

Sultan Ahmed Ali, 2020

Volume 6 Issue 1, pp. 434-448

Date of Publication: 23<sup>rd</sup> April 2020

DOI-<https://doi.org/10.20319/pijss.2020.61.434448>

This paper can be cited as: Ali, S. A., (2020). *Demographic Changes: A Challenge to the Decolonization of Kashmir*. PEOPLE: International Journal of Social Sciences, 6(1), 434-448.

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## **DEMOGRAPHIC CHANGES: A CHALLENGE TO THE DECOLONIZATION OF KASHMIR**

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### **Abstract**

*Decolonization of Kashmir is one of the oldest agenda at the United Nations. The world has witnessed a successful wave of decolonization in the second half of the 20th century. The spirit of decolonization was to transfer power to the indigenous population of a region by taking the doctrine of self-determination and political equality as its guiding principles. Recent unilateral acts by the BJP government to revoke the constitutional protection reserved for Indian Occupied Kashmir (IOK) are intended for relocating the populous boundaries through demographic changes. India drafted a project in 2015 aiming to build accommodations for thousands of Hindu residing in different parts of India in IOK. These demographic changes will harm the spirit of the right of self-determination – for any plebiscite being held in future – thereby leading Kashmir towards neo-colonialism. This paper highlights the politico-legal aspects of the concept of plebiscite, unveiled the neo-colonial ideology of the current Indian government and exposed the Indian mala fide intentions of demographic changes in the revocation of the special status of Indian Occupied Kashmir. These underlining realities will be discussed in an attempt to argue how current demographic changes have become the gravest challenge to the decolonization of Kashmir. Deliberate and illegal demographic changes in Kashmir, its impacts on the existing UN resolutions, perpetual increase in human rights violations and other possible challenges to the decolonization of Kashmir are the major areas that are addressed in this paper.*

## **Keywords**

Kashmir, Right of Self-determination, Demographic Changes, Decolonization

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## **1. Introduction**

Jammu and Kashmir (referred to as Kashmir in this paper), the northwestern region of sub-continent, is a disputed territory between India and Pakistan since the decolonization of subcontinent in 1947. One of the determinates of Indo-Pak diplomatic relations is Kashmir issue. It has been a permanent cause of multiple conflicts, crisis and military conflicts of both antagonist countries. Since the decolonization of sub-continent, Kashmiris are striving hard to get their fundamental human right, right of self-determination that has been ensured by international law. Undoubtedly, decolonization of Kashmir is one of the oldest agenda at the United Nations which is seeking the right of self-determination.

The world has witnessed a successful wave of decolonization in the second half of 20th century under the Special Political and Decolonization Committee of UNGA. The spirit of decolonization was to transfer power to the indigenous population of a region by taking the doctrine of self-determination and political equality as its guiding principles. Besides the military approach, multiple diplomatic means of bilateral and multilateralinter actions have been utilized to solve the issue. In this regard, United Nations Security Council Resolutions are also worth mentioning which promised transparent right of self-determination in Kashmir.

Initially, the conflict was simply to determine the will of people to decide their own fate. However, owing to the Indian neo-colonial approach of rejecting the populous will to independently vote for their future, forcefully crushing the pro-independence protests, artificially maneuvering the demographics of the region (Shamim, 2020) and blatantly violating the fundamental human rights by the occupied forces in Indian Occupied Kashmir have further complicated this crisis. Moreover, Indian deliberatenon-compliance with the UNSC resolutions to hold transparent plebiscite in occupied Kashmir, nuclearization of South Asia, rise of the fascist and ultranationalist Bharatiya Janata Party (BJP) in India have further raised serious concerns not only about future of Kashmir but whole region (Butt, Rashid & Khan, 2019). The United Nations successfully held a referendum in East Timor in 1999 thereby leading towards its independence from Indonesia in 2002. Similarly, the UN has taken a key position in the Independence of the South Sudan in 2011. However, the UN has not been successful to fully intervene in Kashmir for more than seven decades.

This paper aims to explore and discuss the political and constitutional ideals of the plebiscite that are arguably necessary to achieve the decolonization agenda of the United Nations vis-à-vis Kashmir. In doing so, the paper will highlight the impact the neo-colonial ideology of the current Indian government, together with Indian mala fide intentions of demographic changes in Kashmir, massive human rights violations and the revocation of the special status of Indian Occupied Kashmir is having an adverse impact on the decolonization agenda. Finally, the paper will attempt to provide a possible pragmatic approach to the resolution of the conflict.

The primary reason why this paper addresses the subject-matter of decolonization of Kashmir is because, despite being on the UN agenda, this issue is not heavily discussed in academic literature. The paper thus seeks to contribute towards the existing academic literature and analysis on Kashmir.

In terms of methodology, this paper adopts Lijphart's (1971) qualitative a theoretical case study approach to analyze the case study of Kashmir. This approach is adopted because it's tailored towards analysis on a selected single case study based on the interest in that particular case, which in this instance is Kashmir due to severity of the conflict and other factors mentioned earlier in this section. The paper therefore focuses on a descriptive analysis rather than theory-guided or theory-inductive one, that is, it is not guided by a specific theoretical framework nor is it focused towards formulation of generalizable hypothesis (Lijphart, 1971). A theoretical case study approaches thus have a great utility in essential information gathering on specific cases as this information and analysis then contributes towards theory-building in further research that builds off of it (LaPalombara, 1968).

## **2. Historical Background of Kashmir, Kashmir Conflict and Decolonizing**

### **Movement of Kashmir**

According to the recorded history, Kashmir valley - modern day Kashmir- was conquered by Asoka of Maurya Dynasty around 250 BCE, thereby resulting in Buddhism being established there. After his death, multiple local tribes ruled over Kashmir. Buddhism stayed in Kashmir for almost 9 centuries. Notorious design of socio-economic rule, Buddhist regime, incompetent Hindu rulers and their rules and consistent efforts of the immigrant Sufi Masters to promote Islam, the whole geographical realities of Kashmir were transformed. With the inspirations of Syed Balbul Shah of Turkistan, the Hindu King from Ladakh, Renchan Shah, adopted Islam in early 14th century and assumed a title of Sultan Sadar-ud-Din. After him, Mughal ruled Kashmir and then the Sikhs. After the Muslim rule of five centuries, Kashmir came under the Sikh rule in 1819. In the era of the Sikh Governor, Diwan Moti Ram, a discriminatory prejudicial approach was followed. The Muslims were

brutally tortured, Azaan (call for prayer) was abandoned and mosques were smashed (Moorcroft & Trebeck, 1841). A unified state of Kashmir came into being in 1846 under the Treaty of Amritsar. Treaty of Amritsar was signed in which The British sold Kashmir to Ghulab Singh. The British colonial government sold this territory along with the adjoining areas to the Dogra King Maharaja Gulab Singh for seventy-five million without considering the wishes and interests of the local people. Christopher Thomas says about this inhuman selling of human population, that People of Kashmir were treated as stones where people were considered emotionless (Thomas, 2000).

History speaks discrimination towards the Muslims thereby creating distress and animosity among the Muslims. The majority of the Muslims were forced to live in extreme poverty, subjugation and exploitation. Under Dogra Rule Muslims were living under miserable conditions where they were not provided with basic needs (Bazaz, 1941, pp. 252-253).

This deliberate prejudicial brutal approach towards the Muslims by the Hindu Dogra Rule gave birth to a sense of deprivation among them thereby leading towards a mass uprising in 1931 by the educated Kashmir youth. This mass uprising gave rise to the religious consciousness among the Muslims. Hence, the Muslims in the state of Jammu and Kashmir realized their separate national identity and accepted the Two Nation Theory. Similarly, indigenous resistance against the illegal occupation of India continued after the partition. The uprisings in 1953, 1964, 1988-2000, 2010 and the 2016 were among the major uprisings after the partition of sub-continent.

The roots of the issue are linked with decolonization of the Indian sub-continent in 1947. The British Prime Minister, Clement Attlee, announced on February 1947 that the war-ridden Great Britain would decolonize South Asia by June 1948. However, owing to multiple factors, the British leadership decided to leave sub-continent early in August 1947 and dispatched the last Viceroy of British Raj - Lord Mountbatten - to overview the entire partition process. There were almost 562 'princely states' which constituted nearly 41 percent of the territory. Prior to the Partition, under the Indian Independence Act of June 1947, the princely states of the Indian sub-continent had choices either to join India or Pakistan as per their demographic and geographic realities or stay independent (Mukherjee, 2014). Dogra Kashmir was a Muslim majority state with a non-Muslim ruler. Interestingly, it had historical, cultural, religious, economic and geographical relations with the areas that have to be Pakistan. Owing to the socio-religious similarities, the people of Jammu and Kashmir wanted to accede to Pakistan. However, Maharaja Hari Singh, the then ruler of Kashmir, was unable to decide whether to join Indian, Pakistan or remain independent which ultimately led to an uprising in southwestern district of Kashmir-Poonch. Resultantly, Indian military attacked thereby leading

towards first Indo-Pak war of 1947-48. In this war, the Dogra Kashmir was divided into two parts: The Indian Occupied Kashmir (IOK) which comprises of the regions of Kashmir Valley, Jammu and Ladakh and second the Azad Jammu and Kashmir partially controlled by Pakistan which consists of the regions of Azad Kashmir and Gilgit-Baltistan. The United Nations established a division line called ceasefire line- line of Control in 1949. After slight alteration, Pakistan and India renamed that 'Cease Fire Line' as 'the LoC' in the Simla Agreement of 1971.

In order to control the widespread protests soon after the partition, Lord Mountbatten, Jawahar Lal Nehru and other leadership of India gave a so-called special status to Indian Occupied Kashmir under article 370 and 35A of the Indian constitution on January 26, 1950. The article 370 grants the IOK a special status in an Independent India while article 35-A protects the immovable property rights of the people of IOK. However, the current fascist and ultra-nationalist government of the BJP in India revoked the article 370 and 35-A there by ending the decades old constitutional special status of Indian Occupied Kashmir. The main agenda behind the revocation of article 370 and 35A seems very alarming. Indian government is deliberately changing the demographics of the IOK. In short, the people of Kashmir have been fighting against the colonizers since 18th century-firstly against the Sikh rule, then the Dogra rule and now the Indian occupation. The only objective of their tireless struggle is to achieve promised freedom of choice for accession.

### **3. Exploring the Genesis of the Right of Self-Determination and the Case of the IOK**

Plebiscite is to decide one's own destiny. It has been explained by Guibernau as the fate of a community to decide and set their own terms of administration. Moreover, he adds that a populous will to form their socio-political fabrics (Guibernau, 2015). Actually, the term was mostly applied to the cases of colonialism and forceful occupation (Barnsley & Bleiker, 2008, p. 121). In the modern world history, the political thought of the eighteen century provides the theoretical framework of this concept of self-determination. Mostly, the idealist theorists and social thinkers like Rousseau, Mill and Locke emphasized that the capacity of community for establishing its destiny should be recognized (Barnsley & Bleiker, 2008, p. 123). John Locke, the English philosopher, stressed that it is a fundamental human right to resist despotism. The American Revolution of 1776 was actually a brainchild of Locke's ideology which rejects the utilitarianism and such political arrangements (Barnsley & Bleiker, 2008, p. 123). Similarly, Rousseau gave the idea of popular sovereignty which ultimately led to the French Revolution. Resultantly, the modern concept of self-determination emerged. The idea of self-

determination was further evolved during First World War (WWI) when the fundamental laws were drafted regarding the minorities of the opposing camps was employed. However, after the WWI, Woodrow Wilson categorically advocated that the independence from external domination and particular identity of different nations should be respected – an idea which got international acceptance. Furthermore, he strongly condemned colonization. Owing to the opposition from the European powers who have large colonial empires, this right of self-determination was not incorporated in the Covenant of the League of Nations.

The United Nations is a post-WWII institution established with the objective to curtail war, maintain global peace and promote friendly relation on the basis of equality. The right of self-determination was incorporated in the United Nations Charter and its Article 1(2) states (United Nations, n.d);

It is one of the purposes of UN to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of people; and to take other appropriate measures to strengthen universal peace.

The United Nations drafted and recognized decolonizing movements and independence of countries in 1960. According to this declaration, Saul (2011) says that the occupation and exploitation of people by any colonial power would be violation of the UN human rights preserved in its resolutions. Besides, other civil and political nature resolutions also protect and guarantee the fundamental human rights such as free will of humans to decide their political fate (International Covenant on Civil and Political Rights, n.d.). Such legislatures pursue states to recognize and make provisions for the guarantee of the right of self- determination for the people of colonies.

Furthermore, the right of self-determination has also been identified as an important principle of the Contemporary International Law and a jus cogens norm by the International Court of Justice. According to this principle of International Law, the right of self-determination is not only a right of the government but also the right of the people. Interestingly, the norm of the jus cogens is the highest rule in the international law thereby making it mandatory to be always respected and followed (Parker, 2003). Additionally, the free will of people also enjoys a legal status of Erga Omnes which means ‘towards everyone.’ In short, Erga Omnes duties of a state are the duties of the comity of states. Therefore, it is compulsion to respect the right of self-determination in all circumstances. Hence, after the establishment of the United Nations, the right of the colonial people to be free from the clutches of colonialism or illegal occupation or annexation has been widely accepted, respected and propagated (Barnsley & Bleiker, 2008, p. 125).

The United Nations not only accepted but also recognize the free socio-political will of liberation movements in its different resolutions such as UNSC Resolutions (47, 51, 80, 91, 122, ) and resolutions of the United Nations commission for India and Pakistan of 1984 and 1949 reaffirms the free will and right of self-determination of people of Kashmir. These resolutions declare transparent express of populous will would be conducted under the auspices of the United Nations and both parties to the conflict – India and Pakistan – agreed. However, these resolutions were never implemented owing to the Indian denial to fulfill its commitments agreed upon in UNGA. India has been trying hard to make other accept its colonial design in the region by disrespecting the UN resolutions and basic provisions of the international law. Regrettably, none of the decision of UN Security Council was agreed upon as per terms of Chapter seven of the UN charter. Therefore, the binding force for the UNSC decisions lacks when resolutions passed under the Chapter six of the UN Charter. Apart from that, Karen Parker argues that Kashmir fulfills all other attributes which are necessary for the eligibility of the plebiscite. She says that the state of Jammu and Kashmir has a definite a complete state skull where self-rule, socio-political fabrics are established upon free will of the people of Kashmir (Parker, 2003).

Indubitably, the denial of the fundamental right of free political will to colonized people of Kashmir would be a serious breach of the UN resolutions and international law. Now, India has annexed the disputed territory of Indian Occupied Kashmir and openly challenged the role of the UN and international law to secure the fundamental rights of the people. According to the Article 25 of the UN Charter, people of Kashmir seeks from global community that they must withstand and uphold the international right to the people of Kashmir guaranteed in UN resolution for the right of self-determination to the people of Kashmir.

#### **4. Indian Neo-Colonial Designs and Revocation of the Special Status of the IOK**

The colonial modes of thought and forms of governance are still persistent in the post-colonial India. When decolonization of Indian sub-continent was announced than the people of Kashmir has been striving hard to get their just ‘right of self-determination. Since the very beginning of this conflict in 1947, India has been using a ‘bogus strategy’ to crush this independence movement by force. Heavy militarization, perpetual human rights violations, atrocities, draconian laws which enable the security personals to kill, blind and torture Kashmiris for nothing and state-sponsored genocide have become bitter and irrefutable reality of the Indian Occupied Kashmir. According to a latest report by the OIC-IPHRC fact finding commission, highlighted that nearly one hundred thousand has been killed by

occupied forces. Indian army killed more than seven thousand Kashmiris while they were in different jails. Around one hundred thousand houses were burnt. Around two thousand women were molested and one hundred thousand children lost their either parent. Besides, since the death of Burhan Wani, around eight thousand people fell a prey to pallet gun targets and a great portion lost their eyes aged around ten years. The Indian draconian legal frame works as Armed Forces Special Power Act (AFSPA) and Jammu and Kashmir Public Safety Act (PSA) gave special powers to the Indian security forces in the IOK to commit genocide of the Muslims. India has been violating basic human rights of the people of the IOK. Different fundamental legal provision of Universal Declaration of Human Rights (UDHR) such as liberty to live, free will of expression, right of freedom of belief, right to live in social fabrics, right of due legal process, right against demographic changes in a particular region and right of protection against forced separation of families (OIC-IPHRC, 2017).

Kaul (2011) argues that India is using colonial approach and actions in the IOK. He notes, India is a colonial power; the Indian army and paramilitary an occupation force; members of the elected state government are collaborators and stooges of the central government; and senior bureaucrats, who are member of all-India civil services, and administrators whose job it is to deny any avenues for Kashmiri self-determination.

The protestants in the IOK do not demand socio-economic development rather they are chanting for realization of plebiscite in Jammu and Kashmir. The widespread slogan in this region is, “Hum kya chahty-Azaadi” which means “what we want is independence” from the illegal forceful neo-colonial occupation by the Indian so-called security forces. Interestingly, the slogan of “azaadi” was very much prominent during the Indian anti-colonial movement. Moreover, the current fascist Indian government of the BJP is trying to change the demographic realities of the IOK. The government of the ultra-nationalist BJP has long been planning to convert the Muslim majority in the IOK into minority by artificial demographic engineering. Article 370 and article 35A of the Indian Constitution were the major hurdles in the way of their interests. On August 05, 2019, India removed the constitutional protection to avoid demographic changes in IOK by revoking Article 370 and 35A. The IOK was given a so-called special status under the highlighted provision of the Indian Constitution. Article 370 came into force on January 26, 1950. The former Diwan of Maharaja Hari Singh, Gopal Swami Ayyangar, drafted this article. This article was actually a trick by the Indian leadership to pacify the Kashmiri people who were protesting against the illegal occupation. At that time, this article was a link between the central Indian government and Kashmir. The then Indian Home Minister, Gulzar Lal Nanda, unveiled the Indian mala fide intentions behind this constitutional special.

He addressed his representative house that our constitution is alien in Jammu and Kashmir but provision of article 370 of the Constitution could have been a helpful channel to alter the demographic boundaries (of Kashmir). The article states that the state of Jammu and Kashmir could have his own constitution and flag. The powers of the Indian Parliament circled with only issues related to major foreign policies of Defense, international relations and the Communication. However, later on, the symbolic constitutional protection has been uplifted when Indian federal government appointed their own provisional representative-Chief Minister- and head of state of Kashmir had been appointed Governor (Mukherjee, 2014). Furthermore, in 1954, Article 35A was included in the Indian Constitution through a Presidential Order to protect the citizenship and property of the native people (Jaleel, 2015). According to the article 35A, the Indian citizens were not able to become the citizens of the IOK; the outsiders were not allowed to permanently settle in the IOK; they were not able to purchase land in the IOK. Although, article 370 and 35A were null and void because the so-called accession of Occupied Jammu & Kashmir to India is null and void (Snedden, 2015, p. 169), yet they were playing a symbolic role. Importantly, article 35A was a constitutional shield against any demographic transformation in the IOK.

Now, the Indian constitution will be applicable on the IOK as it is applicable to the other parts of India. After the revocation of the special status, people from other parts of India can buy land in Kashmir and permanently settle there. Moreover, the IOK is divided into two territories: Kashmir with a legislature and Ladakh without a legislature. Indian government has described it's the rollback of Kashmir's autonomy as an effort to promote development, prosperity and eliminating a separatist insurgency in the region while Pakistan described this action as an attempt by Indian's ruling ultra-nationalist BJP towards the demographic changes in State to dilute the concentration of Muslim there by bringing Hindus into Muslim majority areas. Serious concerns have been raised not only by the international community but also form within India against the revocation of the special status of the IOK which seems to be focused on demographic changes (Parker, 2019).

It is worth mentioning that the revocation of Article 370 is not an instant decision. Historically, the BJP has been trying to change the population ratio there in IOK. Actually, India has been following the Israel Model in the IOK. The plan of demographic changes in the IOK was suggested by Shimon Peres, Foreign Minister of Israel while visiting India on May 18, 1993 that there is no need to discourage the idea of demographic change in India because Hindu majority population could integrate Kashmir as integral part of India. Diverse population having More Muslims than minorities could not dream peace. (Shaikh, n.d.)

Although, multiple efforts were made earlier to alter the demography of the IOK, the major movement started after the rise of the BJP into power. In 1947, the IOK was a Muslim majority state with 72.40 % Muslim population. However, according to the Indian Census of 2011, the percentage of the Muslim population has been decreased to 68.27%.

The first planned demographic change in Kashmir can be traced back to the premeditated plan of massacre of the Muslim masses by the nexus of the Dogra ruler. The British press reports of that time are the only source of testimony to this state-sponsored genocide in 1947. Horace Alexander's article on January 16, 1948 in *The Spectator* is widely cited as the fundamental source. According to him, almost 200,000 Muslims were killed (Alexander, 1948). According to the report of *The Times*, published on August 10, 1948 London that people of Jammu and Kashmir were trapped and killed rest had to escape Pakistan. All happened under what we called state terrorism headed by Maharaja of Kashmir. The massacre was prior to Pathan involvement in Kashmir and accession crisis (Naqvi, 2016). Even Ian Stephens writes that on the very day thousands had been killed and hundreds of thousands had been missing. Owing to this massacre, the Muslim majority in Jammu was decreased from 61 % to 30%. Another effort to alter the demography of the Jammu region was made under the cover of the Agrarian Reforms Act of 1976. According to this Act, ownership rights were given to tillers of the land. In a malicious attempt, the records were tempered to show thousands of the non-Kashmiris as tiller of the land (Islam, 2017).

The proportion of the Hindus in Leh and Kargil districts of Ladakh region is doubled. In 2001, the Hindu population was 6.2% while in 2011, it is 12.1%. It means, the population of the Hindus in Ladakh over a period of ten years has been increased by 100 % which a matter of concern for international community. In addition to that, "the Muslim population in the Jammu district today is merely 5% compared to 39% in 1947. Similarly, in the Kathua district, it has been reduced from 30% to 8% now" (Islam, 2017). Moreover, the BJP government has been engaged in setting up Sainik colonies and composite townships in IOK. The purpose is to permanently settle Indian soldiers in IOK (such a colony has already become operational in Jammu), while the townships were meant to settle displaced Kashmiri Pandits.

After assuming power in 2014, Indian PM Narendra Modi has intensified its illicit efforts to make demographic changes in the IOK. It seems that their main agenda in the IOK is to convert the Muslim majority into a minority. Mr. Rajnath Singh, the Federal Home Minister of the government of Bharatiya Janata Party (BJP) (Nawaz, 2017), "unveiled a plan in April 2015, to settle tens of thousands of non-Kashmiri Hindus in the Muslim dominated disputed territory of Indian Occupied Kashmir

(IOK). BJP has long vowed to settle 200,000 to 300,000 Hindus in IOK.” Moreover, following the Israel modal of settlements, India has also planned separate Sainik colonies for the permanent settlement of non-Kashmiri retired Indian Army officers in the Kashmir Valley along with composite towns for the Kashmiri Hindus (Shah, 2016). However, the establishment of the Sainik colonies is unlawful under international law; disputed status of Kashmir and Indian commitments in UNSC resolutions make it evident that such colonies are open violation of UN legal frameworks for Kashmir. Although the displaced Kashmiri Pandits have a right to return to Kashmir, but this selective return presents serious challenge. Under Article 49 of the Fourth Geneva Convention (Treaties, States Parties and Commentaries, n.d.), “The occupying power shall not deport or transfer part of its own civilian population into the territory it occupies.”

However, now, the aim behind the revocation of the article 370 and 35A is, to utilize all social, political, military, intelligence, and religious tools to convert the majority of the Muslims in Kashmir into minority. The IOK is under complete lockdown since August 2019. The people of Kashmir have rejected the Indian discriminatory approach towards the Muslims. The demographic changes are posing a serious challenge to the possibility of the resolution and decolonization of the IOK. If the changes in the demography of Kashmir continue in future, the spirit of the plebiscite will be lost. Plebiscite is the fundamental right of the permanent residents of the state of Jammu and Kashmir. Indian extremist unilateral decisions are threatening the regional peace and stability.

## **5. Conclusion**

Although the world has witnessed a successful wave of decolonization and promotion of fundamental human rights throughout the world yet the case of Kashmir’s right of self-determination is still pending at the agenda of the United Nations. Indubitably, it can be argued that the Indian agenda behind the recent revocation of the Article 370 and 35A by the fascist extremist government of BJP is to utilize all social, political, military, intelligence, and religious tools to criminally alter the demographic realities of Indian Occupied Kashmir. Unfortunately, anticipating the possible widespread protests and unrest against this unconstitutional and illegal act of the BJP, the IOK has been completely locked down since August 2019. The Kashmiris have rejected the Indian discriminatory approach towards the Muslims. The ongoing movement of the demographic changes in the IOK is posing a serious challenge to the possibility of the resolution and decolonization of the IOK. If the changes in the demography of the IOK continue, the spirit of the plebiscite will arguably be lost. Hence, it is the high time for the United Nations and the international community to protect the

fundamental rights of the people of Kashmir. Human rights violations need to be stopped. The demographic realities of the IOK should be secured against any forceful effort.

The only possible solution to this decades old conflict lies in the successful implementation of the United Nations Resolution. United Nations Security Council have to take all necessary measures for the implementation of its Resolution. In case of disagreement of any party to the conflict, UNSC should use every possible pacific or coercive means for the sake of innocent Kashmiris, international peace and security. In case of failure of UNSC, UNGA may take necessary measures for the implementation of the Resolutions under the 'Uniting for Peace' resolution mechanism.

This paper aims to contribute in the existing literature of conflict studies and peace building, especially on Kashmir, as currently there has been limited research produced on the subject-matter – particularly decolonization– which is perhaps a key limitation vis-à-vis the research collection for this paper. The discussion on how to implement the particular UNSC resolutions and the technicalities of international mediation is also beyond the scope of this paper. Therefore, future research in comparative politics and peace building literature should look at exploring ways to determine the best course of action when it comes to the implementation of UN resolutions while making sure that unilateral and forceful actions are thwarted in order to protect and secure the rights of Kashmiris.

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