

**Humanitarian Crisis in Indian Jammu and Kashmir: An Analysis**  
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*Human rights violations in the part of Kashmir ruled by India are the subject of this article. The part of Kashmir under Indian administration suffers from the ongoing violation of human rights. Their daily lives now involve everything from political repression and the oppressive conditions of free speech to mass murders, forced disappearances, torture, rape, and sexual abuse. Extremist organizations, border guards, and the Indian Central Reserve Police Force have all been charged with and found guilty of serious violations of human rights against Kashmiri civilians. The rebels in Kashmir believe that the part of the country that is ruled by India is a part of Pakistan. Thus, the only people who are allowed to live on that area are Pakistanis. However, the question of how far it is acceptable to create one's existence at the expense of ending the lives of people who are completely innocent and have no fault of their own other than the fact that they were born on that property emerges. Numerous questions have been raised by this upheaval, all of which deserve our serious attention and prompt resolution.*

## 1. Introduction

Kashmir is one of the most ongoing and controversial disputes in modern international relations. For decades, the Himalayan region of Kashmir has served as a center of attention for relations between Pakistan, India, and the local citizens of Kashmir. Its policies, territorial claims, and accommodations have an impact on the entire subcontinent. The conflicts in the region of Kashmir were started at the time of British India separation in 1947. The princely state had the choice to become a part of either India or Pakistan after the independence of Sub-continent. Kashmir, a territory dominated by Muslims and ruled by a Hindu maharaja, was forced to make a decision (Hussain, 2022). After joining India in October 1947, Maharaja Hari Singh asked for assistance from the country; this sparked a war in retaliation for a surge of tribal attacks and conflicts supported by Pakistan. This is the outcome of the significant war that arose in the Kashmir region following India and Pakistan's entry. Following the war, the nation was split, with India keeping certain parts (Jammu, Kashmir Valley, and Ladakh) and Pakistan controlling others (Azad Jammu and Kashmir and Gilgit-Baltistan, which are bordered by the Line of Control) (Akhtar et al., 2021).

The region saw an increase in violence between 1965 and 1999. In order to show their desire for self-determination, the people of Kashmir, particularly those who reside in the Kashmir Valley, have stated their desire for independence or freedom. In response, India and Pakistan each reaffirmed their claims to the region in separate ways. The conflict has impacted the life of Kashmiris significantly. Many reports were recorded on the violation of human rights such as murder of foreign nationals, forced disappearances and lack of civil liberties by international organizations (Azam, et al., 2023). The area has become militarized because of the presence of Indian security forces that resulted in escalation of violence and social unrest. There is a threat that Kashmir dispute might result in nuclear exchange as both India and Pakistan have nuclear weapons. The world is also interested in China, India, and Pakistan's regional positions as they have an impact on the stability and security of the region (Cheema, 2016). autonomy is given to Jammu and Kashmir under Indian constitution's Article 370, which came into effect in 1950. This autonomy includes having its own national flag, constitution, and independence in all areas other than foreign affairs, defense and communication. Enacted by presidential executive order in 1954, Article 35A forbade foreigners from residing permanently in the territory, buying land, holding public office, or being granted scholarships.

It also forbade the local assembly from selecting permanent residents of the area. The region would be significantly impacted if these regulations were removed. Political leaders were arrested, communication was cut off, and prohibitions were imposed as a result. Numerous Kashmiris, particularly youth, were apprehended and detained in Indian jails. The Indian government is charged with genocide, violating human rights, and destroying the socio-economic life of Kashmiris. Kashmiris worry that the change may cause a demographic shift from an area with a Muslim majority to one with a Hindu majority (Azam, et al., 2023). Legal and political issues were also raised by repeal; experts disagreed on whether state legislators would need to approve it or if the president could enact it. The nation has promised to aid Kashmir in its quest for independence. The

international world, however, had mixed opinions. While some nations, including Malaysia and Turkey, denounced the action, others saw it as an internal issue with India. In August 2019, the United Nations Security Council (UNSC) discussed the Kashmir dispute behind closed doors, however they refrained from making a statement. India and Pakistan are commanded by the US to keep the Line of Control peaceful and secure. China also voiced its alarm over the circumstances and demanded a quiet solution to the conflict (Ansari, 2019). Furthermore, the abrogation of Articles 370 and 35A has fueled the conflict with Kashmiris facing a "life or death" struggle to utilize their right to self-determination. The conflict for independence by Kashmiris was characterized by military actions, nonviolent protests, and acts of civil disobedience. In response to these protests, the Indian government utilized repression and violence. Thus, the conflict was exacerbated and the situation became more unstable with the repeal of Articles 370 and 35A (Ahmad & Parihar, 2023).

### **1.1 Statement of Problem**

Human rights violations are a persistent problem in Jammu and Kashmir, an Indian-administered disputed territory. The Indian army has been charged with violating rights of the Kashmiris. The Kashmiris are suffering from a large number of human rights violations that weaken the autonomous status of Kashmiris and threaten their status of self-determination.

### **1.2 Objective**

This study aims to investigate the human rights breaches that the conflict between Pakistan and India has caused for the people of Kashmir.

### **1.3 Hypothesis**

1. The conflict of Kashmir between Pakistan and India is a serious humanitarian issue. The conflict is escalated due to the nationalist sentiments of both Pakistan and India which resulted in massive human rights violations and sufferings especially in Indian occupied Kashmir.
2. Humanitarian Challenges in Kashmir following the repeal of articles 370 and 35A resulting in demographic shifts through new property rights legislation.

## **2. Research Methodology**

Problem of humanitarian crisis in Indian occupied Kashmir is examined using the descriptive methodologies. A variety of research papers, journals, articles, books, and institutes are the sources of the secondary data. The study used in this paper is qualitative, which entails gathering and examining non-numerical data in order to comprehend concepts, realities, and experiences.

## **3. Theoretical Framework**

Realistic analysis of the Pakistan-Indian conflict over Kashmir reveals the power struggles and competing strategic agendas in the area. The anarchic character of the international system and governments' quest of power to maintain their supremacy and existence are highlighted by realism, a well-known theory in international relations (Bhatti, 2022). Realistically speaking, the Kashmir dispute demonstrates how India and Pakistan

have both used forceful policies and power politics to impose their will on the area. Kashmir's strategic location at the meeting point of China, India, Pakistan, and Central Asia highlights its significance in the rivalry for dominance between the two countries (Hussain, 2022). Because of the region's strategic location, plenty of natural resources, and predominantly religious population, both governments are fighting for control in order to strengthen their positions of power and security. The realist viewpoint emphasizes how the balance of power, dominance, and power itself shaped the Kashmir dispute (Hussain, 2009). India's decision to remove Kashmir's special status and integrate it more fully into the nation is indicative of its goals for regional hegemony and power consolidation, according to realists (Khairunnisa, 2023).

### Literature Review & Results

Gupta and Bhardwaj (2021) analyzed the impact of Article 370 abrogation on social fabric, political and economics of Jammu and Kashmir. They mentioned Jammu and Kashmir as "The Paradise on Earth," has faced serious political upheaval and instability since the revocation of Article 370 in 2019 by the Indian Government. Gupta and Bhardwaj pointed out that the aim of this abrogation was to merge Jammu and Kashmir as a Union Territory for development. However, they discussed that the political instability that appeared post-2019 raised serious problems for the region's development, and the prolonged shutdown of internet services and blockages of communication means hindered the business environment.

"The Indo-Pak Rivalry and the Kashmir Issue: A Historical Analysis in the Security Context of the South Asia" is a research work that elucidated the concept of Kashmir as a bone of contention between the two enemy states (Hussain et al., 2019).

"Ambivalence Constitutional Developments during 2019 in India: Impacts and Implications on its Muslim Community" by Dr. Ghulam Mustafa, Adnan Aslam, Muhammad Nawaz Bhatti, Dr. Abdul Qadir Mushtaq, Muhammad Arslan. The article is about constitutional developments by Modi's Government and its implications on Indian Muslims (Mustafa et al., 2020).

Muhammad Imran and Ghulam Mustafa elucidate the US Security Policy with reference to India and Pakistan in "Convergence and Divergence of Interests of Regional Players (Pakistan & India) and the US Security Policy in South Asia". (Imran & Mustafa, 2019).

"Kashmir Issue During Modi Era: A Comparative Analysis of Pakistan's and Indian Print Media" a research work directly deals with the Kashmir issue. The article is written by Maryam Azam, Asad Ali Akram, Dr. Ghulam Mustafa (Azam, et al., 2023).

Ahmad and Parihar (2023) examined the recent revocation of Article 370 by the Indian government and its influence on Kashmir and Kashmiri people. They discussed that the revocation of Article 370 terminated privileges given to the people of Jammu and Kashmir by the Indian state. Ahmad and Parihar also noted Pakistan's response to this change of Kashmir status by the revocation of Article 370 including launching a defamation campaign against India and intimidating a nuclear attack. At the end, they wrote about the

criticisms faced by India from international press and certain politicians for its actions in the Kashmir Valley. (Ahmad & Parihar, 2023)

Amir et al. (2020) provided depth of knowledge regarding the disputed history of Kashmir and its sociopolitical implications. They put pressure on the complexity of the dispute and its influence on regional peace, by highlighting the efforts to resolve the conflict that have been impeded by India's firm attitude and mutual hostility between India and Pakistan. They also examined the role of international mediation and the need for diplomatic support and economic development in resolving the conflict (Amir et al., 2020).

Akhtar et al. (2021) thoroughly analyzed the territorial disputes between Pakistan and India over Kashmir. They noted the ongoing conflict's effects on the region and the challenges which was faced during the resolution of conflict. The writers emphasized the significance of diplomatic support and cooperation in finding a resolution and reducing tensions (Akhtar et al., 2021).

#### **4.1 What are Human Rights?**

Human rights are those that enable people to completely grow and lead dignified lives. Humans are born with equal rights and dignity. Human rights are moral entitlements that each and every individual possesses simply by virtue of their humanity, irrespective of caste, color, creed, origin, cultural distinctions, or any other variable. Human rights are those that are inherent to our existence as individuals and that are defined by the United Nations (human rights and laws). Human rights allow us to develop and make use of our innate skills, intelligence, and capacity to meet our most basic needs. Irrespective of other circumstances, these are the fundamental liberties that each and every member of the human species have against the government or other authority. According to the 1948 Universal Declaration of Human Rights, human rights are defined as those that flow from the inherent dignity of the human person. The rights that are safeguarded by a written constitution are called fundamental rights. Human rights are adaptable and universal. They keep expanding in step with the political, cultural, and socioeconomic developments of the state (Haq, 2018).

#### **4.2 Humanitarian Crisis and Armed Conflict in Kashmir**

The Kashmir movement's evolution was significantly influenced by the events that followed 9/11. The region's involvement in security issues has become strategically significant due to the broader war on terrorism. One of the significant occasions that influenced Kashmiris' aspirations was the US invasion of Afghanistan. Nevertheless, Pakistan's shift in position toward the Kashmir dispute dealt a serious blow. Pakistan had previously provided support for the indigenous Kashmiri resistance, but this support diminished as Pakistan withdrew and generated international pressure to suppress extremist groups. Following the attack on the Indian Parliament, which almost led to war, ties between India and Pakistan became even more tense. Following the events of 9/11, Pakistan forbade terrorist organizations from operating in Kashmir at the US's request, hence reducing the amount of insurgent activity in the area. Due to this shift, terrorist groups like

Lashkar-e-Taiba and Jaish-e-Mohammed were less able to launch offensive operations, which had an impact on the dynamics of the Kashmir movement (Butt, 2017).

However, despite these advancements, violence in Kashmir persisted, although in different forms. There were more vehicle bombings and ambushes during that period than militant attacks. Indian security forces used this delay to undertake counter-insurgency operations that resulted in the deaths of many rebels. The intensity of the Kashmir movement fluctuated throughout time. Election-rigging in 2002 set up violent protests that claimed lives and had serious financial repercussions. Furthermore, fighters from Pakistan, Afghanistan, and Middle East, which increased tensions, resulted in population relocation, particularly among Hindus (Cheema, 2016).

Pakistan gave internal counter-insurgency efforts precedence over the Kashmir issue after 9/11. This modification allowed India to shift the demographic realities in Kashmir, which complicated things. However, the tide was starting to shift by the early 2000s, as fewer people in the area were showing a desire for violence. Political changes such as the victory of Mufti Sayeed's Democratic Party promised peace and stability. Despite periodic upswings, violence persisted in Kashmir, with militants and Indian forces causing significant damage and loss of life in their wake. The conflict evolved into a counterinsurgency campaign characterized by periodic acts of violence identical to those of guerrilla warfare. (Abid & Ashfaq, 2016).

#### **4.3 The State of Human Rights in the Aftermath of Burhan Wani**

The conflict in Kashmir worsened when prominent jihadist Burhan Wani was killed by Indian security troops in July 2016. His death sparked large-scale protests that were covered by international media. Growing international pressure on India to address the brutality done by its forces in the occupied zone led to unprecedented scrutiny. Following Wani's death, thousands of Kashmiris demonstrated in the streets, criticizing the harsh tactics employed by Indian security forces. Wani's funeral march drew some 200,000 people, despite the fact that the Indian government-imposed curfews in most of Indian-Administered Kashmir (IAK) in an attempt to suppress the protests. In 2016, Indian soldiers intensified their crackdown, resulting in a high death rate among civilians. The use of pellet guns by security personnel caused over 100 civilians including young girls and children to become blind in addition to numerous injuries, including fatalities. Specifically, tensions between India and Pakistan increased after armed militants attacked an Indian army camp at Uri, killing eighteen soldiers (Dhanak, 2019).

The situation worsened after the 2019 Pulwama incident, in which forty Indian paramilitary forces were killed in a roadside attack. India responded with force and the pain of innocent Kashmiris continued; multiple cases of verified rape, molestation, and other violations were reported. Following Wani's murder, sexual abuse and arbitrary detention by Indian forces have left hundreds of Kashmiris dead and thousands injured (Wani, 2019).

#### **4.4 Abrogation of Article 370**

The political rights of Kashmiris were still being suppressed by India's persistent strategic aggression. This was made abundantly clear on 5<sup>th</sup> of August in 2019, when Indian

parliament approved a bill to repeal Article 370 of Indian Constitution, so undermining the Kashmiri people's unique identity. Tensions in Pakistan and the Kashmir Valley rose as a result of this political move. Pakistan decided to stop speaking with Delhi for the first time as the already tense bilateral relations between India and Pakistan grew worse. Then, curfews were imposed, disappearances were monitored, and the people of Kashmir were made to endure unending pain as the region plunged into instability once more (Khan & Cheema, 2017).

#### **4.4 Curfew and Mass Detentions**

The significant alterations implemented in Jammu and Kashmir signified a turning point in the troubled history of the area, inciting disturbances and pervasive anxiety among the indigenous populace. A number of incidents, including claims of increased troop deployments and the evacuation of domestic tourists and pilgrims making their way from Kashmir to the Amarnath shrine, added to the already sensitive situation. The Indian security forces escalated their use of force against the native Kashmiri population in the Kashmir Valley when Article 370, which had given the area some autonomy, was revoked. More than 3,800 inhabitants of Kashmir are presently being kept in captivity as a result of this crackdown. The Kashmiri people's civil and political liberties have significantly declined as a result of these events. In the wake of the constitutional amendments, the Indian government has attempted to strengthen its hold on the area. The path toward a fair and long-lasting resolution to the protracted Kashmir dispute has become increasingly difficult as a result of the oppressive methods used by the government, which have only served to increase the alienation and animosity felt by the Kashmiri people. Leaders of political parties that favor both independence and ties to India are among those incarcerated, along with lawyers, civil society representatives, and activists. Notably, former chief ministers of Jammu and Kashmir Omar Abdullah, Farooq Abdullah, and Mehbooba Mufti have been detained since August (Shaban, 2019).

#### **4.5 Torture of Civilians, Pellet Guns Causing Blindness and Psychiatric Issues**

After Indian Article 370 was repealed on August 5, 2019, numerous reports of physical torture surfaced in various parts of the Srinagar district, such as Mansoor Colony, Gung Bug, Gulshanabad, Tengpora, Firdosabad, and Boatmen's Colony. Unfortunately, several adult boys who had been tortured by police and were in their custody died from their wounds; reports of these instances have come from districts like Kupwara, Pulwama, and Srinagar. Fourteen individuals were forcibly removed from their houses in the Parigam hamlet of Nadapora on the evening of August 5 by Indian army troops. These people were subjected to inhumane treatment, including being forced to sit on top of one another, horrific beatings with bamboo sticks and plastic canes, and forced nudity (Wallen, 2019).

Since July 2016, more than 7,000 persons in Indian Occupied Kashmir (IOK) have been shot using pellet guns, leaving many injured. More than 200 of them, including children and teens aged five to sixteen, are blind. Particulate gun blindness affects 85% of blind individuals psychologically. During the Burhan Wani era indigenous rebellion, 325 pellet gun victims have received psychological treatment in Srinagar hospitals (Rafiq, 2019).

#### **4.6 Communications Shut Down and Prayers Forbidden**

On August 4 and 5, the Indian government imposed a communication blockade in Kashmir, limiting access to government-owned landlines, mobile phone networks, and broadband internet services from both the public and commercial sectors. This was the 55th time in the Valley that such shutdowns have occurred; they are still going on. The protracted ban on public media channels meant that the diaspora of Kashmiris living outside the region was unable to contact their families and had to rely on international media for information about the shutdown (News, 2019).

Following the imposition of restrictions, the right of citizens to pray and worship was taken away by the invading forces. On August 12, Eid festival of Muslims, residents of IOK's other districts, including Srinagar, were barred from gathering in big groups by the authorities. Only the smaller mosques in the neighborhood were open to them for prayer (Siddiqui, 2019).

#### **4.7 Denied Right of Self-determination and Violation of Right to Life**

The UN Charter, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) all protect people's freedom to select their political status. Both India and Pakistan, the opposing parties, have supported the Kashmiri people's UN-granted right to self-determination. According to UNSC resolutions 47, 51, 80, 91, and 122, as well as resolutions from the UN Commission on Pakistan in August 1948 and January 1949, the indigenous Kashmiris would have their say in an impartial referendum overseen by the UN to decide what would happen to their homeland. It is regrettable that Kashmiris have been denied their fundamental rights for over 70 years, a serious violation of international law. The international community should exert pressure on India to uphold Kashmiris' fundamental rights, which they have been denied for far too long, in accordance with Article 25 of the UN Charter (Puri, 1999).

The Universal Declaration of Human Rights (UDHR) states in Article 3 that everyone has the right to life, liberty, and personal security. International human rights law clearly forbids the deprivation of life under any circumstances. The designation of the right to life as being absolutely forbidden is highlighted in Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which reiterates this principle. Torture is explicitly prohibited by Articles 4 and 7 of the International Covenant on Civil and Political Rights (ICCPR), even in circumstances when there is high security. Nonetheless, a lengthy list of instances in which the security forces in Indian-occupied Kashmir (IOK) have subjected people to torture, extrajudicial executions, arbitrary detentions, and other serious abuses of their human rights has been gathered by organizations like Amnesty International and Asia Watch. The comprehensive documentation that these reputable human rights organizations have supplied has been crucial in bringing the full extent of the IOK crisis to the attention of the world community. Due to the protracted military occupation and discriminatory laws, the Kashmiri people's fundamental rights have been steadily undermined. This has made it clear that accountability and the protection of these rights are urgently needed (Behera, 2006).



#### **4.8 False Encounters, Extrajudicial Murders, and Ethnic Destruction**

The IPHRC delegation was notified by the administration of Azad Jammu and Kashmir (AJ&K) that roughly 617 dead bodies have been collected from the waters of the Jhelum River, which has its source in Indian-Administered Jammu and Kashmir (IOK). This alarming figure offers more proof of the human rights catastrophe developing in the area. The IPHRC also interviewed people who were in AJ&K on special visas and whose siblings had allegedly been staged encounter victims by the security services. These people described horrific incidents of violations of human rights and the anguish of losing loved ones without any way to seek justice or redress. The findings of Christof Heyns, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, are echoed by these disturbing stories. Heyns' report supports allegations that Indian forces arrange or fabricate encounters in IOK, frequently using accusations of police attacks as justification. The UN Special Rapporteur's conclusions, along with the testimony gathered by the IPHRC, offer more proof of the systemic human rights breaches and extreme suffering that the people of Kashmir had to face. These alarming disclosures highlight how urgently thorough inquiries, responsibility, and the defense of fundamental rights in the area are needed. The deceased are portrayed as aggressors in these interactions, slain by security agents apparently in self-defense. It is shocking to see that some security officers use these tactics for their own benefit. An Indian army major is accused of killing three people in Baramulla in order to obtain incentives or a promotion. After being initially identified as terrorists, it was discovered that these victims were actually missing IOK civilians. Ethnic destruction of Muslims from the area seems to be the primary motivation behind these extrajudicial executions and the targeting of innocent people in IOK. The recorded 43,642 deaths of civilians and liberation fighters between 1988 and 2019 highlight the scope of this crisis (Hafner-Burton, 2013).

#### **4.9 Discriminatory and Restrictive Legislation**

The Armed Forces Special Powers Act (AFSPA) and the Public Safety Act (PSA) in Kashmir are both discriminatory and promote impunity, according to a thorough research. The PSA is used to detain children, and Amnesty International has called it a lawless statute. Human Rights Watch (HRW), the International Commission of Jurists, Amnesty International, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, and other international organizations have urged India to desist from detaining individuals, including minors, under laws that discriminate against them, such as the AFSPA and PSA. Comprehensive assessments from international human rights organizations indicate that the Public Safety Act (PSA) is predominantly enforced in the Indian-Administered Jammu and Kashmir (IAJK) region. Authorities may hold anyone for up to two years under this harsh statute without being charged or subject to a fair trial. The PSA's ban on family visits while a person is in custody is one particularly worrisome feature that adds to the misery and suffering already endured by the jailed person's family. The region's lack of accountability and breaches of human rights are made worse by this practice. For example, in September 2016, Khurram Parvez, a well-known human rights activist, was detained under the Public Safety Act on suspicion of endangering public order.

It was very difficult for his family to visit and encourage him when he was in prison because Kot Bhalwal Jail in Jammu was 270 kilometers away from his Srinagar home. International human rights laws and principles are flagrantly violated by the extensive implementation of the PSA in the Indian-Administered Jammu and Kashmir territory, as well as the denial of due process and family visitation rights. These results highlight the pressing need for extensive reforms and the defense of the region's citizens' fundamental liberties. The AFSPA is another rule that oppresses people; under Section 4(a), even junior soldiers are allowed to allow subordinates to shoot any Kashmiri they believe poses a threat to public order. In a same vein, security personnel are authorized by Section 4(b) of the AFSPA to demolish any residence they suspect of being utilized by freedom fighters or wanted fugitives. The demolition of residences, private property, houses of worship, and educational facilities results from this excessive discretion. The use of force in connection with the warrantless arrest of someone suspected of committing a crime is permitted by Section 4(c). These acts blatantly violate international law, which holds India responsible for upholding the Bill of Rights' guarantees of human rights (Jaiswal, 2021).

In a report released on July 1, 2015, Amnesty International condemned the law for encouraging impunity, allowing Indian army forces to violate human rights in IOK without worrying about facing consequences. The main topic of discussion was AFSPA Section 7, which shields security personnel from lawsuits alleging violations of human rights. The UN Special Rapporteur Christof Heyns and the IPHRC delegation agree that the powers allowed by AFSPA are more than those that are appropriate in emergency situations, do not provide the required safeguards, and violate people's right to life (Amnesty, 2015).

For the local populace, the Indian-Administered Jammu and Kashmir (IAJK) territory has become extremely unfriendly and unsafe due to the heavy military presence there. It is quite concerning that lethal force is frequently used in reaction to even little disagreements, normalizing the use of extraordinary measures. The international community's comprehension of the human rights crisis occurring in the territory is further complicated by India's position that the legislation and military deployments in IAJK are not a part of an internal armed struggle. According to the UN Special Rapporteur's findings, laws designed to combat terrorism, such the Armed Forces Special Powers Act (AFSPA), are inherently at odds with the values of democracy and human rights protection. The security forces have been able to operate with impunity thanks to these harsh measures, which has resulted in widespread violations of human rights and the restriction of basic freedoms. The Kashmiri people, who live in dread and uncertainty, have suffered greatly as a result of the normalizing of this hostile and militaristic atmosphere. It is impossible to exaggerate how urgently the area needs fundamental changes and the maintenance of international human rights standards (Weinert, 2015).

#### **4.10 Violation of Right to Freedom of Speech, Religion, Peaceful Assembly and Association**

Democracies require the freedom of speech, but in Jammu and Kashmir, which is administered by India, this freedom is severely curtailed. Political leaders are subject to impose restrictions, and the Public Safety Act is frequently used to arbitrary arrests of

people. Additionally, the government regularly enforces communication blackouts in the area. These limitations weaken the Kashmiri people's right to self-determination and silence them (Gruskin, 1998).

Every person is guaranteed the freedom to exercise their religion and beliefs by Article 18 of the ICCPR. However, Muslims in Indian-Administered Jammu and Kashmir (IAJK) have often experienced abuses of this fundamental right. The Indian government frequently places unlawful and unreasonable restrictions on significant religious events such as Muharram processions, Friday prayers, and Eid prayers. Moreover, Muslim prayers, processions, and religious gatherings are disrupted and dispersed by Indian security personnel using coercive tactics. Friday prayers at the revered Jamia Masjid Srinagar were missed by Muslims in IAJK over 20 times in 2017 alone due to restrictions on movement and regular curfews. Similar unreasonable restrictions apply to congregational Friday prayers at Jamia Masjid Shopian. The situation in IAJK has gotten worse due to the rise and actions of far-right Hindu political groups as well as the anti-Muslim propaganda of the ruling Bharatiya Janata Party (BJP). The emergence of Hindutva ideology, which provides ultra-nationalist politicians the confidence to use violence against Muslims and other minority groups in India, as well as to promote strong anti-Muslim rhetoric, is a cause for great concern for the Muslim population in Kashmir. Organizations like the Rashtriya Swayamsevak Sangh (RSS) are permitted to conduct armed marches and protests in Jammu and Kashmir, frightening the local Muslim community (Drian, 2001).

It is forbidden for Indigenous people to peacefully gather and conduct political processions within the captured land. The occupying forces in Kashmir deploy curfews and Section 144, which prohibits meetings of more than four people, as a means of punishing the local populace as a whole and restricting their civil liberties. A fifty-day curfew was imposed on IOK in July of 2016, and it was repeated in 2019 for more than a hundred days. The political elite of the Valley is routinely arrested by the occupying soldiers or detained in their homes. Aasiya Andrabi, Yasin Malik, Sed Ali Gillani, and Mirwaiz Umer Farooq are a few of the leaders who have often been arrested. Due to his extended incarceration, Yasin Malik's health has declined; his wife Mushaal Mullick has accused Indian authorities of gradually poisoning him. Furthermore, despite demands for his immediate release from human rights organizations, Khurram Parvez remained in an illegal detention (CRPC, 2020).

#### **4.11 Protection against Torture, Inhuman Treatment, Rape and Sexual Assaults**

Rape, torture, and forced prostitution are all prohibited by international laws, which also include the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Geneva Convention of 1949 concerning the Protection of Civilian Persons in Time of War and its Additional Protocols of 1977 are also examples of these laws. But in Kashmir, torture is a common tactic used to get confessions; detainees are regularly made to strip naked while under arrest. An International Committee of the Red Cross (ICRC) report based on interviews with 1,296 people held by Indian forces under strict laws states that 681 of them claimed to have been tortured while in custody. The methods used to inflict torture included electrocution (498 cases), suspension from the

ceiling (381 cases), and sexual molestation (304 cases) (Torture In Jammu and Kashmir – A Report, 2019).

Rape is routinely used as a weapon to punish the Muslim community as a whole, as well as to break resistance, extort information from male family members, and compel obedience with governmental authorities. Kashmiri women experience some of the worst kinds of sexual abuse and violence. The age range of victims is 13 to 80 years old, which is a really alarming fact. Because of the stigma associated with rape and molestation as well as the fear of reprisals from the government, many cases go unreported. Local law enforcement, especially the police, frequently refuses to file rape charges against Indian military personnel (Qayoom, 2014).

#### **4.12 Human Rights Violations in IOK: An OIC-IPHRC Report**

The Independent Permanent Human Rights Commission (IPHRC), which was formed by the OIC, gathered material for this report directly from individuals who have experienced human rights breaches in Indian-Administered Jammu and Kashmir (IAJK). They included first-hand reports from human rights and political activists in the region as well as independent journalists, refugees, and eyewitnesses. The report also includes information from impartial human rights organizations such as Kashmir Media Service (KMS), Medecins Sans Frontieres (MSF), Human Rights Watch (HRW), Amnesty International, and HRW. According to the research, Indian army are said to have killed around 94,000 innocent indigenous people in IAJK since 1989. Of these casualties, almost 7,000 died while in the custody of Indian authorities. Furthermore, more than 107,000 buildings have been demolished by Indian forces, resulting in the being widowed of over 22,000 women, the orphanage of over 105,000 children, and the sexual molestation of over 10,000 women. The report also states that more than 7,000 people in IAJK have been injured by pellet guns since July 8, 2016, with more than 200 of those victims having vision impairments. Surprisingly, individuals affected include children and teenagers between the ages of five and sixteen. Moreover, the people of IAJK continue to face violations of basic human rights that are accorded to each and every individual, in violation of international human rights standards (Pandit, 2019).

#### **4.13 The Changing IOK Demographic Landscape**

Indian nationals claim to have been able to buy property and settle in the area since Article 370, which gave Jammu and Kashmir limited autonomy, was revoked. Leaders in AJ&K and the larger civil society expressed concerns prior to the August 5, 2019, constitutional amendment regarding attempts by the occupying forces to alter the demographic makeup of IOK by resettling non-state individuals, potentially converting the region's majority Muslim population into a minority. The idea put out by an Indian Parliament committee in 2014 to relocate refugees from West Pakistan to Kashmir lends credence to these worries. Next, the Indian government established soldier colonies to facilitate the long-term settlement of Indian soldiers in the region and lay the groundwork for townships that would help resettle Kashmiri Pandits who had been displaced. Article 49 of the Fourth Geneva Convention, which prohibits the transfer of individuals from other regions into occupied territories and the expulsion of indigenous populations, is deemed to

be clearly violated by such measures. Camps and other accommodations for the settling of Indian military personnel are part of these efforts (Khurshid, 2016).

#### **4.14 Pakistan's response to the abrogation**

Pakistan's early response was restricted to diplomacy over the phone (Ali, 2020). For example, during a talk between Imran Khan and his Iranian counterpart, the Iranian side stated that there is no military option for Kashmir. Afterwards, Prime Minister Imran Khan made two trips to the United States and spoke at the UNGA. Pakistan successfully cultivated relationships with foreign delegates to draw attention to the Kashmir dispute. It was thanks to Pakistan's achievement that the foreign ministers of China, Malaysia, and the United States strongly denounced India's abrogation of Article 370 and 35-A with relation to Kashmir and called for a peaceful resolution during the UN General Assembly meeting in September. Pakistan needs to strengthen its bilateral ties with other nations in order to win their support. It is not necessary to rely just on spoken words. There are various concrete actions that must be taken. Pakistan must create stories. FM in India Jay Shankar has constructed numerous narratives disparaging Pakistan and characterizing it as an ally (Ashraf, 2020).

The foreign office and diplomatic staff of Pakistan must rewrite this story and provide a new one. Pakistan must press the UN to adopt a resolution and end the conflict. Pakistan must strengthen its ties with the international community and persuade other governments to recognize the perspective and reality of Pakistan and Kashmir in order to achieve this. India is shrewd in terms of diplomacy, though. It is skilled at deflecting the world community's attention. Pakistan must expose the genuine nature of Modi and India. Following the Gujarat pogrom incident in 2005, Modi was barred from entering the United States and Canada for a period of twelve years. Pakistan must expose Modi's face to the media and global community in order to raise awareness of India's violations of human rights, genocide, and abrogation (Khan & Khan, 2020).

#### **4.15 Kashmir in International Headlines**

On August 5, 2019, the Indian BJP administration eliminated the special status of Indian-administered Kashmir (IOK). The international media, both print and electronic, did not react promptly. However, eventually the whole community and the international media became aware of the problem due to the serious human rights situation in IOK and the state of Pakistan's effective efforts in this regard. For the first time in a long time, the front page of the New York Times included an editorial on Kashmir and pictures of Indian tyranny. The Washington Post and the Wall Street Journal have also published articles about the growing crimes against helpless Kashmiris carried out by Indian occupation forces. The Kashmiri news is being covered by a variety of Turkish and Western media outlets. Parliaments from all over the world are actively discussing the issue of Kashmir. Many well-known US Congress members have expressed support for the oppressed Kashmiri people; some of them may even run for president in the future. Forty-eight members of the House of Commons have pushed the Prime Minister of the United Kingdom to address the situation in Kashmir. The French Parliament has also, for the first time, looked into the crisis in Kashmir (Shah & Dalton, 2019).

The editorial in the New York Times highlighted the growing international demand that the goals of the Kashmiri people should dictate the future of their homeland. For the first time, prominent figures in American politics have addressed the Kashmir issue. The French Parliament and the 48 MPs in the UK Parliament have demanded that the conflict in Kashmir be given serious consideration. In order to persuade the permanent members of the UN Security Council, Pakistan must now behave in a transparent manner. The other four members are just somewhat persuaded, while China is totally on board. Pakistan has so far had some success with diplomacy, but in order to keep its position, it must exercise caution and develop strategic strategies. To preserve Pakistan as a nation-state, Pakistanis must act with respect, fairness, and dignity. As the Kashmir dispute receives more attention from the international press and electronic media, India is under growing moral pressure to remove all limitations and put an end to breaches of human rights. Nevertheless, in spite of considerable media attention, international countries have not really done anything to force India to lift the blockade of Kashmir. India's sizable consumer market means that these states are mostly viewing the country via an economic prism. It is imperative to apply further international pressure to the Indian government to agree to a long-term resolution of the Kashmir problem in addition to lifting the curfew in the region. (A Kuszewska, 2022)

## 5. Conclusion

Human rights abuses are a recurring issue in the disputed Indian-administrated region of Jammu and Kashmir. Numerous offenses are included in the claims, including as forced disappearances, mass killings, rape, sexual assault, torture, and political persecution. There have been allegations against the Indian army of staging encounters, raping, harassing Muslim women, setting houses on fire, torturing, and going missing in order to kill individuals. Human rights violations in Indian-occupied Kashmir include, but are not limited to, limitations on the freedom of expression and association, institutional discrimination against minority groups, and the inappropriate use of anti-terrorism laws to target political opponents and activists. The Indian government now has further justification to violate the rights and autonomy of Kashmiris due to the removal of Article 370.

### 5.1 Recommendations

The Kashmir dispute could turn into a bloody war involving India and Pakistan. In addition to the involvement of the outside world, our political leadership and the media have a significant responsibility to play over Kashmir. The political leadership has failed to organize global opinion on Kashmir from the outset as a result of misguided diplomacy. The Kashmir problem should be resolved in many ways:

- It is necessary to establish a sovereignty commission on Kashmiri statehood. It is possible to declare the line of control as the permanent division between Indian and Pakistani Kashmir. It should be easy for people to cross the border.
- The people living in Kashmir should have self-government on both sides of the border. It is recommended that a commission comprised of representatives from Pakistan, India, and Kashmir be established to address all issues pertaining to the Kashmiri community.



- Analyze the feasibility of Kashmiri independence with respect to political and economic stability. To improve security and infrastructure in Kashmir, a transitional administration should be established.
- Self-determination is acknowledged as a fundamental right under international law and is incorporated into nearly all international treaties. Pakistan has the ability to use international law to organize opinion around the world in hopes of convincing India to abide by its legal commitments. Organize a fair and impartial referendum, and based on the outcome, present a resolution urging the international community to uphold Kashmir's sovereignty. The international world needs to convince Pakistan and India to acknowledge Kashmir's independence. Write a Security Council resolution endorsing Kashmir's independence and demanding the demilitarization of the area.
- Pakistan should take a strong stand to persuade people throughout the world that long-lasting world peace is impossible to attain without upholding human rights in Kashmir. The Kashmir dispute is linked to global peace and stability. Pakistan should draw attention to the legal aspects of the dispute on a global scale, notwithstanding the fact that Pakistanis have strong emotional and religious ties to Kashmir. From a legal standpoint, Pakistan may present a compelling counternarrative.
- As a signatory to numerous international accords, India has contributed significantly to the protection of human rights. Pakistan ought to speak up in these forums to draw attention to the violations of human rights occurring in Kashmir and to make them aware of their legal responsibilities.
- International public opinion mobilization is crucial, and Pakistan can effectively advance its legal viewpoint through public diplomacy. Pakistan has the potential to take a proactive stance in drawing attention to the violations occurring in Kashmir by planning workshops, exhibitions, rallies, and seminars in various locations throughout the globe. Policymakers and academics working together in a well-coordinated manner can help in this area. Institutional approaches are necessary and sometimes beneficial. The Kashmir dispute should be covered in Pakistani media, along with the breaches of human rights there. The media and civil society may both be highly effective in drawing attention to these issues.
- The Kashmir committee has been established, but it has to be more dynamic and aggressive. Instead of a religious leader, it should be led by an experienced diplomat who can fearlessly represent Pakistan in the UN and other international fora. The conflict in Kashmir poses a threat to both nations as well as to the entire world. The international community needs to assume accountability and do its part to pressure India to protect the fundamental rights of the Kashmiri people.

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