**India violates global laws in IIOJ&K**

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Much has been published about India’s hegemonic designs and actions vis-a-vis its neighbours as well as against some segments of its own people in East Punjab, Assam and a few other regions.

In Kashmir, in particular, it is reminiscent of brutalities committed with brazenness by the conquerors of the past who would draw immense sadistic pleasure by making minarets of chopped-off heads in occupied lands.

There is, however, a marked difference between those conquests and the ‘conquest of Kashmir’ by India. In the past, things were confined to use of brute force only but in the case of occupation of Kashmir, it carries another dimension ie the dimension of illegalities. Yes, it is a fact that India has committed blatant violations of relevant laws, including international laws and conventions, in Kashmir.

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The first ever illegality in this context was committed by India in collusion with the last Maharaja (ruler) of Kashmir. It was way back in October 1947 when the Maharaja signed an illegal Instrument of Accession with India, following which India moved its armed forces into the territory to occupy some parts of it. As regards the element of illegality in the October 1947 Instrument of Accession, it is quite evident from the fact that the ‘Indo-Pak Partition’ paper had allowed the Kashmiris and Kashmiris only to decide their own fate.

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By all inferences and legal standards, neither the Maharaja nor the Indian authorities could sign this document of accession.

Another big illegality, inter alia, was committed by Narendra Modi-led government of India on August 5, 2019 through the repeal of Articles 370 and 35 A of the Indian Constitution which conferred special status on the Kashmir state. Taking an unconstitutional route through the repeal of these articles, Indian government has consolidated its illegal occupation of Kashmir where demography is also being drastically altered, in violation of Article 35 A. The only objective is ‘downsizing’ the Muslim majority as a pre-emptive measure against a ‘possible’ plebiscite in future.

If Indian leadership’s hegemonic mindset is studied thoroughly, there are not two but many more violations of laws and conventions on occupation, rights of people of an occupied territory and the question of sovereignty.

In this particular backdrop, the correct legal classification of the situation in IIOJ&K is ‘illegal occupation by India’. The laws which prove the illegality of occupation, include UNSC resolutions on Kashmir, Article 42 of the Hague Regulations 1907, Common Article 2 of the Geneva Conventions (GC), Articles 42-56 of Geneva Convention-IV and customary international law. Article 42 of the 1907 Hague Regulations states that a territory is considered occupied when it is actually placed under the authority of the hostile army. Now, there is widespread realization that Indian army is hostile beyond doubt as per its track record of bestialities perpetrated on innocent Kashmiris. And, as per the Common Article 2 of the Geneva Conventions, a territory will be considered occupied, even if the occupying forces faced no armed resistance.

Moreover, International Humanitarian Law (IHL) rules, relevant to occupied territories, become applicable whenever a territory comes under the effective control of hostile foreign armed forces. Certainly, Kashmir under India’s forcible, illegal occupation calls for application of IHL. The fact is that India exercises effective, rather brutal control over IIOJ&K, which is, by all definitions and international standards, a foreign territory as India does not have any legitimate claim/right on IIOJ&K.

As a matter of fact, New Delhi does not qualify for sovereignty over the territory usurped through illegal methods.

Going further, Article 47 of the GC IV, says: Agreements concluded between the occupying power and the local authorities cannot deprive the population of occupied territory from the protection afforded by IHL.

Article 64 (Para I) of the GC IV: The occupying power must respect the laws in force in the occupied territory, unless they constitute a threat to its security or an obstacle to the application of the international law of occupation.

As regards the ground realities prevailing inside IIOJ&K, there is no reason to suggest that the occupying power (India) with a massive deployment of 0.9 million regular troops plus 0.4 million paramilitary forces is under threat from harmless, unarmed Kashmiris. As for Articles 55 & 56 of the GC IV, they say: The occupying power must ensure sufficient hygiene and public health standards, as well as the provision of food and medical care to the population under occupation.

With the virtual siege and blockade of Kashmir Valley for more than 500 days at a stretch, it is illogical and unreasonable to believe that the locals have been provided proper, unhindered access to food, healthcare and sufficient hygienic conditions. Instead, reports have come from the occupied territory which tell us tales of horror. For instance, people dying and even buried inside their homes due to stringent curfews and clampdowns.

Now, we consider Article 49 (Para 1) of the GC IV. It says: Collective or individual, forcible transfer of population from and within the occupied territory, is prohibited.

Article 49 (Para 6) of the GC IV prohibits and describes such actions as Grave Violations. On ground, India is continuously engaged in these Grave Violations, whose frequency has increased manifold in the wake of annulment of Articles 370 and 35 A.

Likewise, the UN resolution 1541 on the ‘Granting of Independence to Colonial Countries and Peoples’ adopted by the General Assembly in 1960 accepts the legitimacy of the right of self-determination and opposes repressive measures of all kinds against the freedom fighters. And UN resolution 2625 of 1970 even goes to such an extent to authorize the dependent people to seek and even receive support from outside to fight against the repressive machinery. Now, the question arises whether the global community considers the oppressed and suppressed Kashmiris to be entitled to this right or authorization conferred by UN resolution 2625 ?

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