing with their families over the stream denoting the LoC and when the Indian security forces recognized this connection, they persuasively evacuated the unarmed innocent women. More or less, the same stories were collectively shared by various other refugees regarding the prohibition on communication, i.e. use of phone and internet.

<sup>18</sup> United Nations, "Human Rights Bodies," accessed on December 20, 2018 [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=79&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=79&Lang=EN)



## **Probes and Inquiries**

In a working democracy, all the individuals of the state have the privilege to equity and examination of any announced delinquencies or human rights' breaches. The historical backdrop of judicial trials and administrative investigations in IOK stays uncertain. Indeed, even under Commission of Inquiry Act, in IOK, the organization has never probed into the matters related to human rights violation. Since India continues to refute these reports, UN, ICC and other organizations should inquire the situation on ground through independent fact-finding missions.

## **Conclusion**

Kashmir conflict is not merely an issue of territorial jurisdiction between Pakistan and India; it is also a humanitarian issue for the millions of people of J&K who are being denied their inherent and inalienable "right to self-determination". There are grave concerns over the encroachment of the right to life, property, freedom and enunciation, religion, chances of serene social occasion and relationship and other key human welfares of the Kashmiri people that are guaranteed by international law. The utilization of discriminatory and these restrictive laws by ISF like "AFSPA" is an absolute violation of the "International law" and "human rights standards". Such laws provide extensive sweeping powers to the ISF to torture, detain, mutilate and even kill the accused without any prior sanction or fear of repercussions and investigations. This fearlessness and in fact lawlessness, hence, has created a culture of impunity- thereby violating the fundamental human rights. The Jammu and Kashmir Public Safety Act, is particularly draconian in nature. There is a dire requisite of provoking cancellation of the laws pleasing the safety from prosecution of the police and the military, and explicitly the cancelation of the Armed Forces (Special Powers) Act of 1958.

The people in Kashmir aspire from the United Nations and its customs and clauses, along with the international community, to take substantive measures towards affirmation of their right to self-determination and defense of their basic human rights. From the aforementioned findings, it is evident that the Indian armed forces actions are heinous crimes against humanity and true implementation of International Law, International Humanitarian Law and other conventions are the sure sign to turn this bloodshed into heaven.

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## ***Combating Terrorism in Pakistan: Reasons, Risks and Challenges***

***Sardar M.A Waqar Khan Arif\****

### ***Abstract***

*Terrorism is a complex phenomenon and states are under obligations to prevent it at the first instance. Indeed, terrorism is a crime against humanity. The bulk of international legal instruments and international community also condemns it at every level. The effects of terrorism are quite shocking, and it damages humanity worldwide. In this context, this article examines the context and scope of combating terrorism in Pakistan, more precisely its reasons, risks and challenges. Although Pakistan has experienced shocking effects of terrorism especially post 9/11 in various ways but remain at front to combat war against terrorism. Indeed, the phenomenon of terrorism is quite complicated and difficult to control in all situations. However, the paper argues that it is need of the*

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*hour to take immediate and necessary steps to combat terrorism to protect lives of innocent people and to save humanity.*

**Keywords:** Terrorism, Human Rights, Terrorism in Pakistan, 9/11, Challenges.

## **Introduction**

The term 'Terrorism' is a very complicated and broad that can be studied with economic, social, civil, domestic and political dimensions of states. It has various aspects and tools by using of which terrorists create fear in the people to endanger society and individuals or for achieving their objectives. There are various reasons and causes of terrorism. The best example of witnessing shocking effects of terrorism is Pakistan. Pakistan is experiencing its consequences after 9/11 attacks as its people have witnessed several armed and suicide attacks. Such attacks have shaken the fabric of society. Terrorism has ruined individuals, civil society, law enforcement agencies and military. The worldwide peace has also been harmed because of sharp attacks of terrorists on innocents, civil society, civilians and public at large. In such alarming situation, Pakistan tried its best to overcome challenges posed by terrorists in order to eliminate its roots.

The term terrorism is complex in its nature. Historically, it refers to the reign of terror during French Revolution (1793-1794). The word terrorism is used by rebels, in the reign of terror. Edmund Burke considered the acts against the dignity of humanity as terrorism. The

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<sup>1</sup>S. Michael, "Terrorism a Socio-Economic and Political Phenomenon with Special Reference to Pakistan," *Journal of Management and Social Sciences* Vol. 3, no. 1 (Spring 2007), 40, Accessed December 1, 2018  
<http://ibt.edu.pk/qec/jbs/3.1/4.%20Terrorism%20a%20Socio-Economic%20and%20Political%20Phenomenon%20with%20Special%20Reference%20to%20Pakistan.pdf>.

word terrorism is attributed to bloodshed and acts of violence during French Revolution. It is important to note that there is no universal consensus of states on definition of terrorism. After First and Second World Wars, states became more curious for finding out broad definition of terrorism. However, it can be defined as: use of violent behaviour by one party to other party for achieving religious, political, social, ideological or economic objectives. The purpose of terrorism is to achieve certain objectives by using violence or to create fear in the minds of the people. There are various other factors linked to the phenomenon of terrorism, such as, social and economic factors. The effects of terrorism are quite different in nature as compared to other social crimes because the level of damage in terrorism is quite greater than ordinary crimes. Terrorism is, generally, directed on innocents and civilians. Terrorism affects larger segment and spectrum of society. It can be distinguished with ordinary crime referring to its severity of impact on common people and overall to the society. The level of intensity and organization in terrorism is shocking and harmful for public at large. It is necessary to combat terrorism by taking special measures by states to protect basic human rights of the people at large. The acts of terrorists are both mala in se and mala prohibita. The former is those which are wrong or immoral whereas the latter are made illegal and unlawful by legislation of the concerned state.

Terrorism refers to the illicit method of dividing people and used in times of conflict and peace worldwide. It may have various shapes. It is well established under the norms of international law that use of force is prohibited and everyone is entitled to protection of basic

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<sup>2</sup> E. Burke, *Reflections on the Revolution in France* (London: Penguin Books, 1790), 25.

<sup>3</sup> B. Barnett & A. Reynolds, A., *Terrorism and the Press: An Uneasy Relationship* (New York: Peter Lang, Hoffman, Bruce, 2009), 25.

<sup>4</sup> G.E. Rush, (2002). *The Dictionary of Criminal Justice*, Ed. 5<sup>th</sup> (USA: Guildford, CT: McGraw-Hill), 201.

human rights. All forms of violence are prohibited under International Humanitarian Law (IHL). Even, during war, the parties are required to obey the provisions of international law. Terrorism may be in the shape of using force from one group against the other. The purpose and objective of small group is to take advantage over the other. In this context, it is also referred to 'asymmetric warfare'. The terrorists use unconventional and unexpected tactics to defeat the opponent for achieving their objectives. Thus it is clear that the term terrorism is full of sporadic acts of violence and is prohibited in its all shapes.

### **Impressions of Terrorism**

During French revolution or in the era of old wars between parties, the impression or gesture of terrorism was quite different and is changed. In general, acts of terrorism are condemned and prohibited by all states. The impressions of terrorism can be divided into four signals as follows: First, the impact of acts of violence are found in late 19th and early 20th century; Second, the atrocities committed during First World War and the acts in the colonial or national boundaries; third, the phenomenon of international terrorism emerged when states or groups intervened in the affairs of other states or groups through violence. The national boundaries are crossed, and acts of violence are committed in other states which are case-sensitive; and fourth, the attacks of 9/11 which shackled peace worldwide. It is most threatening signal for establishing peace within states and worldwide. The fourth signal of terrorism is most dangerous because it has destroyed peace globally. History reveals that in this phase cross border terrorism, killings at borders use of

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<sup>5</sup>The United Nations Charter, 1945.

<sup>6</sup> J. F. Hoge & G. Rose, *How Did This Happen? Terrorism and the New War* (New York: Public Affairs, 2001), 20.

prohibited weapons and modern technology is used to defeat others. The fourth phase is also known as Global War on Terrorism (GWOT), by which, the phenomenon of terrorism became *Bellum omnium contra omnes* (the war of all against all).

As noted above, the global form of terrorism is more dangerous. Although the United Nations (UN) has codified various instruments for protection of rights of the people but still there are certain challenges to combat terrorism. The acts of armed non-state actors are also shocking and dangerous. The bulk of IHL reveals that not everything is fair in war but at global level violations of the norms of international law has taken place, for instance, the attacks of 9/11 and attacks of killing or acts of violence in various states. It is important to note that based on religious and ideological beliefs, disturbances are created worldwide, for instance, the acts of rebels to kill people in Tokyo subways through poison gas attacks in 1995. Such acts also lead to terrorism and are quite complicated. It is argued that states must agree upon on elimination of all kinds of terrorism by considering interests of other states. States have obligations and responsibilities to respect, protect and fulfill basic human rights of everyone. However, in practical terms there are certain challenges which are needed to be addressed in the light of international law. It is need of the hour to overcome challenges to maintain security and peace worldwide.

### **Causes of Terrorism**

Among multiple prominent reasons of terrorism, some important are discussed as follows: one of the most important reasons of terrorism

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<sup>7</sup> D. Rapoport, *Inside the Terrorist Organizations* (New York: Columbia University Press, 1988,), 65.

<sup>8</sup>R.D. Crelinsten, "Images of Terrorism in the Media: 1966–1985," *Journal Terrorism*.vol. 12, no. 3 (January 1989), 170, Accessed December 12, 2018, <https://www.tandfonline.com/doi/abs/10.1080/10576108908435785>.

is poverty. It is well recognized theory that people are involved in terrorism because of poverty or financial crisis. It is believed that if people are deprived of their basic rights, some of them may show resentment or anger in the shape of involving themselves in terrorism due to disappointment and dissatisfaction towards the system of the state. It is also believed that people are instigated to commit acts of violence due to financial crisis. The term poverty is broad in its context and is not only limited to financial crisis. Other factors also give rise to poverty. For instance, low literacy, less opportunities in education, employment and health sectors, social inequalities and discrimination, low Gross Domestic Product (GDP) and cultural or social distinction etc.

Another theory for involvement in acts of terrorism is that of incidents of natural disasters. It is important to note that due to natural disasters, hardship and difficulties are created within society. As a result, people show their resentment in the shape of involving themselves in acts of terrorism. The question is that how natural disasters can be controlled? Of course, it is big challenge for states to reduce impact of natural disasters on its people to protect their rights. However, it varies from state to state. If state is developed, then the situation of natural disasters can be handled in an effective way but if natural disasters occur in the states that have low gross national product (GNP) per capita then it is difficult to overcome challenges of natural disaster. Ultimately, it gives rise to poverty which leads to involvement of people in acts of terrorism.

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<sup>9</sup> E. Newman, "Exploring the "Root Causes" of Terrorism," *Studies in Conflict and Terrorism* Vol. 29, no.8 (November 2006), 760.

<sup>10</sup> P. Ami, A. Perliger, & L. Weinburg, "Altruism and Fatalism: The Characteristics of Palestinian Suicide Terrorists," *Deviant Behavior* Vol. 24, no. 4 (December 2003), 415.

<sup>11</sup> C., Berrebi, & J. Ostwald, "Earthquakes, Hurricanes, and Terrorism: Do Natural Disasters Incite," *Springer Science & Business Media, Working Paper*, December 2011, 390.



It is important to note that violation of basic rights, such as, education, employment etc. also links with the acts of the terrorism. The Human Development Index (HDI) includes gross income, education and basic needs and necessities. There exists correlation between human development and terrorism. In general, violation or deprivation of social rights may also lead to involvement of people in acts of terrorism.

Another theory on the subject provides that acts of government towards citizens give rise to terrorism. These acts may include repression, deprivation of basic rights, seizing of civil liberties, deprivation of civil and political rights of people and authoritarianism. Other causes of terrorism in a society include gross human rights violations, acts of repression by government, instability, despotism and suppression.

The disappointed people are taken up by the members of terrorist organizations and used against government. It is also because of mistrust and misconceptions created in the minds of innocent people in the name of revolution. The environment of dissatisfaction is beneficial for terrorist organizations to recruit such people and achieve their objectives against the state. However, it is need of the hour to take necessary steps for providing basic rights to the people to avoid growth of negative emotions among the common people that leads towards terrorist activities.

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<sup>12</sup>*Ibid.*,

<sup>13</sup> A.P Schmid, "Prevention of Terrorism: Root Causes of Terrorism: Myths, Reality and Ways Forward," (USA: Routledge, 2005), 227.

<sup>14</sup>C., Berrebi, & J. Ostwald, "Earthquakes, Hurricanes, and Terrorism." 391.

<sup>15</sup> E. Newman, "Exploring the "Root Causes" of Terrorism,"<sup>34</sup>.

<sup>16</sup>Alberto Abadie, "Poverty, Political Freedom and the Roots of Terrorism," *Harvard University and NBER, Working paper*. October 2004, Accessed December 12, 2018,

However, it is argued that in all circumstances, it is responsibility of the government to protect religious, economic, social, political and cultural rights of the people to combat terrorism. In this regard, formulation of policies and implementation of these policies must be ensured by the state. Ideological beliefs may also be used to advance acts of terrorism. For example, racist groups, eco-terrorists or people believing in one ideology may use violence against others. Another reason for terrorism is social and political injustice. If people are deprived of their basic rights and injustice prevails within society then people may get involved in the terrorist activities as a last resort. The disenfranchisement and deprivation of basic rights give rise to revenge and related activities. Keeping in view reasons and causes of terrorism, an attempt is made to elaborate the situation of Pakistan and challenges for combating terrorism in the next section.

### **Growth of Terrorist Activities in Pakistan Post 9/11 Scenario**

Pakistan has experienced brutal acts of terrorism during post 9/11 era. Pakistan has involved itself in the GWOT to eliminate terrorism and to establish peace within region. It is important to note that several forms of terrorism and terrorist activities are carried out in Pakistan. It is a big problem indeed which has endangered the life of the nation. No other country has faced such problem after 9/11 episode. There are various factors for emergence of terrorism in Pakistan, such as, sectarianism, religious extremism, fanaticism, ethnicity, economic crisis and so on. These factors have shaken the fabric of Pakistani society. The country has many challenges towards development and stability.

Pakistan was given the status of front-line state against terrorism in post 9/11 scenario. The war of anti-terrorism against neighbouring

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<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN018936.pdf>

<sup>17</sup>*Ibid.*,

county of Pakistan changed shape of socio-political realities of the entire region. Pakistan remained active in war and tried its best to eliminate terrorist activities. In Afghan war, various groups perpetrated and performed acts of violence inside and outside Pakistan. Pakistan witnessed violent attacks of terrorist organizations in its length and breadth. The region of Pakistan was surrounded by violent groups and violent activities of such groups created negative impact on the peaceful image of Pakistan. The attack of December 16, 2014 on children in Army Public School is unforgettable for Pakistan. Similarly, bombing and suicide attacks within Pakistan left their mark on the lives of common people. Indeed, the people of Pakistan have experienced an irreparable loss. Terrorist attacks have been made on civil and military officials and personnel indiscriminately.

According to survey of Pakistan Institute of Policy Studies (PIPS), approximately 3021 people were died and 7334 were injured during 2009 in different terrorist attacks. In suicide attacks during 2009, 1300 people died, and 3600 people get injured.

The forces of NATO were active in Afghanistan to combat terrorism. According to international point of view, various terrorist organizations took refuge in Federally Administered Tribal Areas (FATA) of Pakistan for which NATO forces made multiple Drone Attacks in 2004 and in the following years. Although, most of the people of Pakistan did not agree with the government's policy of getting involved against GWOT, but the government Pakistan remained active to support international community to eliminate terrorism.

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<sup>18</sup> D. Walsh, "Pakistan Suffers Record Number of Deaths Due to Militant violence" *The Guardian*, accessed January 11, 2010, <https://www.theguardian.com/world/2010/jan/11/pakistan-militant-violence-death-toll>

Pakistan started various operations against terrorists, such as, operation Rah-e-Nijaat and Operation Zarb-e-Azb. During these operations terrorists responded in the shape of suicide attacks and targeted killings along with general acts of terrorism in multiple regions and educational institutions particularly schools, universities and hospitals. The groups were trained, and they used guerilla tactics. They targeted law enforcement agencies, military, civilians and individuals in various ways. In 2007 and 2008, approximately 1503 people died, and 3448 casualties have been taken place because of suicide attacks and bombing. More than 60 attacks were made on the security forces of Pakistan. However, Pakistan remained active for elimination of terrorism from its roots. The incident of 9/11 has left devastating effects on social and economic progress of Pakistan. According to the report of Human rights Commission of Pakistan (HRCP), the situation of human rights remained dismal and gross human rights abuses were committed in the region of Pakistan.

Along with participation in GWOT, Pakistan has international legal obligations to respect, protect and fulfill human rights of the people. The officials of Pakistan have captured terrorists as well. However, sate of Pakistan is trying to comply with the provisions of national and international law. For instance, principle 5 of the Basic principles on the Independence of the Judiciary provides that: “Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly

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<sup>19</sup>*The Daily Times*, 2008.

<sup>20</sup> S. Munir, “Post 9/11 Situation Affecting Lives and Livelihoods of the People of Pakistan,” Accessed November 28, 2017, [https://www.google.nl/search?dcr=0&ei=TJhHWvzhCMfGwQK934OIDw&q=Post+9%2F11+situation+affecting+lives+and+livelihoods+of+the+people+of+Pakistan+by+shafqat+munir&oq=Post+9%2F11+situation+affecting+lives+and+livelihoods+of+the+people+of+Pakistan+by+shafqat+munir&gs\\_l=psyab.3...15785.20549.0.20793.19.18.1.0.0.99.1012.18.18.0....0...1c.1.64.psyab..0.0.0....0.7779tW5tRCs](https://www.google.nl/search?dcr=0&ei=TJhHWvzhCMfGwQK934OIDw&q=Post+9%2F11+situation+affecting+lives+and+livelihoods+of+the+people+of+Pakistan+by+shafqat+munir&oq=Post+9%2F11+situation+affecting+lives+and+livelihoods+of+the+people+of+Pakistan+by+shafqat+munir&gs_l=psyab.3...15785.20549.0.20793.19.18.1.0.0.99.1012.18.18.0....0...1c.1.64.psyab..0.0.0....0.7779tW5tRCs).

established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals”. The Universal Declaration of Human rights (UDHR) provides that: “everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal.” Similarly, the international Covenant on Civil and Political Rights (ICCPR), provides that: “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law” Keeping in view these provisions, the state of Pakistanis working to duly punish the terrorists. However, still there are challenges.

Pakistan is committed to eliminate all forms of terrorism to protect lives of innocent people. It is argued that anti-terrorism measures must be taken against enemies to maintain law and order and peace. The risks and challenges pertaining to terrorism at global level are discussed in next section.

### **Risks and Challenges at Global Level**

It appears that terrorism is more complicated and complex phenomenon because several factors are attached with it. However, in all cases, the objective of terrorists is to impose their authority and harm the society and individuals. Although it is difficult to combat terrorism in its various shapes but is not impossible. The tactics used by terrorists is of serious concern. The big challenge for combating terrorism globally is first, the rise of Non-State Actors; which must be taken into consideration by all states. The actions of armed non-state actors may be controlled by way of formulating policies and taking special measures.

Second, the regimes or groups which support terrorism must be

<sup>21</sup> Universal Declaration of Human rights, 1948. Art. 10.

<sup>22</sup> The International Covenant on Civil and Political rights, 1966.

<sup>23</sup> S. Munir, “Post 9/11 Situation Affecting Lives.”

identified by states. The persons who have bad intention against integrity of states need to be identified and captured. Terrorist financing may well take place at both organizational and individual levels; but the perpetrators have a different motive which rarely relates to pure personal greed, and the activity is often inextricably linked to 'normal' account activity or perhaps low-level fraud or criminal activity. The most important challenge in modern era is combating cyber-attacks. Third, it is necessary to combat forthwith because with the help of act of hijacking, terrorists try to take date of the states. It is necessary to provide better environment to the people of the state and right to privacy of people be protected.

Fourth, the domestic extremism based on religion, social issues and civil rights is of serious concern and avoided by states to combat terrorism. The term domestic extremism means individuals or groups that follow a variant of ideologies that support the threat and/or use of violence for political, religious or social objectives. Other challenges include: bias, parochial practices, violence, armed attacks, sectarianism, human trafficking, suicide attacks, violence etc. States are required to take effective steps for elimination of terrorism in its all forms.

## **Conclusion**

From the preceding section it is concluded that the phenomenon of terrorism is not defined in express terms; it is need of the hour to explicitly define its parameters. The motive of all the terrorists is to kill humanity as they do not have any respect for human dignity and laws of the land. The purpose of attacks on innocents is to create fear within the society to establish authority over that state. The acts of violence must be reduced by formulating policies and ensuring their effective implementation. After 9/11, the dynamics of terrorism have

changed, and the terrorists use new technology and weapons to achieve their objectives. It is necessary to identify terrorists and their source of training and funding. Even though, the modern terrorism in the shape of cyber-attacks is complicated since hackers' control and corrupt data of the other states, it is necessary for the states to overcome this challenge.

Pakistan experienced shocking effects of terrorism post 9/11. However, Pakistan remained persistent in combating terrorism and thus suffered an irreparable loss in this war. It is essential to introduce laws and ensure their effective implementation in order to combat terrorism in the country. Pakistan is confronted with major challenges including rising power of non-state violent actors, increasing social and religious extremism, violation of basic human rights, and cyber warfare. However, by taking necessary and effective steps, Pakistan can initiate efforts to eliminate terrorism from its roots.

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## ***Human Rights Violations in Indian Occupied Kashmir: Post-Burhan Muzaffar Wani Scenario***

***Javaria Nizam<sup>1</sup> & Irfan Ullah Ghuman<sup>\*2</sup>***

### ***Abstract***

*Violations of Human Rights in Indian Occupied Jammu and Kashmir are one of the most important issues of contemporary world politics. This study is an attempt to explore the Human Rights Violations in Indian Occupied Kashmir after the murder of Burhan Muzaffar Wani. Those human rights violations range from mass killings, forced disappearances, torture, rape, sexual abuse and extra judicial killings by Indian soldiers whether from the armed forces, paramilitary forces, Central Reserved Police Force (CRPF) or Border Security Force (BSF). Collectively, this has resulted in what is commonly referred to another mass public uprising that Kashmiris refer to as their own third intifada. Despite more than 700,000 armed and*

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*paramilitary forces deployed in Indian Occupied Kashmir, the Indian government has failed to curb the Kashmiri's demand for self-determination. The aim of this research paper is to undertake an extensive as well as meticulous analysis of human rights violations and to explore the impacts of widespread human rights violence on freedom movement of Indian Occupied Kashmir.*

**Keywords:** Human Rights, Violations, Intifada, Indian Occupied Kashmir, Pakistan, India.

## **Introduction**

The ongoing matter of the disputed territory of Jammu and Kashmir is extremely important, and a deeply integral part of the national psyche of Pakistan. Similarly, their attribution with each other, not today's narrative but comprised on the decades. According to Syed Ali Gilani, respected leader of a large segment of the Kashmiri people in Indian Occupied Kashmir “750 miles of Kashmir's borders meet Pakistan, all the rivers that come out of Kashmir are running towards Pakistan, Kashmir and Pakistan-based glamorous peaks and mountains are joining together. When winds blow here, they go to Rawalpindi. It is such strong relationships and historical facts that is why Kashmir is considered as the natural part of Pakistan”. Kashmir problem between India and Pakistan surfaced with the independence of both India and Pakistan and since then it has prolonged till today.

At the time of partition of the Sub-continent the rulers of princely

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<sup>1</sup> “Curfew, Restrictions in Kashmir, Separatists Call for A March,” NDTV, last modified July 25, 2016, accessed October 17, 2017, <https://www.ndtv.com/srinagar-news/curfew-restrictions-in-kashmir-separatists-call-for-a-march-1435818>.

states were called to affiliate either with India or Pakistan by the last Viceroy of India, Lord Mount Batten. Although heads of States of Jonaghar, Hyderabad and Jodhpur decided to affiliate with Pakistan, but they faced a strong resentment from India because according to India Hindus were in majority in these states. Kashmir was one of the largest states with Muslim majority among all the princely states and population of Kashmir demanded for affiliation with Pakistan and passed a resolution of accession with Pakistan on July 19, 1947 under the leadership of Founder President of Azad Jammu and Kashmir Sardar Muhammad Ibrahim Khan. But the Maharaja of Kashmir, Hari Sing, wanted to maintain the status quo and signed a stand-still agreement with Pakistan. India claims that Maharaja made a secret nexus with India which resulted the long-lasting issue between India and Pakistan. On October 27, 1947, the Indian Army attacked Kashmir and Held one part of Jammu and Kashmir State. Kashmir issue has been prolonged over decades and is a major cause of tension between the two South Asian nuclear powers.

There are four parties involved in Kashmir issue; Kashmiris, Pakistan, India and international community. Every party has its own view point. For people of Kashmir, the issue is not only a regional, or bilateral, but an international human rights issue and an issue of right of self-determination. India claims Kashmir as its integral part, in Pakistan's view Kashmir is such a problem of division which couldnot be solved properly at the time of partition of Subcontinent. Ever since the first major wave of insurgency that erupted in 1990, the Kashmir issue has catapulted to the world's

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<sup>2</sup>SarwarAbbasi, *Jammu and Kashmir Kay Musalmanu Ki Jed o Jehd-e-Azadi* (Muzaffarabad: IKS, University of AJK, 2003), 32-34.

<sup>3</sup>Muhammad Nawaz Khan, "Facts about Indian atrocities in Kashmir," *Pakistan Observer*, October 13, 2017, accessed October 17, 2017, <https://pakobserver.net/facts-about-indian-atrocities-in-kashmir/>.

<sup>4</sup>Nazir Ahmed Tishna, *Tareekh-e-Kashmir 1324 ta 2005* (Lahore: Al Faisal, 2006), 123-124.

attention.

Pakistan and India have fought three major wars due to the Kashmir Issue including Kargil War. Resolutions of the United Nations, gave the right of self-determination to the people of Kashmir but international community could not bring the aggrieved and aggressors at some point of agreement because India is constantly renouncing the plebiscite, instead it is considering Kashmir an 'integral part' of Indian Territory. So called democratic India is continuously defying the holding of free and fair plebiscite in Kashmir and Indian armed forces are violating human rights since the first day of its occupation.

This study would apply the historical and analytical methods based upon primary and secondary sources. The primary data based on official and non-official public statements, statistical data, international analysis and various human right reports. However, the secondary sources include books, newspapers, and articles in newspapers, journals or magazines of current affairs.

The objectives of this study are to highlight the factors behind the human rights violations in Kashmir analyzing the Indian policies behind these violations to see the impact of the violations of human rights in Indian Held Kashmir. The study will further analyze the response of international organizations in resolving the Kashmir dispute. It will also be an attempt to review the current wave of revolt which has transformed the Kashmir cause into third intifada.

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<sup>5</sup>Pervaiz Iqbal Cheema, "State of HR Violations by Indian Security Forces in IHK: Background and Current Situation." *NDU Journal*, 2016, accessed on November 11, 2017.

[https://ndu.edu.pk/issra/issra\\_pub/articles/ndu-journal/NDU-Journal-2016/01\\_Dr\\_Pervaiz\\_Iqbal\\_Cheema.pdf](https://ndu.edu.pk/issra/issra_pub/articles/ndu-journal/NDU-Journal-2016/01_Dr_Pervaiz_Iqbal_Cheema.pdf)

## **Human Rights Violations in Indian Held Kashmir**

India has deployed more than seven hundred thousand (700,000) security and armed forces in Indian Held Kashmir which are continuously violating human rights. Human rights violations, killing of unarmed Kashmiri people and rape and harassment of Kashmiri women by armed and security forces. India is regularly violating human rights in Kashmir due to which people of Indian Held Kashmir are living in agony and fear. Oppression on unarmed Kashmiri people is open violation of international human rights. In Kashmir, 95,000 individuals have been disappeared, thousands of people have been deprived of their eye sight due to pellet firing, and massive rapes are proofs of Indian brutality. This brutal behaviour with Kashmiris has remained uninterrupted for decades. Police has banned free movement of people due to which clashes between law enforcement agencies and local people have become a regular feature of life in the disputed territory.

According to cautious estimation by Kashmir Media Service in Indian Held Kashmir, from January 1989 (when the situation erupted due to rigged presidential elections) to December 31, 2017, 94,888 people have been killed, 7,099 civilian have been assassinated in the custody of Indian troops, 143,048 civilians were arrested, 108,596 structures were demolished, 22,885 females were widowed, 107,676 children were orphaned, almost 11,036 women

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<sup>6</sup>“Losing Sight in Kashmir: The Impact of Pellet-Firing Shotguns,” *Amnesty International*, January 2018, accessed March 5, 2018, <https://www.amnestyusa.org/reports/losing-sight-in-kashmir-the-impact-of-pellet-firing-shotguns/>

<sup>7</sup>“Human Rights Violations January, 1989 to December, 2017”, *Kashmir Media Service*, last modified December 31, 2017, accessed January 17, 2018, <https://kmsnews.org/news/>

<sup>8</sup>Angana P. Chatterji, “*Buried Evidences: Unknown, Unmarked, and Mass Graves in Indian Administered Kashmir: Preliminary Report*” (Srinagar: International People’s Tribunal on Human Rights and Injustice in Indian Administered Kashmir, 2009), 84-91, accessed November 17, 2017, <http://www.kashmirprocess.org/reports/graves/toc.html>.

were molested or gang raped and 111,000 people have disappeared. The discovery of mass graves in Kashmir revealed Indian lies of fake encounters with innocent local Kashmiris who were labeled terrorists. According to International People's Tribunal of Kashmir's report *Buried Evidences*, 49 out of 50 encounters are faked in Indian Held Jammu and Kashmir. Almost 10,000 disappeared Kashmiri people are part of fake encounters and mass graves.

The Indian security forces and armed forces working in the Indian Held Kashmir have incessantly overlooked the international human rights law by killing prisoners and innocent citizens without resorting to the legal process. Extra-judicial killings and disappearances in the Indian Held Kashmir are rising in their frequency throughout the last 26 years. The rights of peaceful demonstrators were abused by government which is utilizing deadly drives against them. The draconian military laws have given powers to the troops to conduct grave misuse of human rights like shooting and killing to secure themselves against revolts.

A lot of prisoners who were arrested by the armed forces in the Indian Held Kashmir have been tortured. Torture has been perpetrated to pressurize prisoners to disclose information as well as to punish them for being suspected of helping or sympathizing with the freedom fighters and to create an atmosphere of political suspension. Routines for torture incorporate beatings, electric shocks, blazing with hot objects and pounding the muscles with a wooden roller.

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<sup>9</sup>Hamid Nasir Chattha, "*Draconian Laws in Indian Held Kashmir*," (Pakistan: Special Committee of the Parliament on Kashmir, 2016), accessed November 20, 2017, <http://www.na.gov.pk/en/content.php?id=90#>.

<sup>10</sup>Catlin Huey Burns, "Amnesty International Cites Human Rights Abuse in Kashmir," *U.S. News*, March 28, 2011, accessed November 12, 2017, <https://www.usnews.com/news/articles/2011/03/28/amnesty-international-cites-human-rights-abuse-in-kashmir>.

Prisoners, for the most part are held in solitary confinements which are under the control of different forces. The medical practitioners, magistrates and families of captured persons do not have any access to these areas. Torture is also used as a tool of violence in Indian Held Jammu and Kashmir by Indian Armed Forces. Almost 10 Kashmiris become victim of torture in a week. Almost 6 million Kashmiris have already become victim of torture. One million Kashmiris have suffered physical torture, 95 percent of which were innocent and unarmed. Thousands of people are still missing in Kashmir.

According to a report of Human Rights Watch almost 12% Kashmiri women have faced sexual violence which includes rape and shout-less teasers since 1989. Indian administered forces took women's rape as a form of domination and as a response to Kashmiri resistance. Sexual violence is used as regular exercise which is applied, generally, by senior officers.

According to statistics of Psychiatric Centre of Srinagar, thousands of Kashmiris visited them in 2017 compared to 1700 in 1989. Nearly 92 out of 100 Kashmiris are victim of mental disease-depression due to ruthless state of social, economic and cultural life. Prevalence of depression is one of the causes of 55% clashes in Kashmir. According to recent survey by Action Aid, 14% of every 14,000

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<sup>11</sup>"Human rights Violation in IOK", *WGHR*, accessed September 3, 2017, <http://www.wghr.org/pdf/Status%20report%2023.05%20version.pdf>.

<sup>12</sup>Zehru Nissa, "State of Mental Healthcare Unsound in Kashmir," *Greater Kashmir*, May 20, 2018, accessed November 21, 2018,

<https://www.greaterkashmir.com/news/kashmir/state-of-mental-healthcare-unsound-in-kashmir/285728.html>.

<sup>13</sup>*Ibid*.

<sup>14</sup>Nick Allen, "WikiLeaks: India 'Systematically Torturing Civilians in Kashmir'," *The Telegraph*, December 10, 2016, accessed November 24, 2017, <http://www.telegraph.co.uk/news/worldnews/wikileaks/8208084/WikiLeaks-India-systematically-torturing-civilians-in-Kashmir.html>.

Kashmiris are suffering from severe mental health illness.

Since 1989 the Indian Held Jammu and Kashmir has become world's most militarized state, as almost one million Indian armed and security forces are deployed there. According to an estimate, one Indian soldier deployed for every 12 Kashmiri people in Indian Held Jammu and Kashmir. According to statistics by South Asian Terrorism Portal, almost 65% of Kashmiris faced blasts, 39% of Kashmiris witnessed damage of personal property, 85% of Kashmiris suffered cross firing, 64% of Kashmiris are suffering from severe mental illness and anxiety, 87% of Kashmiris have faced inhumane treatment during search and cordon-off operations, 48% of Kashmiris consider themselves insecure, 99% of Kashmiris have faced curfews and crackdowns, 75% Kashmiris have experienced torture and ill treatment during arrests.

Armed Forces Special Power Act (AFSPA) gave unlimited powers to Indian forces for human rights violations in Indian Held Jammu and Kashmir. This law was enacted on September 10, 1990. It is one of the harshest Blackish laws implemented in Indian Held Kashmir. According to section 4 of this act, Indian forces have full authority to conduct search operations of the houses without search warrant, arrest anyone without any crime and arrest warrant, even torture and killing of innocent Kashmiris does not bring any legal implications on the forces deployed by the Indian government in Indian Held Kashmir. In short, under this draconian law, illegal acts of Indian armed forces are labeled as legal.

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<sup>15</sup>“Human Rights Violations and their Effects on Kashmiris”, *South Asian Terrorism Portal*, last modified December 21, 2017, accessed December 22, 2017, [http://www.satp.org/satporgtp/countries/india/states/jandk/data\\_sheets/index.html](http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/index.html).

<sup>16</sup>*Ibid.*

## **Kashmir Issue after the Death of Burhan Wani**

The month of July has significant place in the history of 2016 uprising in Indian Held Jammu and Kashmir. The recent uprising is also known as BurhanWani's aftermaths which refer to continuous protests in Indian Held Jammu and Kashmir started with the killing of the freedom fighter of Kashmir based civil resistance organization Hizbul Mujahideen by the Indian armed forces. This tragic event resulted in anti-Indian protests, in all the districts of Indian Held Jammu and Kashmir. Because of protests curfew was imposed and telecommunication service was suspended by Indian Government. Indian Held Jammu and Kashmir were under continuous curfew for 53 days, which was removed on August 31, 2016. Indian Held Jammu and Kashmir police and paramilitary forces used pellet guns, assault rifles, and tear gas to disperse the protesters which resulted in killing of more than 100 Kashmiris and almost 400 were injured. Many renowned columnists like Prem Shankar Jha have identified recent uprising as Intifada.

General elections were held in 2014 in Indian Held Jammu and Kashmir. The Bharatiya Janta Party (BJP) won elections in Jammu and People's Democratic Party (PDP) got majority in Kashmir region. Both political parties formed joint government in Indian Held Jammu and Kashmir and Mufti Muhammad Sayeed became the Chief Minister. After his death in 2016 Mehbooba Mufti took the office of Chief Minister. But this joint government increased the

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<sup>17</sup>Mukeet Akmal, "After 1500 Injuries, Govt to Train Forces in Pellet Guns," *Greater Kashmir*, January 23, 2017, accessed November 17, 2017, <http://www.greaterkashmir.com/news/front-page/after-15000-injuries-govt-to-train-forces-in-pellet-guns/239453.html>.

<sup>18</sup>Prem Shankar Jha, "The Rise of Kashmir's Second Intifada," *The Wire*, August 23, 2016, accessed November 28, 2017, <https://thewire.in/61048/kashmir-uprising/>.

<sup>19</sup>Haris Zargar, "Why Violence in Kashmir is Getting Worse," *The Diplomat*, April 27, 2016, accessed November 23, 2017, <https://thediplomat.com/2016/04/why-violence-in-kashmir-is-getting-worse/>.



perception of shrinking political space for the Kashmiris which increased negative feelings among the native people towards Indian government. Many observers hinted about the rise of militancy in the Indian Held Jammu and Kashmir in late 2015 and early 2016 due to lack of political dialogue and absence of equal economic opportunities, high rate of unemployment, excessive human rights violations and marginalization of Muslims.

The civil resistance wing headed by Burhan Wani gave a stimulus to the new age of uprising. This wing recruited only the local and educated youth who accessed the social media and are not afraid of showing off their identities. This wing gained popularity among the Kashmiri population. PDP's leader Muzaffar Hussain Baig said "To my knowledge and reports, the operation in which Burhan was killed was against a ruling of the Supreme Court. A constitution bench of the apex court, consisting of five judges; headed by chief justice, gave a judgment about the Standard Operating Procedure (SOP) while carrying out operations even when AFSPA is in force." Burhan Wani was killed by Indian Held Jammu and Kashmir police. This operation was pre-planned. On July 8, 2016 Indian Held Jammu and Kashmir police and Rashtriya Rifles cordoned off Bandora village of Karkonak district. During this operation, the security forces faced strong resentment from local Kashmiris. But after two hours long operation, Burhan Wani and two other commanders were martyred. Security forces called Burhan Wani's killing as a great success for them.

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<sup>20</sup>“PDP MP Baig Doubts ‘Burhan Operation’”, *Greater Kashmir*, July 15, 2016, accessed November 16, 2017, <http://http://www.greaterkashmir.com/news/front-page/pdp-mp-baig-doubts-Burhan-Wani-operation/222957.html>.

<sup>21</sup>Muzamil Jaleel, “The worry: What BurhanWani’s Death Could Give Life to,” *The Indian Express*, July 9, 2016, accessed November 17, 2017, <https://indianexpress.com/article/india/india-news-india/the-worry-what-burhan-wanis-death-could-give-life-to-hizbul-mujahideen-2902423/>.

<sup>22</sup>*Ibid.*

Burhan's extra judicial killing resulted in broad based protests in most of the regions of Indian Held Kashmir. Hurriyat Conference leader Syed Ali Ghilani and Yasin Malik of Kashmir Liberation Front called for a strike against this brutal act of Indian Armed Forces. Several thousands of people attended the funeral ceremony of Burhan Wani. Government imposed curfew in the South of Indian Held Jammu and Kashmir and disconnected mobile and internet services immediately to create hindrance in coordination among the protestors. According to some media reports, despite all these restrictions, a lot of people attended funeral of Wani and this commander of Hizb-ul-Mujahideen became a "Poster Boy" of Indian Held Kashmir.

Uprising of 2016 in Indian Held Jammu and Kashmir in the aftermaths of Burhan Wani's killing paved the way for unending protests. The Indian armed forces tried their best to stop all these protests by committing brutal human rights violations. The Indian Held Jammu and Kashmir was cordoned off for more than 6 months. It was one of the prolonged curfews since last 30 years. Indian armed forces used almost 2 million pellet guns to disperse the mob, which deprived more than 6,000 Kashmiris of eyesight.

Political leaders, human rights activists and heads of protest movements were also arrested. More than 2000 Kashmiris were under arrest and according to Inspector General of Police FIR's were filed against more than 1500 Kashmiris since July 9, 2016. Journalist Fahad Shah stated that by killing of BurhanWani the Kashmir

<sup>23</sup>“Causalities during ongoing uprising from July 8, 2016”, *Kashmir Media Service*, last modified December 31, 2017, accessed January 17, 2018, <https://kmsnews.org/news/>.

<sup>24</sup>Fahad Shah, “BurhanWani’s Killing Brings Kashmir to a Crossroads: Burhan Muzaffar Wani’s death has sparked the Kashmiri tinder box. What happens now?” *The Diplomat*, July 14, 2016, accessed November 16, 2017, <https://thediplomat.com/2016/07/burhan-wanis-killing-brings-kashmir-to-a-crossroads/>.

<sup>25</sup>Ibid.

entered into a state of greater instability.

During all this process the government suspended all the telecommunication services in Indian Held Jammu and Kashmir. All the exams were cancelled. Train service was suspended. All the traffic leading towards Srinagar-Jammu National Highway was also suspended. Newspaper, Cabal, Television Network and internet were suspended. Police raided the offices of Greater Kashmir and Kashmiri newspapers and burnt 50,000 newspapers. On July 16, Mehboba Mufti denied the ban on newspapers whereas her advisor hinted that it was a verdict at the local level.

### **National and International Reaction**

On July 10, 2016 Pakistan's Prime Minister Nawaz Sharif expressed deep grievances during his speech in the United Nations and condemned excessive use of force against innocent Kashmiris. He said, "Violence on Kashmiri population cannot suppress the freedom movement of Kashmiri people and not even their right to have a free and fair plebiscite in the valley". He added that India should search for solution according to the resolutions of United Nations instead of violation of human rights.

The United Nations Secretary General Ban Ki Moon on July 18, 2016 expressed great resentment over situation of Indian Held

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<sup>26</sup>"Nawaz Sharif Expresses Shock Over Killing of Burhan Wani", *The Indian Express*, July 11, 2016, accessed November 17, 2017, <http://www.indianexpress.com/article/india/india-news-india/nawaz-sharif-expresses-shock-over-killing-of-burhan-wani-2907159/>

<sup>27</sup>"United Nations Chief Ban Ki-Moon Concerned over Kashmir Situation," *Hindustan Times*, July 11, 2016, accessed November 18, 2017, <https://www.hindustantimes.com/india-news/united-nations-chief-ban-ki-moon-concerned-over-kashmir-situation/story-5JMtnZwK4Ff5gWfy1x2GP.html>.

<sup>28</sup> M. A. Mir, "Indian Troops Killed 11, Including Burhan Wani's Successor in IOK," *The Express Tribune*, May 7, 2017, accessed December 2, 2017, <https://tribune.com.pk/story/1420691/six-suspected-militants-killed-near-indian-kashmir-border/>.

<sup>29</sup> "Kashmir: Geelani Outlines Measures for Return of Peace in the Valley," *The Indian Express*, July 17, 2017, accessed November 19, 2017, <http://indianexpress.com/article/india/india-news-india/kashmir-geelani-outlines-measures-for-return-of-peace-in-the-valley-2919839/>.

Kashmir. He expressed grievances on brutal torture and killing of innocent people of Indian Held Kashmir. Secretary General advised all the parties involved in the conflict to solve this crisis through peaceful means.

Senior members of Political Democratic Front (PDF) expressed what was understood by many Kashmiris as, insincerity over the prevailing situation disturbed circumstances in Valley and demanded for free and fair commission to investigate the so-called operation which resulted in the killing of Burhan Wani.

Hurriyat Chairman, Syed Ali Gilani wrote letters to different international institutions and heads of states and gave 6 points agenda which should be adopted by Indian government to normalize the situation in the valley.

- Recognizing the Right to Self-Determination of Kashmiris
- Withdrawal of all Armed Forces from the Valley
- Acts like AFSPA and Public Safety Act should be rescinded
- Release of all political prisoners and allowing them to take part in political activities
- International human rights organizations should be allowed to work in the valley
- Freedom of all political parties should be guaranteed

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<sup>30</sup> "Kashmir Atrocities Defaming India Globally: Farooq Abdullah," *Greater Kashmir*, August 20, 2016, accessed December 4, 2017, <http://www.greaterkashmir.com/news/front-page/kashmir-atrocities-defaming-india-globally-farooq-abdullah/226195.html>.

<sup>31</sup> Press Trust of India, "China 'Concerned' over Deadly Kashmir Clashes," *Business Standard*, July 18, 2016, accessed November 23, 2017, [http://www.business-standard.com/article/pti-stories/china-concerned-over-deadly-kashmir-clashes-116071801316\\_1.html](http://www.business-standard.com/article/pti-stories/china-concerned-over-deadly-kashmir-clashes-116071801316_1.html).

<sup>32</sup> "Burhan Wani: A Man to Remember," *Pakistan Today*, July 7, 2017, accessed August 19, 2017, <http://www.pakistantoday.com.pk/2017/07/07/burhan-wani-a-man-to-remember/>.

<sup>33</sup> "Blind to justice: Excessive Use of Force and Attacks on Health Care in Jammu and Kashmir, India," Physician for Human Rights, December 2016, accessed November 24, 2017, [https://s3.amazonaws.com/PHR\\_Reports/Kashmir-Report-Dec-2016.pdf](https://s3.amazonaws.com/PHR_Reports/Kashmir-Report-Dec-2016.pdf)

Former Chief Minister of Indian Held Jammu and Kashmir Farooq Abdullah said that the Indian armed forces were “unleashing a reign of terror in Kashmir” that would impairment India's international repute.

The spokesman of Ministry of Foreign Affairs of China, Lu Kang uttered the government's apprehensions over the casualties due to the conflict and called for a proper settlement of the Kashmir conflict through diplomatic means. Pakistani renowned newspaper Pakistan Today praised Burhan Wani and cited “history repeats itself” while comparing Burhan Wani with Che Guevara. Physician for Human Rights, Washington, in its report published in December 2016 reacted on Burhan's killing as, “Lack of accountability for these human rights violations has led to entrenched alienation from India on the part of Kashmiris and has contributed to continued unrest and protests against the Indian state by residents of the Kashmir Valley.”

### **Impact of Burhan's Martyrdom on Kashmir's Freedom Struggle**

Indian Security Forces praised martyrdom of Burhan's one of their chief triumphs in the disputed territory under their de-facto control. This victory turned into Pyrrhic victory which created no-win situation for Indian forces. Many of political analysts showed great concern on the fact that martyrdom of Burhan doubled the number of youths joining freedom movement than his life time.

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<sup>34</sup>“Why the Death of Militant Burhan Wani Has Kashmiris Up in Arms.” BBC News, accessed July 13, 2017, <http://www.bbc.com/news/world-asia-india-36762043>.

<sup>35</sup>Fahad Shah, “Burhan Wani's killing could fuel a new-age militancy in Kashmir,” *Dailyo*, July 10 2016, accessed November 19, 2017, <http://www.dailyo.in/politics/burhan-wani-kashmir-hizbul-mujahideenomar-abdullah-millitancy-social-media-tral-srinagar/story/1/11659.html>.

<sup>36</sup>Taimur Zulfiqar, “Kashmir on Fire”. *The Manila Times*, July 18, 2016, accessed November 19, 2017, <http://www.manilatimes.net/kashmir-on-fire/274587>.

<sup>37</sup>Fahad, “Burhan's Killing”.

Indian Intelligence Agency (RAW) showed a great concern in increase in number of freedom fighters. According to a research conducted by Indian Held Jammu and Kashmir Police, only 31 local young people joined different freedom fighting organizations in 2015, but 66 young people get recruited in different freedom fighting movements during January to September 2016.

A police man, interviewed by a human rights activist, told “it is sad news that he has been killed but it will result in many more like him now, but he will always be a pride of Kashmir freedom movement”.The octogenarian leader Syed Ali Shah Gillani said “martyrdom of Wani has provoked a new impetus to freedom movement of Kashmir”.Another experienced political leader and former Prime Minister of Indian Held Kashmir Omer Abdullah condemned Burhan's martyrdom and uttered his ability to recruit youth from grave will far outstrip anything that he could have ever done on social media.”An active social worker Rayees Rasool expressed his concern over prevailing human rights situation in Indian Held Kashmir. He said, “The young commander left behind the proof that the idea of freedom is still there in Kashmir. Kashmir always needed a spark and this time it was the young commander.”As a commander of Hizb-ul-Mujahideen, Burhan encouraged hundreds of youth to join freedom movement in his life and even after his martyrdom. He provoked a new life in Kashmir struggle for their right of self- determination. The youth of Kashmir has been joining the Kashmir freedom movement due to failure of international community in finding a solution to Kashmir conflict. Endless naked aggression, human rights violations, insane behaviour and barbarism by armed forces has revolutionized Kashmir freedom movement into a new phase.

<sup>38</sup>RayeesRasool, “A year after Burhan Wani’s death, I see a new life in Kashmir freedom movement,” *Youth Ki Awaz*, July 7, 2017, accessed on November 19, 2017, <https://www.youthkiawaaz.com/2017/07/burhan-the-proof>.

## **Conclusion**

After analyzing the situation in IOK, following recommendations should be taken into consideration:

- There must be equal opportunity for people to participate in politics in the Indian Held Jammu and Kashmir; to compensate for the grievances of people, and all political prisoners should be released.
- Draconian laws like AFSPA, PSA and other black laws should be annulled to protect basic human rights in Jammu and Kashmir. Atrocities against women and children should be put to an end and wrongdoers should be held accountable before law and should be punished.
- Serious atrocities committed by the Indian forces should be noticed by the United Nations and delegates should be sent to the disrupted areas to investigate the massive violations of human rights.
- During search operations, innocent civilians should be spared of torture and inhumane treatments.
- Human rights organizations and researchers should be allowed to scrutinize the situation in IHK.
- To effectively draw the world attention towards the massive human rights violations in the IHK, Pakistan needs to approach the UN Security Council for a comprehensive debate. An extraordinary session of the United Nations Commission for Human Rights (UNCHR) should be organized with an end goal of paying heed to severe security

conditions in the Indian Held Jammu and Kashmir.

- Pakistan must engage in continuous diplomacy at a global level to expose the atrocities committed by Indian forces and try to seek global backing for the right of self-determination for the people of Jammu and Kashmir.
- Equilibrium in relations between Pakistan and India is vital for stability and growth of the region as well as long-lasting peace
- International community should be questioned about the silence over the genocide committed by the Indian Forces in the Occupied Kashmir. If the world keeps on shutting its eyes, human rights misuses and marginalization of the Muslims in Kashmir will never cease. The ultimate solution to this problem should be according to the wishes of the Kashmiri people.

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## ***Struggle of Women in the Freedom Movement of Kashmir***

***Sobia Naseer\****

### ***Abstract***

*Kashmiri Muslims have been struggling for their right of self-determination and independence in the Indian held Kashmir for many decades. The human rights are violated and women are continuously facing harassment and torture since the occupation – a result of the ceasefire of 1948 war which was imposed by India at Pakistan. The Kashmiri women are being humiliated by the Indian forces. Furthermore, they are sacrificing their sons, brothers, husbands and fathers but never gave up the fight against the aggression of the Indian troops. Several Muslim women have been raped, murdered and kept in custody by Indians. Women have been suffering severely with the crucial policies to suppress and dignified the freedom movement of Muslim Kashmiris to get their state's annexation with Pakistan. Despite all these suppressions, and mental and physical torture, Muslim women of Kashmir have been struggled*

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*whether against Dogra Rule or after the tribal invasion in 1947 or in the form of Indian self-imposed war in 1948. The brave courageous Muslim Kashmiri women have never been kept out of the liberation Movement of Kashmir since it started. The present study is an attempt to identify the sacrifices of Kashmiri women and the significance of sexual violence, harassment and torture at their lives by Indian militancy.*

**Key Words:** Kashmiri, Women, Indian Forces, Torture, Freedom.

## **Introduction**

Muslim women of Kashmir had been a symbol of great honour, courage and dignity. Though, they had been suffering a lot and facing Indian brutal militancy, and losing lives indiscriminately whether, they were young or old, unmarried or married. The Indians started large scale massacre of innocent people of Kashmir during 1990s after the resignation of Farooq Abdullah's elected government.

The Indian held state of Jammu and Kashmir consists of three divisions: Jammu, Kashmir Valley and Ladakh. The core part of the oppression and numerous clampdowns has been in the Kashmir Valley, which has 97% of the total population of Kashmir. More than 70,000 Kashmiris have been killed and many more have been ill-treated, tortured and hurt or detained in Indian military crackdowns for last 27 years.

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<sup>1</sup>Lubna Mohiuddin, "Human Rights Violation: A Case Study of Kashmir," *Pakistan Horizon* 50, no. 2, (April 1997): 75.

<sup>2</sup>"The Kashmiri People Versus Indian State," *Nationalia*, accessed December 3, 2018, <https://www.nationalia.info/new/11080/the-kashmiri-people-versus-the-indian-state>

<sup>3</sup>Farooq Hasanat, "The Kashmir Uprising," *Pakistan Politico*, Jul 2018, 42.

<sup>4</sup>Exclusive Interview with Sardar Masood Khan, *Pakistan Politico*, July 2018, 14.

The continued Indian insurgency in the Indian held Kashmir is being witnessed by third generation of freedom fighters. Indian suppression and cruel policies towards Kashmiris have intensified over the years.

“Kashmir is not a territorial issue; it is a matter of the lives of more than 10 million people.” Since then, the question of self-determination of Kashmiri people is waiting for some solution: a question that is part of character of multiple international organizations has been converted into a popular revolt by Kashmiri people for their right of freedom. After 1966, India changed its policy towards Kashmiris and started using tools of suppression with denial of human dignity and rights. India adopted the critical methods of using force to crush the voices of Kashmiris along with violation of the Resolutions of United Nations to resolve this issue.

### **Historical Backdrop on Kashmir Dispute**

After the division of Subcontinent, creation of two States, India and Pakistan resulted in settlement of communal disputes as well as created issues of the Independent states' annexation through holding plebiscite in result of unfair Redcliff Award. India imposed war and turbulence in 1948 in Kashmir to avoid its annexation with Pakistan. It further kept Kashmir a turbulent state to avoid creating conducive environment for plebiscite in the region. The Hindu raja of Kashmir was not in the favour of holding plebiscite, because he was aware of the fact that Muslim majority of Kashmir will opt to live with Pakistan and he made agreement with about the future of Kashmir state with the British rulers and later annexed Kashmir with India by signing a treaty of Amritsar in 1946 and made it possible for Indian forces to enter in Kashmir.

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<sup>5</sup>Riffat Hussain, discussed in the “International Conference on Kashmir in Focus” (arranged by Pakistan Study Centre, University of the Punjab, Feb 21, 2017)

<sup>6</sup> Ram Chandra Guha, “Opening a Window in Kashmir.” *World Policy Journal* 21, no. 3 (Fall 2004): 48, accessed Dec 1, 2018, <http://jstor.org/stable/40210239>.

A prominent British historian, Alistair Lamb, challenged India's claims that it signed 'Instrument of Accession', which was drafted in Delhi and presented to Maharaja Hari Singh on October 26. In his book *The Birth of Tragedy*, Alistair Lamb citing successive events after the partition wrote that the Indian troops invaded Kashmir prior to the signing of the "Instrument of Accession".

Indians always portrayed the situation of disputed Kashmir as the matter of severe law and order maintenance crisis, globally. To prove its point, India always kept the United Nations involved to overview the situation, but never followed international rules and procedures.

The year 1931 marked a watershed in the history of Kashmir; for the First time since the alien rule was imposed on Kashmiris the people and masses protested against the Dogra ruler, Hari Singh. For the first-time women got a platform and many joined the protests, some even organizing them. The aftermath of the July 13, 1931 upheaval led to many of these women becoming public figures. *Jana Ded* became a household name in Kashmir. Similarly, during the 'Quit Kashmir Movement' ZoniGujree, Begum Akbar Jahan, Fatima, Zainab Begum and Mahmuda Ali Shah were prominent among the Kashmiri women however, their prospective for headship and community life was not cultivated through appropriate leadership. Begum Akbar Jahan, wife of Sheikh Mohammad Abdullah, who headed the National Conference (NC) a political party with the public following in Kashmir, and Mahmuda Ali Shah, who afterward attached the education department were some of the exceptional women of Kashmir. *Naya Kashmir Manifesto* announced in 1944 was the principal innovative document in the entire subcontinent which granted and endeavoured for the "equivalent, political, economic, educational, cultural, social, legal,

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<sup>7</sup>Alastiar Lamb, *Kashmir: A Disputed Legacy* (Rexford Books, 1991).

<sup>8</sup>LubnaMohiuddin, "Human Rights Violation: A Case Study of Kashmir," *Pakistan Horizon* 50, no. 2, (April 1997): 76.

health and motherhood rights of women”. The division of subcontinent brought several problems and setbacks, however people of Kashmir stayed calm until the situation was not deteriorated by the Indians. Even though, Kashmiri women organized a deliberate brigade with the motto Hamlaavar Khabardaar, Hum Kashmiri Hain Tayaar (Beware of attackers, we Kashmiris are ready).

The founders of bringing awareness and education amongst women were the British Christian missionaries. MirWaiz Maulvi Rasool Shah is also recognized as Sir Syed of Kashmir who enthusiastically worked for the betterment and development of female education. The groundbreaking pace of this terrain to the tiller also enhanced the economic conditions and social circumstances of the deprived and underprivileged Muslims, who started encouraging their girls to go to school due to a more consistent foundation of earnings.

The Kashmiri people of IHK felt disenchanting, subsequently the stoppage of all the hard work intended at solving the Kashmir disagreement throughout diplomatic resources for last few decades. They strengthened the struggle violently to protect their right to self-determination in 1989. This movement brought anxiety to the Indian leaders and their control on the region vanished which even the sham elections for the so-called Legislative Assembly and the Indian Parliament could not bring back, practically. Resultantly, the Indian government started using brute military might to take control of the popular movement of the people of Kashmir. Since January 1989, Indian troops have martyred 95,129 Kashmiris, widowed 22,882 women, orphaned 107,723 children and molested or gang-raped 11,082 Kashmiri women. All these brutal actions are being used as a weapon of war to intimidate the Kashmiris into submission. The rape, dishonor, harassment and every kind of abuse have been

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<sup>9</sup>*Ibid.*, 93.

extensively used against Kashmiri Muslim women and children during the search and cordon operations. Over eight thousand innocent youth have been subjected to disappearance in custody and their whereabouts remain untraced. Many of those are feared to be buried in unmarked graves discovered in the territory after being killed by the Indian troops in fake encounters.

The Indian unlawful occupation is multi layered involving military, political and cultural aggression harming basic human rights. Further the black laws implemented by the Indian government in Kashmir give impunity to the Indian forces and protect their atrocities. The husbands, brothers and sons of the Kashmiri women are brutally murdered in front of their eyes. Similarly, males of the family are forced to stand and witness while their women are being raped. It is a foundation of emotional distress. Each Kashmiri including women and children are casualty of the Indian war effects. The proportion of strain associated illness has greater than before from 10% to 60-70% from 1990 till date making 70 out of 100 women psychologically disturbed.

The severe military insurgency and human rights violation had pushed the Kashmiri women to come forward and stand by with their male family members to show their strength and anger to the Indians in post 1989 Kashmiri struggle which has awarded them with new identities and roles.

After the intense brutalities and gunning down the Kashmiris began, the women took front position of the protests asking for the secession from India in the early 1990s. Kashmiri women came up to

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<sup>10</sup>Massarrat Abid and Ayesha Ashfaq, "Atrocities on Women Committed by Indian Armed Forces in the Indian Held Kashmir," *Pakistan Vision* 17, no.1 (June 2016): 255.

<sup>11</sup>Mushtaq-ul-Haq Ahmad Sikandar, "Women in Conflict: Surviving and Struggling in Kashmir," *Economic and Political Weekly* 47, no. 9 (March 3, 2012): 21, accessed November 25, 2018, <http://www.jstor.org/stable/23214468>.

help the freedom fighters, generally known as mujahideen ethically, financially and morally. The women use to join the funeral processions of the dead (Shaheed) mujahideen uttering these verses; As-salaam As-salaam Aye Shahido As-salam, Aaj Teri Maut Pey Ro rahahaiyeh Aasmaan (Felicitations and farewell to you o martyr, today even the sky cries at your martyrdom) and cheering their male family members with Aye Mard-e Mujahid Jaag Zara Waqt e Shahadat HaiAaya (Wake up o warrior, the time for martyrdom has come).After the partition of Subcontinent in 1947, particularly Syeds and Khoja women removed started performing their duties in the educational institutions as well, like Shamla Mufti, Zenab Begum, Begum Zehan Abdullah and Mahmuda Ali Shah.

### **Protests by the Kashmiri Women**

The Indian armed forces frequent and severe attacks, enforced new and strange roles to the women. Throughout the preliminary stage of the armed freedom struggle for liberation, the women remained side by side to their men, and performed their duties effectively; particularly during the search operations by the army or police. The women launched protests in front of the army base camps to force the Indian army to free or release the youngsters. They attacked the men who refuse to abide the unlawful detentions and violence put by the state machinery and the army.

The Kashmiri women initiated visits of numerous jails, confinement centers and journeyed to far-off places. Though, thousands of men have been executed in exaggerated fake happenstances and in the custody of the army and police. Deaths of some of them are notified as their dead bodies were identified by their family members but status of a large number of detained persons is not clear as if they are alive or dead. Their relatives generally claim that the missing men are either in the supervision of the agencies or have been murdered

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<sup>12</sup>*Ibid.*, 22.

and their bodies thrown into the unblemished graves. The mothers of the missing men joined hands under the leadership of Parveena Ahangar, whose son Javed Ahmad Ahangar is missing since 1990s. The victimized families have formed an Association of the Parents of Disappeared Persons (APDP) in 1994 which was later joined by the half widows. Parveena a middle-aged, illiterate, woman has guaranteed certainly not to surrender or give up and is stimulating others too. Since only armed riots could not bring the desired results, women started acquiring their community space and are in the front position of the demonstrations that have changed the Kashmir Valley since 2008. They are also vigorous in the tranquility and settlement efforts, though these schemes are still an elite endeavour.

The militarization of society brought agony to the women of Kashmir in shape of losing their loved ones and that of sexual violence by the Indian forces deployed in the Kashmir. As a result, they were forced to live a mere subsistence. Such a traumatic situation motivated them to support Mujahideen and they became the platform on which dominant discourse of nationality was constructed. Their chastity as community prestige had to be defended against enemy. Women took up multiple roles that preserved family and facilitated the general resistance against Indian hegemony. They are not only taking care of the household but are also providing protective shield and support to the male members of their community without which the movement might has been crippled easily.

The militancy showed a further way, to women who introduced the

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<sup>13</sup>On the 10<sup>th</sup> of every month, members of this organization demonstrate a nonviolent noiseless demonstration in the Pratap Park, situated at the core of Srinagar. Parveena has frequently requested to join the meetings and discussions through conferences all over the world.

<sup>14</sup>*Ibid*,23.

<sup>15</sup>Rayees Ahmed Bhat, "The Role of Women in Kashmiri Politics," *International Journal of Interdisciplinary and Multi-Disciplinary Studies* 4, no.2 (2017): 27.



new form of struggle and confrontation in the enlightening freedom of women. The pattern of confrontation could be diplomatic or challenging and provoking, based on the program that women have picked up and the condition they were in. The nonviolent position is the one in which women have been portrayed as of traditional role of mothers and housewives to the dispensation notion of harmony from the viewpoint of distinguished. The notion of tranquility is established on the hypothesis that women's associational excellence or an ethic of be concerned, could bring militaristic parties to recognize the subsistence of other and accommodate each other.

This paper focuses on the kinds of women's organization in Kashmir, which promotes passive ways to look for impartiality and, the other one who appeal to the emotions of the public to accomplish their objectives of "homogenous culture" or exclusionary patriotism. The organizations that focus on women's issues using constitutional machinery by peaceful means include organizations like Association of Parents of Disappeared People (APDP), Kashmiri Women Initiative for Peace and Disarmament (KWIPD), Sisters for Peace and Athwaas.

None of the Muslims living in IHK feel himself/herself unrestricted as far as the democratic rights have been given according to the Indian Constitution (freedom, rule of law, justice, and security); there is total negation and violation of human rights in IHK. Only the administrative and armed forces like army, police, task force, and the leadership of IHK have right to torture, harass and terrorize Kashmiris without any proof of being guilty. The electronic media and print media do not have any freedom to depict the true picture of

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<sup>16</sup>APDP was established in 1994 by Parveen Ahanger. It is an organization of parents of persons taken into keeping by state who have not been heard of since then. It posits itself as an independent group and has forged links with organizations that have similar agendas and program like Parents and Family Members of Disappeared PFMD and is founding member of the Asian Federation against Involuntary Disappearances (AFIN) launched in 1998 in Manila. *Ibid.*

Kashmir situation. Furthermore, people are not allowed to visit the hospitals during the hartals (strikes) and curfew.

In 2008, the Kashmiris gave more impetus and a new dimension to their struggle to get freedom from Indian occupation and started peaceful demonstrations and walks in to emphasize their demand of the right to self-determination. But most of the time, Indian forces' personnel subjected these peaceful demonstrators to excessive use of brute force. The enduring mass civil noncompliance prompted by the unfair assassination of admired young leader, Burhan Muzaffar Wani, on July 8, 2016, triggered the people marching to the streets in great number on daily basis, demanding an end to Indian rule in Jammu and Kashmir. The Indian police and troops are using every brutal tactic against the protesters and intensified cordon and search operations across the occupied Kashmir to suppress the uprising and intimidate the people into submission. Since the martyrdom of Burhan, 701 Kashmiris have been killed and 24,456 injured in the firing of pellets, bullets and teargas shells by the Indian forces' personnel during demonstrations and military operations. More than 340 youth have lost their one or both eyes to the pellet injuries while over 1,020 are at the verge of losing their eyesight. Hundreds of people including Hurriyat leaders have been put behind the bars.

India has miserably failed to curb the Kashmir Independence Movement. The present Indian government led by Narendra Modi is using more tough tactics to achieve its purpose and merge Jammu and Kashmir in India. It is by means of its courts to abrogate the Article 370 and Article 35-A of the Indian Constitution to surface approach for giving the rights of the citizens of Jammu and Kashmir to the Indian citizens. Indian intentions to modify demography of Jammu and Kashmir are deliberated to manipulate in its favour the consequences of a referendum whenever it is detained in the terrain. India is also using its intelligence agencies like “National

Investigation Agency” (NIA) and “Enforcement Directorate” (ED) to incriminate Hurriyat leaders, protesters and pro-freedom people in fake cases to compel the Kashmiris to give in their objectives of freedom.

### **Conclusion**

Undoubtedly, the Kashmir issue should be resolved according to the United Nations Resolution but it can be observed that every Kashmiri is suffering in one-way or another. Kashmiris are facing torture and state-sponsored violence which has left them in a miserable condition. During the persistent freedom movement, Kashmiris women have been targeted, raped, contrived, violated, and humiliated by the Indian forces. However, after the martyrdom of Burhan the protestations by men and women have gained new vigour. The protest which lasted for six months left many injured and killed by the Indian forces. The brutal acts of Indian forces led Kashmiri women to adopt an active and dynamic role, while protesting against the humiliation. Kashmiris deserve their right of self-determination and should be given equal constitutional rights to participate in political and democratic developments. Kashmir is not merely a territorial conflict but also a humanitarian issue which remains unresolved even after Burhan brutal murder by the Indian forces. The nature of issue is heterogeneous; hence, this issue should be critically evaluated to internationally highlight the intensity of human rights violations by a country that claims to be a proponent of democracy.

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## ***Youth Unrest in Jammu and Kashmir: A Sociological Study of District Baramulla***

***Ajaz Ahmad Lone\****

### ***Abstract***

*Youth in Jammu and Kashmir is living in a constant state of chaos and political turmoil. Jammu and Kashmir is one of the most militarized regions of the world and a conflict zone between India, Pakistan for the Kashmiris who stand for their right to self-determination. The unrest in Jammu and Kashmir due to violence, mass killings, forced disappearances and torture by Indian security forces had a great impact on youth lives. Youth of the State are suffering their lives in all facets such as education, health, economy, personal and social relationships. Their desires are being compromised by the political turmoil in Jammu and Kashmir. Unfortunately, those amongst the youth that have been successful in availing educational opportunities have chosen armed struggle as a method of conflict resolution due to the intensity of atrocities by Indian forces and dearth of opportunities for youth to engage them in positive*

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*dialogues. This study explores the stance of youth on the political turmoil in Jammu and Kashmir; the impact of political turmoil on youth, and their perceptions about conflict resolution while opting for armed struggle. This study highlights the reasons and challenges towards youth unrest in Jammu and Kashmir. The study is based on primary source of data which has also been supplemented by secondary data, interviews and group discussions.*

**Key Words:** Political Turmoil, Educated Youth, Conflict Zone, Militarization, Hegemony, Violence

## **Introduction**

The study is an endeavour to discuss the problems and issues confronting youth in the region of Indian Occupied Kashmir (IOK) such as; education, unemployment, development, and human rights violations. This purpose of this study is to aware the youth regarding emerging and existing challenges and to encourage their participation in decision making as a means of achieving peace because the energies of youth is pillar for promoting peace in the society.

Youth is one of the key determinants of the future of a society. There seems to be unanimity in the view that youth cannot be ignored in our social reckoning. Special attention is to be paid to this important chunk of population, their needs and problems. It is argued that since youth is the future of the society, it must be properly groomed to take up this arduous task. They are credited with a burning zeal and unlimited enthusiasm even if they are lacking direction and approach. Nevertheless, it is recognized that their untapped energy should be channelized into specific directions; otherwise it is likely that their

energies may be diverted towards undesirable activities. Perhaps, much of the contemporary unrest and subordination of youth can be traced back to this phenomenon.

The present study is broadly focusing on exploring youth issues and concerns. Even though there is a mutual understanding that the youth of Jammu and Kashmir is in a state of unrest, this concept is often used inconsistently, as a prior assumption. This study seeks to identify factors which are considered responsible for the growth of youth unrest near Kashmir with special reference to Baramulla District. In the contemporary discourse, youth is often used interchangeably, and youth unrest is seen as the primary cause of violence of various sorts. The relationship deserves to be analyzed in detail as the linkage between youth and violence is much more nuanced and far from being pre-determined or natural. It is important to examine the factors which can explain youth's inclination towards violence.

In the present study, the researcher mainly tried to emphasize on the phenomenon of youth unrest, which has now come to assume such disturbing proportion, that it needs great concern of the entire world particularly Pakistan, India and the Kashmiri society. A high percentage of youth in Kashmir see their future as bleak and fear unemployment, illiteracy and intolerance. The youth growing up in conflict situation face challenges, as violent conflicts negatively impact on their lives. Simultaneously, feeling of exclusion is contributing to the emergence or continuation of unrest. These obstacles or challenges embraced by the youth of Kashmir cannot be ignored, as the development of society mainly depends on understanding the complexity of youth and existing and emerging

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<sup>1</sup>Mujahidul Islam & Sayeed Ahmed Khan, Educated Youth and Political Turmoil in Jammu and Kashmir (IJPSS Volume 3, Issue ISSN: 2249-5894)

challenges to them. In the broader context young people are a force and best resources available, if they are used positively.

Most of the analyses of unrest in Kashmir begin with identifying the unrest among youth as a key element in the perpetuation of violence and unrest. Youth is more conscious and concerned about their uncertain future due to the apprehensions; they have revolted against the authorities. The concept of youth is intrinsically linked with the idea of transition from childhood to adulthood—a phase of life in which the individual needs protection, sheltering and guidance to one of self-determination, maturity, independence, responsibility and accountability for decision-making.

The United Nations General Assembly recommended that: individuals between the ages of 15-24 years are considered to be youth. Youth is key human resource for development, agents of social change and the driving force for economic growth and technological innovations. Their talent, dynamism and vision is essential for growth of the society.

All over the globe youth is on an aggressive path and demands that their voices be heard. Many theories have been offered to explain the contemporary revolts of youth. It has been argued that their rebellion is an expression of critical times in which we live, when all values are being questioned and when no institution receives allegiance for its members. The youth naturally revolts in the absence of any thing which can give meaning and direction. The crisis of youth unrest is a ubiquitous phenomenon. For understanding the problem and growing

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<sup>2</sup>M. Husain, *Geography of Jammu and Kashmir* (New Delhi: Rajesh Publications 2006).

<sup>3</sup>S Amin and A.W. Khan “Life in Conflict. Characteristics of Depression in Kashmir,” *International Journal of Health Sciences* (Spring 2009).

a sociological insight into the problem, it is desirable to find out how youth feel about these problems particularly in the Indian Occupied Kashmir.

### **Sampling of the Study**

The sample for the present study collected from 300 respondents covering Under Graduates, Graduates and Post-Graduates through stratified random sampling. Random sampling is where every unit of the population has an equal probability of being selected. It offers a high degree of representativeness. A random sample is more suitable in homogeneous and comparatively large groups. Interviews of officers and administrators overseeing youth problems were conducted. Focus group interviews were also organized by the researcher to overview the perceptions of the youth of the Kashmir with reference to Baramulla District.

### **Methodology of Study**

The Present study is based on qualitative research method which offers flexibility in using different approaches and combination of research techniques. This study focuses on the impact of four key variables; unemployment, education, participation and human rights violation of youth unrest in the Baramulla district of Jammu and Kashmir. However, empirical data have been conducted by the using interview method, participant observation, and focused group discussions.

### **Findings of the Study**

There is a need for supportive and empowering atmosphere where youth receives numerous opportunities for building skills, and exploring their talents. The study provides an insight to understand



and analyze the perception of youth related to educational system, unemployment, and human rights violations in the contemporary society of Kashmir.

Focus group interviews suggest that youth, by and large, is more concerned about its present and future. It is being observed that in the region of Kashmir youth was capable of expressing their anger and anguish against a decision, which would seal their future and make them irrelevant and ineligible for any future jobs. Unemployment, draw backs in educational system, lack of privatization, human rights violation is the foremost concerns of youth.

A society can progress only when the energy of youth is channelized into constructive purposes. It is true that despite these problems, they are the best resource available; if their energies are utilized in an appropriate manner. Currently the youth is engaging in efforts to meet their basic personal and social needs and avail opportunities to build skills and competence that will empower them.

The youth should be given greater participation in the process of decision execution at local and higher levels through identifiable structure, transparent procedures and wider representation of youth in appropriate bodies, with an emphasis being on working with youth.

Education plays a decisive role in youth development; it prepares them for active participation and instills the values of citizenship, responsibility and cooperation. Education facilitates social and economic process and opens opportunities leading to both individual

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<sup>4</sup> R Sehgal, "Kashmir Conflict: Solutions and Demand for Self-determination," *International Journal of Humanities and Social Science* Vol. 1 no. 6 (January 2011), 188.

and collective entitlements. Education plays a pivotal role in empowering people with skills and knowledge and ensuring a productive employment in the future. Closely connected to the education the other concern of youth in Kashmir is unemployment. The problem is not merely the availability and quality of education but its economic and social constraints faced by the youth.

Political participation indicates taking active part in the political process of the society. It provides a way to the people to express their views, opinions, problems and issues. Political participation has failed to provide a channel for young people to express their aspirations. The decline in political engagement of youth has become a great concern for the policy- makers of the state. Based on observation, it has been argued that the political system of Jammu and Kashmir is increasingly regarded as irrelevant and inaccessible by youth. There is a need to increase political awareness and political participation among youth, to express their views and ideas and more opportunities should be provided to youth in politics.

Another foremost concern of youth is social security including human rights violations. It has been observed the Kashmiri youth is greatly affected by human rights violations in the occupied state of Jammu and Kashmir.

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<sup>5</sup>Amin, S and A.W. Khan, "Life in Conflict Characteristics of Depression in Kashmir," *International Journal of Health Sciences* Vol.3 no. 2 (September 2009), 222.

<sup>6</sup>Singh, R.L. *India- A Regional Geography* (Varanasi: USB Publishers Distributors, 2008), 347.

<sup>7</sup> A.G. Noorani, "Human Rights in Kashmir," *Economic and Political Weekly* Vol. 37 no. 12 (November 2002), 1081-1082.

<sup>8</sup> N. Kim and Conceição. P. "The Economic Crisis, Violent Conflict and Human Development 2010," *International Journal of Peace Studies* Vol. 15 no.01 :30

## **Conclusion**

This study reveals that youth is an integral section of the society. It also observes that violence and political instability can degrade the social, economic, and political status of individuals in a society particularly youth. Since the perception and energies of youth are important for the development of a society, it is essential to engage youth in positive activities and promote education in the region, in order to divert the youth towards political participation instead of an armed struggle as a method of conflict resolution.

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## ***Language: A Source of Identity and Power in Pakistan***

***Ruqia Kalsoom\****

### ***Abstract***

*Language serves different functions in different societies. In any heterogeneous society, it performs various instrumental, cognitive, sentimental and symbolic functions. After religion, language is a main determinant of identity in a society. In the contemporary communities, language is used as a sign of group identity by elites who crave power. It has also been used by the ethnic minorities and political elites to distinguish their identity and accomplish ideological aims. Elites in Pakistan have used language to mobilize people in the name of separate identity, distinct them on cultural and linguistic lines and pressurize the state to attain a larger share of power and authority. Therefore, the identities based on linguistics, often turn into the conflicts which ultimately disturb the national cohesiveness. The aim of this research is to demonstrate that how individual identities are*

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*constructed by language and the utilization of language by elites to gain political power.*

**Keywords:** Language, Functions of Language, Identity and Power.

## **Introduction**

Language is the source of communication, interaction and socialization in any society. Human beings can be distinguished from animals due to the instrument of language, through which they express and communicate their feelings and ideas. Language is also a major element of culture and identity. It not only constructs thoughts, values and attitudes, rather it shapes them in such a manner which distinguishes different communities. Moreover, language has not only become the source of identification of a certain group rather it also sets position of its members in that group on the basis of their age, dialect, gender, occupation, social class and their belief. Apart from the language, there are other sources which construct the ideas and personality. For instance, class, education, genetic heritage, religion, nationality and upbringing. However, language certainly is a very important factor that can be used for identity construction. Mark Pagel, a very well-known biologist, gave his analysis about the influence and role of language in the construction of identities. He stated that, language is “kind of influential, risky, and revolutionary peculiarity which is usual choice that has ever developed.” This study may provide the foundation for understanding the role of language in constructing identities and attaining power.

## **Objective of the Study**

The aim of this study is to investigate how language plays a powerful

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<sup>1</sup>Mark Pagel, “How Language Transformed Humanity,” *Ted Video* (July, 2011), 00:19.

role in the construction of identities in multilingual states like Pakistan. It seeks to identify and analyze the processes of identity construction based on language in Pakistan. The study also intends to examine the role of language in the attainment of political power in Pakistani context. The underline objective of the study is to determine how multiple identities are constructed by multiple languages in Pakistan and how language has been consciously manipulated by leaders as instrumental source of power. This study also aims to analyze the impact of dominant language on regional languages. Furthermore, the present study aims to analyse the relationship between language, identity, and power; relationship of national identities with language in Pakistan. It is also important to study the role of language in attaining power.

### **Literature Review**

Different researchers studied language and its cherished and mutually constitutive relation with individual identities and power. To understand the phenomenon of language, its function and description, The Encyclopedia,” Americana International Edition has always been remained helpful. The other research works including, Tariq Rehman's works, “Language and Education” (2008); “Language and Ethnicity in Pakistan” and “Language, Power and Ideology, (2002), Alyssa Ayres, Speaking like a State: Language and Culture” (Aug., 2008), Tanveer Fazal, “Religion and Language in the Formation of Nationhood in Pakistan and Bangladesh” (1999), comprehensively viewed that language plays a pivotal role in construction individual identities, culturally, historically and socially.

The review of the literature establishes that the manner, in which people communicate, single or multi languages, reflects their distinctive identity. The literature also elaborates that language has

been utilized by the elites to attain power and establish their dominance. Users of the dominant language within a nation-state could suppress other regional and local languages. On the other hand, some nation-states may encourage bilingualism or multilingualism. For example, Canada, though, is legally bilingual majority of the people are English speaking. This has not, however prevented many in the French-speaking community from calling for independence from Canada.

### **Language Difficulties**

Linguistic cleavages create issues of a different kind as they directly obstruct personal communication, and no one can flip a blind eye to them. They also involve the state in an exceedingly essential way to designate an official language. On the other hand, minority languages are more certain to be neglected, if they are not officially promoted. However, for people to be bilingual psychologically and emotionally becomes difficult as the human mind is hesitant to store a combination of names for a question or idea. As a result, in any given region, there is a general inclination for one language to develop dominant position and the other to disappear away. This process may be hindered if the minority language encompasses a purposeful sphere in which it is unchallenged - as Welsh was undisputed for several years as the language of the Methodist church, but it is uncommon for two languages to endure in common use, in the same territory, for more than a generation or two.

### **Significance of Language**

It has been noticed by most scholars about identity and language, that in the rise of identity in the west, language plays a very important

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<sup>2</sup>“The Encyclopaedia” *Americana International Edition*, 751.

<sup>3</sup>Geeti Sen, “On Language and Identity,” *India International Centre Quarterly* 24, no. 2/3 (Monsoon 1997).

role. Although there are multilingual nations; Switzerland and Canada, on the whole, among the western nations, common language was unquestionably among the major factors which mobilized politically and culturally fragmented segments of society into a compact nation. During the nineteenth century the subject nationalities of the Ottoman Empire, like Greeks, Serbs, Bulgars, Armenians and the Arabs, used language as one of the reasons for their secession from the Empire. Rupert Emerson in his discussion about language has also highlighted that “mankind instinctively takes language as the badge of national identity.” He also emphasized, one representative language creates the sense of nationalism and unity among its speaker. Language is a storehouse in which heroic deeds memories and victories of all kinds are stored and preserved. All these elements provide psychological strings and feelings of pride to various segments of society and tied them into an inseparable bond of unity.

Hence, language unites its speakers. Its history is as old as history itself. It's not only a medium of communication but also the repository of a culture. People speaking the same language obviously can understand one another, and this contributes to a sense of belonging together. Language also develops a common sense and bond among its speakers. A common language allows the development of a national literature, taking the form of patriotic folksongs and stories that glorify heroes and military victories in the nation's history.

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<sup>4</sup>Anthony.H.Brice, *Nationalism and National Integration* (London: Unwin Hyman, Ltd, 1989), 45.

<sup>5</sup>Bonny Norton, “Language, Identity, and the Ownership of English,” *TESOL Quarterly* 31, no.3 (Autumn 1997).

<sup>6</sup>Rupern Emerson, *Nationalism in Developing Nations*, ed. Frank Tachau (New York: Dodd Mead & Co., 1972), 132.



## Functions of Language

Language serves different functions in different societies. It performs cognitive instrumental, sentimental and symbolic and other functions in any society. In its symbolic function, language indexes identity. As in any society the speech and speech code of language become the source of identity for its speakers. In its instrumental function, language provides the opportunities to obtain power and material resources.

## Language and Identity

Identity is an elusive category. A person might express itself in terms of family, sex, occupation, tribe or clan, socio-economic or ethno-regional class. Modernity enlarged the probability of interface and, according to one theory, "it is the interaction of people that creates a sense of identity. Much of this interaction, through either the oral or printed word, is through language". The language and identity are inseparable. "Language acts are acts of identity." Among several figurative resources of identity construction, language is considered the most obstinate and flexible. Hall describes that, "Identity constructs and is constructed by language". He elaborates identities as "a process never completed and logged in contingency."

According to language anthropology, language is considered the most significant identity maker. Language anthropology 'is the study of language and identity' and the term 'identity' comparatively attains an important position in the modern phenomenon of 'linguistic anthropology'. It involves all those linguistic manufacturing of

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<sup>7</sup>Paul R Brass, *Language, Religion and Politics in North India* (Cambridge University Press, Cambridge, 1974).

See also Tariq Rahman, "Language and Ethnicity in Pakistan," *Asian Survey* 37, no. 9 (Sep 1997), University of California Press, 835.

<sup>8</sup> S. Hall, *Questions of Cultural Identity* (London, UK: Sage Publications, 1996), 2.

culture which speakers complete through language. The linguistic anthropology in its traditional form studies all those rituals and social elements of the speakers which generate or regenerate their identities. It denotes that language plays a highly significant role in identity making. Indeed, it is the major shaper of an individual's identity. "The Sapire-Whorf hypothesis also known as 'Whorfian Hypothesis' indicates, that human thoughts are influenced by languages. The hypothesis also suggests that language can control the thoughts and perceptions of individuals. As language makes it easier for individuals to express their thoughts and attitudes and help them to construct their own culture and social reality in broader ways.

As mentioned above, language is not only the major source of identity rather it also helps to understand the existence of other identities. Various researchers categorized that language stems from identity and identities are the product of language. It forms the identification culturally, historically, socially and politically as well. Therefore, language is the foundation on which individual identities are being built, assembled, fabricated, stored and transformed. Therefore, language also reflects cultures as 'language is a mirror of culture'. The well-defined language identity enables the culture of a given society to construct acquaintances with the other identical cultures. Language is the central transmitting device through which cultures are transformed from generation to generation. Narrating the idioms stories, riddles, sayings, tales, proverbs, songs, and verbal education are the means used for the conservation of cultures in many states like Pakistan. Language is considered as the key factor to

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<sup>9</sup> Mary Hall, Bucholtz & Kira, *Language and Identity* (UC Santa Barbara, 1996), 2.

<sup>10</sup>Tariq Rahman, "Language and Ethnicity in Pakistan," *Asian Survey* 37, no.9, (Sep 1997):833-839, <http://www.jstor.org/stable/2645700>.

<sup>11</sup>Paul Kay and Willett Kempton, "What is the Sapir Whorf hypothesis?" *American anthropologist* 86, no. 1 (1984): 65-79.

maintain culture and identity In Pakistan, the rich culture of Pakistani society is generally conveyed and developed through language. The cultural and national identities are generally expressed in the mother-tongue of a nation. However, a language's mother-tongue will remain ghettoized and be repelled even by its own speakers. As mother tongue was resisted in South Africa, Balochistan and K.P. in Pakistan, when it was not used in the domains of power and commerce or when it was scorned socially.

### **Language and Power**

In the simplest meaning power is the ability of someone's to act in accordance with its own way. In the words of Weber, "Power is the chance of a man or a number of men to realize their own will in a social action even against the resistance of others who are participating in the action. "It is the capacity which enables a person to project his or her will over other directly or indirectly or to deter the imposition of other people's will. Resultantly, the possession of power gave 'tangible or intangible' means of satisfaction to its owner. In 'rational goal-seeking terms', this satisfaction could be obtained from taking wealth, influence prestige, security, and the collecting the worldly objects. Hence, power is omnipresent and reveals itself in various collaborating situations between individuals and groups.

Language has also been used within the spheres of power, when language becomes the tool for seeking some goals. For instance, language has been used to create uniformity. This is called 'standardization' or 'centralization' of one language. However, if the state authority has been dominated by the speakers of specific language, then it might be possible that their hegemony would be challenged by the speakers of other languages who considered that

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<sup>12</sup>Pierre Bourdieu, *Language and symbolic power* (Cambridge, MA: Harvard University Press, 1999), 17.

their language has been ignored or unprivileged. Therefore, “an essentially political struggle for power may thus be expressed in linguistic terms.”

The domination of one language may lead towards the extinction of other languages. This process is called 'language death', 'language suicide' and 'linguistic genocide'. The reaction to this process is contradictory. Thus, language has not only become part of the struggle for power, rather it has become a crucial source of power struggle for different groups which are struggling for the hegemony are called elites and proto-elites.

Hence, Language after religion has been considered major determinant of identity, and in the contemporary modernizing community it has been chosen as a symbol of group identity by leaders from who covet power. It has been deliberately manipulated by the rulers as an instrument, especially when it is represented as a source of identity by rulers for a group or community. The elites and even the ethnic minorities have used their languages as a tool to differentiate identities and extend their ideological aims. They also consciously manipulated language for instrumental, rational and goal-seeking reasons. Once they mobilize people in the name of separate identity, define in cultural and linguistic terms, they try to use authority to attain a larger share of power from the state.

Due to the phenomenon of powerful language, people in modern era desire to present their identity in dominant languages. Some sociologist observed that, in the modern community language and

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<sup>13</sup> Max Weber, *Economy and Society: An Outline of Interpretative Sociology* (Berkeley: University of California. Wilcox, Wayne 1969), 26.

<sup>14</sup>Robert L. Cooper, *Language Planning and Social Change* (Cambridge University Press, 1989), 183.

<sup>15</sup>The term 'elite' has been used to indicate those who possess power; see details, Geraint Parry, "All Power to the Communities?" *European Journal of Sociology/Archives Europeanness de Sociologies* 13, no. 1 (1972): 126-138.

power are now top on the list of attitude studies, linguistics, history, financial meditations, sociology and politics. In Pakistan, due to the historical implications of the concept of identity, language has been meticulously associated with power. Therefore, language has been intimately related to ideology and power in Pakistan.

### Linguistic Diversity in Pakistan

Pakistan is not only culturally diverse, it is also linguistically diverse; it is a multilingual state. Multilingualism is defined as “linguistic behaviour depends on the usage of two, three or more languages according to the condition.” The official language of the state is English since independence and national language is Urdu, which is also mother tongue of Urdu speaking Muhajirs, who form only 7.6 per cent of the total population of Pakistan. Along with other smaller languages five, major, indigenous or regional languages included Balochi, Pashto, Punjabi, Sindhi and Saraiki are used in different regions and provinces of Pakistan. The Pashtun, Sindhi, and Balochi identities are expressed through Pashto, Sindhi, Balochi and Brahvi languages. However, in this Multilingual setting, English and Urdu are considered the most powerful languages in Pakistan.

### Numbers of Speakers of Larger Languages

Language	2008 estimate	1998 census	Areas of Predominance
Urban	7.59%	7.57%	Urban Sindh and urban Pakistan
Balochi	3.59%	3.57%	Balochistan
Pashto	15.44%	15.42%	Khyber-Pakhtunkhwa
Sindhi	4.12%	14.10%	Rural Sindh
Saraiki	10.42%	10.53%	South Punjab
Punjabi	44.17%	44.15%	East and North Punjab

<sup>16</sup>Tariq Rahman, “Language and Ethnicity in Pakistan,” *Asian Survey*, 37, no. 9 (Sep 1997), University of California Press, 837.

<sup>17</sup>Pierre Bourdieu, *Language and Symbolic Power*. Trans., Gino Raymond and Matthew Adamson (Cambridge, Mass: Harvard University Press, 1991).

English and Urdu are given more weightage, while other indigenous languages do not enjoy status. Consequently, English and Urdu have become the powerful languages and occupied the dominant position over the other languages in the country. English is the source of getting employment as was under British rule before 1947. The domains of power of English language are administration, education, commerce, judiciary and military etc. It has become an established phenomenon that people, who chose the powerful languages to express their identity, generally get more achievements in life as compare to the speakers of regional languages.

Urdu as the national language has been used mostly in educational institutes particularly in schools, in some administrative institutions, in electronic and print media, and in almost all the urban areas of the country. Although, it was not an indigenous language of Pakistan rather it was considered the language of Urdu speaking migrants from India who identified themselves as Muhajirs, settled here. They also projected themselves as the most sophisticated community as compare to the indigenous speakers.

With the activism of regional and nationalist elites, the debate on language controversy has been turned into political conflicts and became the most significant and crucial problem in the country's politics. However, it is important to understand, that majority of the regional nationalist opposed the promotion of English and Urdu while the western elites who practically enjoyed the domination of power supported Urdu language and English on the cost of regional languages. Due to this reason, even the speakers of Punjabi speakers

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<sup>18</sup>Tariq Rahman, "Language, Power and Ideology" *Economic and Political Weekly* 37, no. 44/45 (Nov. 2-15, 2002), 36.

<sup>19</sup> Tariq Rahman, "Language and Ethnicity in Pakistan". 837

<sup>20</sup> *Ibid.*, 38-42.

(as their mother tongue) preferred to use English and Urdu as their mode of communication. Therefore, it will rightly say, that language debate in Pakistan is a debate about power persuasion and hegemonic control over resources and about.

### **Language Controversy in Pakistan**

Pakistan is a multi-lingual state. Therefore, language-based conflicts are of many folds. As Ayesha Jalal has rightly said that, “Pakistani nation is linguistically diverse and culturally diffused nation.” After its creation, when the state of Pakistan had to select a representative language as a national symbol and pride, it chose Urdu. However, this initiative plunged the state in bitter linguistic brawl and later; the intensity of bitterness endangered the very existence of the nation. Since the inception of Pakistan, the sacerdotal idiom of language along with religion have always been used to measure as the key factor for the promotion of integration and national identity. On the other hand, ethno-nationalists have emphasized on the idioms of multilingualism and secularism to create the sense of national identity and unity. They have conjured culture, racial origin and regional language as instrumentalist factors to support their regional cause and to attain power. However, two theories are existed in Pakistan regarding the linguistic identity; one is supported by Pakistani nationalist elites and the other is supported by the Westernized elites. The nationalist elites supported the recognition and development of all the regional (indigenous) languages to create the sense of national unity. On the contrary, the western elites supported the projection of Urdu as well as English to attain national harmony and avoid regional divisions.

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<sup>21</sup>Alyssa Ayres, “Speaking Like a State: Nationalism, Language, and the Case of Pakistan” (PhD diss., University of Chicago, 2006).

<sup>22</sup>Sugata Bose & Ayesha Jalal, eds., *Nationalism, Democracy and Development: State and Politics in India* (New Delhi: Oxford University Press 1999), 278

In the united India, although Muslims and Hindus had their separate identities and Urdu was considered the symbols of Muslims Identity. Urdu was nearly 300 years old and considered as the language of the Muslims in the Sub-continent. The amalgamation of Arabic, Persian and Turkish gave birth to a new language called as Lashkari (written in the Perso-Arabic script or Nastaleeq)” because of the fusion of other languages. The Muslims of Sub-continent adopted this language for the expression of their social, cultural and regional feelings.

Urdu played an important role in solidifying the demand for the creation of Pakistan during Freedom Movement. The Muslims in view of the importance and the role played by Urdu in the freedom struggle genuinely believed that Urdu would be the national language of Pakistan after independence. Therefore,they found themselves associated and attached with the Urdu language and diligently worked for its promotion and safeguard. After the creation of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah declared on several occasions that Urdu would be the national language of Pakistan. Jinnah opposed all kinds of linguistic regionalism both before and after independence. He said that, “language must not divide the Muslim community.” Jinnah, as Governor General of Pakistan declared Urdu as the national language of Pakistan:

“The State language, therefore, must obviously be Urdu, a language that has been nurtured by a hundred million Muslims of the sub-continent, a language, which, more than any other provincial language embodies the best that is in Islamic culture and Muslim tradition and is nearest to the language used in other Islamic countries.”



He declared that regional languages would also be promoted at the regional and provincial level, but Urdu would be the medium of communication on the national level. The separatist elements, who had become active from the very beginnings of the establishment of Pakistan, criticized the statement of Quaid about declaring Urdu as national language of Pakistan but their arguments were severely rejected by the founding father of Pakistan.

Soon after the death of Quaid, critics of the idea of adopting Urdu as the national language started calling it as a menace for regional and provincial identity. Therefore, various ethnic and regional conflicts were provoked due to the language diversity and domination of Urdu as the national language in Pakistan. The nationalist elites started using their indigenous languages to promote their regional identities and mobilize people for regional autonomy. Consequently, some regional movements converted in to language movement. “Bengali Language Movement of 1948-52 in East Pakistan” resulted in the disintegration and creation of Bangladesh was the clear example of language-based rifts in Pakistan.

There was a fundamental difference between East and West Pakistan regarding language. Bengalis constructed separate identity and nationalist narrative due to their deep association with Bengali language. Bengali was spoken in the East and in the West. Urdu was not the mother tongue in any area of West Pakistan, but it was accepted as the common language of the whole region. Urdu was spoken by less than 1% of the people in East Pakistan, while Bengali,

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<sup>23</sup> Katharine Adeney, *Federalism and Ethnic Conflict Resolution in India and Pakistan* (England: Palgrave Macmillan, 2007), 101.

<sup>24</sup> M. A. Jinnah, *Speeches and Writings*, ed., Jamiluddin Ahmed Vol. 1 (Lahore: 1960); *Speeches as Governor-General of Pakistan 1947-48* (Karachi: Pakistan Publications), 90.

the language of the majority of East Pakistan, was virtually unknown in the West wing. The controversy was whether Pakistan should have a single state language, Urdu or two state languages, Urdu and Bengali.

However, the language controversy was not restricted to Bengali-Urdu controversy; rather it expanded to the demands for the recognition and development of other regional languages. The Balochi, Sindhi and Pakhtun nationalist elites demanded the preservation of their indigenous languages in the face of expanding influence of Urdu and English. The major thesis of these movements remained that, Pakistan is a multilingual state. In 1971-1972, another language movement began in the province of Sindh against the domination of Urdu. However, that language movement was also considered the tussle for power between Muhajirs and Sindhis. The Muhajirs (the Urdu speaking migrants) had attained dominant position in urban areas of Sindh and did not want to learn Sindhi. On the other hand, the indigenous Sindhis were urged to learn Urdu in order to get employment opportunities. The Muhajirs of Sindh established their separate identity mainly on the basis of language and resisted the development of Sindhi as regional language. In the late 1980s, another language movement within central Punjab gained the momentum. In southern Punjab, the Saraiki language movement equally commenced to claim for official acknowledgement of the Saraiki language and its cultural and literary history. The Saraiki language is generally considered as the identity marker for the people of South Punjab.

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<sup>25</sup>Tariq Rahman, “*Language, Power and Ideology*”, 38-42.

## Conclusion

Language-based identity is a modern phenomenon that is used to pursue power. However, among the cultural characteristics of nationality, language is and always has been preeminent. This study found, that language has become a primary identity focus of groups trying to build group consciousness. There is little doubt that the identity of individuals is expressed and reflected in their language. It is not inconceivable that language differences may yet become more significant in Pakistan. Language has intimately been associated to ideology and power in Pakistan; therefore, language issues have been politically explosive and frequently divisive throughout the history. The decision makers in Pakistan saw the importance of the issue and attired to formulate an acceptable solution, but the task proved to be complex.

Hence, a multi-lingual state is not desirable as it creates an array of problems. No doubt, the adoption of one state language, if it were possible, would have been preferable from the standpoint of national unity; however, it would have been unrealistic and unwise to ignore the demands of the people. The east Pakistanis insisted on Bengali to be recognized as one of the state languages and to impose uniformity of language under such circumstances would have been detrimental for national. The adoption of Bengali would have led to stronger ties

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<sup>26</sup>Until 1955, Pakistan was divided into five provinces called East Bengal, Punjab, Sindh, North West Frontier Province and Baluchistan, and several princely states with a certain degree of autonomy. These five provinces corresponded roughly to five linguistic and cultural regions. In 1955, the four provinces in the West were merged into one province and named West Pakistan, under a formula known as "One Unit." East Bengal was then renamed East Pakistan.

<sup>27</sup>Feroze Ahmed, "The Language Question in Sind," in *Regional Imbalances and the Regional Question in Pakistan*, ed. Akbar S. Zaidi (Lahore: Vanguard Books, 1992).

<sup>28</sup>Tariq Rahman, "Language Planning in Higher Education: A Case Study of Pakistan," *TESOL Quarterly* 41, no. 2 (Jun 2007).

and better understanding between peoples of the two wings. The multi-lingual solution, it would seem, was a pragmatic approach in the existing circumstances. A true federal political order is required in Pakistan to get rid of the threats of separatism and secessionist tendencies. This study suggests that along with the national language, other regional languages should also be given due importance. These languages should be promoted and developed in their respective regions.

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