



Examining Human Rights Violations in IIOJK: Post-Abrogation of Article 370 and 35A of the Indian Constitution

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Abstract

The abrogation of Articles 370 and 35A on 5th August, 2019, constitutes a critical rupture in the political and constitutional framework governing Indian Illegally Occupied Jammu and Kashmir (IIOJK). This study examines the resulting transformation of social and political order in the region, with particular emphasis on the rising human rights violations between 2019 and 2025. Employing an inductive qualitative methodology, the research relies on secondary data drawn from secondary sources to further clarify the problem with utmost care. The findings reveal that the revocation of Kashmir's special constitutional status has enabled extensive centralization of authority, accompanied by the expansion of domicile and land rights to non-Kashmiris. From a settler-

colonial analytical lens, just like Israeli illegal settlements in Palestine. These measures are interpreted as instruments of demographic and political reengineering aimed at diluting indigenous political agency. This paper will use Palestine as an example of the settler-colonial concept being practiced in IIOJK. Simultaneously, the persistent use of coercive legal frameworks and securitization strategies has contributed to political marginalization, social alienation, and widespread allegations of human rights violations. Anchored in realist theory, the study argues that India's post-2019 Kashmir policy reflects a strategic pursuit of territorial consolidation and regional hegemony, wherein sovereignty and security imperatives override normative commitments to human rights. This theoretical framework also explains the restrained response of the international community. The article further situates the Kashmir dispute within the enduring India-Pakistan rivalry, warning that unilateral constitutional and demographic interventions risk intensifying bilateral tensions. The study concludes that sustainable peace in Kashmir is essential for ensuring the right of self-determination, an inalienable right of the people of Kashmir, and that the application of UN-mandated resolutions will only bring long-term stability.

Keywords

Social tensions, Political tensions, Human Rights, IIOJK, Article 370, Article 35A

Introduction

The Kashmir dispute has constituted a central point of contention between India and Pakistan since their independence in 1947. While often framed as a territorial disagreement, the conflict also encompasses complex social, political tensions and human rights concerns. This study articulates on the Human Rights violations in Indian Illegally Occupied Jammu and Kashmir (IIOJK) after the abrogation of Articles 370 and 35A of the Indian Constitution. Crucially, with the abrogation of both articles, political and social tensions have intensified in the IIOJK. Furthermore, the rise in human rights violations highlights the erosion of constitutional safeguards and the marginalization of local communities.

For instance, this paper comprises two analytically interconnected sections. The first section examines the political and social tensions underpinning patterns of human rights violations in Indian Illegally Occupied Jammu and Kashmir (IIOJK), situating contemporary developments within the broader trajectory of constitutional change, securitisation, and protracted territorial contestation between India and Pakistan. It analyses how intensified militarisation, restrictions on civil liberties, demographic anxieties, and governance restructuring following the abrogation of Article 370 have contributed to a climate of political alienation and social fragmentation. The second section focuses on documented patterns

of human rights violations, including enforced disappearances, the phenomenon of “half widows,” extra-judicial killings, arbitrary detentions, and restrictions on media and civil society. By examining these violations through legal and normative frameworks, the section evaluates their implications for international humanitarian law, accountability mechanisms, and regional stability. Together, the two sections provide a structured assessment linking structural political tensions to their human rights consequences within the conflict-affected region.

The origins of the dispute lie in the partition of British India in 1947, which resulted in the creation of India and Pakistan as independent states.¹ Under the terms of partition, princely states were granted the option to accede to either country.² Under the terms of partition, princely states were granted the option to accede to either country. Jammu and Kashmir, a Muslim-majority region ruled by a Hindu monarch, afterwards the Maharaja acceded to India in exchange for military assistance. This decision precipitated the first Indo-Pakistani war (1947-1948),³ which concluded with a United Nations-brokered ceasefire. The Karachi Agreement of 1949 formalized a ceasefire line later termed the Line of Control (LoC)

¹ Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (New Haven: Yale University Press, 2007), 1–10.

² Ramachandra Guha, *India After Gandhi: The History of the World's Largest Democracy* (New York: HarperCollins, 2007), 47–50.

³ Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (Cambridge: Cambridge University Press, 1997), 18–25.

dividing the territory between Indian and Pakistani-administered regions.⁴

A major political development occurred on 5 August 2019, when the Government of India abrogated Articles 370 and 35A of the Indian Constitution. These provisions had granted Jammu and Kashmir a special constitutional status, allowing it to maintain its own constitution and limiting the applicability of certain Indian laws. Article 370, introduced in 1949, defined the legal relationship between Jammu and Kashmir and the Indian Union, while Article 35A,⁵ added through a presidential order in 1954, empowered the local legislature to define permanent residency and associated rights, including property ownership. The revocation of these provisions extended the full application of the Indian Constitution to the region and permitted non-residents to acquire property and domicile status.⁶

Following the abrogation of Articles 370 and 35A of the Indian Constitution in August 2019, the political landscape of (IIOJK) underwent a profound transformation.⁷ The division of the region

⁴ Robert G. Wirsing, *India, Pakistan, and the Kashmir Dispute: On Regional Conflict and Its Resolution* (New York: St. Martin's Press, 1994), 60–65.

⁵ Rashida Abbas, Adeela Ahmed, and Muhammad Tabish, "Mediation in Armed Conflict: A Case of Kashmir," *Pakistan Journal of International Affairs* 5, no. 2 (2022), <https://doi.org/10.52337/pjia.v5i2.423>.

⁶ S. Ali, "The Kashmir Conundrum—Post Indian Abrogation of Article 370 and 35A: The Way Forward," *South Asia Journal*, June 4, 2020, <http://southasiajournal.net/the-kashmirconundrum-post-indian-abrogation-of-article-370-and-35a-the-way-forward>

⁷ A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir* (New Delhi: Oxford University Press, 2011); see also Government of India, The Constitution (Application to Jammu and Kashmir) Order, 2019, C.O. 272, August 5, 2019.

into two Union Territories: Jammu and Kashmir, and Ladakh, effectively revoked its constitutional autonomy and established direct administrative control by the central government in New Delhi. This restructuring not only curtailed the authority of elected representatives but also concentrated power in the office of the Lieutenant Governor, thereby marginalizing local political institutions.⁸ The suppression of dissent became a defining feature of the post-abrogation period. Political leaders, civil society activists, and journalists were subjected to arbitrary detentions and prolonged house arrests, undermining democratic participation and silencing critical voices.⁹ The pervasive deployment of security forces further entrenched a regime of surveillance and coercion, producing a climate of fear and eroding civil liberties. These developments illustrate a systematic narrowing of political space, where the mechanisms of governance are increasingly characterized by centralization, securitization, and the delegitimization of local agency.¹⁰

The people of IIOJK have endured profound social tensions in the aftermath of the abrogation of constitutional safeguards in August

⁸ Louise Tillin, “The Abrogation of Article 370 and the Future of Asymmetric Federalism in India,” *Indian Law Review* 4, no. 1 (2020): 1–19.

⁹ Human Rights Watch, “India: Events of 2020,” in *World Report 2021* (New York: Human Rights Watch, 2021); Amnesty International, “We Are Being Punished by the Law: Three Years since the Abrogation of Article 370 in Jammu and Kashmir,” 2022.

¹⁰ Christophe Jaffrelot, “Kashmir after Article 370: Political Centralization and the Erosion of Federalism,” *Journal of Democracy* 31, no. 4 (2020): 101–115.

2019.¹¹ Economic disruptions stemming from curfews, lockdowns, and land dispossession have undermined livelihoods, particularly in tourism, agriculture, and trade, leaving communities in a state of prolonged insecurity.¹² Communication blackouts and restrictions on media have further isolated the region, cutting off access to information and limiting social interaction. At the same time, policies perceived as settler-colonialism have generated widespread fears of demographic transformation and erosion of Kashmiri identity, intensifying feelings of dispossession and marginalization. Civil unrest has become a recurring feature, with protests against government actions frequently met with force, deepening alienation and reinforcing the perception of systemic exclusion.¹³

Human rights concerns/violations in IIOJK remain acute, characterized by the erosion of fundamental freedoms and the entrenchment of coercive governance.¹⁴ Reports of arbitrary detentions, extrajudicial killings, and restrictions on free speech and

¹¹ A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir* (New Delhi: Oxford University Press, 2011); Government of India, *The Jammu and Kashmir Reorganisation Act, 2019*, No. 34 of 2019, August 9, 2019.

¹² Rifat Fareed and Murali Krishnan, “Kashmir: A Year of Lockdown and Lost Autonomy,” *Deutsche Welle*, August 4, 2020; Human Rights Watch, “India: Events of 2020,” in *World Report 2021* (New York: Human Rights Watch, 2021).

¹³ Amnesty International, “We Are Being Punished by the Law: Three Years since the Abrogation of Article 370 in Jammu and Kashmir,” 2022; Christophe Jaffrelot, “Kashmir after Article 370: Political Centralization and the Erosion of Federalism,” *Journal of Democracy* 31, no. 4 (2020): 101–115.

¹⁴ United Nations Office of the High Commissioner for Human Rights (OHCHR), *Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Pakistan-Administered Kashmir and Gilgit-Baltistan* (Geneva: United Nations, 2018).

assembly illustrate a systematic curtailment of civil liberties. The heavy securitization of everyday life has produced a climate of fear, where dissenting voices whether political leaders, activists, or journalists are silenced through intimidation and punitive measures. The persistence of these patterns underscores the structural character of repression in the region, situating IIOJK within broader global debates on protracted conflict, accountability, and the protection of fundamental rights.¹⁵

Human rights concerns in Jammu and Kashmir since 2019 have attracted sustained international scrutiny, particularly from independent experts mandated by the UN Human Rights Council. While these experts unequivocally condemned the Pakistan-backed Pahalgam terrorist attack expressing condolences to the victims and the Indian government, they simultaneously underscored that counterterrorism measures must remain consistent with international human rights law. Their position reflects a broader normative principle: the imperative of balancing state security imperatives with the protection of fundamental rights.¹⁶

Nevertheless, India's counterterrorism operations were critically assessed as disproportionate and inconsistent with international legal standards. Temporary media restrictions, prolonged internet

¹⁵ Christophe Jaffrelot, "Kashmir after Article 370: Political Centralization and the Erosion of Federalism," *Journal of Democracy* 31, no. 4 (2020): 101–115.

¹⁶ Adeela Ahmed, Arsim Tariq, and Rashida Abbas, "Demographic Changes in Indian Occupied Jammu and Kashmir (IOJK) and the Future of UN Resolutions," *International Journal of Kashmir Studies* 3, no. 2 (2021).

shutdowns, and the blocking of approximately 8,000 social media accounts were identified as excessive measures that curtailed freedom of expression and access to information. The experts further highlighted the surveillance and harassment of Kashmiri students, noting that directives compelling universities to provide information on these individuals constituted a form of institutionalized intimidation. Particular concern was expressed regarding the arbitrary detentions, extrajudicial killings and excessive use of force, Enforced Disappearances, Restrictions on Freedom of Expression and communication Blackouts etc. Such violations were characterized as draconian and incompatible with international human rights obligations. The UN rapporteurs therefore called for the immediate and unconditional release of all individuals detained without due process, situating Jammu and Kashmir as a critical site of contestation between counterterrorism policy and the preservation of civil liberties.¹⁷

The United Nations Security Council has adopted multiple resolutions on Kashmir, including Resolution 47 (1948), which called for a plebiscite to determine the region's political future.¹⁸ However, international engagement has declined over time, with

¹⁷ "UN Experts Alarmed by Indian Counter-Terrorism Operations Violating Human Rights in Jammu and Kashmir." *Press Release*, November 24, 2025. *OHCHR*. <https://www.ohchr.org/en/press-releases/2025/11/un-experts-alarmed-indian-counter-terrorism-operations-violating-human>

¹⁸ United Nations Security Council, Resolution 47 (1948), S/RES/47 (April 21, 1948).

scholars attributing this trend to India's growing economic and strategic significance globally.¹⁹

This study adopts a qualitative research approach to explore and interpret meanings, experiences, and narratives related to the "Examining Human Rights Violations in IIOJK: Post-Abrogation of Article 370 and 35A of the Indian Constitution". A qualitative design is considered appropriate because it allows for an in-depth examination of complex social and human rights issues within their real-world contexts.²⁰ The research relies on secondary qualitative data and uses document and media analysis to develop a nuanced understanding of the subject matter. This design emphasizes interpretation rather than measurement and prioritizes contextual depth, making it suitable for examining perspectives presented across academic, institutional, and media sources.

Data for the study are drawn from a wide range of credible and authoritative sources to ensure depth and triangulation. Academic literature is sourced from Google Scholar, JSTOR, ProQuest, Taylor & Francis Online, and various digital libraries and institutional repositories. These databases are searched using carefully selected keywords and Boolean operators to identify peer-reviewed journal articles, books, and book chapters relevant to the research focus. In

¹⁹ Christophe Jaffrelot, "Kashmir after Article 370: Political Centralization and the Erosion of Federalism," *Journal of Democracy* 31, no. 4 (2020): 101–115.

²⁰ Adeela Ahmed, Arsim Tariq, and Rashida Abbas. "Demographic Changes in Indian Occupied Jammu and Kashmir (IOJK) and the Future of UN Resolutions." *International Journal of Kashmir Studies* 3, no. 2 (2022).

addition to scholarly sources, the study incorporates reports published by Human Rights Watch and thematic and country-specific reports by United Nations Human Rights Council (UNHRC) special rapporteurs. To capture contemporary discourse and public narratives, newspaper articles, including those published in the *Kashmir Times*, along with relevant website publications from reputable human rights organizations and news platforms are also included. Sources are selected based on relevance, credibility, publication date, and methodological transparency, and all searches and selections are documented to enhance reliability.

As the study is based on secondary data, participants are understood in an analytical sense rather than as directly recruited individuals. The units of analysis consist of texts that contain documented experiences, testimonies, expert analyses, and institutional observations. These include first-person narratives reported in human rights documentation, statements from affected communities as cited in media reports, and analyses provided by scholars, journalists, and human rights professionals. The selection of these texts follows a purposive sampling strategy to ensure that the data meaningfully address the research questions.

Data collection involves a systematic process of identifying, screening, and retrieving relevant documents from the selected databases and platforms. All retrieved sources are catalogued and organized using reference management software, with detailed records maintained of search terms, databases accessed, and

inclusion or exclusion decisions. Newspaper articles and online publications are archived with full citation details, including authorship and publication dates, to ensure transparency and traceability. Each document is assigned a unique identifier to facilitate systematic analysis.

The data analysis process follows a thematic analysis approach. All selected texts are read repeatedly to achieve familiarity with the content and context. Meaningful segments of text are then coded using a combination of inductive codes emerging from the data and deductive codes informed by the study's conceptual framework. Coding is conducted systematically, and related codes are grouped into categories that are subsequently developed into broader themes. These themes are compared across different types of sources, such as academic literature, human rights reports, and media accounts, to identify patterns, consistencies, and divergences. An analytical codebook and reflexive memos are maintained throughout the process to document analytical decisions and ensure consistency.

The trustworthiness of the study is ensured through several strategies. Credibility is strengthened through triangulation of multiple data sources and cross-checking of findings across academic, institutional, and media materials. Dependability is supported by maintaining a detailed audit trail of search strategies, data selection procedures, and analytical steps. The conformability is addressed by grounding interpretations in direct evidence from the data and by documenting researcher reflexivity to acknowledge

potential biases. Transferability is enhanced through rich contextual descriptions of the sources and settings, enabling readers to assess the applicability of findings to other contexts.

Ethical considerations are carefully observed throughout the research process. All data are derived from publicly available sources, and proper attribution is given to all authors and institutions in accordance with academic citation standards. Particular care is taken when engaging with sensitive human rights narratives to present them respectfully and without distortion. The study maintains transparency by clearly outlining methodological choices and acknowledging limitations, thereby ensuring that the research process is ethical, accountable, and replicable.

Problem Statement

Despite extensive existing literature on IIOJK, which have been largely focused on its territorial, security, and diplomatic dimensions, with comparatively limited attention given to the theoretical implications of post-2019 governance reforms on demographic and settlement dynamics. In particular, while the abrogation of Articles 370 and 35A has been widely discussed in legal and political terms, there remains a notable gap in systematic, theory-driven analyses that situate these developments within broader frameworks of settler colonialism, demographic engineering, and occupation governance.

This study addresses this gap by examining India's post-abrogation policies that enable non-Kashmiris settlement in Jammu and Kashmir through a comparison with Israeli illegal settlement in Palestine. Drawing on scholarship on settlement practices in contested territories, the research engages with analytical parallels frequently drawn between Kashmir and the Israeli settlement model in the occupied Palestinian territories, an area that has received substantial theoretical and empirical attention but has rarely been applied rigorously to the Kashmiri context. The absence of such comparative analysis limits scholarly understanding of how settlement-oriented policies may reshape conflict trajectories, alter demographic balances, and affect prospects for self-determination and conflict resolution.

Theoretical Framework

The theory of Realism provides a useful framework for analyzing India's role in the Kashmir issue. Thucydides articulated the intellectual foundations of realism in the fifth century BCE in *The History of the Peloponnesian War*, where he emphasized the centrality of power in political relations.²¹ Through the Melian Dialogue, Thucydides illustrates the enduring realist principle that international politics is governed by power asymmetries, whereby

²¹ Aqlima Bano, and Asghar Ali Dashti. "Gilgit-Baltistan conflict between India and Pakistan: <https://doi.org/10.5281/zenodo.17203009>." *ASSAJ* 4, no. 01 (2025): 4282-4293.

stronger states impose their will on weaker ones.²² From a realist perspective, states continuously seek to enhance their power to ensure survival and dominance. Within this framework, India's approach toward Kashmir reflects a classic realist strategy. As the materially stronger actor, India abrogated Articles 370 and 35A to consolidate territorial control and maximize its strategic and political influence in the region.²³

This realist logic is also evident in the writings of Kautilya, the Mauryan minister based in Taxila, who's *Arthashastra* underscores the importance of power accumulation and territorial expansion for state survival. Kautilya argued that states pursue not only security but also expansion, particularly at the expense of neighboring and weaker entities to enhance their capabilities and resources. India's abrogation of Kashmir's special constitutional status can thus be interpreted as an extension of this strategic tradition. The absence of an effective balance of power enables dominant states to pursue self-interested policies with limited restraint. Kashmir's relative weakness has afforded India such strategic latitude, resulting in the consolidation of control over the territory.

²² S. J. Afridi, L. M. Vladimirovna, and Q. Ali, "Pahalgam Incident: Tensions between India and Pakistan and the Role of SCO Member States and Global Actors in Ceasefire Efforts," *Journal of Social Sciences Research & Policy* 3, no. 03 (2025): 30–40.

²³ Adeela Ahmed, Arsim Tariq, and Rashida Abbas, "Demographic Changes in Indian Occupied Jammu and Kashmir and the UN Resolutions," *International Journal of Kashmir Studies* 3, no. 2 (2022).

Human Rights Violations in IIOJK post 2019

The abrogation of Articles 370 and 35A in the Indian constitution in August 2019 precipitated profound social and political tensions in Indian Illegally Occupied Jammu and Kashmir (IIOJK), resulting in gross violation of Human Rights. This constitutional rupture represented not merely a legal adjustment but a decisive reconfiguration of India's governance strategy in the region, signalling a transition from indirect administration to a model increasingly characterized by settler-colonial dynamics. Settler-colonial is the concept of settler colonialism, most systematically articulated by scholars such as Patrick Wolfe, which conceptualizes colonialism not as a singular historical event but as an enduring structure premised on the replacement of indigenous populations through demographic, legal, and territorial reconfiguration.²⁴ The move dismantled the framework of limited autonomy that had historically mediated the relationship between Kashmir and the Indian state, thereby following the details of HR Violations in IIOJK.

1. Deployment of Military Troops

In anticipation of resistance, the Indian government deployed over tens of thousands of additional security personnel to Jammu and

²⁴ Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 387–409, <https://doi.org/10.1080/14623520601056240>.

Kashmir.²⁵ The troops imposed a comprehensive communications blackout, and detained thousands of political leaders, including those previously aligned with New Delhi. While simultaneously enforcing sweeping restrictions on civil liberties and freedom of movement. Under President's Rule, the Indian Parliament issued Presidential Orders 272 and 273, which reinterpreted Article 367, the constitutional provision governing interpretation, to redefine the "Constituent Assembly of the State" in Article 370(3) as the Legislative Assembly.²⁶ This maneuver effectively circumvented constitutional safeguards and underscored the extent to which legal reinterpretation was instrumentalized to legitimize unilateral state action.

The Indian government had deployed heavy military troops after the abrogation of Article 370 and 35A, often justified under the pretext of protecting Hindu pilgrims. During the 2025 Amarnath Yatra, over 8,500 Indian army personnel were deployed, supported by thousands of paramilitary troops, specialized engineer teams, drones and signal jammers. This extensive deployment was officially framed as maintaining public safety, but in actual it constitutes intimidation and coercion on Kashmiris. The presence of elite Special Forces para-commandos in districts such as Kathua, Udhampur, Kishtwar, Doda, Rajouri and Poonch has become

²⁵ BBC News, "Kashmir: Tens of Thousands of Troops Deployed amid Article 370 Tensions," August 2019; *Human Rights Watch*, "India: Events of 2020," in *World Report 2021* (New York: Human Rights Watch, 2021).

²⁶ Government of India, *The Constitution (Application to Jammu and Kashmir) Order*, 2019, C.O. 272 (August 5, 2019); C.O. 273 (August 6, 2019).

permanent, indicating a shift from reactive counterinsurgency to institutionalized occupation. These forces, under the Indian Army's Northern Command, conduct routine cordon and search operations that instill fear among locals and suppress dissent, reinforcing a fascist occupation framework.²⁷

2. Ban on Political Activities and Dissents

Dozens of Kashmiri political leaders and civil society activists, including Bilal Siddiqui, Shabir Ahmad Shah, Muhammad Yasin Malik, Asiya Andrabi, Nayeem Ahmed Khan, Nahida Nasreen, Fahima Sofi, and Masrat Alam Bhat have remained incarcerated under stringent security legislations such as PSA and UAPA.²⁸ This pattern of mass incarceration and preventive detention reflects a broader strategy of political control following the abrogation of Article 370 in August 2019.

3. Centralized Government System

In a political move, New Delhi has appointed Lieutenant Governor Manoj Sinha who admitted that more than 800 Indian laws have been extended to Indian illegally occupied Jammu and Kashmir (IIOJK).²⁹ The Indian administration claims these laws promote

²⁷ Kashmir Institute of International Relations, *Human Rights Report (2025)*, accessed December 30, 2025, <https://www.kiir.org.pk/Reports/human-rights-report-5232>

²⁸ Jammu and Kashmir Public Safety Act, 1978 (Act No. 6 of 1978); Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967), as amended.

²⁹ Office of the Lieutenant Governor, Jammu and Kashmir, "Address by Lieutenant Governor Manoj Sinha on Completion of Two Years of

justice and equality. UN experts argue that they believe that many of these laws bypass local governance and erase centuries. While other Observers note that these measures are not mere legal reforms but strategic instruments to suppress Kashmiri voices and crush demands for self-determination.³⁰

4. Assigning Domiciles to Non-Kashmiris

India's new strategic colonization by new domicile policy in Ladakh was implemented in June 2025. According to the policy the residents with 15 years of continuous stay since 2019 now qualify as domiciles, allowing non-native population to claim local status by 2034. Additionally, children of government officials serving ten years and students studying locally for seven years are also granted ten domicile status. The government introduced 85% reservation for Scheduled Tribes in government jobs, even though more than 97% of Ladakh's population already belongs to scheduled tribes.³¹ This shows how fast India is colonizing IIOJK in order to capture territory to the fullest. In parallel, approximately 83742 domicile certificates have reportedly been issued to non-Kashmiris,

Reorganisation," Government of Jammu and Kashmir, August 2021; see also Press Trust of India, "Over 800 Central Laws Extended to J&K after Abrogation of Article 370: LG Manoj Sinha," *The Hindu*, August 5, 2021.

³⁰ Nitasha Kaul, ed., *The Kashmir Question in a Changing World: Beyond August 2019* (Singapore: Palgrave Macmillan, 2023); Anuradha Bhasin, *A Dismantled State: The Untold Story of Kashmir After Article 370* (Gurugram: HarperCollins India, 2023).

³¹ Ministry of Home Affairs, Government of India, "Ladakh Domicile Rules Notification," June 2025 (official notification).

significantly altering the region's demographic composition.³² Electoral delimitation has further reinforced political restructuring, with Jammu despite a smaller population receiving disproportionately more assembly seats than the Kashmir Valley. Additionally, over two million non-Kashmiris have been added to voter lists, raising concerns over electoral manipulation.

Most critically, the issuance of millions of domicile certificates to non-Kashmiris over the past five years has significantly altered the region's demographic balance. Concerns have also emerged regarding the strategic allocation of land to major Indian conglomerates, including the Ambani and Adani groups.³³ Tourist sites and cultural landmarks are increasingly controlled by external entities, eroding local ownership and identity. Furthermore, the growing influx of pilgrims and large-scale development projects has disrupted Kashmir's fragile ecological balance, contributing to environmental degradation and increased flooding.³⁴

³² The Hindu Bureau, "83,742 Domicile Certificates Granted to Non-locals in 2 Years: J&K Govt," *The Hindu*, April 10, 2025.

³³ Reuters, "India Opens Kashmir Land Market to Outside Investors after Special Status Revoked," October 27, 2020; Economic Times, "Adani Group Explores Investment Opportunities in Jammu and Kashmir," 2021.

³⁴ Rakesh Kalshian, "Tourism Boom and Ecological Fragility in Kashmir," *Dawn to Earth*, July 2023; Greater Kashmir, "Unplanned Development Raises Flood Risks in Kashmir Valley," 2023.

5. International Reports on Human Rights violations in IIOJK

Following the abrogation of Articles 370 and 35A in August 2019, human rights conditions in Indian-administered Jammu and Kashmir drew intensified scrutiny from international observers. Reports by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Amnesty International, and Human Rights Watch documented prolonged detentions, restrictions on communication, and constraints on freedom of expression and assembly in the aftermath of the constitutional changes.³⁵ Several analysts have argued that the unilateral alteration of the region's constitutional status must be understood in the context of longstanding United Nations Security Council resolutions on Kashmir, including Resolution 47 (1948), which called for a plebiscite to determine the region's political future.³⁶ Legal scholars and political commentators further contend that the scale of militarization and the extension of central laws raise complex questions under international

³⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019* (Geneva: United Nations, 2019); Amnesty International, *'We Are Being Punished by the Law': Three Years since the Abrogation of Article 370 in Jammu and Kashmir* (London: Amnesty International, 2022); Human Rights Watch, "India: Events of 2019," in *World Report 2020* (New York: Human Rights Watch, 2020).

³⁶ United Nations Security Council, Resolution 47 (1948), S/726 (April 21, 1948); see also Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace* (Cambridge: Cambridge University Press, 1997).

humanitarian and human rights law applicable to disputed territories.³⁷

6. Extensive use of Laws (PSA, AFSPA, UAPA)

The imposition of draconian laws, such as the Armed Forces Special Powers Act (AFSPA) a controversial law in India that grants special powers to the armed forces in disturbed areas to maintain public order. Second one the Unlawful Activities Prevention Act (UAPA) enacted in 1967 is India's primary legislation aimed at preventing unlawful activities and terrorism, granting extensive powers to the government to combat threats to national integrity. Third one and most used one, Public Safety Act (PSA) of 1978 is a preventive detention law that allows authorities to detain individuals without trial to maintain public order and state security. The Government of India conducted extensive and systematic arrests across IIOJK, targeting political leaders, activists, members of civil society, lawyers, journalists, business figures, and hundreds of young boys, including minors under the age of eighteen. Many of these individuals were detained under the PSA.³⁸

India's three controversial counter-terrorism laws are explicitly criticized by the International community. In 2024, the United

³⁷ A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir* (New Delhi: Oxford University Press, 2011); Christophe Jaffrelot, "Kashmir after Article 370: Political Centralization and the Erosion of Federalism," *Journal of Democracy* 31, no. 4 (2020): 101–115.

³⁸ Anuradha Bhasin, *A Dismantled State: The Untold Story of Kashmir After Article 370* (Gurugram: HarperCollins India, 2023); Human Rights Watch, "India: Mass Detentions in Kashmir," August 2019.

Nations Human Rights Committee raised concerns regarding these legislations.³⁹ The report systematically associates the implementation of these laws with violations of multiple provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which have been ratified by India.⁴⁰ These violations encompass fundamental rights, including the rights to life, liberty, and freedom from torture, as well as the rights to privacy, freedom of expression and religion, adequate housing, and freedom from discrimination.

7. Extrajudicial killings & Custodial Deaths

Since the unilateral abrogation of Articles 370 and 35A, IIOJK has experienced a dramatic escalation in human rights violations, with extrajudicial killings and custodial deaths reaching alarming levels. According to the reports, over 1030 Kashmiris have been killed in encounters orchestrated by Indian forces between 2019 and 2025.⁴¹ These killings are often framed as legitimate counter-terror

³⁹ World Muslim Congress, *Human Rights Situation in Indian-Administered Jammu and Kashmir: A Call for Urgent Attention from United Nations Human Rights Councils*, written statement submitted to the Human Rights Council, Fifty-eighth session, A/HRC/58/NGO/10 (21 February 2025), United Nations, <https://documents.un.org/doc/undoc/gen/g25/028/84/pdf/g2502884.pdf>

⁴⁰ United Nations Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of India*, CCPR/C/IND/CO/4 (Geneva: United Nations, 2024).

⁴¹ Kashmir Institute of International Relations. 2025. *Human Rights Report*. December 30, 2025. <https://www.kiir.org.pk/Reports/human-rights-report-5232>

operations but it is clearly state sponsored violence. Extrajudicial killings have become a core element of India's strategy to maintain control over IIOJK. For instance, in August 2025, Riyaz Ahmed was killed at a Srinagar police station under circumstances suggesting severe custodial abuse, provoking widespread protests across the Valley. These incidents demonstrate that the killings are not isolated but part of a deliberate policy to intimidate the population and crush political resistance. The persistence of extrajudicial killings and custodial deaths in IIOJK is not a series of unfortunate incidents but a calculated policy by the Indian occupation forces to suppress political dissent. Extrajudicial killings and custodial deaths in IIOJK from 2019 to 2025 reveal a systematic policy of repression by Indian occupation forces.

8. Crimes against Women

Crimes against women have been a recurring feature of state practices in the region. Kashmiri women have historically been targeted as part of the broader conflict. Following the abrogation of Articles 370 and 35A in 2019, incidents of violence and other crimes against Kashmiri women have reportedly increased significantly. Media content, including songs circulated on platforms such as YouTube, promoted messages encouraging migration to the Muslim-majority region, acquisition of land, and intermarriage with Kashmiri women. Women often become primary targets in violent conflicts because they are perceived as symbols of community identity, honor, and social prestige. Consequently, Kashmiri women

and children face profound challenges in navigating life within a protracted conflict zone.⁴²

Kashmir is unique in the world for the phenomenon of “half-widows.” Since most of the disappeared men originate from rural areas, these widows often live in impoverished conditions, facing a range of socio-economic and emotional challenges, including the lack of property rights, absence of compensation, and restrictions on the right to remarry. Under a joint agreement, the wives of Kashmiri men who have disappeared during the conflict are permitted to remarry four years after their husbands’ disappearance. Civil society activists view this provision as a potential foundation for broader dialogue to address the remaining rights of half-widows, including inheritance rights under Islamic law. This issue represents a critical social and legal challenge. A landmark consensus reached by Islamic scholars (Ulema) establishing a four-year waiting period for half-widows to remarry is expected to have a profound impact on the lives of these marginalized individuals.⁴³ Decades of conflict have produced numerous half-widows, women whose husbands have disappeared but have not yet been declared deceased.

The Indian government has not reinstated freedom of speech and association five years after the revocation of the region’s special

⁴² Anuradha Bhasin, *A Dismantled State: The Untold Story of Kashmir After Article 370* (Gurugram: HarperCollins India, 2023).

⁴³ Conciliation Resources, “Breakthrough Ruling on Kashmir ‘Half-Widows,’” January 2014, Conciliation Resources, <https://www.c-r.org/news-and-insight/breakthrough-ruling-kashmir>

autonomous status on 5 August 2019. Over the past six years, the Union Home Ministry has proscribed ten resistance groups and organizations in IIOJK under the UAPA framework. United Nations human rights experts have expressed serious concerns regarding the Indian government's response to a major terrorist attack in the region, highlighting a pattern of mass arbitrary detention, collective punishment, discriminatory demolitions, and a systematic suppression of civil liberties, disproportionately affecting the Muslim population.

9. Raids on Houses after Pahalgam Attack

Following the Pahalgam incident on 22 April 2025, between 24 and 27 April, Indian authorities demolished at least nine houses in Kashmir, including ancestral homes, belonging to families of individuals perceived as supporting the militants responsible for the attack.⁴⁴ Villagers were reportedly forced to vacate their homes and returned to find them razed, resulting in enforced eviction and displacement.

According to United Nations experts, Indian authorities conducted extensive security operations in Jammu and Kashmir, resulting in the arrest of approximately 2,800 individuals. These individuals were reportedly detained on suspicions of sympathizing with or

⁴⁴ Kashmir Institute of International Relations. 2025. *Human Rights Report*. <https://www.kiir.org.pk/Reports/human-rights-report-5232>

acting as overground workers for militant groups.⁴⁵ Many arrests allegedly occurred during night raids without warrants, with detainees held for several days without formal charges. Reports indicate that numerous detainees were subjected to torture and ill-treatment, including physical beatings, and were held incommunicado, denied access to legal counsel or family members. Some individuals were reportedly transferred to detention centers outside the region, further impeding their access to legal remedies. It is estimated between 75 and 90 individuals have been charged under the stringent Public Safety Act (PSA). Furthermore, fewer than 12 under the Unlawful Activities (Prevention) Act (UAPA), both of which have been repeatedly criticized by United Nations bodies for their potential for abuse.⁴⁶

10. Suspension of Social Media and bans on Media, Books

The report outlines a significant clampdown on freedom of expression and access to information. The Jammu and Kashmir administration reportedly implemented temporary mobile internet suspensions, while the Indian government allegedly blocked approximately 8,000 social media accounts, including those belonging to independent news organizations and Kashmiri

⁴⁵ United Nations Office of the High Commissioner for Human Rights (OHCHR), “UN Experts Alarmed by Indian Counter-Terrorism Operations Violating Human Rights in Jammu and Kashmir,” *Press Release*, November 24, 2025.

⁴⁶ “UN Experts Alarmed by Indian Counter-Terrorism Operations Violating Human Rights in Jammu and Kashmir.” *Press Release*, November 24, 2025. *OHCHR*. <https://www.ohchr.org/en/press-releases/2025/11/un-experts-alarmed-indian-counter-terrorism-operations-violating-human>

journalists, without legal justification.⁴⁷ Newspapers in Kashmir have reportedly been deprived of essential government advertisements, jeopardizing their financial sustainability. Furthermore, the report highlights an increase in surveillance targeting Kashmiri students both within and outside Jammu and Kashmir. Specifically, it cites a directive from Delhi University, issued under the orders of the Ministry of Home Affairs, requesting personal information exclusively from Kashmiri students, a measure described as generating fear and a sense of alienation.⁴⁸

Restrictions on the freedoms of expression, association, assembly, and movement for Kashmiris have persisted since August 2019. The curtailment of freedom of expression is not new for Kashmiris living under Indian occupation. Even prior to 2019, Indian authorities sought to restrict freedom of expression through internet shutdowns, media censorship, and the arrest of journalists. These practices reflect the insecurity of the Indian state regarding Indian Illegally Occupied Jammu and Kashmir (IIOJK). Since 2019, the exercise of such power has intensified, adversely affecting the daily lives of Kashmiris, exacerbating their socioeconomic conditions, and inhibiting access to education, healthcare, and livelihood opportunities. The Indian government maintains that these measures

⁴⁷ Humayun Aziz Sandeela, "Unfolding Human Rights Catastrophe in IIOJK," *Kashmir Media Service*, <https://kmsnews.org/kms/2025/12/10/unfolding-human-rights-catastrophe-in-iiojk.html>

⁴⁸ Maktoob Staff, "Delhi University: Jammu and Kashmir Students Demand Revocation of Circular Demanding Personal Information," *Maktoob Media*, May 7, 2025, <https://maktoobmedia.com/india/delhi-university-jammu-and-kashmir-students-demand-revocation-of-circular-demanding-personal-information>

are intended to prevent the spread of misinformation and to maintain public order in response to security-related incidents and political unrest in Kashmir.⁴⁹

In late November 2025, police IIOJK conducted a raid on the offices of *The Kashmir Times*, a prominent local newspaper known for its continued reporting on conditions in the region despite escalating restrictions.⁵⁰ This incident followed earlier measures by the Indian government, including the prohibition of a book authored by Anuradha Bhasin, the managing editor of *The Kashmir Times*, which was among twenty-five publications banned after the Pahalgam incidents. Such actions, aimed at silencing independent media, represent a direct violation of the right to freedom of expression guaranteed under Article 19 of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and Article 19(1) (a) of the Indian Constitution.

The broader ban on twenty-five books in Kashmir, justified by authorities on the grounds of allegedly promoting secessionist narratives, reflects the intensification of media censorship in the region.⁵¹ Individuals risk imprisonment for selling or possessing

⁴⁹ Adil Minhas, Bilal Ahmad, and Muhammad Khan. "Seizing Kashmir's Identity: Implications for Global Peace and Stability." *NDU Journal* (2019): 63–82. <https://ndu.edu.pk/ndu-journal/pubnew/04-Seizing-Kashmir.pdf>.

⁵⁰ Al Jazeera Staff. "Police Raid Kashmir Times Media Office in Jammu: Reports." *Al Jazeera*, November 20, 2025. <https://www.aljazeera.com/news/2025/11/20/police-raid-kashmir-times-media-office-in-jammu-reports>

⁵¹ AFP. "Police Raid IIOJK Bookshops after India Bans 25 Titles for 'Secessionism'." *Business Recorder*, August 8, 2025. <https://www.brecorder.com/news/40376942>

these works, which include writings by internationally recognized figures such as Booker Prize-winning author Arundhati Roy. Police raids on bookstores, roadside vendors, and other establishments in Srinagar and beyond underscore the coercive enforcement of these restrictions. Notably, the banned works document the lived experiences, suppression, and political struggles of Kashmiris before and after the abrogation of Articles 370 and 35A, highlighting the systematic attempt to erase dissenting voices and control historical memory.

11. Increasing rate of children who are out of schools

One of the major challenges confronting the Kashmiri population is the increasing number of children who are out of school. This trend is largely driven by pervasive insecurity, as Indian security forces have reportedly targeted young boys through arrests, harassment, and enforced disappearances, creating an environment of fear that discourages school attendance. Recent data presented to the Indian Upper House, the Rajya Sabha, further underscores the severity of this issue. According to the report, Jammu and Kashmir has experienced a significant rise in out-of-school adolescent girls over the past five years, representing one of the steepest upward trends in the country. Specifically, there were 16,537 out-of-school children in 2021-22, including 9,045 girls. This number escalated sharply to 38,994 children in 2025-26, of whom 16,900 were girls. The data

were presented by the Ministry of Women and Child Development in the Rajya Sabha.⁵²

Findings

Kashmir has endured suffering for over seventy-eight years, yet the international community has failed to take substantive action. Although several United Nations resolutions have been passed regarding the region, little practical progress has been achieved. This can be attributed to several factors. Firstly, the United Nations lacks the authority to enforce its resolutions; it can only address issues and propose solutions through recommendations and resolutions. Secondly, the United States, as the largest financial contributor to the United Nations providing approximately 22% of its annual budget exerts significant influence over the organization. Thirdly, India constitutes a major market for Western and American products, with India and the United States maintaining a trade relationship exceeding one hundred billion dollars. Fourthly, India is a strategic partner of the United States, assisting in counterbalancing Chinese influence in the Indo-Pacific region. This partnership is formalized through four defense and strategic agreements: the General Security of Military Information Agreement (GSOMIA), the Logistics Exchange Memorandum of Agreement (LEMOA), the Communications Compatibility and Security Agreement

⁵² KL News Network, “*Jammu Kashmir Flags Sharp Rise in Out-of-School Adolescent Girls; Last Count 16900*,” *Kashmir Life*, December 3, 2025, <https://kashmirlife.net/jammu-kashmir-flags-sharp-rise-in-out-of-school-adolescent-girls-last-count-16900-415449/>

(COMCASA), and the Basic Exchange and Cooperation Agreement (BECA). Additionally, India participates in the Quadrilateral Security Dialogue (Quad), a four-nation military and economic initiative aimed at limiting Chinese influence in the Indo-Pacific, a region through which approximately half of global trade passes.⁵³

Secondly, Indian behavior could be explained by the example of the Israeli settlement project in the West Bank and governance transformations in Indian Illegally Occupied Jammu and Kashmir (IIOJK) reveals both structural parallels and contextual distinctions. Following the 1967 war, Israel established civilian settlements in territories captured during the conflict, a process widely regarded by the international community as inconsistent with international humanitarian law, particularly the Fourth Geneva Convention.⁵⁴ Over time, the expansion of settlements has been accompanied by differentiated legal regimes, extensive securitization, and infrastructural integration, reinforcing long-term territorial consolidation.

In August 2019, India abrogated Articles 370 and 35A of its Constitution, revoked the semi-autonomous status of Jammu and Kashmir, and enacted the Jammu and Kashmir Reorganisation Act, 2019, bifurcating the region into two Union Territories. The

⁵³ Amna Naz, "US-India Defence Pact: Implications for Pakistan," *Stratheia*, November 20, 2025, <https://stratheia.com/us-india-defence-pact-implications-for-pakistan/>

⁵⁴ United Nations Security Council, Resolution 2334 (2016), S/RES/2334 (December 23, 2016).

issuance of Presidential Orders C.O. 272 and C.O. 273 reinterpreted constitutional provisions to facilitate this transformation during a period of President's Rule.⁵⁵ Subsequent domicile and land law reforms enabled non-residents to acquire residency status and property rights in the region, prompting concerns among segments of the local population regarding demographic change and political marginalization. From a settler-colonial theoretical perspective particularly the framework articulated by Patrick Wolfe, who conceptualized settler colonialism as a "structure, not an event" such measures may be interpreted as mechanisms of demographic and territorial restructuring rather than isolated policy shifts.⁵⁶

There is growing concern that Kashmir may become a second Palestine. Since the abrogation of Articles 35A and 370, non-Kashmiris have increasingly been settled in the Indian Illegally Occupied Jammu and Kashmir (IIOJK). In April 2025, over 83,000 domiciles were assigned to non-Kashmiris in the region, reflecting a settler strategy reminiscent of colonial models. A parallel can be drawn with Israel's settlement policies in Palestine, which began in 1967 and have resulted in the systematic acquisition of Palestinian properties by Israeli settlers.⁵⁷ Over the past two years, allegations

⁵⁵ Government of India, *The Constitution (Application to Jammu and Kashmir) Order*, 2019, C.O. 272 (August 5, 2019); C.O. 273 (August 6, 2019).

⁵⁶ Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 387–409.

⁵⁷ The Hindu Bureau. "83,742 Domicile Certificates Granted to Non-locals in 2 Years: J&K Govt." *The Hindu*, April 10, 2025. <https://www.thehindu.com/news/national/jammu-and-kashmir/83742-domicile-certificates-granted-to-non-locals-in-2-years-jk-govt/article69432373.ece>.

of genocide in Palestine have been reported, yet neither states nor international organizations have effectively intervened. Furthermore, the United States has exercised its veto power most recently the sixth veto against United Nations Security Council resolutions calling for a ceasefire, signaling support for Israeli actions as a strategic partner.

Policy Recommendations

The international community must raise its voice regarding the plight of the Kashmiri people, as the situation demands urgent and decisive intervention. Failure to address these issues may lead to consequences analogous to those observed in Palestine. India appears to be implementing policies reminiscent of the Israeli model, particularly about demographic manipulation and territorial strategies similar to those employed by Israeli settlers in Palestinian territories.

While the production of books, articles, and reports is valuable for raising awareness, such efforts alone are insufficient to achieve a meaningful resolution of the Kashmir conflict. Concrete and decisive measures are necessary to protect the rights, safety, and livelihoods of the Kashmiri population. The current trajectory of events increasingly mirrors the situation in Gaza, highlighting the urgent need for international engagement and action.

After seventy-eight years of suffering, the Kashmiri people have endured prolonged hardship, and the situation continues to

deteriorate. Immediate measures, including the facilitation of a credible referendum, are essential to prevent the escalation of the crisis toward a scenario comparable to that of Palestine.

Conclusion

In conclusion, following the abrogation of Articles 35A and 370, political and social tensions in Indian Illegally Occupied Jammu and Kashmir (IIOJK) have been intensifying progressively. The indigenous Kashmiri population continues to endure multifaceted suffering, including restrictions on freedom of expression, impediments to education, arbitrary detentions, psychological distress, and shortages of essential resources. The international community must adopt stringent measures to address this crisis; failure to do so may result in consequences as severe as those observed in Palestine, given that India appears to be implementing policies akin to the Israeli model. The human rights situation remains critical, with the Kashmiri people unable to exercise their fundamental freedoms and live with dignity.
