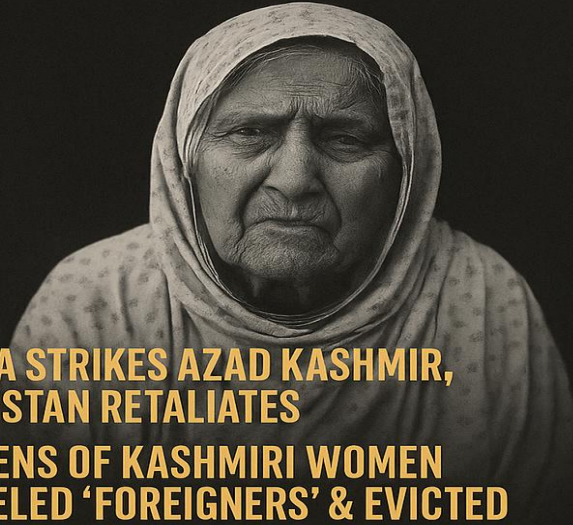


# JAMMU AND KASHMIR CONFLICT: ESCALATION & DEPORTATIONS



- **INDIA STRIKES AZAD KASHMIR, PAKISTAN RETALIATES**
- **DOZENS OF KASHMIRI WOMEN LABELED 'FOREIGNERS' & EVICTED**
- **INDUS WATERS TREATY & SHIMLA AGREEMENT SUSPENDED**

**UN SECURITY COUNCIL:**  
**BREAK THE STALEMATE,**  
**ADDRESS KASHMIRI**  
**ASPIRATIONS NOW**



JAMMU AND KASHMIR  
COUNCIL ON  
FOREIGN AFFAIRS

## Deportations, Displacements and Military Escalations in Jammu and Kashmir

Urgent Action Required.



# Jammu & Kashmir Council on Foreign Affairs

## **Jammu & Kashmir Council on Foreign Affairs (JKCFA) - Briefing Paper 01, May 2025**

To: Foreign Ministers / Secretaries of State, UN Security Council Member States, UN agencies, ICRC

From: Jammu & Kashmir Council on Foreign Affairs (JKCFA)

Date: 21 May 2025

**Subject: Urgent Action Required – Deportations, Displacement, and Military Escalation in Jammu & Kashmir**

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## Executive Summary

The Jammu & Kashmir Council on Foreign Affairs (JKCFA) is the first independent foreign affairs bureau of the people of Jammu & Kashmir and its global diaspora. In early May 2025, India's air and artillery strikes into Azad Jammu & Kashmir (AJK) resulted in significant civilian casualties and infrastructure damage. Pakistan's subsequent military response marked a renewed escalation in an already fragile security situation and a bilateral contest over land, resources, and strategic influence — with Kashmiri civilians bearing the brunt. India has weaponised Section 9 of the Citizenship Act (1955) to deport Indigenous citizens of Jammu and Kashmir and long-term residents as “foreigners,” forcibly deporting children as mothers look helplessly at the Wagah–Attari border and families across generations (Tribune, 2025), cancellation of Overseas Citizen of India (OCI) card of Kashmiri Diaspora scholars and human rights defenders, disrupting communities, and violating due process and legal precedents (BBC News Urdu, 2025; Qadeer, 2025a; Qadeer, 2025b). These actions breach domestic law (State Subjects Act, 1927) and UN Security Council resolutions (47, 80). Coupled with India's abeyance of the Indus Waters Treaty and Pakistan's suspension of the Simla Agreement, life, liberty and security of persons in all the regions of Jammu and Kashmir is at a perpetual risk. Therefore, JKCFA calls on the Security Council to condemn collective punishment, restore treaty obligations, and facilitate an immediate sustainable ceasefire and inclusive dialogue reflecting Kashmiri's sovereign aspirations.

### 1. Background & Context

- **Military exchanges (6–7 May 2025):** India's strikes in AJK targeted alleged militant sites; Pakistan responded in self-defence across the Ceasefire Line (UNSC, 1948).
- **Treaty suspensions:** India placed the Indus Waters Treaty on hold; Pakistan paused the Simla Agreement (1972), undermining bilateral dispute mechanisms (Reuters, 2025).
- **Human cost:** Over 200 civilian casualties; significant destruction of homes and infrastructure in both Indian-administered and Pakistan-administered Kashmir.

### 2. Legal & Normative Violations

- 2.1 **Citizenship Act (1955), Section 9:** India's use of Section 9 to brand long-term inhabitants of Pakistan-administered Kashmir in Indian-administered Jammu and Kashmir as “foreigners” requires proof of seven-year residence, despite lifetime Jammu and Kashmir citizenship rights (BBC News Urdu, 2025). A recent case illustrating this pattern of arbitrary state action is that of Nitasha Kaul, a British-based academic, human rights defender, and prominent member of the Kashmiri diaspora. The Indian government revoked her Overseas Citizen of India (OCI) status, effectively barring her from visiting her elderly mother in India. The OCI card allows persons of Indian descent to reside, work, and travel freely within India. Kaul characterised the decision to revoke her visa as symptomatic of increasing unpredictability and authoritarian tendencies within India (The Independent, 2025).
- 2.2 **State Subjects Act (1927):** Guarantees permanent residence and property rights for indigenous Kashmiris on both sides of the ceasefire line.
- 2.3 **Supreme Court Precedent:** Muhammad Hussain Shah v. Union of India (1980) affirmed that holding a Pakistani passport under compulsion does not negate Indian citizenship rights.

**2.4 UN Security Council Resolutions:** Resolutions 47 (1948) and 80 (1950) mandate a plebiscite and freedom of movement for Kashmiris across the UN-demarcated ceasefire line.

**2.5 Breach of the UN Guiding Principles on Internal Displacement (1998):**

By displacing families without informed consent, notice, or resettlement support, authorities violate international norms that protect internally displaced persons (IDPs), particularly the principles of non-discrimination, dignity, and the obligation to minimise displacement.

### 3. Humanitarian Impact & Real-Life Stories

**3.1 Multi-Generational Displacement:** Naila's family has suffered three forced migrations: partition (1947), insurgency-era expulsions (1990s), and the May 2025 deportations, uprooting her children and grandchildren from homes in Muzaffarabad and Srinagar (Qadeer, 2025a).

**3.2 Gendered Trauma:** Hamida Bibi (73) described "being separated from one's husband in old age is a great trauma" after a midnight deportation order (BBC News Urdu, 2025).

**3.3 Family Splits at Wagah–Attari:** At Wagah, one mother was forced to hand over her infants to Pakistani officials while barred from crossing with them, her "weeping children clinging to her" as she was led away (Tribune India, 2025).

**3.4 Collective Punishment:** Over 60 wives of former militants and long-settled spouses were expelled en masse, including Shamim Akhtar, mother of a decorated CRPF officer—ironically targeted despite her family's service (Qadeer, 2025b).

### 4. Community Disruption & Legal Inconsistency

Courts have intermittently stayed deportations, yet enforcement remains arbitrary: one family's home was sealed even after a high court order, forcing them into destitution (Tribune India, 2025). There is clear evidence of executive overreach and disregard for judicial directives, raising questions about the rule of law and institutional accountability. Displaced communities report that routine cross-LoC commerce and pilgrimages have been weaponised, transforming civic spaces into zones of fear.

### 5. Breakdown of Bilateral Mechanisms

India's suspension of the Indus Waters Treaty and Pakistan's pause of the Simla Agreement exemplify tit-for-tat retaliation, sidelining civilian welfare and eroding confidence in legal dispute resolution.

### 6. Urgent Call for Independent Advocacy

There is an urgent need for impartial oversight and international advocacy. The Jammu & Kashmir Council on Foreign Affairs (JKCFA) has proposed an independent, impartial, rights-based observatory and foreign affairs bureau to monitor and report on the situation. Only with independent monitoring, multilateral interventions and diplomatic pressure, we can ensure the rights of ordinary Kashmiris are protected. The current crisis – deportations without due process, family separations, and treaty suspensions – underscores that existing bilateral frameworks have failed. Therefore, JKCNA propose:

**1. A UN fact-finding mission on deportations and treaty breaches.**

**2. A Security Council Presidential Statement demanding restoration of mobility and residency rights.**

**3. Convening Track I/II dialogues with equitable Kashmiri representation.**



We ask the UN agencies and ICRC to provide:

- a) **Legal assistance** to detainees and deportees, ensuring access to justice rather than ad hoc court orders.
- b) **Humanitarian support** for affected families (medical aid, child welfare, and reconciliation of separated families).
- c) **International advocacy**, keeping Security Council members apprised of ongoing abuses and pressuring for compliance with human rights norms.

**About JKCFA:** The Jammu & Kashmir Council on Foreign Affairs (JKCFA) is the first independent foreign affairs bureau representing the collective aspirations of the people of Jammu and Kashmir and their global diaspora. Headquartered in the United Kingdom, JKCFA provides rights-based advocacy, policy analysis, and diplomatic engagement on issues affecting Kashmiris under Indian and Pakistani administrations. Guided by a diverse board of trustees and grounded in international law and human rights principles, JKCFA works to amplify Kashmiri voices in multilateral forums, facilitate dialogue, and support sustainable, peace-oriented solutions that reflect the sovereign will of all Kashmiris. JKCFA can be contacted via email: [admin@jkcfa.org](mailto:admin@jkcfa.org)

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