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# INTERNATIONAL JOURNAL OF KASHMIR STUDIES

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## Objectives of the IJKS

- To assess and examine the needs and requirements of research in Kashmir studies and dynamics of Pakistan.
- To publish 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.
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- 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;
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- 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.

(UN Security Council Resolution  
05 January 1949)

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(Dr. Sania Muneer)  
Editor in Chief



# International Law and Self Determination: A Case for Kashmir's Special Status

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# **International Law and Self Determination: A Case for Kashmir's Special Status**

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## **Abstract**

*Kashmir has been under illegal Indian Occupation since the independence of the Indian sub-continent from the British Raj. The UN has been calling for a peaceful resolution of the Kashmir issue, but India has had evaded the peace process despite taking the matter to the UN itself. India has been violating international law and committing human rights abuses in the previously autonomous region of Indian Occupied Kashmir (IOK). On August 5, 2019 the Indian government revoked Article 370 along with Article 35A of the Constitution of India in a bid to bring comprehensive political and demographic changes to the region. Legal and governance-based logic floated by India cannot justify its act of unilateral revocation of the special status of Kashmir which is a disputed territory between India and Pakistan and cannot be decided without the mutual consent of all the claimants. Although India has been abusing human rights for decades, altering Kashmir demographically is the most tyrannical*

*step taken by the Indian government as it is a step to depriving the Kashmiris of their right to land and self-determination. This paper builds on the illegality of debate in international law concerning India's revocation of Kashmir's special status.*

**Keywords:** Kashmir, Article 370, India, Pakistan, International Law, Human Rights Violations

## **Introduction**

Kashmir is a beautiful valley with plenty of resources like minerals, water<sup>1</sup>, timber, and land in the cradle of the Himalayas. In 1947, when the British rule ended in South Asia, the Indian subcontinent was divided into two independent states: Pakistan and India. Like other princely states, Kashmir had to join either India or Pakistan.<sup>2</sup> The majority of the population in Kashmir was Muslim, so people wanted to join Pakistan; but its ruler Maharaja Hari Singh was a Hindu who annexed Kashmir with India. Pakistan termed this accession illegal and against the wishes of the majority of its population. Since then, the issue of Kashmir is unresolved and has been reason of major wars between Pakistan and India as both claim it to be their integral part. Both states have fought traditional and proxy wars over Kashmir.<sup>3</sup>

After the first Kashmir war in 1947-48, the princely state was further divided into Azad Jammu & Kashmir (AJK) and Indian Occupied Jammu & Kashmir (J&K). India later assigned J&K a special status under Article 370 of its constitution.

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1. Shawn Snow, "Analysis: Why Kashmir Matters," *The Diplomat*, September 19, 2016, <https://thediplomat.com/2016/09/analysis-why-kashmir-matters/>.

2. Pranav Asoori, "A Look into the Conflict Between India and Pakistan over Kashmir," *E-International Relations*, October 7, 2020, <https://www.e-ir.info/2020/10/07/a-look-into-the-conflict-between-india-and-pakistan-over-kashmir>.

3. Abdul Majid et al., "Kashmir: Major Source of Conflict between Pakistan and India," *South Asian Studies*, no.2, (2019):11.

Article 370 allowed Indian Occupied J&K to have its flag, fundamental rights to the people of Kashmir, and constitution making body to run its affairs except for communication, defense, and foreign policy, in which the law of the central government of India would be applicable. However, on August 5, 2019 the Bhartiya Janata Party (BJP) revoked article 370 and deprived the Kashmiris of their distinct identity. This revocation, on the one side, invited the criticism on BJP and its leader Narendra Modi from all over the country and international community as well; but, on the other hand, it increased the support of Hindu-extremists to BJP – augmenting the vote bank for the party. The New Delhi government justified their constitutional amendment by considering it as a gesture of goodwill by BJP towards Kashmiris and linked it with Kashmir's progress.

This act of the ruling party violated domestic and international laws. Common Kashmiris and their leaders analyzed the consequences of abrogation of article 370. Protests were staged to regain self-determination from the Indian government, which is their fundamental right under international law. To curb the agitation and bring the situation under control, India used force and put the valley under lockdown. The curfew was imposed in the valley, and Kashmiri leaders were kept in house imprisonment, and everything was now in control of the Indian central government.

During this entire situation, India violated many fundamental human rights. In addition, natives of the valley did not have freedom of speech, movement, and communication, and they were restricted to their homes. Along with many international treaties, India is also in violation of bilateral treaties between Pakistan and India over Kashmir.

## **Article 370 of the Indian Constitution: From Historical Background to Contemporary Scenario**

Article 370 of the Indian constitution was enforced in 1949 to confer J&K with a special semi-autonomous status. The semi-autonomous status meant it has its constitution, separate flag, and freedom to make law. On the other hand, the central government of India retained the authority on defense, communication, and foreign affairs.<sup>4</sup> According to the law, J&K could decide who could buy land and are permanent residents. The Indian government could not implement any law in the autonomous region without the approval of the state legislative body; however, the legislative body was dissolved by India in 1957.<sup>5</sup> Article 370 along with 35A of the Indian constitution also explains that the Indian legislative body cannot amend this law. In addition, this article also deals with property ownership, and according to it, non-natives of J&K could not own land in the state.

Article 35A of the Indian constitution, which was enforced in 1954, further strengthens the provision of article 370 related to property. According to this article, the matter of permanent residence in J&K and privileges such as the acquisition of property, government jobs, and educational scholarships will be decided by the state legislature.<sup>6</sup> It further elaborates that any alien cannot become a citizen of the state and thus cannot have a share in government welfare schemes.

### **Politics of Altering Kashmir's Special Status**

The political reason behind changing the status of Kashmir is to change its demography by relocating the Hindu population there and

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4. Geeta Panday, "Article 370: What Happened with Kashmir and why it Matters," *BBC*, August 6, 2019, <https://www.bbc.com/news/world-asia-india-49234708>.

5. A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir* (London: Oxford University Scholarship Press, 2011), 11.

6. Krishnadas Rajagopal, "What is Article 35A," *The Hindu*, August 26, 2017, <https://www.thehindu.com/news/national/what-is-article-35a/article19567213.ece>.

granting them citizenship: to change J&K from a Muslim majority to a minority; to maintain Indian sovereignty over Kashmir; and, through a referendum to manipulate Kashmir's decision in its favour. By doing this, India is violating its law of land and international law. For example, according to the 49th article of the 4th Geneva Convention, the occupier cannot alternate demography of occupied territory to claim its sovereignty over it.<sup>7</sup> If India aims to annex J&K through a referendum, such kind of referendum will be null and void according to United Nations (UN) resolutions; because, in the case of France and Comorian island, France occupied the island and held a referendum which went in its favor.<sup>8</sup> Later, through its resolution, the United Nations General assembly (UNGA) declared that the referendum was null and void.

Although India ratified many international treaties of political, civil, social, and economic rights, but still violates these rights in J&K in breach of international law.<sup>9</sup> For example, Indian forces has been using pellet guns to curb civilians who raised voices to protect their right to self-determination: these metal pellets cause severe injuries and lead to death. In addition, men, women, and even children are mentally and physically tortured by occupier forces. To press the natives, the Indian government had cut down communication and food supply to the valley. Such acts of India violate international treaties ratified by it in 1979, such as the International Covenant on Civil and Political Rights and International Covenant on Economic Social and Cultural Rights (ICESCR).

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7. Micheal Siegrist, *The Functional Beginning of Belligerent Occupation* (Geneva: Graduate Institute Publications, 2011).

8. Flora Lewis, "Comoro Island Choose Freedom from France by Large Vote," *The New York Times*, December 24, 1974.  
<https://www.nytimes.com/1974/12/24/archives/comoro-islands-choose-freedom-from-france-by-a-large-vote-special.html>.

9. Hasnaat Malik Waqas, "Changing IOK Status will Violate International Law: Experts," *The Express Tribune*, August 3, 2019,  
<https://tribune.com.pk/story/2027543/changing-iok-status-will-violate-international-law-experts>.

## Legal Justifications for Revocation

After the revocation of Article 370, different views have been circulating in the region and the world. This incident has divided politicians, analysts, and scholars among the opponents and supporters of this decision. After the abrogation of article 370, Kashmiri politicians and citizens criticized it and recorded their protest against this illegal act. To calm down the natives of the valley, the Indian premier addressed the Kashmiris and justified the revocation by labeling Article 370 as a source of corruption and terrorism.<sup>10</sup> He further defended this act by promising a bright future for Kashmiris through transparent elections and selecting youth as representatives of the state. But lockdown in Kashmir made Modi's claims vague and false. Due to this deadlock, Kashmiris, instead of having representation in legislation, even lost their fundamental rights and freedoms, and Indian Occupied Kashmir became the world's largest human jail.<sup>11</sup>

In addition, not only did some politicians in India appreciate this act of BJP, but also the so-called law experts supported this on different platforms. According to Subhash Kashyap, a constitutional lawyer, this order was by the constitution of India, and there is no fault in it. Meanwhile, according to the Indian law of the land, this amendment is permanent, and it cannot be changed without the consent of the J&K legislature.<sup>12</sup>

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10. Alex Ward, "Narendra Modi tells India that "a New Era Has Begun" after Kashmir Power Grab", *Vox*, August 9, 2019, <https://www.vox.com/world/2019/8/9/20798273/kashmir-narendra-modi-india-speech>.

11. Yusuf Hatip, "Jammu and Kashmir World's Largest Open Jail," *Asia-Pacific*, August 03, 2019, <https://www.aa.com.tr/en/asia-pacific/jammu-and-kashmir-worlds-largest-open-jail/1572239>.

12. K. Deepa Lakshmi, "Fact Sheet: What is True and What isn't on J&K, Article 370," *The Hindu*, August 6, 2019, <https://www.thehindu.com/news/national/fact-check-what-is-true-and-what-isnt-on-jk-article-370/article28835918.ece>.

According to the domestic opponents of the abrogation of article 370, the Indian interpretation of “Government of State” actually means the centrally appointed governor of the state. Since governors are New Delhi's representatives in the state governments who are appointed by the central government, it is used against the political sovereignty of Kashmir.

There is also a question about the legitimacy of such actions when a state's government is dissolved. The President's rule is a temporary solution until the elected government takes over, so it is unfair to decide an alteration of the region when the state government has been dissolved. There are also questions about article 367(4)(d), in which state constituent assembly is made equal to state legislative assembly.<sup>13</sup>

After the revocation of Article 370, the valley's situation got worse; but Indian government officials projected it as a roadmap of the progress of Indian Occupied J&K. For Instance, during an interview with CNBC TV, the Indian foreign minister Subrahmanyam Jaishankar stated that this 70-year-old provision (Article 370) was temporary and new order is not a heavy hand on occupier state. This will lead them to progress and development. The Indian home minister Amit Shah justified the scrapping of article 370 by the parliament as it was a gateway to terrorism, and through this revocation Indian government has shut the doors for terrorism in India.<sup>14</sup> But in the prevailing situation after the constitutional amendment, the social environment became more intense due to

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13. Laya Maheshwari, “How the Indian Government Changed the Legal Status of Jammu and Kashmir,” *Lawfare Institute*, August 12, 2019, <https://www.lawfareblog.com/how-indian-government-changed-legal-status-jammu-and-kashmir>.

14. Zulfikar Majid, “After Delimitation, J&K Statehood will be Restored, says Amit Shah,” *Deccan Herald*, October 23, 2021, <https://www.deccanherald.com/national/national-politics/after-delimitation-jk-statehood-will-be-restored-says-amit-shah-1043480.html>.

protests by the Muslim community responded with violence of Indian security forces on agitators. This step of the Indian government affected the peace of Kashmir, brought about protests by the opposition party. Kashmiri students in Indian universities and other citizens started agitating, and it aggravated the law-and-order situation in major urban areas.<sup>15</sup>

### **Revocation of Article 370 and Customary International Law**

According to the international law expert Ahmar Bilal Soofi, the abrogation of article 370 by India violates the Fourth Geneva Convention. Former Pakistan's ambassador to France, Ghalib Iqbal said, "If Indian held Kashmir is divided into two states, India will be in clear violation of the UN resolutions. Legally, a disputed territory could not be divided into sub territories. As per law, it would not change the legal status of the disputed land."<sup>16</sup>

By abrogating articles 370 and 35A, India through a shrewd policy is trying to change the demography of Indian occupied J&K and using force against inhabitants, which could result in the forced migration of the indigenous people, so these actions qualify as crimes against humanity when they are part of a widespread or systematic campaign of persecution. The establishment of the International Criminal Tribunal for Rwanda (ICTR) is the best example. The ICTR was established in 1994 by the UNSC in its resolution 955 to judge the responsibility of the Rwandese Patriotic Army (RPA) for the genocide of the almost 200,000 Rwandans and other violations of international law.<sup>17</sup>

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15. Raja Muzaffar Bhat, "Two Years Without Article 370 Done Little to Benefit the People of J&K," *This Wire*, August 5, 2021, <https://thewire.in/rights/article-30-kashmir-august-5-jammu-and-kashmir-two-years>.

16. Waqas, "Changing IOK".

17. Stefaan Vandeginste, "The International Criminal Tribunal for Rwanda: Justice and Reconciliation," *Humanitarian Practice Network*, May 1, 1998, <https://odihpn.org/magazine/the-international-criminal-tribunal-for-rwanda-justice-and-reconciliation/>.



The permanent alteration of the demography of Indian Occupied J&K, which could result in ethnic cleansing, would be a severe disruption of international law and the International Convention of the Elimination of All Forms of Racial Discrimination (ICERD). This UN treaty that India ratified without any objection in 1968. Such violations are confirmed by the ICERD Committee in its 1995 decision on Bosnia-Herzegovina.

India is adopting the Israeli style of settlement to change the demography in Indian Occupied J&K by establishing Sainik colonies to permanently settle Indian soldiers and replacing indigenous Kashmiris to change their culture and identity.<sup>18</sup> Israel is settling its civilians in occupied Palestine and displacing the locals and using the Palestine land and natural resources for different purposes like military and security of its population.<sup>19</sup> The usage of private property is unlawful according to the Hague Regulations and Fourth Geneva Convention. So, India and Israel are using the same method to tighten their illegal control over the occupied territory of Kashmir and Palestine, respectively.

### **Indian Violations of Treaties and Agreements**

Since its inception, Pakistan and India have been at war with each other over the Kashmir issue. Pakistan and India both want to make Kashmir their integral part. The first war in 1947-1948 between these neighbours was also over the Kashmir issue. This inter-state conflict intensified when natives of tribal areas of North-West Frontier Pakistan (NWFP), now Khyber Pakhtunkhwa (KP), invaded the valley. Afterward, armies of both states were involved in a full-

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18. Sikandar Shah, "A New Strategy," *Dawn*, April 20, 2019, <https://www.dawn.com/news/1477304>.

19. Ayesha Kuwari, "Israel Violation of International Law in the Occupied Palestine Territory," *Human Rights Pulse*, May 31, 2021, <https://www.humanrightspulse.com/mastercontentblog/israels-violations-of-international-law-in-the-occupied-palestinian-territories>.

fledged war. Soon, after the intervention of the UN, this conventional war came to an end on the condition that a referendum will be held in Kashmir, but even after seven decades, this referendum is still to be held. This is a violation of UNSC Resolution 47. Through the assistance of the UN, the first agreement known as the 'Karachi Agreement' was signed between these two rival states in 1949, and a cease-fire line was drawn between them.

After 16 years, both states again fought the war of 1965 for the following reasons: the Indian forces' penetration of Pakistani land and the second reason claimed by the Indian government that Pakistan is supporting militant groups to gain the rest of India Held Kashmir (IHK). However, due to the UN intervention, both states agreed to the ceasefire. The Soviet Union played the role of mediator, and relations between the two states got normalized by signing the Tashkent Agreement in 1966. According to this agreement, it was decided that both the neighbours will not interfere in each other's matters and will maintain good mutual diplomatic relations. Although the reason for this agreement was conflict over Kashmir, no clause dealt with the Kashmir fate in this treaty, and for one more time the Kashmir issue remained unresolved.

These ideological rivals again confronted each other in 1971, when India violated the Tashkent Declaration, interfered in East Pakistan, and supported the Mukti Bahni Movement, which the natives of East Pakistan carried to separate themselves from West Pakistan. India captured around 92,000 Pakistani soldiers. Pakistan and India again signed a peace treaty in 1972 to put an end to conflict and confrontation that have hitherto marred their relations and to move towards normalization. In the Shimla Agreement both parties agreed to make settlements regarding the prisoners of war and J&K.<sup>20</sup> In the

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20. Ahmar Bilal Soofi et al., "The Status of Jammu & Kashmir Under International Law," *Research Society of International Law*, August 15, 2019, <https://rsilpak.org/wp-content/uploads/2019/08/Legal-Memo-Kashmir.pdf>.

agreement, both decided that “pending the final settlement of any of the problem between the two countries, neither shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any of acts determined to the maintenance of peace and harmonious relations”. India fulfilled half of its commitments by sending back Pakistani soldiers to their motherland but did not take any step to resolve the Kashmir issue.

- The abrogation of articles 370 and 35A is a violation of the Shimla Agreement by India.
- India is changing the demography of J&K, which is a severe violation of international humanitarian law. According to Article 49 of the Geneva Convention IV (1949), "the occupying power shall not deport or transfer parts of its civilian population into the territory it occupies." The same principle is reaffirmed in 1977's Additional Protocol I to Geneva Convention, reflecting customary international law, which terms Indian actions are a breach in the protocol.
- Under article 20(c)(i) of the International Law Commission Draft Code of Crimes against Peace and Security of Mankind, such force transfers of people are war crimes. However, under article 8(2)(b)(viii) of the International Criminal Court (ICC) statute (1988), such transfer directly or indirectly constitutes war crimes in international armed conflicts.

### **Lack of Enforcement of the UN Resolutions on Kashmir**

The causes of the lack of enforcement of the UN resolutions on Kashmir can be identified as follows:

#### **Indian Rigidity**

The UN has passed several resolutions to solving the Kashmir issue; but India did not act upon those resolutions and did not accept the recommendations; although India itself brought the matter before the

UN on December 30, 1947. On April 12, 1950 when the UN mediator Owen Dixon asked both the states to withdraw their forces from Kashmir; Pakistan accepted, but India rejected the proposal. The UN commission suggested arranging a plebiscite in Kashmir, but India has not acted upon this suggestion until now. Initially, the main problem between India and Pakistan was the withdrawal of troops, but now India is illegally resettling non-Kashmiris to change the region's demography so that if the UN puts pressure on India for a plebiscite, it can get its desired results.

The UN mediator Owen Dixon proposed the plebiscite to be held all over Kashmir, but India rejected to entertain this proposal on its side of Kashmir and, in response, the same was the case with Pakistan. Mentioning the pre-conditions and unwillingness of the Indian government as a big hurdle, the envoy predicted at that time that there no longer existed any possibility of bringing the parties to any resolution of the dispute. The plebiscite covering the whole of Kashmir was not possible as Kashmir Commission and the UN mediator could not secure an agreement between parties.

On February 21, 1951 UK delegates proposed the UN representative for India and Kashmir. The representative would affect demilitarization in consultation with India and Pakistan based on Dixon's proposal and then a plebiscite will be conducted with the consent of both the parties involved, but this was again not acceptable to India.

The UNSC appointed a UN representative for India and Pakistan, Dr. Frank P. Graham on March 30, 1951. He made a couple of visits to India and Pakistan and then submitted his report that Pakistan wanted 4000 men on the ceasefire line. In contrast, India wanted 16000 men, which created hindrances for the resolution of the Kashmir issue.

## **Role of Major Powers**

The UN could not find a way out of the Kashmir crisis because of the mutual rivalry between the US and Russia and the vested interests of some other big powers. In 1958, USA and USSR were indulged in a Cold War and both were searching for allies or proxies in different regions; so, mostly they vetoed the UN resolutions about Kashmir in favor of their allies. Mostly the Soviet Union vetoed the resolution in support of India. The UN could be effective in the resolution of the issue if both powers had provided their full support for it. Kashmir issue could be solved if the US, Russia, the UK, and China did not act at cross-purpose and set aside their vested interests to help the UN find the solution of an issue that could be a threat to international peace and security.

## **Lack of Force**

The United Nations did not have the power to force parties to accept the solution and that is why the Kashmir issue is still unresolved. India believed that the UNSC did not consider or give credence to the legality of Kashmir's accession to India, even if it was only a provisional arrangement until normalcy was achieved. On the other hand, Pakistan wanted to emphasize the second element of recommendation –plebiscite.

## **Conclusion**

A vast majority of the BJP's vote bank consists of rigid and extremist Hindus. To accumulate maximum support from the dominating segment of the Indian society, the BJP needed to offer them something extraordinary to tap their ideology and influence them. Along with many other offerings, the BJP made commitment with its supporters to the annexation of Kashmir by amending the Indian constitution. By doing so, the Indian government did not consider the internationally recognized norms and traditions. It took a step to

enforce its core foreign policy tenet: 'maintaining the territorial integrity of India'. While doing so, it did not pay any attention to the wishes of Kashmiris—the first and foremost aspect of all the UN resolutions on Kashmir. Historically, the role played by the global powers remained a hurdle rather than a contributory factor to the resolution of the Kashmir issue. India, being in the Russian camp during the Cold War and even after the end of it, successfully blocked every binding resolution over Kashmir in the UNSC. Russia, (the USSR during the cold war) has always supported the Indian stance against Pakistan. Today there is seen a thaw in Russia-Pakistan relations. But now India has got the US on its side by sharing a common goal of the containment of China. The nature of the UN's non-binding resolutions did not bring forth any peaceful solution to the Kashmir issue. Altering Kashmir's autonomous status is a serious crime under international customary law. Although India is mistaken for abrogating Kashmir's special status, Pakistan must follow a lenient way to influence it to restore the special status until the issue is completely resolved. Sooner or later, India has to revoke its step of abrogating Articles 370 and 35A which is becoming a source of agitation against the BJP government and harnessing disrespect for India internationally.

### **Key Findings and Way Forward for Pakistan**

- Pakistan's diplomatic efforts have been slowed down as many other contemporary issues arose for the government; however, Pakistan has been raising the issue on every international forum. International pressure could not be built as desired due to Indian economic power and political clout globally.
- International law is not binding on any state; so, winning a case internationally helps pressure certain stakeholders. Right now, the west and even many Muslim countries are

not in a position of supporting the Pakistani stance against India. An alternative approach must be followed.

- The UAE-Israel normalcy of relations is based upon the former's attempt to prevent the latter from the annexation of more areas of disputed lands of Palestine. It might not be the sole reason behind their normalizing relations. India and Pakistan could follow suit in the hope that if their relations are normal to some extent, it will help Kashmir.
- Building trust between India and Pakistan is very necessary to resolve the Kashmir issue. This matter cannot be resolved through military action and options for diplomatic cooperation must remain open. Trust-building takes time and continuity of such policies in successive governments is required.
- Afghanistan has recently been a ground for India to counter Pakistan strategically. The two nations must not use a third-party state for their bilateral rivalry. It will further complicate the situation. Peace in Afghanistan is currently a prerequisite for peace between India and Pakistan.
- Bilateral and multilateral forums can be used for the resolution of the issue. The two states must resolve the issue politically and diplomatically.
- SCO is a forum that can rightly be used. SCO was originated for resolving bilateral border disputes. Pakistan must push SCO to help it in resolving the issue as per the wishes of the people of Kashmir.



# Dialectic of Trauma in Kashmiri and African American Literature: A Comparative Study of Shahnaz Bashir and Toni Morrison

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# **Dialectic of Trauma in Kashmiri and African American Literature: A Comparative Study of Shahnaz Bashir and Toni Morrison**

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## **Abstract**

*This paper seeks to examine the fictional works of two contemporary authors i.e. Shahnaz Bashir and Toni Morrison through the lens of trauma theory. The main argument is that both Bashir and Morrison use fiction to articulate the traumatic history of their ostracized communities—Kashmiri and African American people respectively. One novel of each novelist, i.e. *The Half Mother* (2014) and *Beloved* (1987) has been chosen for analysis. Utilizing the conceptual framework presented by Cathy Caruth, this research endeavors to explore how the trauma-hit protagonists, Haleema and Sethe, endure the havoc of troubled histories. The study attempts to see how far the flashback of the traumatic memories of Sethe and Haleema contribute to record the factual history of African Americans and Kashmiris. The secondary argument is that both novels are chiefly characterized with key tenets of trauma theory as the authors present the haunting pasts and hallucinations of the protagonists. The study first delineates*

*trauma, and then goes on to focus on its critical aspects. It further explores how memory and history function in the selected works. Both authors belong to two different geographical locations but have used fiction to articulate historically traumatizing events. The research is interdisciplinary in nature as it draws upon the disciplines of literature, history, and literary theory. In the works of Morrison and Bashir, literature functions as a site for an overdue representation of an unclaimed instant of trauma.*

**Keywords:** trauma, fiction, history, memory, community

## **Introduction**

The term ‘trauma fiction’ sounds somewhat contested; because trauma as an overpowering experience of an individual seems to repel verbal or linguistic representation, then how can it be recounted in a narrative. This study, however, strives to propose that there are numerous ways of discerning the relation between fiction and trauma. The emergence of trauma theory has provided literary authors with newfangled means of theorizing trauma and moved attention away from the inquiry of what is recalled of the history to how and why it is evoked. In contemporary times, literary artists belonging to numerous cultural groups are striving to represent their historical traumatic experiences through fiction. Literary authors belonging to South Asia, especially India and Pakistan have focused on the most traumatic event in the history of their nations in Partition literature, Afghan authors have documented the troubled history of their country through their works of arts, similarly, novelists belonging to the Middle East have also recounted the troubled history of their land through their narratives. Other than these areas the fictional works produced by the authors of African, American and Kashmiri descent are also significant in this category. In the selected novels we can see that Toni Morrison endeavors to gain political acknowledgment for the sufferings of her community through her novel *Beloved*, on the

other hand, Shahnaz Bashir focuses on the traumatic experience of his community during the never-ending resistance movement. The aim of this study is to analyze both these works as examples of trauma fiction.

### **Theoretical Framework and Literature Review**

The term ‘trauma fiction’ has a long history at its back as it journeyed from medical to scientific discourse and ultimately entered the field of literary studies. Post-Traumatic Stress Disorder (PTSD) entered the psychiatric and medical fields during the 1980s. Unrelenting political demonstrations of the Vietnam veterans resulted in formal recognition of PTSD. These soldiers protested the continuance of the Vietnam war. This remonstrance expanded and spread throughout the US; groups belonging to all walks of life joined this drive. “These groups served a dual purpose: to raise public awareness about the effects of the war and to offer support and counseling to returning soldiers.”<sup>1</sup> Psychiatric research was conducted to delineate PTSD and to analyze the traumatic influences of the war on the combatants. The research concluded that there was a direct relationship between war exposure and PTSD. The American Psychiatric Association admitted that “a psychiatric disorder could be wholly environmentally determined and that traumatic event occurring in adulthood could have lasting psychological consequences.”<sup>2</sup>

However, the cultural and ethical inferences of the field arose in the United States during the 1990s. This decade is significant in the history of trauma studies because during this decade trauma studies emerged as a field of cultural research. The interest of researchers in literature and trauma studies prompted them to explore how traumatic events are depicted through fiction. Trauma theory facilitates understanding the multiple modes through which traumatic events are

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<sup>1</sup> Anne, *Trauma Fiction* (Edinburgh: Edinburgh University Press, 2004).

<sup>2</sup> Whitehead, *Trauma Fiction*, p. 4.

described or suppressed in historical and literary texts. Trauma theorists like Cathy Caruth, Geoffrey Hartman and Shoshana Felman were all trained at Yale University under Paul de Man. Each one of these theorists took a turn from literary theory to trauma studies.

Cathy Caruth edited *Trauma: Explorations in Memory* in 1995. In this volume, she included interviews of people belonging to different fields i.e. filmmakers, literary theorists, sociologists and psychiatrists to emphasize the cross-disciplinary nature of trauma. Caruth's notion of trauma was influenced by Freud's perception of traumatic incidents presented in his publications titled *Beyond the Pleasure Principle* (1920) and *Moses and Monotheism* (1939). He introduced the idea of traumatic neurosis in his works, which was later officially recognized by the American Psychiatric Association (APA) as Post-traumatic stress disorder. PTSD is a crucial notion regarding trauma theory which Caruth defines as a reaction to events that can take the shape of varying intrusive symptoms including dreams, hallucinations, etc. which consequentially, lead to the possession of the victim by that certain incident.<sup>3</sup> The etymology of the term 'trauma' comes from the Greek word meaning 'wound'.<sup>4</sup> The interpretation of the term varies according to the subject and context of the study, but all disciplines agree that trauma is a highly severe type of psychological wound. Trauma does not necessarily involve any particular physical symptoms but it may result in the production of repetitive, incalculable and persistent effects that continue for a long time even after the major cause has lapsed. The study of trauma has spread over various disciplines beyond psychology resulting in making it profoundly interdisciplinary in nature. The versatility of trauma theory can be observed from the fact that trauma is not only studied in classic disciplines such as the humanities and the sciences but it is

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<sup>3</sup> Cathy Caruth, *Unclaimed Experience: Trauma, Narrative, and History* (Baltimore: Johns Hopkins University Press, 1996), p. 5.

<sup>4</sup> Roger Luckhurst, *The Trauma Question* (London: Routledge, 2008), p.3.

also focused upon by the student of law and medicine as well. Nevertheless, the concept of trauma eludes precise definition as well as categorization as it is impossible to characterize it in simple terms.

By examining and exploring the accounts of trauma survivors, this field of study probes into the unrecorded versions of history. According to Caruth, “The traumatized, we might say carry an impossible history within them, or they become themselves the symptom of a history that they cannot entirely possess.”<sup>5</sup> This study has been prompted by the contemporaneous interest in Comparative literature and Trauma Studies. In contemporary times boundaries of various disciplines have been challenged and questioned. The same goes true for literature and psychology. This study uses trauma theory to assess the maternal narratives of Sethe and Haleema to testify the redemptive nature of fiction in private and collective healing. This article further investigates the interconnections between personal and historical trauma. Both Bashir and Morrison define historical trauma through indigenous dispossession. The historical trauma of the African-Americans and Kashmiris plays itself out in the form of the breakdown of the mother-child relationship. Specifically, the mother figures of Sethe and Haleema register the damage in the social environments of the texts. Both female protagonists cope with emotional issues throughout the text, they are victims of social and political violence. This study reads *The Half Mother* and *Beloved* as narratives that record the untold histories of the African American and Kashmiri community. Community and testimony are important aspects of trauma so this study investigates these aspects to see how they function in the novels of Bashir and Morrison.

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<sup>5</sup> Cathy Caruth, *Trauma: Explorations in Memory* (Baltimore: Johns Hopkins University Press, 1995), p. 5.

## Brief Sketch of the Novels

Toni Morrison's fifth novel *Beloved* is set in Ohio. Morrison records the sufferings of a slave family during the American Civil War and the Reconstruction era. The story is about a slave woman Sethe who kills her own daughter to save her from the brutalities of slavery. Through Sethe's life history, Morrison paints the gloomy and powerful portrait of the dehumanizing effects of slavery as well as the lingering damage inflicted on its survivors. The novel's plot is inspired by an actual incident in which an African American slave mother murdered her own daughter rather than allowing her to spend the inhuman life of a slave. The story is partly realistic, however, partly it is a ghost story that elucidates the impacts of slavery on the psychological conditions of the slaves, especially women. Through Sethe's story, Morrison narrates a personal story that sheds light on the greater questions of cultural and communal problems. Sethe's story becomes a ghost story after her encounter with Beloved. The author reveals the narratives in fragmented flashbacks that take the reader back into Sethe's past and explain the cause of the conflicts in her present.

Sethe runs away from the plantation along with her children and once she is caught by the overseers, tries to kill all her children rather than allowing them to go back to the *Sweet Home*. But she only manages to kill one daughter called Beloved and the rest of the children are rescued by the overseers. Later on, explaining her stance she explains that her love for her children compelled her to kill them because she did not want them to experience the same trauma she encountered at the plantation. However, when Sethe meets Beloved eighteen years after the incident, many occurrences make her believe that she is her dead daughter so at the heart of her heart she is delighted, though partly guilty as well. She cuts off her ties with the outside world and tries to give full attention to her daughter Beloved. This act of Sethe shows her remorse as a mother. Initially, she spends

a good time with both her daughters; Denver and Beloved but with time her guilt prompts her to ask for forgiveness. She explains her sufferings to Beloved and how much she had to endure for her children. However, one-day Beloved disappears and never returns back. The text ends with Seethe still grieving for her daughter.

Toni Morrison is a contemporary author who has not witnessed slavery herself but writes on behalf of her community. But the other selected author, Shahnaz Bashir is a Kashmiri author who has spent all his life in the valley. He himself witnessed the turbulent 1990s in the valley. His debut novel *The Half Mother* is set in the 1990s Kashmir. The novel addresses the grave issue of the involuntary disappearances of young men in the valley. The narrative starts with Haleema's childhood. She spends a miserable childhood as her father does not have a consistent job, however, her family assumes that she will have a comfortable life once she gets married. But this hope does not come true because her marriage only lasts for three months. She breaks away from her husband after learning that he has affair with a nurse. The only happy memory that she has of this marriage is her son Imran whom she raises as a single mother. But her happiness does not last long. Like many Kashmiri mothers of her time, Haleema also lives under constant fear of losing her son. Though the author describes Haleema's life as a contend mother for some time but this does not last long. Indian army stationed in the district is attacked by Mujahedeen (armed rebels) and as a reaction, the army exercises its anger against the local civilians. During an army raid, Haleema's father is killed and her son Imran is abducted by the Indian army. She is doubly traumatized by this incident as she has to grieve for her dead father (who is killed by the Indian Army during the raid) and also search for her son. She struggles to find her son at every army camp in hope of finding her son but she never finds him. The text narrates not just the story of a single mother but every mother in Kashmir who

is living under uncertain conditions and is not sure what is going to happen the next day.

Both protagonists Sethe and Haleema fight against all odds in hope of getting rid of their sufferings. Both authors narrate the trauma of a mother losing her child and how they cope with it. Both texts are situated geographically and temporally apart yet the trauma of a mother is a bond that prompted this research. One mother lost her child because she herself killed her to save her from the sufferings of slavery on the other hand a mother loses her child because of the troubled political situation of her homeland. Both texts share not just the trauma of mothers but also the uncertain condition in which the mother is unsure about the present condition of her child and does not know for sure if the child is dead or alive.

### **Discussion and Analysis**

Both selected novels start with the confrontation of the protagonists to their traumatic past. In *Beloved*, Sethe supposedly kills her daughter from the fear of slavery, whereas, in *The Half Mother*, Haleema's son is abducted by the Indian army. Both mothers i.e. Sethe and Haleema, are grief-stricken and their lives are in a state of disintegration. Both protagonists are shown combating their belated trauma to reshape their lives. The opening lines of both the novels i.e. *The Half Mother* and *Beloved* proclaim the blatant place of trauma in the lives of the protagonists. Though their traumas are not alike because Haleema's trauma stems out of India's military oppression, whereas Sethe's trauma is caused by White supremacists. Both female protagonists have endured atrocious events and suffer predictable psychological harm. Although the authors have quoted incidents of repeated and prolonged abuse the effects of a single traumatic event of losing a child are overwhelming for both Sethe and Haleema. The understanding of trauma is compiled of two opposing components;



first, the traumatic incident and the second is the remembrance of the event which takes the form of an eternal wound.

A traumatic memory can be described by the conspicuous enigma that while its re-enactments are distressingly literal and detailed, it nonetheless is chiefly unavailable to conscious remembrance and control. The traumatic events return to the consciousness of the victim in form of flashbacks and nightmares. According to Caruth, “The pathology consists...solely in the structure of its experience or reception: the event is not assimilated or experienced fully at the time, but only belatedly, in its repeated *possession* of the one who experiences it. To be traumatized is precise to be possessed by an image or event”.<sup>6</sup> The same happens to the protagonists of the novels as both Haleema and Sethe are haunted by the memories of their past. The first chapter of Bashir’s novel is titled: *A reverie in retrospect*. The title indicates the place of memory in the life of the protagonist. Introducing Haleema, the author declares, “bit and pieces of memories randomly refracted through her reverie.”<sup>7</sup> Narrating the incident of Imran’s abduction, Bashir writes: “After Imran had been taken away, she had fallen to the ground and helplessly looked up at the sky. Her hair had fallen loose about her face, as if it had been pulled in a fight. She had continued staring at the inky sky, searching for God and howling with helplessness... Haleema hated the moon since then—it was a reminder of her loss, nothing else.”<sup>8</sup> The repetition of the word ‘helplessness’ emphasizes the trauma of the mother. Through Haleema’s story, Bashir is not only relating the story of a single mother but he also refers to a similar incident in his novel that alludes to the actual history of the troubled land of Kashmir.

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<sup>6</sup> Caruth, *Trauma: Explorations in Memory*, pp. 4-5.

<sup>7</sup> Shahnawaz Bashir, *The Half Mother* (New Delhi: Hachette Book Publishing India Pvt. Ltd, 2014), p. 3.

<sup>8</sup> Bashir, *The Half Mother*, p. 3.

Kashmir's traumatic history has its roots in the historical truths of the valley. In 1846, in the Treaty of Amrit (sar, the colonial government sold the beautiful valley to the Hindu Dogra monarch, Gulab Singh. Hence a Hindu was the ruler of a Muslim majority area now. However, one century later in 1947 when Subcontinent was divided into two countries i.e. India (Hindu majority) and Pakistan (Muslim majority), Gulab Singh's great-grandson Maharaja Hari Singh was unable to decide whether to join India or Pakistan. Although, after some reluctance, he decided to join the state of India, however, this decision of the Maharaja was contested by Pakistan. Pakistan argued that Kashmir cannot be part of India because the valley was predominantly Muslim majority area so in principle it should be part of Muslim land. The conflict resulted in the first war between the rival countries of India and Pakistan, which was later on halted in 1949 by the interference of the United Nations. Ever since the inception of the two countries, the issue of Kashmir is a source of the rift between the two rivals. Commenting on the unending conflict, Victoria Schofield writes, "For fifty years, India and Pakistan have fought over Jammu and Kashmir both on the battlefield and at the negotiating table; both countries wanted to absorb it within their borders, neither of them has succeeded in doing so entirely. One-third of the former princely state is administered by Pakistan, known as 'Azad' (Free) Jammu and Kashmir and the Northern Areas; two-thirds, known as the state of Jammu and Kashmir, are controlled by India."<sup>9</sup> Pakistan and India have fought many on-field and proxy wars over the Kashmir issue, including the 1965 and 1971 wars. In the 1971 war, Pakistan even lost one part of the country as East Pakistan seceded and declared herself as an independent country named Bangladesh. According to Simla agreement, the border between the two countries was renamed as the line of control (LOC). The United Nations resolutions recommend that "India and Pakistan should proceed with holding a plebiscite, as

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<sup>9</sup> Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (London: I. B. Tauris & Co Ltd, 2003), p. 6.

already agreed by the Governments of India and Pakistan so that the people themselves could decide their future.”<sup>10</sup> However, this solution to the conflict never became a reality and in 1989 the Kashmiri Muslim started struggling against the Indian occupation of their land. “The Kashmir conflict remains both a struggle for land as well as about the rights of people to determine their future. To date, no consensus has been reached between India and Pakistan, nor with the people, on the future of the state.”<sup>11</sup> The struggle is both military and political as some groups of Kashmiris are unarmed. As a response, the Indian government has deputed the huge number of military men in Kashmir who are curbing the voice of the indigenous people in order to suppress the Kashmiris’ fight for self-determination, Indian Army frequently raids the houses of innocent civilians and abducts and tortures the blameless people. Schofield notes; “As the insurgency in the valley gained momentum, the acts of sabotage increased in frequency and intensity. The police and security forces reacted violently, often at the expense of innocent civilians who were caught in the crossfire.”<sup>12</sup> Shahnaz Bashir has documented the same tragic history of Kashmiris in the novel *The Half Mother*.

Bashir documents the diverse ways in which Kashmiris responded to the altering dynamics of their land in the milieu of the Freedom Movement, not forgetting the suppressive role of the Indian Army. Bashir writes, “then Shabeer Ahmad, the blacksmith’s son, was the first in Natipora to fall to army bullets. Twenty-three rounds were pumped into his chest when he refused to throw a Pakistani flag off a telegraph pole.”<sup>13</sup> So, it is not just trauma of a single Kashmiri mother but the historical trauma of a whole community that has struggled against its oppressors for decades. The tragic events of losing a child are not fully integrated at the time that they took place yet remained

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<sup>10</sup> Schofield, *Kashmir in Conflict*, p. xii.

<sup>11</sup> Schofield, *Kashmir in Conflict*, xv.

<sup>12</sup> Schofield, *Kashmir in Conflict*, p. 143.

<sup>13</sup> Bashir, *The Half Mother*, p. 32.

unaltered and reverted, in their precision, at a later time. Caruth notes that the capability to recuperate the past is thus closely connected to ‘the inability to have access to it.’<sup>14</sup>

Similarly, Toni Morrison’s protagonist, Sethe’s conscious mind tries to forget the actual event, yet her subconscious reminds her the same memory. Talking about her hallucinations to her daughter Denver, she says: “Some things just stay. I used to think it was my memory. You know. Some things you forget. Other things you never do. But it’s not. Places, places are still there. If a house burns down, it’s gone, but the place- the picture of it- stays, and not just in my memory, but out there, in the world. What I remember is a picture floating around out there outside my head. I mean, even if I don’t think it, even if I die, the picture of what I did, or knew, or saw is still out there. Right in the place where it happened.”<sup>15</sup> Sethe’s traumatic memory revokes under conditions, where the situation is reminiscent of the actual event.

Morrison documents the history of her community through her fictional work because the African American history in the United States of America is full of tragic narratives. Describing the historical time period of Civil War, Eric Foner writes, “Two centuries had passed since the first twenty Africans were landed in Virginia from the Dutch ship. After abolition in the North, slavery had become the “peculiar institution” of the South—that is, an institution unique to southern society.”<sup>16</sup> Although the African American presence in the United States has been significant historically but it was only after the American Civil War (1861-1865) that they started gaining importance in the common discourse both social and political. The American Civil War is considered the bloodiest war in the history of the country

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<sup>14</sup> Caruth, *Trauma: Explorations in Memory*, p. 152.

<sup>15</sup> Toni Morrison, *Beloved* (London: Vintage Books, 2014), p. 43.

<sup>16</sup> Eric Foner, *Give Me Liberty! An American History* (New York: W. W. Norton & Co., 2005), p. 389.

because sixty-two hundred thousand lives were lost on this catastrophic occasion. The war was fought between the American South and North over the issue of slavery. Different historians look at the incident differently as for some it was an ethical issue, whereas for others it was a purely economic debate. Foner notes: “Slavery shaped the lives of all Americans, white or black. It helped to determine where they lived, how they worked, and under what conditions they could exercise their freedom of speech, assembly, and the press.”<sup>17</sup> The pro-slavery South wanted to save the institution of slavery because their economy was based on it, on the other hand, the industrial North demanded more labour for industry hence the free slaves were potential workers for them. The strange fact is that although the war was fought for African Americans’ freedom, however for the first two years of the war neither the enslaved nor the free African Americans were allowed to enlist for the war. Although, African Americans managed to get freedom ultimately (at least theoretically) however, their horrendous narratives of slavery still resonate with African American literature. Both sides of slavery and freedom are full of traumatic stories of African Americans. Commenting on the lives of slaves, Eric Foner notes, “For slaves, the “peculiar institution” meant a life of incessant toil, brutal punishment, and the constant fear that their families would be destroyed by sale.”<sup>18</sup> The lives of the slave women were even more miserable because they were doubly tortured and humiliated, first for being a slave and secondly for being a female. Foner quotes a court case to demonstrate the condition of slave women, “a Missouri court considered the “crime” of Celia, a slave who had killed her master while resisting a sexual assault. State law deemed “any woman” in such circumstances to be acting in self-defense. But Celia, the court ruled, was not a “woman” in the eyes of the Law. She was a slave, whose master had complete power over her person. The court sentenced her to death.

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<sup>17</sup> Foner, *Give Me Liberty!*, p. 391.

<sup>18</sup> Foner, *Give Me Liberty!*, p. 400.

However, since Celia was pregnant, her execution was postponed until the child had been born, so as not to deprive her owners' their right of property."<sup>19</sup> The history of African American slaves is full of similar incidents, not only historians but also literary artists have documented these brutalities in their fictional works.

Toni Morrison, one of the most celebrated African American novelists document the horrors of slavery in her novel *Beloved*. Morrison's story is presumably based on the true story of Margaret Garner, who killed her baby daughter and attempted to kill the other children to prevent them from going back to slavery. The narrative has many similarities with actual events yet has many fictitious parts as well. By documenting Sethe's tragic story, Morrison recorded that disremembered past of the African Americans, especially slave mothers. The tone of the text is tragic right from the beginning as Morrison announces, "124 WAS SPITEFUL. Full of baby's venom. The women in the house knew it and so did the children."<sup>20</sup> In telling the story of an actual slave woman, Morrison has revealed the personal truth of a slave mother as well as the collective history of many African American slave mothers who were living under similar conditions and met a similar fate. The act of a mother killing her own child explains the devastating state of mind of a mother who has suffered the horrors of slavery. Through her work of art Morrison has empowered the sensibility of African American ethos. Her narration of Sethe's story leads her into the history of African American slave experience.

Through the story of the haunting memories of a mother, Morrison explains the history of racism to her reader. The text does not only highlight the trauma of a mother but also explains the pains related to a female's identity (especially being an African American). As a

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<sup>19</sup> Gene Andrew Jarrett, *Representing the Race: A New Political History of African American Literature* (New York: New York University Press, 2011), p. 401.

<sup>20</sup> Toni, *Beloved*, p. 3.

historical novel, *Beloved* fills in the gap left by the recorded historical records. It also explains the psychological condition of a slave mother, who decides to kill her children rather than allowing them to spend a life of a slave. Toni Morrison explains the African American collective trauma through her characters and situations. The text depicts the slave society of Ohio where the African Americans are tortured and inhumanly treated by the plantation owners. To resist slavery and free herself and her children of racist slaveholders Sethe kills her daughter. Explaining Sethe's feelings, Morrison writes, "I took and put my babies where they'd be safe."<sup>21</sup> It's not only the story of the killed daughter that narrates the communal history but even Sethe's own body is symbolically an embodiment of the traumatic past of her race.

Morrison's novel is set in the 1870s Ohio, whereas, Bashir's narrative is set in the 1990s Indian Occupied Kashmir. During this time period, African Americans were suffering from social, cultural and political discrimination because of slavery, while the Kashmiri's of the 1990s were the victims of illegal occupation and domination of the Indian military. Both novels chronicle the agony and grief of African American and Kashmiri women. The individual accounts of the protagonists i.e. Sethe and Haleema, during the aforementioned time periods actually transcribe the communal history. Both Morrison and Bashir use fiction as a means to record the troubled pasts of their communities. These fictional accounts of trauma make up for the erasures of the individual traumas in the formal historical records. According to Cathy Caruth, traumatic experiences are at times "available as flashbacks or simple memories." Caruth defines trauma as "a response, sometimes delayed, to an overwhelming event or events, which takes the form of repeated, intrusive hallucinations, dreams, thoughts, or behaviours stemming from the event, and possibly also increased arousal to (and avoidance of) stimuli recalling

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<sup>21</sup> Toni, *Beloved*, p. 164.

the event.”<sup>22</sup> Both Morrison and Bashir empower their protagonists by converting their ‘traumatic memory into narrative memory.’<sup>23</sup>

## Conclusion

This study sought to introduce and explore the concept of trauma fiction. It has further analyzed the novels *The Half Mother* and *Beloved* as narratives concerned with traumatic events. Toni Morrison’s novel emerged out of African Americans’ collective experience of slavery, whereas Shahnaz Bashir’s novel responds to a mother’s individual experience of losing a child which generally represents the experience of many Kashmiri mothers who lost their sons during the unending war of freedom. Through their fictional works both Morrison and Bashir explore stances that can be seen as impeding the quest for justice and peace. Both the authors adopt trauma narratives as a technique to reconstruct the past in order to elucidate its effect on the present. This study also analyzes the possibility of healing for the characters in the novel and contends that the protagonists do not achieve healing in the text as trauma cannot be fully overcome. There are several reasons for this, one being the constant encounter of the Kashmiris and African Americans with the source of trauma. Both communities are still marginalized and disenfranchised in mainstream society which causes individual as well as communal trauma. These selected novels are assertions of trauma by the authors belonging to the discriminated communities.

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<sup>22</sup> Caruth, *Trauma: Explorations in Memory*, p. 4.

<sup>23</sup> Whitehead, *Trauma Fiction*, p. 150.





# Demographic Changes in Indian Occupied Jammu and Kashmir and the UN Resolutions

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## **Demographic Changes in Indian Occupied Jammu and Kashmir and the UN Resolutions**

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### **Abstract**

*Article 73 of the United Nations Charter interpreted the Indian Independence Act, which vocally discussed the disputed status of Kashmir territory. The UN passed significant resolutions of this dispute such as UNSCR-38, 39, 47, 51, 80, 91, 98, 122, and 1172 and urged India and Pakistan to discuss the issue bilaterally and resume the dialogue that was halted multiple times because of ongoing clashes between both states. The UN proposed these resolutions to conduct an impartial plebiscite, but New Delhi did not cater to all these calls. Despite all, in 2019 Indian Prime Minister Narendra Modi revoked Articles 370 and 35A and attempted to modify the demographical status of Kashmir. This research argued that this act only serves to perpetuate the vicious cycle and lawless politics. In an ideologically divided society, the identity-based enmity would further satisfy the Indian policy against the right of self-determination. This*

*paper contends that India under the Modi government's policies endeavors to reshape the demographic characteristics of Indian Administered Jammu and Kashmir through spatial and temporal politics that will alter the nature of the Kashmir conflict. The study explores the future of UNSC resolutions and answers the questions under debate (a) are UNSC resolutions still relevant? (b) if not, then what will be the future of Kashmir? India transforming domestic politics is an appalling mark for the stability of Indian administered Jammu and Kashmir. This research will be deductive and qualitative, integrating historical and descriptive methods to examine and interpret data.*

**Keywords:** Kashmir Dispute, UNSC Resolutions, Pakistan and India, Abrogation of Article 370, and 35A

## **Introduction**

Indian Occupied Jammu and Kashmir is an unresolved conflict since the division of India and Pakistan from the British Raj. The magnitude of the conflict can be assessed from the fact that India and Pakistan not only fought major wars of 1948, 1971 and 1999 but also engaged in many conflicts and crises under the nuclear umbrella due to the Kashmir issue. It remains a bone of contention between nuclear-armed neighbors for the last 77 years.

After WWII, the decolonization of states was a galactic reality, and in that era, the role of the United Nation is significant to provide each state with territorial integrity and self-determination. In those dynamics, the charter of the United Nations has a crucial human-centered clause of the 'right of self-determination.' Within that context, the UN brokered a ceasefire between India and Pakistan in the 1948 war and came up with the proposal of an "UN-sponsored

referendum.”<sup>1</sup> Unfortunately, until now no such accord has been practically done to resolve the issue. Along with that, the UN passed significant resolutions of this dispute such as UNSCR-38, 39, 47, 51, 80, 91, 98, 122, and 1172 and urged Pakistan and India to discuss the issue bilaterally and resume the dialogues which multiple times halted because of the ongoing conflict between both states. The UNCIP resolutions distinctly talked about the plebiscite and the right of self-determination to the people of Jammu and Kashmir. The key essence of the resolutions is that Kashmiris have the complete right to live according to their free will with their terms and conditions.

In August 2019, however, India’s abrogation of Article 370 and 35A shook the tectonic plates of regional politics which left profound short and long-term impacts in the South Asian region. Indian unilateral repeal of article 370 and its related article 35A indicates India's malign intentions and designs to undermine UNSC and UNCIP resolutions that require the conduct of a plebiscite under the UN’s management to maintain and defend the J&K’s demographic profile. India intends to alter the demographic makeup of Indian Illegally Occupied Jammu & Kashmir (IIOJK) in the post-370 and 35A eras by enabling non-state subjects to own land and property in IIOJK. It raised questions regarding the issue: will the Indian step be reversible and if not then to what extent did it has an impact and alter the nature of the Kashmir conflict? What is the role of the UN resolutions and how the UNSC resolutions will be relevant to this issue in the future and if not, then what will be the future of Kashmir? The research will analyze different perspectives to foresee the Kashmir issue.

## **Research Methodology**

The research methodology will be qualitative and is based on deductive logical reasoning. The research will be historical as well as

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<sup>1</sup> A. Khan and Z. Abbas, “Pakistan Joins the Club,” *Bulletin of the Atomic Scientists*, 54(4), 1988: pp.34-39.

descriptive. The data procedures to develop qualitative research instruments are going to be based on primary and secondary data. The primary sources used in this research include the official documents on the UN resolutions, the Constitution of India, Precedents, and Statutes. The UN Resolutions on Jammu & Kashmir will get from the Permanent Mission of Pakistan to the United Nations, Geneva. In secondary sources, the data will be collected from different sources such as the internet, research journals, articles, newspaper, and books on Kashmir Dispute. The qualitative group for this research study is going to be academics, security experts, politicians, journalists, legal experts, and human rights workers. The abrogation of Articles 370 and 35A is the independent variable. The dependent variable in the research is the Kashmir dispute, Indo-Pak relations, and the future of UN resolutions and International law.

## **Literature Review**

On Kashmir Dispute, extensive academic research work has been done to acquire a deeper understanding that what is the nature of the Kashmir conflict and how and why India abrogated Article 370 and 35A. After exploring the critical understanding of these articles, the question arises that what was the role of UNSC resolutions then and how it will and can determine the future and nature of the Kashmir Issue after the revocation of Article 370 and 35A. The study tries to consult data that included the views from Pakistani, Indian, Western and Kashmiris, and Chinese scholars to get a maximum impartial understanding of the theme. As for the literature review on the issue, analysts and writers have different opinions but limited work has been done on how the abrogation of Articles 370 and 35A has affected the nature of conflict and what is the relevance of UN resolutions in the Kashmir dispute. The Kashmir issue adversely affects bilateral relations between India and Pakistan. Victoria Schofield in her book

*Kashmir in Conflict: India, Pakistan and the Unending War*<sup>2</sup> sheds light on the origins of the issue and how it evolved with time and is still unresolved. It also gives a critical review of how self-determination is a better option to resolve the Kashmir issue. Shamaila Amir, M. Asadullah, and Fayyaz Ahmad's paper titled "The Indo-Pak Rivalry over Kashmir Issue: An Analysis of Past and Present of Kashmir"<sup>3</sup> highlights contemporary political conditions in the Indian-held Kashmir and shows the role of India, Pakistan, and the United Nations in the Kashmir Dispute. Dalbir Ahlawat, M. R. Izarali's paper on "India's Revocation of Article 370: Security Dilemmas and Options for Pakistan"<sup>4</sup> discusses that India's revocation of Article 370, which had granted Jammu and Kashmir a special status, has changed the security and strategic dynamics in the relations between India and Pakistan. A. Sheikh wrote on "The Status of Kashmir under the Right of Self-Determination within the Ambit of International Law."<sup>5</sup> It discusses in detail how the people of Jammu and Kashmir want to exercise their right of self-determination, guaranteed by the United Nations (more than twenty-five UN resolutions), and how India is hesitant to concede Kashmiris as their privilege of self-determination, disregarding international law and UN goals.

Rao Qasim Idrees, Muhammad Imran, T. Jamil wrote a paper entitled "The Indian Occupied Kashmir Dispute: A Legal Analysis in the

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<sup>2</sup> V. Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (Bloomsbury Publishing, 2021).

<sup>3</sup> S. Amir, M. Asadullah, D. Karim, and F. Ahmad, "The Indo-Pak Rivalry Over Kashmir Issue: An Analysis of Past and Present of Kashmir," *Resistances*, 1(2), 2020. pp.188-97.

<sup>4</sup> D. Ahlawat, and M. R. Izarali, "India's Revocation of Article 370: Security Dilemmas and Options for Pakistan," *The Round Table*, 109(6), 2020, pp.663 - 83.

<sup>5</sup> Muhammad Adnan Sheikh, "Status of Kashmir under the Right of Self-Determination within the Ambit of International Law," *PCL Student Journal of Law*, Vol V:1, (2019).

Purview of United Nations Resolutions.”<sup>6</sup> The paper discussed in detail how the United Nations’ resolutions strengthened Kashmir’s movement of freedom. However, it is also a reality that the UN could not take any practical steps to implement its resolutions to resolve Kashmir dispute. The Kashmir issue is complicated but could have been resolved with a pragmatic involvement of the UN. Farhana Owais and Prof. Dr. Muhammad Ahmed Qadri wrote the paper titled “Is Diplomacy A Success or Failure? A Study from the Perspective of Kashmir Issue.”<sup>7</sup> This research explores the success or failure of diplomacy on part of the United Nations Organization and the international community in the case of the Kashmir issue. Stephen Westcott wrote a good book chapter on “the Self-Determination and State Sovereignty: The Case of UN Involvement in Jammu and Kashmir.”<sup>8</sup> The chapter discusses in detail the conceptual understanding of Self-determination, Sovereign territorial integrity, and the UN. What is the western perspective to interpret the origin of the Jammu and Kashmir dispute? How UN is playing a role to resolve the dispute under its different resolutions and what is the current status it. The Indonesian scholars Yordan Gunawan Scopus, *et al* wrote a research article on “Pakistan-India Conflict and the Right of Self-Determination of Kashmir.”<sup>9</sup> They debated how the dispute in Jammu and Kashmir became tensed by the revocation of Article 370 of the Indian Constitution. How the people of Kashmir are under various senses of de facto and de jure martial law. Muhammad Aftab Madni Memon, Shen Hui, Salman Yousaf gave a Chinese perspective

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<sup>6</sup> R.Q. Idrees, M. Imran, and T. Jamil, “The Indian Occupied Kashmir Dispute: A Legal Analysis in Purview of United Nations Resolutions,” *Pakistan Journal of International Affairs*, 4(1): 2021.

<sup>7</sup> F. Owais, and M. A. Qadri, “Is Diplomacy A Success Or Failure? A Study from the Perspective of Kashmir Issue,” *Pakistan Journal of International Affairs*, 3(2): 2020.

<sup>8</sup> Stephen P. Westcott, “Self-Determination and State Sovereignty: The Case of UN Involvement in Jammu and Kashmir,” *The United Nations*, 2020. p.127.

<sup>9</sup> Y., Putri Gunawan, D.N.C.K., R.M., Sienda, S. Melinda Rosidi, “Pakistan-India Conflict and the Right of Self-Determination of Kashmir,” *Diponegoro Law Review*, 6(1): 2021, pp.139-56.

in their article, “How Chinese Media Cover the Indo-Pak Antagonism over Kashmir Issue: Case Study of Peace and War Journalism Practice and its nexus with Foreign Policy.”<sup>10</sup> This study examines the posture of China-based English newspapers in the view of peace journalism by framing an analysis of Indo-Pak contention over the Kashmir issue in 2019.

### **Demographic Changes in Indian Occupied Jammu and Kashmir**

The Indian constitution came into action on January 26, 1950 and Article 370 became a part of it. Article 35A, on the other hand, was not included in the initial framework of the Indian Constitution and was incorporated in 1954 according to Article 370 and based on the agreed conditions of the Delhi Agreement. Article 370 incorporates six critical provisions for the IOJK:

- a) It exempted the state of IOJK from the requirements of the Indian Constitution, allowing it to have its constitution.
- b) The Indian Parliament's legislative authority was rigorously and expressly limited to three subjects: foreign affairs, defense, and communications.
- c) Extending the other provisions of the Indian Constitution to IOJK requires the prior consent of the IOJK administration.
- d) The IOJK's state government's prior concurrence is preliminary.
- e) The IOJK's competence to grant concurrence is limited to the duration of the state's constituent assembly.
- f) Article 370 (3) empowers the President of India to revoke or amend it.

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<sup>10</sup> M. H. Memon, S. Hui, and S. Yousaf, “How Chinese Media Cover the Indo-Pak Antagonism over Kashmir Issue: Case Study of Peace and War Journalism Practice and its Nexus with Foreign Policy,” *International Transaction Journal of Engineering, Management*, 11 (12), 11A12Q, 2020, pp.1-14.



Article 35A is even more critical and crucial in the current context of the Jammu and Kashmir crisis because it is the only effective legal tool for prohibiting Indian nationals from entering the IIOJK, thereby disrupting the social balance and existing demographic profile. This article was developed out of Article 370. The unilateral move by India abolishing Article 370 also repealed Article 35A of the Constitution, essentially ending the IOJK's constitutional special status.

The BJP, India's ruling political party, has a concise declaration on article 370 and the IOJK's special status. The BJP's objective was to remove Articles 370 and 35A and then achieve demographic changes in the IIOJK, converting the Muslim majority into a minority in the conflict-torn disputed region. The BJP envisioned these demographic changes to obstruct the trait of a plebiscite and the exercise of the right to self-determination.

India's BJP government tried a variety of techniques to carry out its agenda. To begin, the BJP endeavored before the Supreme Court of India to secure 44 or more seats in the IOJK's general elections but fell short of the required mandate, eventually forging an unnatural alliance with the PDP. Second, concurrently with the RSS and other right-wing extremist groups and parties in India, the BJP launched a legal battle in the courts of IOJK and the Supreme Court of India. However, that strategy failed, and the High Court of the IOJK declared article 370 to be permanent and irreversible, a finding that was later supported by the Supreme Court of India in another case. Thirdly, the Modi-led BJP Government of India launched a political project in IOJK to destabilize the present administration and usher in a new liberal leadership zealous about sticking to the Indian Constitution. Fourthly, the BJP divided the people of the IIOJK along religious, regional, ethnic, and political lines to fragment political aspirations and voices.

Fifth, the BJP announced its plan to offer permanent residence to West Pakistan Refugees in IOJK, so paving the way for the settlement of Bahari's, Rohingyas, and other non-state subjects already present in the state, thereby affecting demographic shifts. Finally, the BJP addressed the issue of Buddhists in Leh and declared the formation of a Union Territory for Ladakh, the relocation of Kashmiri Pundits to their colonies, and the building of separate Sainak colonies.

However, India's unilateral decision to scrap Article 370 and abolish Article 35A will have no adverse legal effect on the IOJK's disputed position under UNSC Resolutions and pertinent portions of International Law. When the General Council of the All Jammu and Kashmir National Conference adopted a resolution, proposing accession to India through a constituent assembly, the United Nations Security Council issued a special resolution in 1951 declaring that the assembly could not take any action determining the erstwhile state of J&K's future political status.

According to Security Council Resolution No. 91 (1951) adopted on March 30, 1951, the UNSC stated that

Convening a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action was taken by that Assembly to determine the future shape and affiliation of the entire state or any part thereof would not constitute a disposition of the state following the preceding principle.<sup>11</sup>

The UNSC also passed Resolutions 122, 123, and 126 in 1957, declaring that any action taken or sought by the Assembly to decide the future shape and association of the whole state or any part of it, or any action taken by the concerned stakeholders in support of any such action taken by the Assembly, would not constitute a disposition of

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<sup>11</sup> S. Malik, and N. Akhtar, "Explaining Jammu and Kashmir Conflict Under Indian Illegal Occupation: Past and Present," *Margalla Papers*, 25(1): 2021, p.25.

the state following the democratic method of the free, fair, and impartial plebiscite.<sup>12</sup> Thus, any action aiming at modifying the demography of IOJK will constitute a flagrant and serious violation of the UNSC and UNCIP Resolutions, as well as applicable international law instruments.<sup>13</sup>

### **The Altered Conflict (2019-2022)**

In August 2019, Indian Prime Minister Narendra Modi revoked Articles 370 and 35A and attempted to modify the demographical status of Kashmir. This act only serves to perpetuate the vicious cycle and lawless politics. In an ideologically divided society, the identity-based enmity would further satisfy the Indian policy against human rights and the right of self-determination. India under the Modi government's policies endeavours to reshape the demographic characteristics of Indian Administered Jammu and Kashmir through spatial and temporal politics that will alter the nature of the Kashmir conflict.

Temporally and spatially, the BJP government's strategy has been to support people in India to purchase land, or a 'second home', in Indian administered Kashmir. In that context, in October 2020, the Ministry issued an appraisal and revised the Land Revenue Act, covering the process to purchase residential land and agrarian land. In addition to that, Lieutenant Governor Manoj Sinha told reporters that the amendments did not allow the transfer of agricultural land to non-agriculturists.<sup>14</sup> On August 10, 2021 the Ministry of Home Affairs (MHA) declared that there are only two people who have purchased properties in Jammu and Kashmir since the abrogation of Article

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<sup>12</sup> UN Organization, Resolutions adopted by the Security Council in 1951 | United Nations Security Council, 1951.

<https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-1951>

<sup>13</sup> M. Azam, "Infringements of International Law and UN Charter in Indian Occupied Kashmir," *Margalla Papers*, 24(2): 2020, p.75.

<sup>14</sup> F. Newspaper, "Indians can now Buy Land in Occupied Kashmir," *Dawn*, 20 October, 2020. <https://www.dawn.com/news/1587347>

370.<sup>15</sup> Later, on December 15, 2021 the Ministry of Home Affairs (MHA) informed the Rajya Sabha that ‘seven plots of land’ have been purchased by individuals who did not belong to Indian administered Kashmir.<sup>16</sup> The Jammu and Kashmir Real Estate Summit (2021) set and signed 39 MoUs out of which 19 belonged to the building of residential areas. The Union Ministry for Housing and urban affairs organized the summit in collaboration with the IOK. In response to such developments, Kashmiri leader Omar Abdullah replied that these demographic changes are unacceptable, as Kashmir was “now up for sale and the poorer small landholding owners will suffer.”<sup>17</sup>

Under such dynamics, to counter these actions, the role of Pakistan leadership is important; there should be no tolerance for the Indian one-sided act of August 5, 2019. The Pakistani government should keep its affirm stance to support the Kashmir issue until and unless it is resolved by the mandate of the UN. It should be out of the question to be part of any back-channel diplomatic engagements which propose to cut off Kashmir from the Line of Control (LoC).

## Future of UN Resolutions

The study further explores the future of UNSC resolutions and answers the questions under debate (a) are UNSC resolutions still relevant? (b) if not, then what will be the future of Kashmir? India transforming domestic politics is an appalling mark for the stability of Indian administered Jammu and Kashmir.

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<sup>15</sup> Kamaljit Kaur Sandhu, “Only 2 from Outside Jammu & Kashmir Purchased Assets since 2019 Move,” *India Today*, August 10, 2021. MHA tells Lok Sabha, <https://www.indiatoday.in/india/story/only-2-people-from-outside-jammu-kashmir-purchased-land-1839094-2021-08-10>

<sup>16</sup> The Hindu Bureau, “7 Plots of Land Purchased,” *The Hindu*, December 23, 2021. <https://www.thehindu.com/news/national/other-states/7-plots-of-land-purchased-by-outsiders-in-jammu-and-kashmir-mha-informs-rajya-sabha/article37961820.ece>

<sup>17</sup> “Kashmir Struggle,” *Dawn*, August 27, 2020. <https://www.dawn.com/news/1587297>

For the last 7 decades, the role of the UN has been significant because although it failed to give an affirmative solution but the UN enforced a ceasefire and passed resolutions for an amicable solution of the dispute. The UN institution can facilitate the negotiations with the adversaries as an international norm to reach a solution according to its resolutions. To contain the struggle of the people of Kashmir for their right to self-determination, India is carrying out an organized genocide of Kashmiris through; false encounters, putting them to death after custody and torment, rape of women, and haunting the Kashmiri youth. India's Ambassador to the UN, Tirumurti asked the Security Council to declare Kashmir an "outdated agenda item" of the 'India-Pakistan question,' from the Council.<sup>18</sup> From the last few years, the UN's role is not affirmative to apply its resolution. But the UN Secretary-General Antonio *Guterres* have an optimistic stance that the Kashmir conflict should be resolved under the UN Charter and it is only the UN Security Council resolutions that will be applicable. He is affirmed that India and Pakistan should involve in dialogue as prolonged problem will exacerbate the complexity of the issue. Unfortunately, India openly rejected such an initiative and said Kashmir is the "internal matter" between India and Pakistan.

### **Future of Kashmir?**

It is a proven fact that wars between India and Pakistan cannot settle the issue as the danger to escalate the conventional war into nuclear war. The political solution of dispute is the only way forward for the resolution of Kashmir but for that, the role of both states' leadership is critical to come to the table for constructive argument. In the current dynamics of economic connectivity, if in the South Asian region, the conflict between India and China is sustained in the long term and along with that India and Pakistan fail to end up on any solution then

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<sup>18</sup> Ghulam Nabi Fai, "Kashmir and the United Nations Security Council," *Daily Times*, September 14, 2020. <https://dailytimes.com.pk/666264/kashmir-and-the-United-nations-security-council/>

the complex situation of Afghanistan will lead the entire region to nuclear catastrophe if Kashmir issue goes unresolved. China due to its success of One Belt and One Road (OBOR) in near future can play the role of mediating between adversaries as China and Russia are an important part of the UNSC and they can resolve it for the security of the region as they are converged to counter-terrorism from the region.

In crux, Kashmir is an international issue, and United Nations is the foremost stakeholder, and it should remain so for the execution of its resolutions to give Kashmiris their right to self-determination. Previous Prime Minister of Pakistan, Imran Khan's policy choice to not get involved in any trade activity with India until the restoration of special status (Article 370 and 35A) in IOJK is an important decision but the fact cannot be hidden that current trends direct that it seems irreversible action by India.

## **Analysis**

India's illegal occupation of Muslim-majority areas of Jammu and Kashmir (IIOJK), expressed India's absolute denial of the Right of Self-determination to unarmed Kashmiris, and the abolition of Kashmir's Special Status through hasty constitutional amendments is the true depiction of Hindutva ideology. The gross human rights violations before and even more in different ways after 5 August 2019 and severe restrictions on the free movement of people; complete digital apartheid; and other repressive measures have been completely ignored by the international community due to their vested involvement in India. The discourse on Kashmir depicts that India is not willing to decide the fate of Kashmir with the will of Kashmiris and they are operative to integrate Jammu and Kashmir with India. And recent modifications in the constitution are the consequence of the Hindu mindset that interpret in their legal action and policies. The abrogation of 370 and 35A diminished Jammu and Kashmir's independent decision-making. As it is a disputed state and India

cannot integrate it unilaterally, the present paper argues that India with its present strategy of increasing Hindu population in the region after abrogation of Articles 35A, the Hindu population may outnumber the local/ original population of Kashmir. The worst outcome of this strategy may be that achieving the goal of increasing Hindu population at a required number, India will allow UN plebiscite in Jammu and Kashmir but then the scenario will be according to the will of and interest of Indian leadership to integrate Jammu and Kashmir with India against the will of Kashmiris and that of the resolutions of UNSC.

### **Policy Suggestions for Pakistan**

In such a scenario, Pakistan needs to adopt a practical/pragmatic policy. Pakistan has always showed solidarity with the people of Kashmir. Pakistan needs to adopt proactive and consistent approach to resolve the Kashmir issue. There is a dire need to work preemptively and if there is any type of high alert situation at LoC, instantly diplomatic missions be informed.

Pakistan should increase Legal support of Kashmiris through the assistance from International Law and IHL, Hague 1907, ICRC. International Court of Justice must be involved in the matter not only based on Human Rights violations but also based on territorial disputes and must reinterpret Shimla Accord in which it is declared that Kashmir is a bilateral issue between India and Pakistan. Pakistan must highlight India's offensive posture on international forums.

Pakistan must keep supporting Kashmir on political, diplomatic, academic, media and public forums to build narrative against the RSS Modi regime. The medium of expression must be international and so that voice can be heard at regional and international levels and try to resolve the issue through diplomatic efforts.

To undo the revocation of Article 370 of the Indian constitution, take international community in confidence and earn their support through diplomatic delegations. Pakistan's missions abroad should share fact files with international human rights organizations such as Amnesty International and HRW to create public awareness of Indian violations of human rights.





# Pro-Environment Workforce: Employee Behavior in the Pharmaceutical Companies of Sundar Industrial Estate

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# **Pro-Environment Workforce: Employee Behavior in the Pharmaceutical Companies of Sundar Industrial Estate**

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## **Abstract**

*Environmental concerns have now been integrated into the corporate social responsibility debate. This study aims to find out the environmental corporate social responsibility and pro-environmental behaviour of employees of medicine companies of Sundar Industrial State, Lahore. For this study environmental CSR was taken as an independent variable (Environmental Management System) whereas the dependent variable is the pro-environmental behaviour of employees. A cross-sectional survey method has been used to conduct the study. The multi-stage sampling technique was used to select the respondents and collect data from respondents (n=170). The respondents were the employees of medicine companies at the Sundar Industrial Estate. The tool for data collection was a structured questionnaire. Findings revealed that environment-related corporate social responsibility was not fulfilled by the corporations and the behaviour of employees was not environmentally friendly. The study concluded that environmental CSR and pro-environmental behaviour of employees have a positive correlation.*

## Introduction

Human activities are found to be the driving force of climate change which are not only continually deteriorating the ecosystem of the Earth and originating biological changes in its inhabitants but also severely limiting the development process. There were a number of species that have already disappeared and the future of the remaining is at stake.<sup>1</sup> However, there have been numerous environment preservation campaigns ambitiously started around the world for securing the common existence of humans on the earth and much of the work had been done merely on paper; but very little in reality. Although, several organizations overwhelmingly supported this global movement because of growing demand from their potential stakeholders but found least efforts in translating these policies into actions.<sup>2</sup>

The problem of climate change is found to be a structural and systematic issue that requires great courage and determination to be resolved for the sake of preservation of the environment. Although, environmentalists are putting in tiresome efforts in making people realize that this is our common problem which can be solved only through collective efforts but all analyses are pointing towards the malaise of industrial activities that the industrialists never seem to abandon at any cost. It was also claimed that environmental denialism has been funded by some giant corporations for decades to protect their selfish business interests at the cost of lives on the planet earth.<sup>3</sup>

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<sup>1</sup> H. Aguinis, and A. Glavas, "Embedded Versus Peripheral Corporate Social Responsibility: Psychological Foundations," *Industrial and Organizational Psychology*, 2013, pp. 314-32.

<sup>2</sup> A. B. Carroll, "Corporate Social Responsibility: Evolution of a Definitional Construct," *Business and Society*, 1999.

<sup>3</sup> B. B. Jensen, "Knowledge, Action and Pro-environmental Behaviour," *Environmental Education Research*, 2002, pp. 325-34.

The environmental issues are considered as threat multiplier; but wherever strict environmental regulations were introduced, industries moved towards other regions around the globe, specifically in less developed countries (LDCs) and industrial activities declined in developed countries (DCs) but increased in LDCs that rendered them most vulnerable.<sup>4</sup> However, the industrial practices remained identical, and somewhere even more damaging to the natural environment. Whereas, these developing economies are more dependent on the natural environment for their living and wellbeing and they also lack adequate financial and technical resources to mitigate environmental risks.<sup>5</sup>

In the World Development Report (2010), the World Bank optimistically stated that “a climate-smart world is within our reach if we act now, act together, and act differently” which they claimed is necessary because climate change makes existing challenges more complicated and difficult. The severity of climate change is already observed in the form of more droughts, floods, and storms, cold nights and heat waves, snow and ice melting, rising sea levels, and oceanic temperatures. However, it is indicated that the developing economies have a greater threat of climate change vulnerabilities because of their unpreparedness and greater reliance on the natural ecosystem and lack of required technological and financial resources. These LDCs already confronted with acute poverty, malnutrition, mortality, injustice, insecurity, and inequality.<sup>6</sup>

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<sup>4</sup> A. Martinuzzi, and B. Krummy, “The Good, the Bad, and the Successful—how Corporate Social Responsibility Leads to Competitive Advantage and Organizational Transformation,” *Journal of Change Management*, 2013, pp. 424-43.

<sup>5</sup> P. Gkorezis, and E. Petrdou, “Corporate Social Responsibility and Pro-Environmental Behaviour: Organisational Identification as a Mediator,” *Inderscience Online*, 2017, pp. 1-18.

<sup>6</sup> M. E. Ormiston, and E. M. Wong, “License to Ill: The Effects of Corporate Social Responsibility and CEO Moral Identity on Corporate Social Irresponsibility,” *Personnel Psychology*, 2013, pp. 861-93.

The world has committed to care for the environment through various international agreements such as the Kyoto Protocol of 1997, World Commission on Environment and Development of 1987, Paris Agreement of 2015. While the civil society, being a conscious stakeholder, puts considerable pressure on the organizations for complying with environment-friendly rules which are sometimes considered beyond legal obligations; from corporate social responsibility (CSR) emerged the thought to improve the organizational image as well as to facilitate stakeholders.<sup>7</sup> The pro-environmental behavior is defined as an effort to “consciously seek to minimize the negative impact on one’s actions on the natural and built world” or “any behavior that is undertaken with the intention to change the environment.”<sup>8</sup>

This study aims to examine the relationship between employees’ acknowledgment of corporate social responsibility (CSR) and environmental management systems (EMS) and employees’ environment protection motivation (EPM) with employees’ pro-environmental behavior (PEB). It also observes the role of corporate CSR and EMS and its impacts in controlling GHG emissions and pollution control. The basic purpose of this study is to know how independent variables are influencing the PEB of employees and its influence on climate change prevention actions at individual, managerial and administrative levels. This study is basically examining that how the PEB of employees is formed through protection motivation, environmental systems and corporate social

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<sup>7</sup> Gkorezis, and Petrdu, “Corporate Social Responsibility and Pro-Environmental Behaviour,” pp. 1-18.

<sup>8</sup> M. J. Thomas, “Corporate Social Responsibility Revisited, Redefined,” *California Management Review*, 1980, pp. 59-67.

responsibility. Moreover, this study is also highlighting the role of employees in attaining the environmental protection targets.<sup>9</sup>

The key objective of this study is to determine the extent to which employees' pro-environmental behavior relates to their environmental protection motivation, as well as their perception and knowledge of the organization's CSR and EMS.

## Literature Review

Kollmuss and Agyeman define pro-environmental behaviour as “the sort of behaviour that consciously seeks to minimize the negative impact of one's actions on the natural and built world”. According to this definition, it seems that human action for the improvement of the environment is called the pro-environmental behaviour<sup>10</sup>.

Quality of environment depends upon human behaviour, a study has analyzed the role of environmental psychology for indulgent of pro-environmental behaviour. This study concluded that human action was directly associated with pro-environmental behaviour.<sup>11</sup> Another study of Hong Kong conducted by Kara Chan explored that treatment of household waste was a major environmental problem in Hong Kong. A survey was conducted on 173 household members to find out the facts behind this scene. The results of the study showed that

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<sup>9</sup> M. Asif, C. Searcy, A. Zutshi, and O. A. Fisscher, “An Integrated Management Systems Approach to Corporate Social Responsibility,” *Journal of Cleaner Production*, 2013, pp. 7-17.

<sup>10</sup> Jensen, “Knowledge, Action and Pro-Environmental Behaviour,” pp. 325-34.

<sup>11</sup> L. Steg, and C. Vlek, “Encouraging Pro-Environmental Behaviour: An Integrative Review and Research Agenda,” *Journal of Environmental Psychology*, 2009, pp. 309-317.

behaviour was a major indicator for household wastage which can be controlled through the mass media.<sup>12</sup>

Patrice Braun has identified that women entrepreneurs have been more concerned about the green environment than men: women leaders are more involved in green programs to save the environment than men.<sup>13</sup> Another study conducted by Josephine Pickett-Baker and Ritsuko Ozaki explored the behaviour of consumers towards green products and found out that there is an association between consumer confidence and green products and pro-environmental belief. The study also found that most of the consumers did not know about the green products and this awareness should be increased through advertisements of green products.<sup>14</sup>

### **Research Question**

The present study is an effort to find an answer to the research question: What is the level of Pro-Environmental Behaviour of SIE's employees?

### **Research Methodology**

The present study is primarily quantitative in nature and the research site was Sunder Industrial Estate, Lahore. Sunder Industrial Estate comprises 1750 acres of land which was inaugurated in February 2007.

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<sup>12</sup> K. Chan, "Mass Communication and Pro-Environmental Behaviour: Waste Recycling in Hong Kong," *Journal of Environmental Management*, 1998, pp. 317-25.

<sup>13</sup> P. Braun, "Going Green: Women Entrepreneurs and the Environment," *International Journal of Gender and Entrepreneurship*, 2010, pp. 245-59.

<sup>14</sup> J. Pickett-Baker, and R. Ozaki, "Pro-Environmental Products: Marketing Influence on Consumer Purchase Decision," *Journal of Consumer Marketing*, 2008, pp. 281-93.

## Sampling Technique

In this study, the researcher used a multi-stage sampling technique to access the respondents. Sunder Industrial Estate comprises 400 small and big pharma companies. The researcher selected the companies which were involved in a similar production, and for the purpose of this research at the first stage, all big and small medicine companies in sunder industrial state were selected –a total of 86 pharma companies out of which 50 were small and 36 big companies. At the second stage 20, big medicine companies were selected at random. After selection, these companies were approached 10 respondents were chosen at random from each of the companies and data was collected from a total of 170 respondents.

## Data Analysis and Findings

### Demographic Variables

**Table 1: Demography of Employees of Medicine Companies of Sunder Estate (n=170)**

Variables	Frequency	Percent
Age		
18-25	37	21.8
26-35	66	38.8
36-45	45	26.5
45 and above	22	12.9
Qualification		
Metric	23	13.5
Intermediate	64	37.6
Graduation	55	32.4
Master	28	16.5
Gender		
Male	144	84.7
Female	26	15.3
Total	170	100



Table 1 explains the demographic characteristics of employees of medicine companies of the Sunder Estate. Majority of the employees (38.8%) aged from 26-35 and (37.6%) had education up to the intermediate while (26.5%) were having graduation qualification. (84.7%) employees were male and (15.3%) employees were female.

**Table 2: My Company Seminars to Create Awareness about Safety of Natural Environment (n=170)**

	Frequency	Percent
Strongly Agree	12	7.1
Agree	20	11.8
Neutral	36	21.2
Disagree	46	27.1
Strongly Disagree	56	32.9
Total	170	100.0

Table 2 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about companies holding seminars to create awareness about safety of natural environment. Majority (32.9%) Strongly disagreed that their company had arranged seminars create awareness about safety of natural environment.

**Table 3: My Company Conducts Walks about Awareness of Environmental Protection (n=170)**

	Frequency	Percent
Strongly Agree	13	7.6
Agree	16	9.4
Neutral	30	17.6
Disagree	46	27.1
Strongly Disagree	65	38.2
Total	170	100.0

Table 3 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about companies conducting walks about awareness of environmental protection. A majority (38.2%) strongly disagreed that their company had conducted walks about awareness of environmental protection.

**Table 4: My Company Arranges Plantation Activities off and on (n=170)**

	Frequency	Percent
Strongly Agree	18	10.6
Agree	20	11.8
Neutral	29	17.1
Disagree	37	21.8
Strongly Disagree	66	38.8
Total	170	100.0

Table 4 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate; Lahore about companies arranging plantation activities on and off. A majority (38.8%) strongly disagreed that their company had arranged plantation activities on and off, while (11.8%) agreed that their company arranged plantation activities on and off.

**Table 5: I Voluntarily Carry Out Environmental Actions in my Daily Work Activities**

	Frequency	Percent
Strongly Agree	18	10.6
Agree	27	15.9
Neutral	25	14.7
Disagree	40	23.5
Strongly Disagree	60	35.3
Total	170	100.0

Table 5 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about voluntarily carrying out environmental actions in daily work activities. A majority (35.3%) strongly disagreed that they voluntarily carry out environmental actions in my daily work activities, while (15.9%) agreed that they voluntarily carry out environmental actions in my daily work activities.

**Table 6: I Use Double Side of Paper for Printing or Photocopy**

	Frequency	Percent
Strongly Agree	16	9.4
Agree	14	8.2
Neutral	26	15.3
Disagree	35	20.6
Strongly Disagree	79	46.5
Total	170	100.0

Table 6 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about the use double side of paper for printing or photocopy. Majority (46.5%) strongly disagreed that they use double side of paper for printing or photocopy, while (8.2%) agreed with that they use double side of paper for printing or photocopy.

**Table 7: I Switch Off the Lights and Fans before Leaving Work**

	Frequency	Percent
Strongly Agree	16	9.4
Agree	16	9.4
Neutral	27	15.9
Disagree	37	21.8
Strongly Disagree	74	43.5
Total	170	100.0

Table 7 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about switching off the lights and fans before leaving work. A majority (43.5%) strongly disagreed that they switch off the lights and fans before leaving the wok, while (9.4%) agreed that they switch off the lights and fans before leaving the wok.

**Table 8: I Make Suggestions to My Colleagues about Ways to Protect the Environment More Effectively, even when it is not my Direct Responsibility**

	Frequency	Percent
Strongly Agree	14	8.2
Agree	19	11.2
Neutral	16	9.4
Disagree	32	18.8
Strongly Disagree	89	52.4
Total	170	100.0

Table 8 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about they make suggestions to my colleagues about ways to protect the environment more effectively, even when it is not my direct responsibility. A majority (52.4%) strongly disagreed that they make suggestions to my colleagues about ways to protect the environment more effectively, even when it is not my direct responsibility, while (11.2%) agreed that they make suggestions to my colleagues about ways to protect the environment more effectively, even when it is not my direct responsibility.

**Table 9: I Actively Participate in Environmental Events Organized by my Organization**

	Frequency	Percent
Strongly Agree	10	5.9
Agree	18	10.6
Neutral	36	21.2
Disagree	40	23.5
Strongly Disagree	66	38.8
Total	170	100.0

Table 9 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about how much they actively participate in environmental events organized by my organization. A majority (38.8%) strongly disagreed that they actively participate in environmental events organized by their organization, while (10.6%) agreed that they actively participate in environmental events organized by their organization.

**Table 10: I Undertake Environmental Actions that Contribute Positively to the Image of my Organization**

	Frequency	Percent
Strongly Agree	8	4.7
Agree	19	11.2
Neutral	33	19.4
Disagree	41	24.1
Strongly Disagree	69	40.6
Total	170	100.0

Table 10 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about undertaking environmental actions that contribute positively to the image of my organization. A majority (40.6%) strongly disagreed that

they undertake environmental actions that contribute positively to the image of their organization, while (11.2%) agreed that they undertake environmental actions that contribute positively to the image of their organization.

**Table 11: I Stay Informed of my Organization's Environmental Initiative**

	Frequency	Percent
Strongly Agree	6	3.5
Agree	21	12.4
Neutral	22	12.9
Disagree	40	23.5
Strongly Disagree	81	47.6
Total	170	100.0

Table 11 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate; Lahore about staying informed of their organization's environmental initiatives. A majority (47.6%) strongly disagreed that they stay informed of their organization's environmental initiatives, while (12.4%) agreed that they stay informed of their organization's environmental initiatives.

**Table 12: I Perform Tasks that are Expected of me in Environment-Friendly Way**

	Frequency	Percent
Strongly Agree	8	4.7
Agree	13	7.6
Neutral	34	20.0
Disagree	40	23.5
Strongly Disagree	75	44.1
Total	170	100.0

Table 12 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore about performing tasks that are expected of employees in environmental-friendly ways. A majority (44%) strongly disagreed that they perform tasks that are expected of them in environmentally-friendly ways, while (7.6%) agreed that they perform tasks that are expected of them in environmentally-friendly ways.

**Table 13: I Encourage my Colleagues to Adopt More Cautious Behaviour**

	Frequency	Percent
Strongly Agree	14	8.2
Agree	18	10.6
Neutral	32	18.8
Disagree	29	17.1
Strongly Disagree	77	45.3
Total	170	100.0

Table 13 represents the statistics about responses of employees of medicine companies of Sunder Industrial Estate, Lahore that they encourage their colleagues to adopt more environmentally conscious behaviour. A majority (45.3%) strongly disagreed that they encourage their colleagues to adopt more environmentally conscious behaviour, while (10.6%) agreed that they encourage their colleagues to adopt more environmentally conscious behavior.

## Conclusion

This study explored that in Sunder Industrial Estate, Lahore medicine companies have not paid much intention to protect the environment. No proper drainage system, no proper water processing plants, no plantation in the surroundings, no awareness among employees, and many other reasons which are affecting the environment directly. This

study also concludes that employees of these medicine companies are not playing their role in the protection of the environment.





# Ethnic Cleansing of Muslims in IOJK and Life at LOC

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# Ethnic Cleansing of Muslims in IOJK and Life at LOC

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## Abstract

*Kashmir, now the nuclear flashpoint between two nuclear-armed states, has a long history of ethnic cleansing of Muslims. From the Maharaja's time to Modi's contemporary India, Kashmiris have been a victim of Indian forces. They have been facing physical as well psychological violence. LOC is the boundary dividing Kashmir between Pakistan and India; and the life of people living near LOC is nothing near normal. Their lives and properties are always under attack of some sort by the occupying power. This paper discusses the ethnic cleansing of Muslims by Indian forces and the dynamics of the life of people at LOC. The main objective of this paper is to highlight the atrocities committed in IOJK and the miseries of people residing near LOC.*

**Keywords:** Ethnic cleansing, IOJK, massacre, LOC, ceasefire.

## Introduction

Kashmir, the undivided land of the subcontinent and now becoming a nuclear flashpoint between two harsh rival states, has a long history that encompasses wars, ethnic conflicts, protests, freedom movement

and has got an overall identity of being a bone of contention in South Asia. Ethnic violence in Kashmir is as old as Pakistan and India which are surrounding this mountainous region. The Maharaja initiated these conflicts based on ethnicities that still exist in Indian-occupied Kashmir. Muslims, which are in majority, have been a victim of Indian brutality since the beginning. India wants to change the demography of the region; so that, it can pursue its interests in this occupied region. Kashmir is divided between Pakistan and India and the border which separates Azad Kashmir from Indian Occupied Kashmir is known as LOC. People who are living near LOC have divided families as, escaping Indian hostilities, the natives migrated and came to Azad Kashmir. India is still persecuting people in IOJK and there are laws molded especially for this purpose: laws that authorize soldiers to kill Kashmiris even based on suspicion. For example, Section (4) (a) of the Armed Forces Special Powers Act (AFSPA) grants the power to military personnel or even a non-commissioned officer to use force and shoot to kill a person who has acted against law, to maintain public order. They are facing multiple issues particularly when tensions between India and Pakistan have been on the rise.

### **Theoretical Framework**

This explains the conflict in Kashmir under the purview of the realist school of thought, particularly neo-realism. Neo-realism sketches an anarchic international system and the relative power capabilities of states. India is violating human rights and promoting ethnic violence due to the dominance of neo-realism. Because of anarchy, India knows that no one is going to maintain check and balance. Secondly, India knows that the only country to try something to stop India is Pakistan; but, as India is relatively more powerful than Pakistan, it takes advantage of it. This paper focused on Indian actions with a neo-realist lens. The paper uses a mix of both qualitative and quantitative methods. The qualitative method includes a descriptive approach in

explaining the conflict whereas the quantitative method includes statistics and numbers of casualties.

### **Ethnic Cleansing of Muslims in IOJK**

The ethnic cleansing of Muslims in Kashmir has an extended history. Alex Von Tunzelmann in her book *Indian Summer: The Secret History of the End of an Empire* stated that in 1947 half a million Muslims residing in Jammu were displaced. 200,000 Muslims were either displaced or killed by Maharaja.<sup>1</sup> According to the census of 1941, the Muslim population in Jammu was 77.1% and was reduced to 68.1% by 1961.<sup>2</sup>

Transportation services, mainly the railways, from Jammu to Sialkot were blocked and a permit system was introduced. The Muslims who had been left there were in the hands of brutal killers, surrounded by armed forces, and the supply of water and food was blocked. Hindus started taking over their houses before the Indian troops joined them. In Billawar, Muslims faced starvation and their women were raped and killed. In October 1947, British diplomat C.B. Duke visited Kashmir. He saw along the Chenab River that 20 Muslim majority villages were burnt.<sup>3</sup> Maharaja at that time ordered this ethnic cleansing of Muslims because he wanted to create a three-mile buffer zone between his territory and Pakistan; so that the Muslims are either pushed into Pakistan or killed. An intelligence officer from Britain provided an undisputed estimate stating that Hindus and Sikhs carried out a huge massacre of Muslims in Jammu in which around 20,000 Muslims were killed in late 1947. It was estimated that 2,37,000 Muslims suffered enforced disappearances from the Jammu province and were put to death by the Dogra forces—headed by the Maharaja consisting of Hindus and Sikhs. Some of the people got a chance of

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<sup>1</sup> Ved Bhasin, “Jammu 1947,” *Kashmir Life*, November 17, 2015. Retrieved 4 June 2017.

<sup>2</sup> Bhasin, “Jammu 1947”.

<sup>3</sup> Bhasin, “Jammu 1947”.

escaping to Pakistan. This step by Maharaja gave a clear message to Hindus and Sikhs to follow his idea of eliminating the Muslims.<sup>4</sup>

This had started a campaign of harassment, violence, and genocide against Muslims in Poonch and Jammu. India denied any role in genocide but it was providing arms to the Maharaja's army. In a document published in October 2012, the RSS acknowledged that it provided support to the Maharaja's army in the genocide of Kashmiri Muslims. Instead of condemning and stopping the genocide, Maharaja supported the planned genocide organized by RSS and Sikh Refugees coming from West Pakistan. Almost 95% of leftover properties were distributed among killers and looters. Hindus and Sikhs forcefully married Muslim women. Women were raped and smuggled to different areas of India. The number of raped or forcefully taken women is not exactly known but it's been estimated at 25,000.<sup>5</sup> The main objective was to turn Kashmir into a Hindu majority area. As a matter of fact, at first, the Maharaja wanted to remain independent but with time he decided to join India without taking into account the aspirations of his people.

The second war between Pakistan and India on Kashmir also caused the killing of Muslims in Kashmir. A lot of people migrated towards Azad Kashmir because of the atrocities committed by Indian forces in IOJK. Residing in the LOC-bordering area and being from the second generation of divided people, the author, along with first-hand experiences, conducted unstructured interviews with the migrants from IOJK to Azad Kashmir during the War of 1965.

One of the elderly women narrated that they were living a normal life and carrying on with their routine. Suddenly war broke out between Pakistan and India. A rumor was widespread in the society that Indian

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<sup>4</sup> A. G. Noorani, "Horrors of Pakistan," *Frontline* 29 (04): August 8, 2019.

<sup>5</sup> Emily Rothstein, *Drivers of Conflict in Kashmir* (The University of York Press, 2020).

forces were killing Muslims whom they thought were spies. They did not believe in rumors but one day, they found a bag with pieces of a man's body. This incident sparked a wave of terror in the society and people started escaping through the border in the dark of the night. She said they left their lands, their beautiful homes, and their birthplace to survive. Upon asking that was it, particularly the Indian army that killed Muslims, she responded with a yes. She said there were non-Muslims as well but Indian forces only charged Muslims of spying during the war and killing them but there was no authority in the world to ask them about their brutal actions.

An elderly man narrated that he and his family owned a farm and used to provide milk to Indian soldiers who were posted near to their farm. He asked one of the officers of the Indian Army, "Why are you killing Muslims?" He replied, "We are not killing Muslims, we are killing traitors... Nambardar Sahib do not worry you are safe here." On the very next day, Indian forces killed another person in his neighborhood which made him extremely fearful, and the very next day he migrated to Azad Kashmir, leaving behind all his belongings and relatives. Indian Army, by constructing the idea that Muslims are spies, carried out ethnic cleansing of Muslims to make Kashmir a Hindu majority state. After this war nationalism emerged in Kashmir. This led to the creation of the Kashmir Liberation Cell to create an independent state by combining both Azad Kashmir and IOJK.

In 1972, India and Pakistan signed the Simla Agreement which formalized the ceasefire line as the Line of Control as part of a fresh resolve to address differences following the war that resulted in East Bengal seceding from Pakistan.

### **Notable Killings and Persecution of Kashmiris**

In February 1984, Indira Gandhi, the then Prime Minister of India influenced the judicial decision regarding the Kashmiri most popular separatist, Man Maqbool Bhat. He was sentenced to death in a case in

which he was not proven guilty: charged with the killing of an Indian diplomat in the UK and had been in jail since 1976. This assassination was carried out on the order of Amanullah Khan.<sup>6</sup> Resultantly, the execution of Maqbool Bhat sparked a huge insurgency in Kashmir and once again the liberation movement gained pace and the Indian army used excessive force, under the cover of the Indian constitution, to kill innocent Kashmiris.

At that time there was also political unrest in Indian Occupied Kashmir. There was a political conflict between Indira Gandhi and Farooq Abdullah which pushed IOJK into further turmoil. As the protests against the Indian occupation simmered in IOJK, on a morning in January 1993, a massacre of Kashmiris was carried out in Sopore, IOJK. In this horrific incident, 57 civilians were killed, 400 shops and 75 houses of Kashmiris were burnt down by Indian forces. In the 1990s the conflict between *Pandits* of Kashmir and Muslims erupted and the Indian army was on the other side from Muslims because they thought that the freedom fighters were sponsored by Pakistan to create a situation of unrest in India-occupied territory.

On June 11, 2010, a student named Tufail Ahmed, 17, was carrying a bag containing books on his back when he was arbitrarily shot by Indian soldiers in Srinagar. He was preparing for his pre-medical entry test. The killing of this innocent student sparked protests and almost 15 were killed while protesting.

A young freedom fighter, Burhan Wani, was killed by Indian forces on July 8, 2016. The killing of Burhan Wani sparked charged protests in IOJK. The Indian government imposed a curfew in the valley which continued for 50 days during which more than 90 Muslims were killed. India started targeting Kashmiris with pellet guns.

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<sup>6</sup> Ahsan Akram, "Maqbool Bhat's Execution – People Who Were Responsible Became His Heirs." [www.thekashmirdiscourse.com](http://www.thekashmirdiscourse.com), Feb. 2020, [www.thekashmirdiscourse.com/maqbool-bhats-execution-people-who-were-responsible-became-his-heirs/](http://www.thekashmirdiscourse.com/maqbool-bhats-execution-people-who-were-responsible-became-his-heirs/).

According to a report, starting from 2016 to 2020, 10,500 people had been injured and more than 139 people were blinded by pellets; and, 210 people lost their eyesight, while 200 people were partially blinded. These pellet guns have been used even against kids just a few months old. It seems like no such thing as human rights exist in IOJK.

## **Contemporary Scenario**

In 2019 Modi was re-elected. He has been pursuing an ideology of extremist Hindu nationalism or Hindutva. One of the aims of this ideology is to eliminate all people from India who are not following Hinduism. Minorities, particularly Muslims and Dalits, have been persecuted as a result. This ideology also demands an *Akhand Bharat* or greater India which means taking over the land of the sub-continent plus some land from South-East Asian states. There used to be an article in the Indian constitution that conferred the status of special rights upon occupied territories: in article 370 a special status was given to Kashmir. Modi, after his re-election, articles 370 and 35A; meant the special status of Kashmir was abolished. Modi knew that the revocation of this article will create insurgency in Kashmir so before revoking the article he deployed tens of thousands of additional troops in the IOJK. He delivered orders in which tourists were instructed to leave Kashmir, schools and colleges were shut down, internet services suspended, and the Hurriyat leaders were put under house arrest.

After the revocation of Kashmir's special status, a complete lockdown was imposed in IOJK: people could not even go to the hospitals. People have been deprived of their basic human rights. Young men are victims of psychological torture. There is a report that indicates that 13000 young Kashmiri men are detained under Public Safety Act.<sup>7</sup> In March 2020, the Indian government introduced a new

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<sup>7</sup> <https://www.bbc.com/News/10537286>. August 08, 2019.



domicile law according to which people who are not Kashmiris can buy land and reside in the occupied territory. This introduction of Domicile Law proved that the main aim of India is changing the demography of Kashmir, introducing more and more outsiders in IOJK, and making Kashmir a state which is dominated by Hindus.

Indian forces with the full backing of the Indian government have been committing human rights violations in the IOJK. All of the developed states and international institutions which claim to champion the human rights cause have not shown any serious concern about ethnic cleansing in Kashmir.

### **Life at LOC**

Borders between states are not just physical barriers but also create an ideological impact on the life of the people of these states. Borders create an identity of 'us' vs 'them'. Borders between states play an important role in shaping the national interests of the states. LOC, which is not an internationally recognized border; but, divides the Azad Kashmir and IOJK nonetheless. The militaries of both states are present here. At first, it was given the name of Ceasefire line but after the signing of the Shimla Agreement, it was given the name of Line of Control. Some parts of IOJK are bordering China and the border between them is known as the Line of Actual Control or LAC. There are crossing points at LOC which were functional but after the revocation of article 370 by the Indian government, those crossing points were closed: there were three main crossing points namely Chakothi to Salamabad, Tetrinote to Chakan Da Bagh, Chillihana to Teetval and there are two more crossing points located at Haji Peer and Tatta Paani.

The crossing point Chakothi to Salamabad is located between Chakothi and Uri and this crossing point is mainly used for trade and travel purposes. A bridge is there, known as the Bridge of Peace and this bridge is linking Azad Kashmir and IOJK. The bridge was

destroyed in the horrific earthquake of 2005, but it was reconstructed. There was a transport service which ran from Srinagar to Muzaffarabad, this transportation was being carried out through this bridge. The other crossing point is Tetrinote to Chakan Da Bagh this crossing point linked Azad Kashmir and IOJK with the road. This is also a significant route for trade and travel purposes and the flag meetings between the militaries of Pakistan and India were also held here. The third crossing point is Chillihana to Teetval this crossing point has a river in between and it is linking Neelum Valley with Kupvara. People cross this point by using boats.

A ceasefire agreement was signed between India and Pakistan in 2003. In the agreement, it was decided neither India nor Pakistan will start firing across LOC.<sup>8</sup> But India has continued violating the ceasefire, which is giving birth to political unrest and military tensions between two states but the people who are suffering on both sides are innocent civilians of Kashmir. Ceasefire violations by India are forcing Pakistan to act aggressively and because of Indian violations, both states came to an environment of chaos. According to the Ministry of Defense data, 192 ceasefire violations have taken place.<sup>9</sup> The property of people residing near LOC became a victim of this their houses were covered with bullet marks, their livestock became victims as well. Because of Indian shelling, more than 50,000 people have left their homes and migrated to other areas which are far away from LOC. Some women get injured, kids suffer and even-aged persons are facing the impacts of shelling.

People at LOC suffer both physically and mentally: physical scars can be healed but the psychological suffering is hard to vanish. The most

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<sup>8</sup> E. Naik, *Ceasefire Violations are Making Life a Living Hell for those along the India-Pakistan Border*, [online] *Herald Magazine*, Available at: <https://herald.dawn.com/news/1154050>

<sup>9</sup> Happymon Jacob, *Line on Fire: Ceasefire Violations and India-Pakistan Escalation Dynamics*, Ed. Sumit Ganguly and E. Sridharan. 1st ed. (Oxford: Oxford University Press, 2019).

drastic effect is on the mental health of kids and youth: they are growing in an environment of fear which is changing their view of the world. They have become so fragile that even the sound of a firecracker is sensed by them as a shell from the Indian army. Their education is hindered; it is hard for them to concentrate on their studies.

## **Conclusion**

Kashmir is the undivided land of the subcontinent. The ethnic cleansing of Muslims has been there since the division of the subcontinent. Kashmir got divided between Pakistan and India, the people at Pakistan's side are in safe hands whereas people in IOJK are suffering to date. The Kashmir case has been in the UN and passed resolutions, including the plebiscite option through which Kashmiris will decide their fate. From the very beginning, India started ethnic cleansing of Muslims to change the demography of Kashmir. Human rights violations have been occurring in Indian Occupied Kashmir. Azad Kashmir and IOJK are divided by a border named LOC. The life of people at LOC is miserable. They have been victims of cross-shelling, damaging their lives both physically and psychologically. The people living near LOC, majority of them are people of divided families. The economic life of people residing at LOC is also not very well; there is a clear difference in the life of people living near to LOC and people who live far away from it.

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