



Jammu and Kashmir: Line of Control Violations and Legal Perspectives

¹Irram Nazish, ²Saqib Hussain & ³Mustansar Abbas

¹Lecturer, Pakistan Studies at NUML University Islamabad, Pakistan.

²Lecturer, Strategic and Nuclear Studies at NDU Islamabad, Pakistan.

³Lecturer, International Relations at Mirpur University of Science and Technology, Mirpur AJK.

ABSTRACT

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The State of Jammu and Kashmir is the glaring example of colonial legacy of British raj. The conflict and chaos ruled the region since the partition. Stability in Kashmir is necessary for the entire South Asian region. Just six before the abrogation of Article 370, a suicide bombing attack on Indian troops sparked a nuclear crisis between India and Pakistan which was alarming for policy makers. The regional and international observers cited this fault line as “the most dangerous place in the world”, where use of weapons of mass destruction could threaten the lives of millions of civilians. The surging unrest in Kashmir can have catastrophic consequences. India’s aim to play greater role in regional affairs, India-Pakistan rapprochement, economic stability, all have dependence on the resolution of Kashmir. The current policies of BJP government to erode the right of self-determination of Kashmiris and turning down the proposal of Pakistan to resume the dialogue process all have intensified the violations on LoC. Since 1947, India’s illegal occupation to deny the people of freedom makes the status of Kashmir more vulnerable. The BJP’s recent attempt to include the territory in Indian union is an illegal annexation. While commenting on Article 47 of the Geneva Convention IV, jurist Jean S Pictet elaborates that the occupying power is the administrator of territory. Jean discusses that occupying powers should have respect for the political order of the territory. Therefore, India being an occupying power cannot annex the states institutions and territorial boundaries till the conduct of plebiscite under the UN resolution 1948

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Corresponding Author's Email: mustansar.ir@must.edu.pk

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1.0 Introduction

Pakistan and India acquired autonomous status from the British colonial raj and on the world map two nation-states emerged. The Maharaja of Kashmir was indecisive on the case of Kashmir and deliberately did not want to be the part of either India or Pakistan. In October 1947, people from Khyber Pakhtunkhwa (KP), a province of Pakistan, entered the valley of Kashmir to campaign for the rights of the people of Azad Jammu and Kashmir. And on October 26, 1947, Maharaja Hari Singh issued a letter of annexation to India in exchange for granting key powers to the federal government in New Delhi. Eventually, Kashmir was able to gain the military intervention of India. Pakistan, a newly independent state, refused to accept the instrument that escalate the first war (1948) over Kashmir. (Snedden)

Keeping in view the geostrategic significance of Kashmir, it is considered as a link between Central Asian Republics (CARs) and India. People from both the regions shared the socio-economic and cultural values since ancient times. Also trade routes between these regions enhance the importance of Kashmir. With the presence of nuclear weapons states, geopolitical situation is being changed. And nuclear deterrence keep the states away from the escalation. Nevertheless, the negotiations in the case of Kashmir are not easy since India and Pakistan always quest for the hegemonic player in the region. The rivalry at the Line of Control (LoC) has been the source of escalation and can lead to catastrophic situation of regional stability. The issue of Kashmir is also relevant to the dominant national identity in India and Pakistan and thus it has become intractable. The dispute over Kashmir is a unique challenge of decolonization in South Asia that has defied the fruitful solution in the twenty-first century as well. (Kuszevska, A. (2022))

The Kashmir conflict is as old as the history of Pakistan. The emergence of Pakistan and India on the map of the world as an independent state on August 1947 gave birth to Kashmir dispute. Kashmir was the largest princely state among the independent 562 princely states, which did not join either India or Pakistan. The political forces which were opposite to the rule of Maharaja Hari Singh in Poonch which is in present day AJK joined the freedom fighters from the Khyber Pakhtunkhwa (KP) marched to Srinagar in October 1947. In this situation of emergency, Maharaja Hari Singh asked for military intervention from India. India offered the protection on the condition of signing an agreement that Maharaj accepted. India termed the document as an instrument of accession but Pakistan did not accept it. The situation gradually turned in to a full-scale war between the two dominions in 1948. (Akhtar, S. A., & Bilal, S. H. (2021).)

Twenty years ago, the conflict was an interstate affair between Pakistan and India, but in 1988 Kashmiri militants initiated a liberation movement. The skirmishes between the liberation movement and Indian army triggered a new cycle of conflict in the history of Kashmir. The conflict has led to the huge displacement of Kashmiri Muslims from valley. (de Jong, K., Ford, N., van de Kam, S., Lokuge, K., Fromm, S., van Galen, R., ... & Kleber, R. (2008))

The partition of Sub-continent in 1947 gave birth to the dispute of Kashmir between Indian and Pakistan. The birth of Kashmir is a question to the people itself. It is difficult to decide the fortune of Kashmiris on the lines of religion and ethnicity. Kashmir is symbolism of spectacular beauty where abundance of natural beauty captivates the hearts of visitors. The beautiful valley

has been experiencing the gross violation of human rights from the past several decades. Humanitarian crisis in Kashmir catches the attention of international media as well. Sadly, Kashmiris have been constantly deprived of the platform to raise their protest against Indian government atrocities. These voices are being suppressed by militants in the region. Kashmir is the most militarized region on the earth. In the violence zone, particularly women are considered the most underprivileged race. Many women who are subject to violence remain silent just to protect the honor of family. Their protection remains at risk. This could lead to psychological destruction. Myriad challenges faced by women have let them to engage as a combatant in the war of liberation. India's brutal tactics has increased to militancy in the twenty first century. Molestation, rape, ethnic violence are the subjects which should be addressed by the international community. India's hard liner stance in Kashmir dispute has been triggering enough violence across the LoC. Gross human rights violation on LoC unfolds the social, political, economic, and psychological traumas of people.

The research unfolds the legal status of Kashmir conflict and the exacerbating violations on line of control. The dispute over fertile valley of Kashmir has plagued the relationship between the archrival for more than seven decades. Both sides have legal backing for Kashmir issue, but it is significant to determine the legal implications of these claims. The research aims to explore the historical factors that gave birth to this dispute.

The research strategy employed is the qualitative mixed method approach. Qualitative research is often used by social scientists to study ground realities that provide a foundation for other ideas. The exploration of the case of disputed Kashmir requires multiple approaches. Ethnocentric approach will not be employed to prevent biasness. Whereas individuals are protesting for their legitimate rights, the Indian state and International Law are more dominant in determining the fate of Kashmiri people. The major focus on the research will be on secondary sources. Previous literature available on Kashmir will be taken in to consideration in order to analyze the current situation. The research is a historical narrative of Kashmir as well. Online available interviews will be analyzed as they are primary source of exploring the individual's situation. Due to extreme weather conditions along with time constraints, it is not feasible to conduct on ground research or take survey of the territories.

The princely state of Kashmir was of great significance for British colonial raj before partition and is still have great geostrategic significance in South Asia. Kashmir shares border with two nuclear armed states in the region. Hindus and Muslims are the large communities in the valley which pursue contrasting ideologies. The Hindus settlement in the region has been gradually increasing. Its significance cannot be denied owing to the presence of natural resources and rich culture. The research will explore the genesis of Kashmir issue. It will elaborate the psychological sufferings of Kashmiris with historical perspective. Women and Children are the worst victim of violence while they get involve in the freedom struggle. They suffer psychologically which affects their normal life and many of them are living under extreme traumas. Killing of more than 1,00,000 people in the last three decades has far reaching consequences in the region. Many women and children are left along with no economic consequences. The focus of the research will be on the

role of international communities as well. This research will help to evaluate the psychological impact of brutal militancy on children and women.

The objectives of this study are to explore the human rights violations at LoC and its impact on the lives of people. Kashmiri community has been experiencing violence by the forces of state which has transformed their lives significantly. International observers have concern that Kashmir might turn into a nuclear flash point. It will trigger more radicalization in the society. It is imperative for comity of nations that the Kashmir issue should be solved on priority basis to end the sufferings of people. The constant state of war has alienated the situation. The study will unravel the causes of psychological traumas and sufferings being faced by the people.

1.1 Research Question

- Which are the major factors and causes of violation at Line of Control?
- How the cross-border violations affect the socio-economic lives of people?
- How the situation in Kashmir has been changed after revocation of Article 370 A?
- Which factors can bring stability at Line of Control (LoC)?

2.0 Literature Review

The experts, authors and scholars are always catching the attention of the intensification of Kashmir conflict whenever there is new development occurs. A plethora of literature has been written on the freedom struggle of Kashmiris. The review of literature highlights some important works related to Kashmir. India, Pakistan, and the Kashmir dispute by Robert G. Wirsing 1994 explains in detail the Kashmir conflict, starting from the intricate issue of boundaries. Another renowned author, a British historian Alstair Lamb in his ground-breaking work “Kashmir: A Disputed Legacy” argues about the credibility of the Instrument of Accession and concludes that it was not signed by Maharaja Hari Singh of Kashmir on 26 of October 1947, a day before the Indian troops arrived in the Kashmir valley to defend Kashmir against the raiders from the Northwest Province of Pakistan.

In the book *Nuclear Proliferation in the Indian Subcontinent: The Self-Exhausting Superpowers and Emerging Alliances* (2000), Hooman Peimani arguing that Kashmir conflict is the reason which force Pakistan to develop a nuclear device and test it. Further analysis shows that Pakistan had already fought wars with India because of Kashmir and considered India as a grave threat to Pakistan security interests. Among these wars Pakistan swallows inconsiderable losses not only in terms of economy but also territorial ones and considered as defeat. The current status of division in which India has occupied the larger one is also painstaking and inculcates regional instability. However, Hooman is satisfy that in the presence of nuclear weapons securing a situation that Pakistan will not indulge in large scale war. He pointed out, “Pakistan’s main objective was to put the Kashmir agenda on the international media”. (Sehgal, R. (2011)

In 1947, the brutal partition of India truncated and divided the country in to two parts, namely, Pakistan and India. Partition witnessed the death of millions, influx of millions of refugees who migrated across the border, thousands died from lethal diseases, and approximately 75,000 women were abducted and raped inhumanely. Extensive riots and bloodshed across the border fostered horrible legacy of partition in the minds of migrants. The perpetual impact of violence has

been studied in the writings of Ritu Menon, Kamla Bhasin, and *The Other Side of Silence* by Urvashi Butalia. Khushwant Singh's *Train to Pakistan* is a historical novel which highlights the violence during partition along with the trauma faced by individuals. The traumatic episodes continuously haunt those who had been largely affected by it. Cathy Caruth argues, "that the history of a trauma, in its inherent belatedness, can only take place through the listening of another".

Gross human rights atrocities have been particularly related to the Sunni Muslim-dominated Kashmir Valley, which has been embroiled in an anti-India insurgency since 1989. Indian armed forces grew its presence in the region and militancy affected the large civilian population. The inhabitants of the region are narrowly entangled in prolonged state of emergency and permanent conflict, counterterrorism campaigns, dispossession and repression, institutionalized violence. The denial of basic and internationally recognized human rights to the people provoke them to seek the liberation from the clutches of tyrannical hands.

Following the division of Kashmir, it remains a major problem in Pakistan's territorial ambitions and a threat to India's security. The complicated situation in the valley reflects the region's historical strategic importance, which contributes to the escalating conflict between India and Pakistan. Key players on both sides have pushed Kashmir-focused narratives, which effectively impede substantial regional reconciliation. Following Kashmir's split, India implemented a heavy lockdown in the valley, shutting down communication connections such as the internet and cell phones. This crackdown lasted seventeen months, making it the longest closure in the world's greatest democracy. Amnesty International initiated the "Let Kashmir Speak" campaign, arguing that the blockade breached the International Covenant on Civil and Political Rights, to which India is a member. (Kuszevska, A. (2022))

According to author Freny Manecksha, there are many happenings in Kashmir which remain undocumented due to certain reasons. The large part of women remains silent on sexual violence as it is considered taboo. Speaking against violence may take away their freedom to live. There is no strong platform which could give them the security of provision of basic human rights. Militancy itself served the interest of different groups which resulted in suspension of basic human rights to women. The Association of Parents of Disappeared (APDP) has revealed that most of the widow women are compelled to get out their homes to earn living. Similarly, most of women are forced to step out to search their children. The traumatic stories of these people remain unaddressed and many of them will be unable to get proper justice.

Michalle LeBaron in the thought-provoking article, "Culture and Conflict: Beyond Intractability" suggest that culture and conflict have vital role in determining the outward approach of society. Many Kashmiris people view culture as a means of survival in unpredictable circumstances. The history of Kashmiri people is embedded in chaos and bloodshed. International community view the situations in Kashmir from different perspectives. Loss of ancient heritage, sacred places, and folk culture has uprooted their connection with the past. Many women who are traumatized by the incident of rape and molestation have no connection with their past. The loss of connection with the past has led to the culture of arms race and conflict in the valley. Culture

cannot be generalized by every individual. People of different cultures and ethnicities live in Kashmir since ancient times. Their cultural identification has been shattered by the occupational forces which has greater repercussion in the region.

In 2005, the United Nations General Assembly passed a resolution on Responsibility to Protect (R2P) to protect vulnerable civilians from genocide, ethnic cleansing, war crimes, and heinous crimes against humanity. Since ratification, the UN has been hesitant to respond to the genocide committed against Kashmiri Muslims in Jammu and Kashmir, causing increased fear. The Indo-US strategic relations and India's increased influence in the international system are the major impediments to the United Nations' decisive role. Indian troops violently crush Kashmiris' legitimate objectives through civilian deaths, kidnapping, gang rape, extrajudicial killing, and property stealing as evident by the various reports. In today's world, developing nations gain an advantage by controlling key geopolitical locations and marine resources. The current geopolitical environment reflects major countries' proxy wars, which have been fought in many regions of the world. The twenty-first century sees a significant geopolitical upheaval in the Middle East, Africa, and the Indo-Pacific, with hegemonic nations embroiled in proxy warfare. Nonetheless, in this game of dominating the major power corridors of Asia, U.S, China, Russia, and major European states have largely neglected the critical issue of Kashmir. Hence, amid the rivalry of contesting powers in the region and failure of R2P, the Kashmir issue is still seeking for decisive action. (Hussain, M., & Mehmood, S. (2021)

In his insightful observations, Professor Happymon Jacob, elaborates in detail the accounts of civilian's lives and vanguard soldiers guarding one of the militarized borders in the world, the Line of Control (LoC). Jacob identifies the rudimentary causes behind the ceasefire violations (CFVs) on both sides of the LoC. Despite the threats from the armies and difficult terrain of the region, Jacob struggled to see the things on ground. The Line of Control elucidates the dividing line as a result of the first Indo-Pak war. It has not been demarcated on the map which creates ambiguities for both sides. While one of the sides built bunker where they think their territory lies, the other side fires at them because they claim the same as their land. Hence, ceasefire violations happen there. Territorial rains, unpredictable weathers, snow fall, and soil erosion cause lack of lucidity on the LoC. Militaries of both the borders are heavily armed, well-disciplined, and being archrivals deem themselves the potential powers against each other. Meanwhile, high morale of troops on both sides has played pivotal role in uplifting their courage to face standoff. This high morale is directly proportional to the courage of military to endure hardships at LoC. Each side consider itself a better and dominant army in terms of high morale, training, and military capability. The book deeply explores perceptions about the lives of soldiers. A bunker on LoC serves the major aim of defending the line. No aggression or firing on the LoC goes un-responded. Living near the LoC is like living under the shadow of sword. Ceasefire violations on the LoC immensely impacts the lives of the local population.

Pakistan and India are increasingly entangled in the Kashmir dispute which has created serious implications for South Asia. Since the partition of subcontinent, the long standoff has proved a major hindrance in the way of peace settlement between the neighboring countries.

Nonetheless, the Kashmir dispute is not only a territorial conflict but religion also determines the factors of conflict. The colonization of subcontinent gave birth to Kashmir crisis. It was the unfinished agenda of pre-colonial order which is unavoidable yet. Both countries claim legal will over Kashmir dispute but lack of international stance has weakened it. Additionally, the frequent unilateral intervention and self-righteous attitude by both the nations have stalemated the issue. (HARIS, M., & MASOOD, F. B. (2021).

2.1 Theoretical Framework

Threats are determined by the power politics in international relations. Both classical and neo-realists hold the assumptions that coercions show anarchic politics and calls upon states to adopt balancing strategy. Thucydides, a classical realist, supported the argument of power symmetry which was considered as the real source of war between Sparta and Athens. Hence, Sparta including other Greek authorities decided to balance their power vis-à-vis Athenian power. Similarly, Machiavelli argued that expansionist desires of human natures in international politics provoke more threats. For Hobbes, the structural anarchy in the system causes the danger. Thus, when a state accumulates power, it creates threats for other states. Nevertheless, other prominent figures of realist school of IR, like St. Augustine, Morgenthau, Spinoza provided unique perspective of human nature which states that to achieve maximum power is considered as very nature of every states. Furthermore, skeptical nature of state about the rivals' intentions and capabilities prevails. And the desire to take superiority over other states intensified. Resultantly, the international politics is unending struggle to achieve hegemony over other state.

Neo-realists particularly Waltz provided the similar perspectives that power asymmetries are the key sources of threats perceived by the states. However, here focus was not human nature but states which strive to maximize the power. Waltz added to it and called the threat as anarchic function that determine the structure of the international system. There are four elements for perceiving threats by the states which includes geographical proximity, offensive capability, aggregate power and aggressive intentions. It is pertinent to mention here that the idea of aggressive intentions is closely related to the theory of constructivism when the component of ideational added. However, the paradigm of constructivist mainly believes that there is no rising of conflict and violence due to changes in the balance of power however identity is which shapes the threat perception. The proponent of constructivist, Alexander Wendt argued that anarchy is what makes of it. Similarly, Stephen Walt's balance of threat idea highlights events that brought India and Pakistan closer together. (Misson, F. A. (2022).

3.0 Methodology

The research strategy employed is the qualitative mixed method approach. Qualitative research is often used by social scientists to study ground realities that provide a foundation for other ideas. The exploration of the case of disputed Kashmir requires multiple approaches. Ethnocentric approach will not be employed to prevent biasness. Whereas individuals are protesting for their legitimate rights, the Indian state and International Law are more dominant in determining the fate of Kashmiri people. The major focus on the research will be on secondary sources. Previous literature available on Kashmir will be taken in to consideration in order to

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4.0 Findings and Results

4.1 Unrest in Kashmir

The end of 19th Century initiated the instability. However, the involvement of British in governance of Jammu and Kashmir, the subjugation of the natives is fueling the anti-Dogra movement. The two prominent groups are created after several divisions which were later named as pro-Pakistan and pro-India after partition. During colonial era, the region had been facing the feudal system. The British authorities undermined Maharaja's rule. This help to start the people of Kashmiris to champion their cause. Finally, the independence movement brought the idea of self-determination for the people of the Princely state of Jammu and Kashmir. (Vance-Cheng, R. (2011)

4.2 Role of United Nations

The UN played a critical role in the Kashmir conflict after partition, particularly the provision of plebiscite on the both sides. When the Kashmir conflict was brought before the UN for resolution, Pakistan and India's rhetoric fell into majority-minority roles. Pakistan emphasized the right of self-determination of Kashmiri people against the tyranny of India. Pakistan also brought the case of minority to the international community. On the other way, India largely resisted the internationalization of the issue. Pakistan was cheated because the Indian military was in superiority, meaning that on Indian side more territory was left. The same territory was occupied by Pakistani troops, so the UN was promoting the interest of India. (Vance-Cheng, R. (2011).

At the Line of Control, the United Nations has deployed their missions to observer continuously. The UN Military Observer Group in Pakistan and India (UNMOGIP) scrutinize closely and report accordingly. Secretary General Antonio Guterres said that the situation in Jammu and Kashmir is of great concern. "The position of the United Nations in the region is governed by the Charter and applicable Security Council Resolutions", said the statement. "The Secretary-General also recalls the 1972 Agreement on bilateral relations between India and Pakistan also known as the Shimla Agreement, which states that the final status of Jammu and Kashmir is to be settled by peaceful means", in accordance with the UN Charter. (United Nations Security Council discusses Kashmir, China urges India and Pakistan to ease tensions).

From the perspective of international law, and based on the UN Charter, both the simmering issues of Kashmir and Palestine are entrenched in the right to self-determination. The worsening situations demand the urgent attention of international community for peaceful resolution of the conflict. To change the status-quo of Kashmir only legitimized solutions are durable.

4.3 Legal Status of Articles 370 and 35 (A) of Indian Constitution

On August 5, 2019, Narendra Modi, the hard-handed ruler of Bhartiya Janta Party stripped the special status of Jammu and Kashmir by abrogating Article 370 of the Indian Constitution. The strident step was shocking for Pakistan as well and legal scholars bemoaned constitutional chicanery and condemned it seriously. Today, this dark step by Indian government is mostly remembered the attack on state rights of Kashmiris and heave blow to Indian federalism.

The Abrogation of Articles 370 and 35A rendered a particular status to the occupied valley. These articles gave autonomy to the regions of Kashmir within the constitutional framework of India. Except the ministries of defense, foreign affairs, and communications, the other Indian constitution provisions were not applicable to the region. The abrogation of these articles have had great repercussions for the native people and for Pakistan as well. This tyrannical act has transformed the overall constitutional structure of the region simultaneously fostering identity crisis in the people. People of Jammu Kashmir cannot have their own constitution, flag, and freedom of legislation. The citizen of India are freely allowed to buy property in the IIOJK which was previously prohibited. The revocation of Article 370 allows Indian natives to buy property and construct home in the region, thus, changing the old demography of the Kashmir. (Azam, M. (2020)

Today, India is witnessing a horrible situation in which the state machinery penetrates in to the lives of people and control them. Scholars like Ashis Nandy have articulated rightly regarding this problem as statism. While the process of snatching the rights of Kashmiris has been ongoing since the inauguration of a nation, yet in the twenty first century it has reached to its heights. Historically, the destruction of the princely states and the denial of constitutional rights to citizens is a central process of statism.

The intolerable situation in Kashmir got attention of the world leaders, such as U.K Prime Minister Boris Johnson, and German Chancellor Angela Merkel, who have condemned the tyrannical acts of security forces. Moreover, the U.S. Congress held a public hearing on the situation of Kashmir where members were highly critical of India's approach to Kashmir. U.S. newspaper such as The Washington Post and The New York Times streamlined less favorable stories of India's position on Kashmir. Similarly, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was scathing about the situation of Kashmir and asked for restoring the rights which were being denied.

4.4 The role of international law in Kashmir conflict

There have been several unsuccessful agreements and discussions between India and Pakistan, with both countries failing to follow the conditions. The Tashkent Declaration, Simla Agreement, Lahore Declaration, and Agra Summit were all aimed at easing tensions between the two countries. However, both parties continue to blame the other for terrorism. Pakistan accuses India of breaking the Simla Accord when Indian soldiers captured the Siachen region in 1984, describing the action as a violation of the accord. Asia Week writers Anthony Davis and Ajay Singh pointed out an omission in the Simla Agreement, which excluded the Siachen region from the Line of Control. Furthermore, the Simla Agreement does not exclude the topic of Kashmir from being discussed at the United Nations.

The period from 1989-2008 considered as dangerous for the lives of Kashmiris as there shows a humanitarian crisis along the Line of Control (LoC). With uncertain future and suffering of identity crisis continuously increasing among young Kashmiris.

4.5 Perspectives on Challenges and Initiatives Across the Line of Control

Cross-LoC movement in Kashmir is damaged since the legal process for crossing over LoC

is difficult. The five foot-crossing places (Nauseri-Tithwal, Chakoti-Uri, Hajipur-Uri, Rawalakot-Poonch, and Tattapani-Mendhar), are considered as undesirable since movements over these sites is more challenging. Dr. Shaheen, Professor from the National Defence University (NDU) Islamabad, claimed that, “the process of entry permits has been made so difficult due to clearance from various intelligence agencies that only a few people can make it and that is only after delays”. (Ali, W. (2012)

4.6 The Impact of Explosive Violence in Kashmir

Kashmir has been a chokepoint where the dispute escalates the war at its peak. One of the most recent events that shows violence is the killing of soldiers among civilian ascend to more than 30,000. These regular skirmishes created fear that lead to a nuclear war as both nation maintained their deterrence capabilities. The use of explosive violence, such as grenades, mortars, and different types of bombardment, has resulted in civilian casualties on both sides. According to Action on Armed Violence (AOAV), between 2011 and 2016, there were 1,091 reported deaths and serious injuries as a result of excessive explosive violence in Kashmir, which affected both Indian and Pakistani governed regions. An English-language news broadcast emphasized these findings, stating that such violence has severely damaged civilian infrastructure. This damage has had a significant impact on the lives of people, particularly children.

4.7 Militarization

In contemporary times, Kashmir is the most militarized region on the earth. The areas surrounding schools and other populated territories have been witnessing increasing militarization, with the establishment of military camps near to school buildings. The ever growing militarization of these areas have negative psychological impacts on children which has caused the drop out of children in Indian occupied Kashmir valley. According to a study published in 2013 conducted by Columbia University’s Working Group on Peace, Conflict, and Education, 79% of military camps are within 1 kilometer of schools. Some schools even share a boundary with the military installations. The presence of military troops makes youngsters at these schools feel scared since they are potential targets for explosive weapons.

From the past several decades, India is not willing to accept the right of self-determination of Kashmiris and international mediation for the resolution of conflict. India has been perpetually engaged in violation of ceasefire line and sabotaging the activities of military across the LOC. The baseless accusations of India against Pakistan to stimulate the violations has deadly consequences. The narrative of false terrorism by India is just to escalate tensions across the LOC and involves multiple factors. She wants to divert the attention of international community from Indian-sponsored state terrorism in IOK. Moreover, she is eager to gain the sympathy of international community to have illegal settlements in the valley. The perilous attitude of India is unquestionably the threat to peace in South Asian region and should be alarming for global powers. Azad Jammu & Kashmir and the Indian Occupied Kashmir are separated by a boundary called Line of Control (LOC) which is extremely volatile since its establishment. The Ceasefire Line (CFL) was marked in 1949 under the Karachi agreement and it divides Jammu & Kashmir into IOK and AJK. Simla Agreement (1972) was renamed as Line of Control (LoC). The United Nation

Military Observer Group in India and Pakistan (UNMOGIP) supervises the maintenance of peace along the LoC. Azad Jammu & Kashmir is well-known for its spectacular beauty, lush green valleys, majestic waterfalls, and fertile lands. But today the valley is under serious human rights violations that citizens face daily due to relentless firing by Indian army on the LoC.

On one side, the people of IOJK have been going through severe human rights abuses by Indian army and on the other side, the innocent citizens of Azad Jammu & Kashmir are the victim of Indian government's brutality. The ceasefire violations by Indian army have not only affected the lives of people near LoC but also impacted their socio-political lives. The aspect of cross border violations has been characterized by shock, trauma, and lack of protection. These military tactics have been utilized to inflict more damage on the opposite country without engaging in open warfare. In all 10 districts of Azad Jammu & Kashmir, there are more than 12 constituencies near LoC which include sectors like Batal, Bhimber, Bagh, Hajira, Shakargarh, Kel, Leepa, Karela Harpal, Carwah, Nikyal, and Khoirata etc. Since the establishment of the Ceasefire Line, these territories have become active flashpoints and highly volatile. Border skirmishes have largely affected the residents of the areas. The quality of people's lives has been affected in more than one aspect, their livelihood, physical security, socio-cultural life, educational development, psychological health, and well-being has been at the greater risk in the unpredictable circumstances. Besides human casualties, fundamental social activities like festivals and social gatherings have seriously curbed. Social and psychological alienation of people have turned their lives in to hell. (Adnan Rehman 2021)

4.8 Humanitarian Crisis in Jammu & Kashmir

The conflict of Jammu & Kashmir continues to spark a serious human right disaster and invites the concerns of international community. The unprovoked firing on LoC is a threat to peace and stability in the region. Today, there is great attention to mental health, the vulnerable residents of AJ&K are living in a state of endless trauma. The loss of property, dispossession, disempowerment, loss of loved ones, socio-economic stagnation, and the guilt of being under constant militarization have drastically damaged the psychological health of people living along LoC. The villages surrounding LoC have already poor infrastructure and socio-economic development is extremely slow in these remote areas due to rugged lands. The difficult and unpredictable circumstances add to the miseries and to complete the task is challenging for marginalized people. Be it going for harvest, attending school, taking care of cattle, fetching water from remote areas, due to long-distance with the damaged roads that are directly exposed to Cross-LoC firing. The people of these frontline villages are so severely affected by the ceasefire violations of Indian army that every third person is victim of land loss or loved ones. People have been alienated from their agricultural lands or other properties. These horrific violations of ceasefire by India resulted in human rights crisis in AJ&K. The role of United Nations is not satisfactory in the case of the people of Indian occupied Kashmir. While Pakistan has always advocated the right of self-determination of Kashmiri people and has brought this old issue to the attention of the world. Yet much more is required to resolve this issue permanently. (Bannian, B., & Rahman, A. (2021)

4.9 Threat to Psycho-Social Security

In modern times, mental health is a topic of great concern for the international world. The marginalized people of Kashmir living near LoC have been suffering from intense psychological trauma. So far, the issue has not gained significant international attention to improve the circumstances of oppressed community. The impact of cross-border shelling has direct link with the psychological health of the people. The frequent fear of violence, death, intimidation, loss of cattle, injuries highly influence the mental health of the inhabitants. Depression is a common disease among the inhabitants who live close to LoC. Indeed, unpredictable violence by India has badly damaged their psychological health. A survey conducted by the Kashmir Institute of International Relations (KIIR) during 2013 in Neellum Valley unfolds that eighty percent of people are afraid of Indian firing in this has created environment of insecurity.

4.10 Forced Displacement

The displacement and dislocation of inhabitants is another feature of ceasefire violations. Besides casualties and massive destruction, the incidents of ceasefire violations harm the socio-economic development of the citizens and force them to leave their homes. Despite the scale of escalation of hostility in LoC areas, the certain ration of people are forced to migrate. Hundreds of thousands of people have migrated forcefully to peaceful regions. Some are living with having good source of earning, while other are living in vulnerable circumstances with no satisfactory circumstances. The unpredictable circumstances at the LoC have created multiple problems for the inhabitants as they are not able to return back their homes. In 2016, tensions between India and Pakistan escalated, the situation near LoC got worse also. People lost the number of their live stocks due to constant shelling by India.

4.11 The Line of Control divides families, hinders peace

Line of Control (LOC) divides the territories between India and Pakistan. This is the contested dividing line in the region. This dividing line is highly contested by Indian and Pakistani militaries which often results in heavy violations and loss of lives. Violent episodes erupt regularly between Indian military security forces militant organizations who are contesting for the due rights. Unfortunately, LoC divides many families who are stuck on either side and unable to see their friends and relatives. Over the years, the violent conflict has triggered a breach of trust on either side of the LoC and disconnection among people has grown. In spite of the confrontational circumstance between India and Pakistan, civil society in India, Pakistan and citizens of the Kashmir have continuously tried to promote engagement across divides. Since 2004, some historic measures have been taken to establish some links across the LoC. These openings offer hope for greater collaboration and peace building across the LoC.

4.12 Constitutional Status of J&K: Article 257 and 370

Article 257 of the Pakistani Constitution discusses the connection between Pakistan and the state of Jammu and Kashmir. It declares that if the people of Jammu and Kashmir choose to join Pakistan, the nature of their relationship will be determined by the choice of the people of the state. Pakistan splits Kashmir administratively into two regions: Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (previously known as the Federally Administered Northern Areas or FATA).

Azad Kashmir is governed under the Interim Constitution Act of 1947, which was passed by its Legislative Assembly and accepted by Pakistan's government.

In contrast, Gilgit-Baltistan is governed by the Gilgit-Baltistan Order of 2009, which was issued by Pakistan's President following negotiations with local authorities. Both territories have some autonomy, with Azad Kashmir controlled by the Kashmir Council in Islamabad, which is chaired by Pakistan's Prime Minister. Similarly, Gilgit-Baltistan is controlled by an Islamabad-based council chaired by the Prime minister. Despite the title 'Azad' meaning 'free,' Azad Kashmir citizens face substantial limitations, with Pakistani authorities carefully limiting their fundamental freedoms.

4.13 Article 370

The Instrument of Accession provides Jammu and Kashmir federal autonomy within the Union of India, with the exception of defense, communication, foreign affairs, and central finance. Sheikh Abdullah, a prominent politician in Jammu and Kashmir, was appointed as the valley's Prime Minister in 1948. Both the Maharaja and Sheikh Abdullah agreed that Jammu and Kashmir should be unified with India while maintaining maximal autonomy. Article 370 of the Indian Constitution also gives Kashmir unique status. The first elections for the Jammu and Kashmir Constituent legislature took place in 1951, and this legislature eventually selected delegates to design the Jammu and Kashmir constitution. In 1954, the Constituent Assembly decided to make Article 370 permanent in the Indian Constitution. The Jammu and Kashmir Constituent Assembly had the right to recommend portions of the Indian Constitution for state implementation or to completely abolish Article 370. Following the dissolution of the Constituent Assembly in 1957, Article 370 became unamendable.

Modi government clearly ignored UN resolutions on the internationally recognized long standing dispute. The 1972 Simla agreement elaborates that final status of the region must be settled by peaceful means. The brutal policies of Modi government failed to consult pro-independence or pro-India political leaders. Political leaders were placed under house arrest. The deployment of massive military troops calls for the peaceful resolution in the region.

4.14 Jammu & Kashmir: Not an Indian Territory Under International Law

According to the situation of Kashmir, it is a contested territory between the two rival states of South Asia. Pakistan claims that no legal title has passed under international law reflects the association of Jammu & Kashmir with India. Therefore, an attempt to subsume the territory is an act of occupation and illegal annexation. Being a disputed territory and India's consequent lack of legal title to it has been recognized by numerous United Nations Security Council resolution on the matter. India cannot take unilateral action to alter the status of territory. Furthermore, the Instrument of Accession, based on which India declares that Jammu & Kashmir is the legal part of Kashmir, also denies India to take any unilateral action on Kashmir. Article 370 of the Indian Constitution represented the unique terms on which Jammu & Kashmir was acceded to India. By unilaterally abrogating the Article 370, India has vehemently breached the Instrument of Accession.

The Kashmir conflict has triggered various interdependent and correlated issues between

both countries. The post-colonial dispute has already provoked three wars and several armed conflicts besides a water row and frequent standoff at LoC. Further, India is engaged in many other disputes with other states in the region. Though the UN resolutions call for a plebiscite in Kashmir, India is cruelly trying to subdue the Kashmiri through never ending violent practices. On the other way, Pakistan has been actively engaged to bring meaningful awareness in the international community. The nationalist dream of Akhand Bharat with territorial disputes are the major factors why Kashmiris are deprived of their right to self-determination. Under the fascist regime of Modi, both the countries are on high alert along the LoC. (Research paper: Javed, M. (2020))

5.0 Discussion and Conclusion

Kashmir conflict has political, socio economic, and psychological impact for the local population in Pakistan-administered Kashmir. The local population has to bear the sufferings along the LoC. Many people face death, have to migrate, and have a large socio-economic toll. The prevalence of peace on LoC means a lot for people, India, Pakistan can surely build it. India's adamant attitude is a hindrance in the way of peace. An individual's life to the whole region is affected by it. In Azad Kashmir, local support the peaceful trade along the LoC. The major source of livelihood is the people who live abroad for work, largely in Gulf States. Further, educations have also been affected as there are not enough institutions for children. The standard of education is below average. The AJK government argues that they get low budget from the federal government in Pakistan. Politics is also affected in Azad Kashmir where many nationalist parties are accused of agents of India. The tourism industry is not developed due to lack of development expenditures. Majority of people are young and radicalism in society is gaining roots in the backdrop of Jihadi influence. Digital rights of the people are under threat; the provision of internet is inaccessible. In fact, life is too hard there.

For years, Hindu nationalists in India had wanted to curtail the freedom of Kashmiri people. The victory of Narendra Modi in the elections of 2014 brought the fascist regime. According to The New York Times, 'the voice of the Kashmiris was silenced. The government cut off all communications from the area. Many renowned Kashmiri politicians were put behind bars including Mehbooba Mufti, a former Chief Minister of Kashmir. The Indian official is of the view that there is no 'Kashmir problem' and that Kashmir is the integral part of Indian Union. The view against this is an attack on the sovereignty of India. The leadership in New Delhi is not ready to deal the anger and frustration felt by Kashmiris in the presence of Indian. India is not prepared to discuss the Kashmir issue in an international forum.

In South Asia, most of the borders in present-day were demarcated by the British to overcome their security anxiety. Therefore, these borders mostly the result of war, conflicts, and sometimes they were drawn as an outcome of diplomatic efforts. The case of Kashmir borderland is not exceptional. In the South Asian literature, Kashmir as a borderland is the most significant contribution. Bouzas long-term engagement with the people living on both sides of the Line of Control characterizes the turbulent situation. India and Pakistan have a common border with Jammu and Kashmir with an internationally defined Line of Control. It reflects the territorial fragmentation in modern times. The writer explains the research rationale from a borderland

perspective. The increasing militarization of Kashmir leads to massive disruption in activities. Therefore, killing, curfew, restrictions, conflict, fundamentalism have become common in the cities close to border. (Book, Kashmir as a border land, the politics of space and belonging across the line of control.

Irram Nazish: Problem Identification and Theoretical Framework

Saqib Hussain: Data Analysis, Supervision and Drafting

Mustansar Abbas: Research Methodology and Revision

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