



# ISSUE BRIEF

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## PoK Chauldron: An Unfinished Agenda



Col **Hansi** is a serving officer of the Indian Army.

### Background

On 22 October 1947, Muslim tribal militias duly supported by Pakistani regular forces crossed the border to forcefully annex the State of Jammu and Kashmir (J&K). Unable to face the onslaught of assaulting forces, Maharaja Hari Singh on 26 October 1947 signed the Instrument of Accession and on 27 October the Indian Forces were launched for Operations in the State. The war in Kashmir continued till 01 Jan 1949, when a formal cease-fire was arranged through UN mediation. Meanwhile on 21 April 1948, the UN Security Council passed Resolution 47<sup>1</sup> for deciding the future of J&K “**both India and Pakistan desire that the question of accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of free and impartial plebiscite**”. However, both countries failed to arrive at an agreement due to differences over interpretation of the procedure and the extent of demilitarisation, which required

### *Key Points*

1. On 22 October 1947 Pakistan forces entered Jammu and Kashmir (J&K) to forcefully annex the State. Maharaja Hari Singh on 26 October 1947 signed the Instrument of Accession and on 27 October the Indian Forces launched Operations in J&K.
2. On 27 July 1949, vide UN initiated Karachi Agreement, cease-fire line was drawn between India and Pakistan in J & K, thus creating Pakistan Occupied Kashmir (PoK).
3. Since its occupation, PoK has been virtually denied of all basic humanitarian rights and the region is in utter state of despair, gloom and any voice of dissidence is brutally quelled.
4. India must reiterate its claim on PoK, being a legitimate part of the Indian Union. It must mobilise international opinion by providing diplomatic platforms to the leadership and intellectuals and propagate their case against PoK's unlawful occupation by Pakistan since 1947 and need for reunification with India.

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withdrawal of all the Pakistani nationals and its tribesmen and the Indian Army less those troops required to maintain peace and ensure free and fair plebiscite from the respective areas of occupation. The withdrawal never took place. On 27 July 1949, under the auspices of the Truce Sub-committee of the United Nations Commission, Karachi Agreement was signed by the military representatives of India and Pakistan<sup>2</sup> “ to establish a **cease-fire line in the state of J & K, mutually agreed upon by the Governments of India and Pakistan**”, till the future status of the State of Jammu and Kashmir could be determined in accordance with the will of the people (Resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948). Thus came into existence, Pakistan Occupied Kashmir (PoK), comprising of two fifth of the Kashmir.

Pakistan divided PoK into Northern Areas with an area of 28,000 sq miles and population of 1.2 million and Azad Kashmir (as called by Pakistan) having an area of 4,494 sq miles and population of 1.5 million. The Northern Areas (renamed ‘Gilgit-Baltistan’ in August 2009), by some ambiguous declaration was unilaterally placed by the Central government of Pakistan under its direct rule, though with no specified status in the Constitution<sup>3</sup>. While Kashmir is mentioned as a disputed territory, the Northern Areas finds no mention in the relevant schedule and consequently do not enjoy any worthwhile fundamental, legal, political or civil rights<sup>4</sup>.

In 1963, Pakistan illegally ceded 5,180 sq km of territory to China in Aksaichin to facilitate construction of Karakorum Highway between Beijing and Karachi. This highway passes through Indian territory and has been constructed illegally without its permission.

Since its occupation, PoK has been treated as a colony by Pakistan and virtually denied of every

consideration of the basic objective of “**Azad Kashmir**,” through various draconian legislations. The region is in state of utter despair and gloom, marginalised and irrelevant to functioning of main land Pakistan.

### Political Turmoil

A supposed parliamentary form of government exists in PoK with President as the constitutional head, prime minister as the chief executive, duly supported by Council of Ministers. However, the elected representatives are more ceremonial with real power and control resting with the government of Pakistan. Thus, de facto PoK is under the direct rule of the central government with its integral political institutions being anything but representative and democratic. Every government in Islamabad has tried to install a puppet government of its own choice in PoK, in total disregard of democratic principles and aspirations of people. In 1955, following popular protests against Pakistani misrule and high handed policies, the Pakistani Army for some time also imposed Martial Law in PoK to brutally quash the rising unrest and dissent and any political institution suspected to be aiding the cause was victimised. The continuing suppression of local population over the period has led to an acute sense of discontent and alienation, resulting in rising demand of freedom from Pakistan.

### Demographic Inversion

The demographic composition of PoK since 1947 as part of strategy by Pakistan has been largely altered with the intent to turn the original inhabitants (mostly Shia’s) into minority. Forceful appropriation of land and encouraging Sunni population<sup>5</sup> from outside of the region to settle in PoK has led to setting in the process of demographic inversion, causing increased sectarian violence

between majority Shia's and migrant Sunni's and economic stress.

### **Sectarian Violence**

PoK has been in the grip of sectarian violence and unrest since occupation. Sectarian extremists parties, actively patronised by Pakistani State continue to reign terror, targeting the minority population in the region. The blatant killing of Shia's over time has unleashed fear and uncertainty among the people and there is an open outcry about the government's inaction and indifference to control the situation. Forceful recruitment of youths in various terror organisations is a common practice and any dissention is ruthlessly punished. PoK is being increasingly subjected to the jihadi ideology, destroying the very fabric of religious tolerance and peaceful co existence.

### **Economic Exploitation**

PoK has vast deposits of precious and semi-precious stones, marble and abundance of water which offer huge potential for generation of hydro-electric power. Pakistan has been systematically exploiting and draining the region of its natural resources and the revenue generated is siphoned off to other provinces. PoK remains one of the most backward and neglected areas with no industry and its economy is largely dependent on tourism.

Additionally, with no worthwhile university or professional colleges in the region, only 2.2% students graduate<sup>6</sup>. High illiteracy rate and limited avenues for employment, is raising the level of unemployment disturbingly, further straining the fragile economy.

### **Human Rights Violations**

PoK remains highly backward, with negligible

infrastructural development, deprived of basic human rights, medical facilities and amenities. The entire region presents a dismal picture of socio-economic and political disempowerment. The people of PoK hardly have any avenue to express their legitimate grievances, with the actual power, discretion and authority resting with the indifferent central government of Pakistan.

The earthquake in 2005, wherein thousands of people were killed and millions displaced, with widespread devastation, PoK received a very apathetic and shallow response from the Federal Government. Bulk of the restoration and reconstruction work was under taken by International humanitarian organisation and NGO's, funded by foreign donors.

In the recent anti-Pakistan agitation in PoK in September 15, visuals of brutal force used by Pakistani Police, Rangers and Army to suppress the voices of protests / dissent have been relayed world over, showing the despicable state of affairs in PoK and absolute disregard for humanitarian rights and values.

Pakistan's engages in extensive surveillance of media and pro-independence groups and arbitrary arrests and detentions are common. In most cases, the detainees are subject to brutal torture and several cases of custodial death have been reported. Impunity for acts of torture and mistreatment of civilians by the military and intelligence services remains the norm with no fear of judicial reprisal.

### **Iron Curtain**

Pakistan, ever since the occupation of PoK has virtually declared the area out of bounds for foreigners, journalists except for occasional tightly controlled guided tours organised selectively by the Army or the intelligence agencies. The restricted access to PoK has prevented exposure of atrocities

being committed in the region by the Pakistani state and denied the local population avenue to express itself over the period.

However, with rising nationalist movement and pressure by the International community and local diaspora in the West, facts about Pakistan's oppressive and brutal highhanded approach towards the locals of the region is being highlighted world over.

### Duplicity of Pakistan

In the address by Prime Minister Nawaz Sharif to the UN General Assembly on 30 September 15<sup>7</sup>, he highlighted about Muslims suffering across the world, including Palestinians and Kashmiris who were oppressed by foreign occupation. He further added that "Unfortunately, some seek to use the global campaign against terrorism to suppress the legitimate right of occupied peoples to self-determination". The duplicitous grandstanding and righteous sermonising by the Pakistani Prime Minister was exposed by the visuals of inhumane treatment meted to the locals in PoK, who had gathered for peaceful protest against the draconian policies of the Pakistani government and its indifference towards the deteriorating security, economic and political situation in the region.

Unlike the pathetic situation in PoK, India post accession of Jammu and Kashmir ensured the interests of the state and its people were protected and promulgated a special provision in its Constitution (Article 370). Regular elections have been held in the state with no interference from the Central Government and robust democratic processes and institutions exist. No malicious effort to change the demography of the region have been initiated, rather stringent ordinances have been passed restricting acquisition of the property, limited to only state subjects. Whilst, on the contrary, in PoK

no functional democratic institutions exist, the local Government is firmly controlled by the oppressive Pakistani regime. The region is deprived of all basic amenities and humanitarian rights. In spite of being a major source of natural minerals and water, it remains backward and financially starved as all revenue generated is diverted towards Punjab and other provinces of Pakistan. The region is nowhere treated at par with the rest of Pakistan and the name 'Azad Kashmir' (as given by Pakistan) is a cruel joke that could not be more farther from the truth.

### Way Ahead : Policy Options

The State of Jammu and Kashmir is an integral part of India and India must act earnestly to contest illegal occupation of PoK by Pakistan. It must continuously highlight to the international community the pathetic state of affairs as exist in the region and the atrocities committed by Pakistani Government to quell any voice of dissidence. It is important for India to sincerely review its policies and impress its claim strongly for unification of PoK with it.

- India must provide political, diplomatic and financial support to the people of PoK, protesting against illegal occupation of the region by Pakistan and assuage their grievances.
- Provide diplomatic platform to leaders, educationists and elites of PoK to make world aware of the situation as prevailing in the region and aspirations of the locals.
- The Indian leaders, diplomats and dignitaries visiting Pakistan must ensure regular interaction with the representatives of PoK, and raise their concerns in the international fora's.
- Any bilateral talks with Pakistan must include 'cessation of Pakistan's occupation of PoK' in the agenda.

- Invite political representatives, educationists and luminaries from PoK to India for interaction and highlight their grievances and problems<sup>8</sup>.
- The proposal sometimes forwarded by the Pakistani hierarchy about creation of Institutions for **Joint management of Kashmir**; must be quashed forthrightly. This arrangement questions the very right of Indian sovereignty over PoK. The region is integral part of India and would be governed solely by it.
- **Economic and Trade Relations.** Economic linkages and intertwined financial interests carries maximum promise for bettering relations. Both Ladakh and Northern Areas have “extensive potential for development of Adventure Tourism”, such as Mountaineering, Mountain Biking, Rafting etc, besides religious tourism with host of famous shrines, temples and monasteries located in the region. Inflow of tourists and allied business opportunities would help boost economy and development on both sides. Increased interaction and business exchanges would lead to deepening of ties and reduce apprehensions / suspicions created by false Pakistani propaganda against India.
- **Opening of Kargil-Skardu Road.** Kargil-Skardu road for centuries has been used for connecting people of both the regions politically, culturally and economically. This route if opened can become an important trade and tourism link for the people of Ladakh and PoK and help revive historical relations. Moreover, this would also put an end to the prolonged yearning of the people to meet their dear ones, who got separated after the illegal occupation of the region by Pakistan.
- **Cultural Exchanges.** With common history, traditions and languages, cultural exchanges can help erase misperceptions and suspicion created by vested interests of Pakistan and improve people to people ties. It would also assist in providing an insight into the state of development, economy and freedom as exists in J&K vis a vis PoK.
- **Perception Management and Media.** Media plays a critical role in creating and managing perceptions. It can steer government policies, highlight legitimate acts of protests and articulate a particular narrative. India needs to internationalise the dismal situation as prevails in PoK and seek their intervention to resolve the long pending issue of PoK’s unification with India. The local population of PoK must also be made aware of the gaping chasm that exists in the state of development between J&K and PoK, systematic pilfering of its natural resources by mainland Pakistan, deliberate attempt to keep PoK isolated & backward and pushing fabricated narratives against India to create misperception.
- Other Nations with interest in the region including China must be made aware of India’s apprehensions, as PoK is legitimate part of India. Any activity in the region without India’s permission would qualify to violation of Indian sovereignty.
- India must demand establishment of a UN Observer Group in PoK, to monitor and report the situation as prevailing in the region.

### Conclusion

India must reiterate its claim on PoK and remind the international community at every available opportunity that PoK is a legitimate part of the Indian Union and is under illegal occupation of Pakistan. The blatant violation of human rights,

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deliberately keeping the region in state of abject poverty, illiteracy and backwardness needs to find mention in all international fora's and interactions by India. It is incumbent upon Indian to adopt a

proactive approach towards unification of PoK with India and make sincere efforts to mobilise international opinion against unlawful occupation of PoK by Pakistan since 1947.

### Notes

1. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/47\(1948\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/47(1948))
2. [http://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK\\_490729\\_%20Karachi%20Agreement.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_490729_%20Karachi%20Agreement.pdf)
3. <http://www.satp.org/satporgtp/kpsgill/2003/chapter3.htm>
4. 'Almost' Pakistan: Gilgit-Baltistan in a constitutional limbo by Zulfiqar Ali, Tariq Naqash, Jamil Nagri – Published Aug 09, 2015 in Dawn, <http://www.dawn.com/news/1198967>
5. [http://www.idsa.in/issuebrief/SectarianStrifeinGilgitBaltistan\\_psingh\\_210512.html](http://www.idsa.in/issuebrief/SectarianStrifeinGilgitBaltistan_psingh_210512.html)
6. <http://www.gmat.com.pk/azadkashmir.aspx>
7. <http://www.un.org/apps/news/story.asp?NewsID=52079>
8. <http://www.indiandefencereview.com/spotlights/pakistan-occupied-kashmir-and-northern-areas/>

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**CENTRE FOR LAND WARFARE STUDIES (CLAWS)**

RPSO Complex, Parade Road, Delhi Cantt, New Delhi 110010

Tel.: +91-11-25691308, Fax: +91-11-25692347, Email: [landwarfare@gmail.com](mailto:landwarfare@gmail.com)

Website: [www.claws.in](http://www.claws.in)

CLAWS Army No. 33098