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**After 73 years**

The people of Kashmir observe October 27 as the day of occupation because it was on this day in 1947 that India sent its army to occupy the land of Kashmir.

This occupation happened 73 years ago when Indian troops invaded Kashmir on the pretext of a fraudulent Instrument of Accession whose original has never been found. India rejects any international criticism of its policies in the occupied state on the grounds that it is its “internal matter”. It chooses to ignore the resolutions passed by the United Nations which proves its disputed status. In any event, violations of human rights anywhere in the world cannot be ignored. The movement in Kashmir is not secessionist because Kashmir cannot secede from India to which it has never acceded to in the first place.

Unlike many including Pakistan’s former military ruler, General Musharraf, who regard it as a territorial dispute between India and Pakistan, the dispute involves the life and future of 23 million people of Kashmir. Until August 2019, the presence of articles 370 and 35-A in the Indian constitution retained at least a semblance of special status of Kashmir in the Indian federation. However, their abrogation severely affected the rights of the people of Kashmir and can be regarded as an act of further aggression and assault on them. The UNSC in its resolutions numbered 122, 123 and 126 clearly prohibits any unilateral action to change the disputed nature of the State of Jammu and Kashmir. The August 5 revocation last year violated these resolutions.

Ignoring the wishes of the people of Kashmir for whatever reason is not going to solve the problem. The crisis requires immediate diplomacy that recognizes the explosive situation on the ground in Kashmir and takes immediate measures to avert it. The right of self-determination is a basic principle of the United Nations Charter which has been reaffirmed in the Universal Declaration of Human Rights, and applied countless times to the settlement of international disputes. It is sad that this principle has constantly been ignored in this case. At the time of independence, India and Pakistan as sovereign states agreed that the Kashmiris would be allowed to exercise their right of self-determination under impartial auspices and in conditions free from coercion from either side.

The idea that the dispute over the status of Jammu and Kashmir can be settled only in accordance with the will of the people, which can be ascertained through the democratic method of a free and impartial plebiscite, was supported without any dissent by the UNSC and supported by all the major powers. It became a matter of controversy only after India realized that it could not win the people’s vote.

Bertrand Russell had said in 1964 that “the high idealism of the Indian government in international matters breaks down completely when confronted with the question of Kashmir.” The fraudulent elections in 1987 extinguished the last flicker of hope among Kashmiris that India would bow to a free and fair plebiscite. The status of East Timor was resolved in 1999 by a free and fair vote of the East Timorese. The same, championed by the US and the European Union happened in Kosovo, Montenegro and Southern Sudan. The solution of Kashmir’s indigenous upheaval is no different. It is not something which cannot be achieved if the two sides can be convinced to demilitarize on either side of the Line of Control; hold a plebiscite or an election by an international and neutral agency; and the elected officials could negotiate a final settlement of the Kashmir conflict.

Prime Minister Modi rose through the ranks of the RSS, a right-wing Hindu group closely allied with the BJP which claims that “the State of Jammu & Kashmir, with its oppressive Muslim-majority character, has been a headache for our country ever since independence.”

At the time of the revocation of articles 370 and 35-A in August last year, the Indian government had shut down internet, cell phones, landlines which had never been done before, and cable TV; and had imposed a curfew across Indian occupied Kashmir. This sealed off all the doors and exits for just about any news to emerge. Schools were closed, public gatherings banned, and prominent Kashmir politicians placed under house arrest.

Kashmir was experiencing the largest ever crackdown, exodus and information blackout in Kashmir’s history for an extended period of time. From the end of July troop levels were increased. Despite so much time having passed, the situation has not normalized; hundreds of thousands of troops remain stationed in the state; the internet remains suspended or restricted and severe restrictions on the use of mobile phones continue. This is resulting in millions of dollars’ loss to the Indian economy particularly the Kashmir valley.

The BJP may have anticipated such an outcome but must have calculated that the media's attention on any issue, regardless of its severity, has a short attention span.

This is not how people are won over. Indian occupied Kashmir has not seen a single day since its invasion in October 1947 without the presence of hundreds of thousands of troops.

India is proud of its democratic credentials. All it has to do is prove them by inviting the world community to organize free and fair plebiscite or elections in Occupied Kashmir, and respect the wishes of the people. The outcome may result in loss of some territory if the people vote for secession but isn’t this how democracy is supposed to function?

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