

## Human Rights Violations in India-Occupied Kashmir, Challenges and Applications for The Region

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### Abstract

This study explores that Indian government playing with the innocent life of Kashmir valley having high number of human rights violations. The distinctive combination of economic and strategic interest forced the major states to not exert their pressure on Indian government to eradicate the human rights violation in Kashmir valley and should go for a peaceful resolution to eradicate the conflict. The overall situation of Kashmir conflict is badly impacting the stability of South Asia region having two nuclear states are on the edge of war that will obviously destroy the infrastructure and human life. The study uses the theoretical framework of neoclassical realism to properly explain the domestic politics and International Structure in which international communities and Institutions are not paying attention towards the human rights violation in Kashmir and forcing the states to do heinous act. The research objective primarily focuses on analyzing the factors that impacted the human rights, peace and stability of region and to explore the possible factors to address and prevent the human rights violation. The mediation of major states and setting up CBMs to resolve the issue and provide a policy of cooperation, progress and resilience.

**Keywords:** Kashmir conflict, Human rights violation, Neoclassical realism, South Asia stability, Conflict resolution

### Introduction:

After 1947, Pak-Indo relations became a point of contention as both the nation involved in heavily destructive wars of 1947, 1965, 1970 and 1999. These wars set a policy of enemies for both nation and the concept of bilateral and diplomatic ties remain disputed. Kashmir agenda was the prominent factor for both nation as they were trying to get the autonomous power over Kashmir. Pakistan supported the Mujahideen as a freedom fighter but India claimed them as terrorist group trying to invade the stability and peace of Indian Territory. Soon after 1986, the endemic people of IOK declared Muslim United Front (MUF) and Jammu Kashmir Liberation Front (JKLF) as the appropriate forum to raise the issue of Kashmir independent voices and Human rights. The valley of Kashmir had become a hub of escalated conflict between armed forces of India and Kashmiri freedom fighter supported by Pakistan. December 1989 marked the official start of insurgency when a daughter of Home Minister for Kashmir affairs was kidnapped and abducted. This was the time for India to send in larger number of military troops to IOK to eliminate the voices, independence and human rights of Kashmiri peoples. Many International Organizations tried to

highlight the brutality of India forces in IOK. Asia Watch described the situation of IOK as a “Human rights crisis” and attempted to communicate the level of New Delhi’s atrocities in Kashmir society (Haq, 2017).

Comparable to Asia Watch, the Office of United Nations High Commission for Human rights (OHCHR) IN A 43-page report mentioned the level of Human rights violation in Kashmir. The leaders around the world remained hesitant to invade the situation in IOK due to their strategic and economic interest. A very large number of developed states trying to pursue their own cooperative relations with New Delhi (India) to get benefits in diverse fields, instead of discussing Kashmir issue. Additionally, in 2016, India started killing freedom fighter to adopt a brutal policy rule of its forces, which in response emerged as a widespread protest. Indian forces, while trying to disperse the protestors, killed more than hundred civilians, thousand injured and blinded hundreds of people by using pellet-firing shotguns. Indian authorities never stopped using indiscriminate and extreme policy against the people of Kashmir in tackling the massive protest emerged across IOK and also deployed an arsenal of weaponry forces to abolish peaceful protest, including pellet guns, tear gas and bullets. A curfew that lasted over three months in IOK while private landlines, mobiles and internet services were suspended for weeks and the publish of newspaper was suspended for days. The imposition of curfew further violated the primarily fundaments rights of Kashmiri people.

Later on, the recent wave of human rights violation that emerged after August 5, 2019, when India revoked Article-370 and 35A of its constitution and abrogated the special status of Kashmir further degraded the living style of innocent Kashmiri society and disturbed their societal values. Many International organizations highlighted New Delhi atrocities without taking concert measures. International and regional organization, including the United Nation Human Rights Council, the European Union and Organization of Islamic Cooperation’s (OIC). Independent Human Rights Commission conveyed distress over utter Human rights violation by the armed forces of India government in Kashmir but, Indian government very cleverly covered up such violations as countering Pakistan, submitted a dossier with UNGA for alleged Human rights violation in Baluchistan (Un.org, 2024).

### **Statement of the Problem:**

The tenacious Human rights violation in IOK by Indian government by their illegal act of killing innocent people by using pellet-firing guns and abrogation of constitution (Article 370 and 35A) are highlighted by Pakistan Officials at UN but Indian government is hesitating to indulge in negotiation to resolve the issue. India is treating this issue as a minor bilateral concern between two states; thus, it does not want third party to be involved be as UN or any other International Organization. The global power and the Influential actors are not paying much heed to Human rights violation in IOK and Indian government creates a narrative, which declares Human rights violation hypothetical and uses the pretext of “Terrorism” to enjoy global recognition.

### **Theoretical Framework:**

The term Neoclassical Realism first appeared in Rose 1998 to designate the works of Christensen 1996, Schweller 1998, Wohlforth 1993, and Zakaria 1998 (Oxford, 2016) . Within the realist

paradigm of international relations theory, neoclassical realism is a theoretical perspective. By emphasizing power dynamics and contentious relationships between nations, realist theories have attempted to make sense of the international environment. Despite this commonality, realism theories have looked to a variety of sources for explanation in order to evaluate conflict and war: characteristics of the international arena (such as the absence of a central government, or anarchy), human nature, or the dynamics of state politics. Neoclassical realism, on the other hand, focuses mostly on using both the international and national (domestic) levels to analyse governments' foreign policies.

The theory of neoclassical realism is implemented to examine the domestic and International structure that helps in understanding the behavior of states and International organizations rather than just focusing on human nature and best theory for this research. This theory provided the best and significant knowledge to the history of politics and been a useful theory for the future decision making process as well. At that time, this theory is the best applicable as compared to the recent approaches and the when many of theorist critics the concepts of classical realism. According to Brown, the concept of power is transforming. By opposing the liberal approach, realist proposed an alternative and advanced theory which is totally based on the core assumptions of classical and neo realism recognized as neoclassical realism. This theory primarily focuses on distribution of power capabilities among states, states intentions and domestic variables such as state institutions, poor and elite class, societal actors that affect the strength and freedom of actions of the foreign policy decision makers. According to Waltz, Global system of politics is also regarded as the main factor that emphasized the states affairs and intentions and how they behaved in a certain way despite differences in government, political ideologies, cultural norms and economic situations (Little, 2007). He also stated that international system has influence over the affairs of states and they behave and respond accordingly.

#### **Application of the theory**

Kashmir issue is the best way of discussing the neoclassical realism theory as it covers both the classical and neo realism perspective that ha major impact on domestic and international level. This theory mainly discussed the two main perspective or assumptions which are as followed: Firstly, the states are primarily focuses on their self-interest as selfish in nature. The domestic policies of both the nation are quite different and relied on increasing their military and nuclear strength to overcome the threats and to dominate in their own narratives. The concept of democracy and liberty is totally rejected at national level and the behavior of the states are totally depending on domestic engagement of leaderships and nation people. India isn't ready to sit and build a proper way of resolving the conflict with Pakistan where both the nation will obviously prosper their economy and strategies and to enhance their capabilities.

Secondly, the international structure is totally followed by states and also influenced to do accordingly. The international institutions and organizations are totally reluctant to exert their pressure and regulations on Kashmir dispute and the number of atrocities the valley is suffering. There are huge number of human rights are violated and no one has ever condemn any one of the heinous act done by Indian government and military. This is all because of the major

states interest in economy and strategy. As USA and China both states are looking to prosper their interest by standing with their own best interested state. The United Nation and other international institutions are just as puppet in case of Kashmir conflict and to condemn the harsh act of Indian government as well.

#### **Research Methodology:**

The research study primarily is done through the qualitative approach in focusing on factors and figures. The whole data of this research study was collected from secondary sources which includes articles, books, journals and websites. The research analyses the facts and figures that are available in the form of proper documents existing as Published work, official speeches and joint statement of Pakistan and India Governments. The tactical policy of India and Pakistan diplomatic and tactical measures are basically evaluated to develop productive work. The historical factors as well as the official and legal documents were also consulted to frame the whole research study. The United Nation High Commission for Refugees (UNHCR), Amnesty International, China Watch, The Carter center and so many other human rights organizations were also consulted to write down the human rights violation in Kashmir valley.

#### **Discussion:**

##### **Peace and Stability:**

The concept of peace and stability totally dependent on a further talk between Pakistan and India as both the nation working on upgrading their defense system and strategies to counter each other. The human rights are brutally violated by Indian forces and powerful people to an eliminate the freedom and culture of Muslims and Islam around the Kashmir valley. If both the nation enhanced their capabilities and cooperation for future endeavors and stability as they should focus on eradicating the conflicts and resolve the Kashmir issue peacefully and democratically to give a relief for South Asian states. In 21<sup>st</sup> century, both nations are equipped with nuclear weapons and credibility to assured the destruction of world peace and stability. The only way to seek out solution of this conflict is negotiation and diplomacy and also the mediation of major states to create a productive environment.

In recent time, Security council appointed a United Nation Commission on Pakistan and India to resolve the conflict but India having radical and hard policy approach didn't agree to work on it. India who brought this issue to UN totally refused the solution provided by UNSC. The Tashkent agreement (1965) and Shimla agreement (1972) were too much productive steps towards negotiation and bilateral talks that had a lot of benefits but due to further escalated situations both the nation indulge into war like situation again (MOFA,2023).

According to some reports there are about 87,678 people of Kashmir are killed by Indian troops, there have been 104,380 houses and shops are burned by Indian forces, there have been 105,210 children are orphaned, 9297 woman raped and molested and 21,826 are widowed. So we can imagine the cruelty done by Indian forces and government in Kashmir valley. Now it's time to re shake hands again and start working on rebuilding good and productive relations for the betterment and advancement of human rights, struggle, health, education and future of generation. Both the nation should work progressively on setting up democratic approach and

soft policy to pursue the relations in a comprehended ways and against the terrorism, extremism, and illegal human trafficking and resource management (State.gov. 2004).

This approach will definitely benefit the South Asia region by having friendly relations among two nuclear states. The concept of trade, bilateral treaties, engagement and cooperation will prosper both states and maintain stability in the region. The political leaders must participate in bilateral talks and cultural exchange programs to promote each other culture and language. By lowering the chances of conflict escalation the bilateral investment can be future development for both nation as India is now became a 5<sup>th</sup> largest economy and their leaders must implement on a regulating democratic norms, values and provide proper rights to Kashmiri people by giving them their rights to decide whatever they want to do joining Pakistan, India or being an independent state. The people of Kashmir valley are filled with self-determination and them only seeking for independence.

The liberal world order can set up the world order and stability around the globe. According liberal theorist free market, liberty, rights and justice, freedom of living and Rules and regulations are the basic fundamentals of democratic and stable state. The two nuclear power states can set up the liberal order according to their interests but in this scenario both the states are trying to dominate over each other and overcome the number of security threats by maximizing their nuclear and military capabilities and advancing their technologies at LOC and borders area to counter any threats that can compromised both states integrity and security. Maintaining liberal world order can eliminate the both states conflict and will provide a proper framework of rebuilding strong relations and flourished in future. By removing military personals and troops from Kashmir and providing equal human rights will impact the Pak-Indo relations as well.

Pandit Jawaharlal Nehru portrayed the strategic picture of Kashmir as follow:

- Kashmir Northern frontier runs in common with those of three States USSR, China and Afghanistan. So, security of Kashmir is vital for the security of India, especially since part of southern of Kashmir and India is common.
- In response Nawabzada Liaquat Ali Khan also describe the strategic importance of Kashmir valley as followed;
- The addition of Kashmir valley to India is big threat to the security of Pakistan (Fayaz, 2018)  
So both the states have different perspective related to Kashmir issue. The only way to dealt with this issue is to make reforms and mediation of third party like USA and China to loose down the tension and anger between two states and to start the development projects and boost their economies by exchanging cultural programs, social media accountability, Public media transparency and the role of political leaders to create better and friendly narratives and perceptions. Certain developments were made back in 2007 to ease the conflict and to maintain a peaceful environment in South Asia region. Following are the main developments which are given below;
- The LOC between two rivalry states will never be change.
- The LOC will always be open for transportation purposes.

- Pakistan and India both the states will provide a complete autonomy to Kashmir under their own control.
- Through Consultative mechanism, tourism, trade, education, water resources, environment and health sectors will be managed.
- Both the nation will gradually decrease the number of troops from their under control Kashmir (Haq, 2014).

#### **Liberal paradigm:**

Basically, India is considered as a democratic state with no democratic period of 21 months in 1975-77. Both the nation has fought a lot of wars to dominate over each other and to impact the integrity, peace and economy. The war of 1948, 1965, 1971 and half of kargil war (1999) effect the infrastructure and peace of the region for a time. Both the nation has nuclear weapons and capabilities and can destroy the regional stability and development by one escalating conflict. So the leaders of both nation has met in recent time to eradicate the conflict and tensions across borders and to make peace for the betterment and prosperity of South Asia region.

Pakistan and India started their economic liberalization in 1990 and both nation were agreed to reduce the tariffs from 225% in 1988 to 25% in 2005 (Sridharan, 2005). India has also included Pakistan in MFN status to set a policy of economic developments and Pakistan were also willing to be a trade partner with India (Chakma, 2008). With the passage of time both the countries trying to maintain productive relations with each other having both the nation leaders visited each other country and pay attention on good relations and focuses on economy benefits. The Pakistan-India chamber of commerce and industry were established after India PM Vajpayee visited Pakistan in 1999 and in 2008 India become Pakistan ninth trade partner (Chakma, 2009). The liberals also believed that if both the nations are constantly improving their relations and eradicating the tensions of escalation they must reduce tariffs and quantitative restrictions under the WTOs obligations. By setting up such approaches and enhanced their capabilities it will definitely benefits both the states and to region as well.

According to SAPTA (South Asian Preferential Trade Arrangement) and SAFTA (South Asia Free Trade Area), referred economic interdependence in South Asia as sign of cooperative security Chakma, 2010). The formation of SAARC, EU and ASEAN were also the parameters of structuring the regional and world order and development to flourish the living standards of nation people and to provide a sustainable environment for developing infrastructure around the world. If Pakistan and India primarily focuses on improving their economic conditions and to provide independence to minorities like giving freedom and independence to the people of occupied Kashmir it will obviously decrease the bone contention between too powerful and nuclear states of South Asia region. So involving regional organization to resolve this conflict can be handful development for maintaining peace as well.

If both the nation agreed on formulating new paradigm of clearing out tensions and conflict they must build a stable organization as before the SAARC and ASEAN Played a crucial role in providing a platform to but to some extent the SAARC didn't played their role in maintaining peaceful relation between these two nation states. At various occasion both the nation participated in SAARC summit to sought out the problems but their main focus was

informal meeting instead of formal meetings. The leaders of both the nation involved in creating a point of relief for negotiation and talks to avoid any future uncertainty. The very first summit was held in Dhaka in 1985 just after the big clash of Siachen glacier and due to the availability of SAARC the conflict was cool down and managed easily. Similarly, Pak-Indo non-Nuclear aggression agreement was signed at the 4<sup>th</sup> summit SAARC to stabilize the destructive policy of both the nation and to prevent the future nuclear warfare.

#### **Bilateral relation:**

The bilateral relation between Pakistan and India is quite complex now a day as both the nation are involved in four harsh wars that significantly destroyed any chances of good relations at that time but with the efforts of both the nation leaders they are also involved in making peace and stability as well. The Neighborhood first policy that keep both the nation of desiring peaceful and stable relation with each other and to provide atmosphere free of terror and extreme violence because both the Pakistan and India primarily focuses on their own narratives and perspective to achieve dominance over other to make a world sure that we are good at our sight and providing a complete structure of equal rights and independence. Indian External Affairs Minister visited Pakistan in December 2015 and he proposed Comprehensive Bilateral Dialogue to set a policy of friendly relations and to cooperate in various field of economy and security.

Indian Prime Minister congratulated newly elected PM of Pakistan Mr. Imran Khan on 2018 general elections of Pakistan for being as the largest political party in National Assembly and wishes him a better future for the development and prosperity of both the nation and region. In response to Pm Modi letter, Pakistan wrote back a letter to Indian government for arranging of meeting in UNGA in New York to bring some kind of positivity and peaceful developments for the region and then the Indian government accepted the letter as well. PM Modi received a telephonic call from Pakistan PM ON 26 May 2019 and got a lot of congratulations for being a powerful party leading the big state. The Indian PM also wishes good luck for the development of Pakistan and realized that if we both work jointly against poverty we can eradicate the poverty and inflation in our country and we must indulge bilateral treaties and cooperation to prosper and benefits our people instead of fighting against each other. PM Modi also said that if we work to gather we have the ability to eradicate terrorism and violence in our countries and will provide a tension free environment having trustworthy alliances and investment. These initiatives will foster the progress of peace, progress, cooperation and region stability (Bilateral Brief, 2020).

SAARC provide a platform for creating and re building good relations among these both countries but the efforts done through SAARC didn't exist properly and failed to bring back both the nation again on track of negotiation and talks through the process of diplomacy and mediation. So, if both the countries wanted to reshaped the alliances and good relation they must develop a policy of compromise and soft power and not to pay much attention on increasing nuclear capabilities and strategies to counter each other and to primarily focuses on upgrading health care, educational and cultural exchange programs that will help out in sustaining productive environment.

#### **Non-State actors:**

With the end of 20<sup>th</sup> century the number of states and non-states actor are increased and they developed through the involvement of major states and other organizations to controlled and interfere in different country affairs and development process. In the context of Pakistan-India relation and South Asia SAARC is the only benefitted non states actor that played a very much uncertain role in reassuring the relations between these two states. The non-state actors like ASEAN and EU played a significant role in their region and properly functioned. They manifested their plans and regulations to create a hub of developments and infrastructure. Such organizations played a pivotal role in setting up productive policy for economy, education, health care and other basic opportunities to provide a sustainable and much productive environment to their nation peoples. There are different ways of non-state actors that involved in maintain peace and progress by providing aids and financial assistance to weaker states that would obviously rise up their standards of living and spending. The non-state actors are definitely entities composed of individuals or groups that properly work on sustaining political, economic and social situations of any state. According to Pearlman and Cunningham; the non-states actors are basically organized political actors that are not connected with any of states but they continually work for the betterment of states economic, political and social standards (Cunningham, 2012).

The influence of India in South Asia region is quite large and now a day the number alliances with regional and international states are also increased by India. So, the main problem regarding the tools and working process of SAARC is completed dominated by India as the big state having big economy to pursue any of other states to do whatever Indian government is portraying in front of the whole international media. There have been a lot of summit done by the administration of SAARC but they all useless and thwarted by the influence of India government. Such summits provide policy and established a corridor of negotiation and leaders talks and also the formula of back door diplomacy to create any way of building certainty among these two states that will comprehensively benefits the development of Pak-Indo future. If both the states again started their policy of soft power and trade they not only integrate their own benefits but also work towards the integration of South Asia region (PU, 2016).

The potential way of eradicating the tensions and conflicts between Pakistan and India is only the startup of any form of strong regional or international organization that must play a significant role in assuring the trust and comprehensive policy towards development and sustainable environment. Non-state actors involved IGOs and NGOs that provide a complete policy framework and assistance to rise and produce their wealth and also to set up rules and regulations to counter the poverty, terrorism, inflation and un-stability that occurred through different famines, conflict and pandemics.

#### **Non-traditional security threats:**

With the passage of time both Pakistan and India is facing a lot of non-traditional threats that are continuously affecting the economy and infrastructure of both the states. According to Pakistan Today; Pakistan is facing numerous flood and their aftermaths. The UN Environmental report shows that Pakistan is in top 10 countries that are much vulnerable to climate and weather patterns. There are hundreds of thousands of people who are effected and lost their life, family



and home as well. Without the availability of good standards of health care and advanced equipped tools people are losing their life and a devastating situation is occurred due to negligence of Government and investing much on military and nuclear advancement rather than education and health care.

The estimated loss of economy is 20 billion dollars. There are number of non-traditional challenges which definitely lead us to a traditional security threats in near future and no one can get rid of them. Pakistan has made a lot of schemes and policy to control population rate from the period of Ayub Khan to the recent policy that was launched in 2022. But they all failed and difficult to be implemented in Pakistan due to the great negligence of people and the government body as well. The report shows that Pakistan rising population ratio is 20% annually that is something bad for the development factors and the other South Asian countries ratio is only 2% annually. Another reports shows that Pakistan is also facing a lot of hunger problems as well. The Global Hunger index reported that Pakistan is 92<sup>nd</sup> out of 116 hunger effected country having no stable and rich government and policy as well. Pakistan GHI scores are 24.7 that is very bad and destructive situation for the people and development of Pakistan (Shah, 2022).

In 2005, Pakistan faced great Earthquake that effected the life and infrastructure of nation people. According to reports the earthquake caused approximately 0.5 million death of people that figure is quite awful and devastating for any state. There are millions of people seeing their homes become ashes and destroyed as they don't have any home for shelter at that time. It is estimated that 3.5 million people were homeless with the financial loss of 5.2 billion dollars (Khan, 2018). The other main factor that should be discussed is human security as both the nation are not paying much attention on improving the life standards of their nation people as they only spend less amount of their money on such factors as compared to the other region or the rest of world. In South Asian region most of the countries are indulged in heavy destructive wars like Pak-Indo war. They all are focusing on increasing nuclear weapons and military equipment tackle each other threats and strategies. According to reports the South Asia region is less in spending on health care and to upgrade the standards of their nation people as their most of the nation are in conflicts or impacting each other through various involvements and isolating their main fundamentals. The human poverty index of South Asia is recorded less as compared to the rest of the world with less than \$30 per capita per year on health care which is even 2/3 of Sub-Saharan African. Its all based on the purchasing power parity of \$1 a day. Another report shows that the over 35% people of South Asia region is surviving under the poverty line.

If the situation of the region remains same then the number of percentage will be double with the \$2 a day is made on the basis of drawing the poverty line in South Asia. If do so, both Pakistan and India will face a lot of problems in near future with 80% of Indian and 78% of Pakistani would fall into poor category. In case of India, there are a lot of non-traditional security threats which had effected for years creating a situation of famines, pandemic and poverty. India is facing a serious number of food security, human trafficking, water scarcity, illegal immigration, Contamination, energy security issues, public health issues and disease, disasters and International terrorism as well. These are the main factors that India is facing a lot of problems and should focuses on providing a complete and productive plan to eradicate such threats and

stabilize the state and nation people life styles. Instead of making enemies India create a situation of harmony and being a big democratic state should play their vital role in developing the South Asia region. Pakistan and India should focus on developing new and advanced health care system and sustainable policy to benefits their human, food, financial and career security to their people and invest on IT sector to provide advanced online plat-forms to earn and increase the revenue. The both countries work to gather to mitigate the environmental threats, weather patterns and to control human trafficking, international terrorism, corruption as well as to serve the nation people with food, career and financial security.

### **Conclusion**

In conclusion, both the states are the main actor in South Asia region having nuclear capabilities, big economy, democratic system, natural resources and alliances with major states. The main problem is that both states are linked with their own interested major states and getting benefits accordingly as Pakistan is now having a good relation with China and India is with USA. They are gaining their benefits as long as it is good for both of the states. The complex perspective of these two nuclear states are specifically difficult for other states two resolve as major states are linked with their good aligned state to up hold their dominances in the region. Pakistan and India must set CBMs to reassure their ties in various fields as to gain their economic, political and social interests. The division of Kashmir to the three period of wars between Pakistan and India effected the people and infrastructure.

Both states are now trying to defeat and eradicate each other instead of focusing on increasing and building strong economy and stability in the region. India is clearly abusing the basic human rights of Kashmiri peoples by using troops, pellet guns, genocide, raping and molesting. There are thousands of human atrocities and killing of innocent life and having no access to common food, internet and basic necessities. The recent event that impacted the sentiments of Pakistan government and nationals by abrogating the Article 370 and 35(A) having no special status to Kashmir. Today by the mediation of major states by ignoring their interest should develop a policy or organizations that will prosper both states integrity and economy. The policy of CBMs and having compromise on different factors like removing troops at LoC and giving basic rights to Kashmiri peoples by Indian government and working to gather on eradicating terrorism and instability by the cooperation of both the nation will automatically benefits the regional economy and stability.

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