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ASRAR UHAH

Date: _____

(1)

Test Series NOA

Pakistan Affairs - 03

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Question No: 09

(I)

Introduction

Kashmir issue is one of the challenging conflicts for India and Pakistan. Kashmir, a Muslim majority region, has been under the control of India since 1947. However, Pakistan calls it as an illegal accession and demands the fate of Kashmir through public wills and referendum. Both the neighbouring states, India and Pakistan, have fought three times for getting dominance over this conflicting territory. These states have tried to resolve this issue through diplomatic efforts, but

got failed.

(II) Kashmir's History: An Unfinished Agenda

Kashmir issue can be traced back to the partition of British India in 1947. According to the Indian Independence Act, 1947, states like Jammu and Kashmir were to decide whether to join Pakistan or India.

Kashmir was a muslim-majority territory with Hindu ruler, Hari Singh — the Maharaja of Kashmir. The local uprising and tribal militia stood against him. He, therefore, sought help from India by signing Instrument of Accession on 26 October, 1947 and India deployed its troops to have full control over the territory.

(III) Integration of Kashmir into Indian Union

The Indian Constitution, Article 01 states that Kashmir is a state of India. Article 370, which gave special autonomy to Kashmir, was added to the constitution.

Moreover, Presidential Order 1954 included Article 35(A), which provided rights and privileges to only Kashmiris in Kashmir.

In addition to this, the Constitution of Jammu and Kashmir came into effect in 1956, further strengthened the bond between Kashmiris and Indians.

(IV) Legal Basis of Pakistan's Position on the Kashmir Dispute

Pakistan claims that the Hindu ruler, Hari Singh handed over the Kashmir without consulting with Muslim-majority population which was against the spirit of Indian Independence Act of 1947.

Another effort of Pakistan is the UNSC Resolution 47, passed on 21 April, 1948, proposed that the people of Kashmir will decide their future fate through a plebiscite under UN supervision.

(V) Revocation of Article 370 and 35 (A)

The BJP government of

Day: _____

Date: _____

Narendra Modi revoked Article 370 and 35 (A) through a Presidential Order which ended the special autonomy of Kashmir.

"One Country, One Law" was an official statement of Indian Prime Minister N. Modi.

Additionally, Jammu and Kashmir Reorganization Act, 2019 divided the state into two Union territories such as Jammu and Kashmir with legislative assembly and Ladakh without a legislative assembly.

To pursue the stance further, Jammu and Kashmir Reorganization Order, 2020 altered the domicile criteria to allow non-Kashmiris to get

the right of permanent resident

(VI) Pakistan's Policy on Kashmir Issue

Pakistan has always been in favour of resolving Kashmir issue through diplomatic channel. Pakistan's policy can be observed through efforts to have a bilateral negotiation or through an international mediation. Some policies of Pakistan are:

① Right to Self-determination

Pakistan has highlighted Kashmir issue on all international forums, particularly United Nations that Kashmiris should be given the right to self-determination as assured by Resolution 47.

of UNSC.

use more specific and relevant headings.....

② International Dispute

Pakistan maintains that Kashmir is not a territorial issue but internationally recognized dispute that remains on United Nation Security Council's agenda. Pakistan rejects that India's claim of Kashmir as its territory.

③ Support for Kashmiris

Pakistan has been trying to resolve Kashmir issue in favour of Kashmiri people since partition of the region through Indian Independence Act, 1947.

Moreover, Pakistan has broadcasted the Kashmir

issue and the atrocities of Indian government in its mainstream media so as to reveal the worsened situation to the world.

④ Diplomatic Negotiations

Pakistan has sent official delegations to major capitals like Washington D.C, London, Brussels and Moscow to explain its position, advocate for dialogue and highlight need for peace.

Furthermore, Pakistan express willingness to resolve the issue through international engagement, mediation and support of United Nations, by highlighting the humanitarian crisis in the region.

⑤ Pakistan's Rejection of Elections in Indian Occupied Kashmir

Pakistan openly rejected the 2024 Jammu and Kashmir Assembly Elections and emphasized ~~the~~ the need to address Kashmir issue in accordance with International Law and United Nations Security Council (UNSC) resolutions.

⑥ Pakistan's Response to the Revocation of Jammu and Kashmir Special Status

On 6th August, 2019, Pakistan's Foreign Office condemned India's revocation of Article 370, describing it as an illegal and unilateral move. Pakistan took the following steps to express

its solidarity with Kashmiri people and end bilateral relations with fascist regime of Modi in India, which implement the extremist policies of RSS.

- i) Pakistan recalled its envoy from India and expelled the Indian High Commissioner from Islamabad.
- ii) Suspension of railway and transport services
- iii) Banning cultural exchange with India
- iv) Release of a new political map in which Kashmir is a disputed territory
- v) Observance of Youm-e-Istehsal (Exploitation Day) on 5th August

to express solidarity with the Kashmiri people.

(VII) Conclusion

Kashmir, an international recognized disputed territory, needs a positive response from global developed states such as United States of America and Russia in order to resolve the issue through diplomatic efforts.

