

Analyze the current Situation of Kashmir

Introduction:

Kashmir which is known as "Paradise on Earth", has been the epicenter of regional tension and international concern since 1947. The territorial dispute over the region between India and Pakistan has led to three wars countless border skirmishes and political unrest. After the abrogation of article 370 in August 2019, the situation has taken a more severe and alarming turn. The current situation reflects a serious human rights crisis and the growing alienation of the Kashmiri people.

Historical Background:

The Kashmir conflict traces back to the partition of British India in 1947, when the princely states of Jammu and Kashmir, despite having a

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The Kashmir conflict traces back to the partition of British India in 1947, when the princely states of Jammu and Kashmir, despite having a

Muslim - majority population was annexed by the India following the controversial Instrument of accession signed by Maharaja Hari Singh. This triggered the first war and the UN's call for plebiscite - which remains unfulfilled. The region is now divided between Pakistan (Azad Kashmir) and India (Indian illegally occupied Jammu and Kashmir). Article 370 sparking concerns over human rights and regional stability.

(1) Violation of human Rights

In Kashmir, there is violation of these human rights:

(i) Torture and inhumane Treatment

Torture is widely used by Indian forces in Indian administered Jammu and Kashmir to suppress resistance. A report by (APDP) in 2019 shows 430 cases of torture in Jammu and Kashmir.

(iii) Sexual violence

Sexual violence has been used by used by Indian forces against Kashmiri Women.

K.P mass rape of 1991 a grim reminder of brutality.

(iii) Violation of International law:

ICCPR guarantees the right to life, freedom from torture and freedom of expression which are violated by India.

(iv) Extrajudicial Killings:

In Kashmir, there were numerous cases where civilians were killed in fake encounters, custodial killings by Indian forces.

(v) Enforced disappearances:

Thousands of Kashmiris have gone missing in the past three decades, with their families left in perpetual anguish.

(2) Violation of UN resolutions:

The resolution called on both India and Pakistan to execute a programme of demilitarisation and terminated UNCIP.

(UNSCR-47)

The resolution directed the commission to proceed to the areas of dispute without delay "with a view to accomplishing in priority the duties assigned to it by resolution 47.)"

UNSCR 4139: This resolution expanded the Commission, called for a ceasefire, and outlined steps for demilitarization and a free impartial plebiscite to decide Kashmir's future.

(3) Violation of Mutual Agreements

Violations of mutual agreements in Kashmir have been a central aspect of conflict between India and Pakistan, primarily involving breaches of ceasefire agreements, the revocation of special constitutional status by India and the Instrument of Accession.

The Simla agreement committed both nations to resolve disputes bilaterally and Peacefully and to respecting LOC. In

1999 Kargil War, Siachen Glacier conflict 1984 and Pabalgam attack in 2025 are the result of violation of agreements. Indian also violates the CBMs (Confidence Building Measures).

Article 370 Abrogation:

Article 370 was the constitutional, legal, demographic cover of Kashmiris people

	Pre-Abrogation	Post Abrogation of ^{Article} 370
Autonomous & Special State	Jammu and Kashmir had special autonomous status under the Indian constitution.	J&K lost its special status and became a Union territory (along with Ladakh)
Separate flag, laws & Constitution	Separate constitution, flags and laws	Indian constitution and laws are fully applicable to J&K.
Enforcement of laws.	Laws passed by Indian Parliament needed J&K Assembly Approval to be applicable.	No need of J&K approval.

Emergency	Indian President cannot impose emergency.	Indian President can impose emergency.
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Article 35-A

Article 35-A was a provision in the Indian Constitution that gave special rights and privileges to the permanent residents of Jammu and Kashmir.

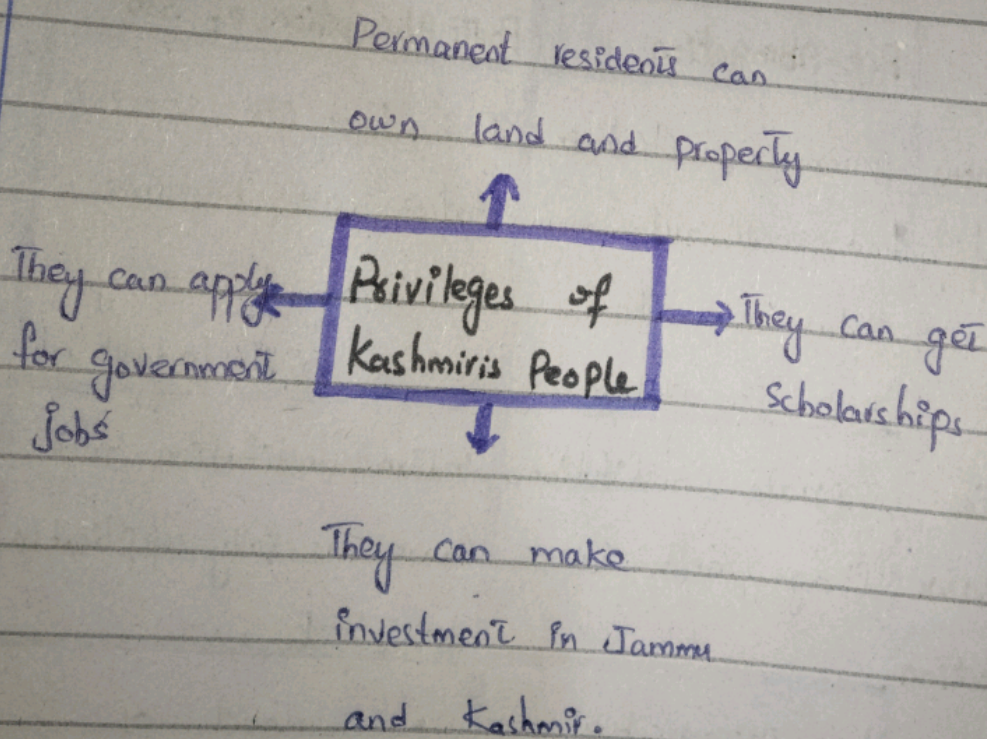


Figure: Privileges and rights of Kashmir permanent residents

Article 35-A became invalid after Article-370 was abrogated on August 5, 2019. Now, all citizens have equal rights in Jammu and Kashmir.

International Conventions: Economic and Social Impacts:

Due to such a critical situation there is decline in tourism, trade and employment. Education disrupted due to internet shutdowns and unrest. Mental health crisis due to prolonged instability.

Way Forward:

Revive dialogue under international or bilateral platforms.

Restore democratic rights and civil liberties in the region.

Implement UN resolutions or alternative peaceful frameworks.

Empower local leadership and ensure economic revival.