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Discerning India's Kashmir Strategy

Approach, Challenges and Outcomes

Priyanka Singh



MANOHAR PARRIKAR INSTITUTE FOR
DEFENCE STUDIES AND ANALYSES
मनोहर परिकर रक्षा अध्ययन एवं विश्लेषण संस्थान

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For Maa, my creator

CONTENTS

Chapter I

| | |
|--------------------|----|
| INTRODUCTION | 07 |
|--------------------|----|

Chapter II

| | |
|--|----|
| THE NATURE OF WARS ON KASHMIR | 18 |
| Armed Conflict and Aggression | 22 |
| Proxy Methods: Undeclared and Limited War | 33 |
| Diplomatic Pursuits and Geostrategic/Geopolitical Quests | 37 |
| Future Wars (Scenario Building): Portents, Potential Implications | 40 |
| Nature of Wars: A Comparative Analysis on Impact | 41 |

Chapter III

| | |
|---|----|
| DISCERNING INDIA'S KASHMIR STRATEGY | 46 |
| Threads of Continuity: Patterns, Preferences..... | 46 |
| Acts of Deviation/Divergence | 60 |
| Continuities + Divergence = Strategy? | 68 |

Chapter IV

| | |
|--|----|
| RESCINDING PARADOXES: REWRITING A FRESH STRATEGY | 71 |
|--|----|

Chapter V

| | |
|---------------------|-----|
| GOING FORWARD | 100 |
|---------------------|-----|

Postscript

| | |
|---|-----|
| THE SUPREME COURT VERDICT ON ANNULMENT OF ARTICLE 370: A CLOSURE | 111 |
|---|-----|

Annexures

| | |
|---|-----|
| INSTRUMENT OF ACCESSION | 117 |
| KARACHI AGREEMENT JULY 1949 | 119 |
| SIMLA AGREEMENT 1972 | 125 |
| PARLIAMENT RESOLUTION ON JAMMU & KASHMIR | 128 |
| GAZETTE NOTIFICATION | 130 |
| PRESS RELEASE BY PRESS INFORMATION BUREAU, GOVERNMENT OF INDIA- MAPS OF NEWLY FORMED UNION TERRITORIES OF JAMMU KASHMIR AND LADAKH, WITH THE MAP OF INDIA | 133 |
| MAP OF UT OF JAMMU AND KASHMIR AND UT OF LADAKH | 135 |
| MAP OF JAMMU AND KASHMIR UT-ADMINISTRATIVE DIVISION.. | 136 |
| MAP OF LADAKH UT- ADMINISTRATIVE DIVISION | 137 |
| POLITICAL MAP OF INDIA - I | 138 |
| POLITICAL MAP OF INDIA - II | 139 |

INTRODUCTION

“The fact is that Kashmir, since the dawn of history, has been a part of India, a repository of Indian culture and heritage. It has shared fully the vicissitudes of Indian history. It has been part of the empire of Asoka and Akbar. Srinagar, the capital of Kashmir, was founded by the great Emperor Asoka in the third century B.C. The people of Kashmir are blood of our blood and flesh of our flesh, and Jammu and Kashmir [is] one of the sixteen states of the Indian Union, and the people of Kashmir, as Indian citizens, share in the total freedom which India enjoys”.

Excerpted from M. C. Chagla’s Address before the UN Security Council, 5 February 1964.¹

BACKDROP

For decades since 1947, the issue of Kashmir has governed the impulses that drive relations between India and Pakistan. The issue has remained rooted at the core of the foundation of Pakistan – conceived and created by Mohammed Ali Jinnah who aspired to create a separate homeland for the subcontinent’s Muslims. Geographical proximity and an overwhelming Muslim population in the former princely State of Jammu and Kashmir made Pakistan complacently adamant that the State should have become its part instead of India’s. Unable to reconcile with the State’s integration with India following the signing of the Instrument of Accession by the ruler of Kashmir, Maharaja Hari Singh, Pakistan has for decades made continuous attempts to destabilise India’s territorial and legal claim on Jammu and Kashmir. India, on the other hand, has remained wedded to the objective of maintaining its position on the former princely State and shielding it from Pakistan’s

¹ M.C. Chagla, *Roses in December: An Autobiography*, Bharatiya Vidya Bhawan, Mumbai, 2018, p. 398.

machinations and several other ancillary geopolitical challenges from various quarters.

It is in this framework that India's policy discourse on Kashmir has taken shape – it has put up a stiff resistance to Pakistan's negative actions. Secondly, geopolitical challenges arising from the immense international attention the issue of Kashmir garnered over the course of 70 years have dictated India's options to sustain, strengthen and reinforce the paradigm of India controlling a major chunk of the former State and a validated defence of the same to questions/actions that detract from India's position on Kashmir. The complexities and challenges India faced along the road travelled thus far, leads one to enquire whether there is a pattern or strategy that India has unequivocally pursued. Or, whether or not India has taken a template-based approach or has been far more experimental in its pursuits on Kashmir that it may have been perceived by others, is something to reckon with and ponder over. However, there are certain constants in India's approach that are indelible, sacrosanct and untouched. These constants have specified the premises that govern India's Kashmir policy and it is in the confines of these parameters that some of the country's important actions have functioned and played out. Upholding of the territorial sovereignty over the entire region of what constituted the princely State of Jammu and Kashmir in 1947 and at the time of the signing of the Instrument of Accession, stands and leads the matrix defining India's positions and policy courses.

There are several interpretations and multiple prisms concerning the Kashmir issue. Ashutosh Varshney argues: “[The] Kashmir problem is a result of three forces: religious nationalism represented by Pakistan, secular nationalism epitomized by India, and ethnic nationalism embodied in what Kashmiris call Kashmiriyat (being a Kashmiri)” observing further that “the internal inconsistencies, contradictions and paradoxes of all three forces are not analysed sufficiently” contributing towards “Kashmir's long-lasting intractability”.²

² Ashutosh Varshney, “Three Compromised Nationalisms”, *India International Centre Quarterly*, 37(3/4): “A Tangled Web: Jammu & Kashmir”, JSTOR, WINTER 2010- SPRING 2011 at <https://www.jstor.org/stable/i40084997>. p. 29 (Accessed on 29 June 2022).

EVOLUTION

How has India's Kashmir strategy evolved? Premised on this question, the Monograph seeks to understand India's policy approaches towards the Kashmir issue since its independence in 1947 and recommends measures for the future. Herein lies a problem that has wide-ranging implications, considering its international salience and a festering militancy abetted by Pakistan. Given the longevity of the problem, the Monograph reviews past policies through lens of war, diplomacy and geopolitics- involving great power politics and manoeuvres. The Monograph attempts to assess the past, gauge future portents before laying out measures for a comprehensive and sustainable long and medium term strategy- one that is multipronged and consecutively addresses external and internal problem dynamics.

India has dealt with the Kashmir challenge for decades— be it through military and diplomatic responses as well as long-running counter-insurgency approaches in Jammu & Kashmir. It has been a worthwhile exercise to determine the strands of continuity in India's actions/ reactions and political consistency (or lack of it) at the leadership level to fathom the contours of a strategy pursued so far. Covering a wide spectrum comprising war, diplomacy and geopolitics on Kashmir coupled with the internal developments the attempt is to determine the nature and scope of how India has engaged with crisis and conflict and whether its actions and reactions were dictated by a precise strategy.

CHALLENGES

Some of the questions that merit consideration in this regard are: Does India have a focussed set of goals on Kashmir that can be considered or termed a strategy? Whether India needed to redraw its priorities and widen the horizon while looking at the long-standing issue? Is India's existing approach mindful of future exigencies? Have we witnessed identity politics in Kashmir in its most virulent form? Is decision-making in India amply sensitised to ground realities and is there adequate acknowledgement of the distinctions between external and internal sides? Can parallels be drawn with other cases— for instance the Punjab militancy and the insurgencies in India's North- east where

the state, by and large, tackled it successfully? Could India's extant claim on parts of the former princely State of Jammu and Kashmir under Pakistan i.e., Pakistan-occupied Kashmir (PoK), have a role in this future strategy? Does the ultimate antidote lie in another full-fledged war with Pakistan? Has India ever constructively thought in terms of bargaining its position on Kashmir to extract concessions from Pakistan or with China – two countries controlling remainder parts of Jammu & Kashmir? Do external and internal challenges in Kashmir converge at some point and do they require distinct remedies?

The Monograph is constructed as a comprehensive account that looks at history, documenting developments that perhaps require further public dissemination— for instance, the first round of Indo-Pakistan hostilities during 1947-48, diplomatic engagements during the 1960s and 1970s including in the geopolitical context within which such engagements took place. The study also touches two key watersheds – the Kargil War (1999) and the Mumbai Attacks (2008) as indices to bring forth contours of change and continuity in India's Kashmir approach.

A STRATEGIC DISTRACTION

For India, the Kashmir issue is, and has been, a perennial strategic distraction.³ Apart from the military confrontations with Pakistan in 1947-48, 1965 and 1999, the issue has consumed India's diplomatic energies throughout the 70-year post-independence period. Whether referring the issue to the UN was a strategic misstep or what difference would that have made, has been discussed ad nauseam. The moot problem in Kashmir involving India's principal adversary Pakistan challenging India's control over it, has been more or less stagnating even as fundamental contours of the issue and the surrounding

³ The conception also discussed in MP-IDSA Policy Brief by the author titled: "Beyond Cartographic Assertion: A Roadmap on Pakistan occupied Kashmir", 1 August 2016 at https://www.idsa.in/policybrief/beyond-cartographic-assertion-pakistan-occupied-kashmir_psingh_290716 (Accessed on 2 March 2023).

circumstances witnessed variations. The fact that India has been drawn without cause into a conflict because of a deceitful invasion orchestrated by the leadership of Pakistan amidst raging geopolitics of those years, and continues to be bogged down by its ramifications even after decades, underscores the need to enhance the ambit of discussion on the subject and look beyond in terms of practical solutions.

The human rights propaganda against India became active again ever since the developments that occurred around 2016 in the Valley. Pakistan's rhetoric remained flagrant and unmitigated—something that still finds receptivity in certain quarters, even as the broader support base may have dipped. According to the February 2017 report by PwC (Pricewaterhouse Coopers), India is slated to become the world's second largest economy by the year 2050.⁴ Amidst such optimistic projections, doubts have lurked as to whether and how to reduce the constraining strategic irritants that burden India. It is essential that India pulls out being dragged in this unnecessary unrelenting slugfest? China-Pakistan combined design has been to keep India boxed and distracted in games they unleash- the festering problem of Kashmir and its intractability has been one such plank that India's arch adversaries never wished that limelight to fade upon. As India looks set to traverse its path towards economic prowess, there is need to take a fresh look, think a new and decisively put forward a fresh perspective, bringing forth the layers of evolution – especially to the uninitiated generations that have seen India applying a hard militaristic approach– not knowing sufficient on how India was driven towards it and how it intends to deal with the issue in times to come.

THE WATERSHED

Rescinding the special status of the former State of Jammu and Kashmir was an affirmative step taken by the Government of India

⁴ Report titled: "The Long View: How will the global economic order change by 2050?" Pricewaterhouse Coopers (PwC), February 2017 at <https://www.pwc.com/gx/en/world-2050/assets/pwc-the-world-in-2050-full-report-feb-2017.pdf> (Accessed on 11 May 2022).

to fulfil its longstanding objective and desire to constitutionally fully integrate it into the Union. Given that the Jan Sangh (the predecessor of the Bharatiya Janata Party) has pursued the abrogation of special status of Jammu & Kashmir since the 1950s, the matter seemed to have achieved significant traction since the political transition that brought Narendra Modi to power in 2014. The revocation of Article 370 and Article 35 A— both temporary stopgap measures and both of which kept the state out of the Union in a sense under a separate special status, was only a matter of time. The action announced on 5 August 2019 reinforced the legitimacy of India’s control over Jammu and Kashmir and crystallised its intentions to constituencies that still harboured doubts and uncertainties. On the other side, bifurcating the state into twin Union Territories symbolically suggested that India remained committed on upholding its control and sovereignty over Jammu and Kashmir howsoever heart-burnt Pakistan may feel or the chagrin it could elicit in selective quarters of the world community. According to the Constitution of India, a Union Territory refers to “a small administrative unit that is ruled by the Union”.⁵ Union Territories share a “unitary relationship with the central government which means all the legislative and executive powers rest with the Union”.⁶ Integrating Jammu and Kashmir as a Union Territory has far-reaching symbolism in terms of messaging and strategic posturing adopted by the Government of India.

The 5 August move, more importantly, marked the culmination of the long drawn out process of absorbing the state in totality – something that other Indian states commenced with in the beginning of the 1950s.

⁵ “What is the difference between a state and a union territory?” *India Today*, 5 August 2019 at <https://www.indiatoday.in/education-today/gk-current-affairs/story/what-is-the-difference-between-a-state-and-an-union-territory-1577445-2019-08-05> (Accessed on 7 July 2022).

⁶ “What is union territory and how it’s different from state”, *Business Insider*, 2 February 2022 at <https://www.businessinsider.in/india/news/india-news-difference-between-states-and-union-territories/articleshow/71831006.cms> (Accessed on 9 July 2022).

The process of complete integration of Jammu and Kashmir took years of contemplation and calculations of the potential fallouts such an action could incite. The challenge has been to minimise the fallout and more importantly, to determine the appropriate time when India could accomplish the task without a geopolitical flutter. The reactions to the rescinding of Article 370 were manageable and muted in some cases. At the geopolitical plane and with regard to the impact in the international community, it is safe to conclude that the timing of India's action was ripe. Post the structural sea change brought about in the former state, it is useful to reflect upon potential measures that may contribute towards redrafting a fresh strategy conversant with future potentialities.

THE GAP

The subject of the study is not entirely new. Subject experts in India have abundantly documented the history, politics and the wars on Kashmir. However, there is less focus on ways forward and in terms of a definite, elaborate and a systematic plan of action that can be called a strategy. Besides, the discourse on the Kashmir issue is segregated along military, political or diplomatic tracts. The political narrative is polarised and straddles along extremities— one that categorically upholds the Indian State's approach and the others that claim to be forwarding what they call the Kashmiri peoples' perspective, especially in the post-1990 era. By and large, the ambit of the military discourse on Kashmir is confined to a description of successive wars with Pakistan and does not wholesomely deal with accompanying geopolitics or diplomacy concerning each phase. In this context, the study attempts to bring out a balanced account on the Kashmir issue combining the military and diplomatic aspects among external parameters and violence and instability as internal indicators. Besides, how the Kashmir issue has impinged upon the fate of the other two entities— Jammu and Ladakh – and whether their fortunes are interlinked, requires further scrutiny.

THE DISCOURSE

Sisir Gupta's *Kashmir: Study in India-Pakistan Relations* (1967) is one of the foremost account that captures the issue of Kashmir in its earliest years. C. Dasgupta's *War and Diplomacy in Kashmir 1947-48* (2001) is a

pivotal work dealing with the interplay of war and diplomacy during the first Kashmir War. It brings together a gamut of information on the role of Britain in Kashmir and throws light on the role of Lord Mountbatten in resolving the crisis that haunted the days subsequent to Partition in the subcontinent. Narendra Singh Sarila's *The Shadow of the Great Game: The Untold Story of India's Partition* (2005) is another pivotal account that links the Great Game manoeuvring with the events surrounding Partition. Y. D. Gundevia's *Outside the Archives* in one of its important sections provides first-hand insights into the diplomatic engagement with Pakistan during the early 1960s. P.N. Dhar's *Indira Gandhi, the "emergency", and Indian Democracy* details the Simla Agreement. J N Dixit's *India-Pakistan in War and Peace*, and more recently A.S. Dulat's *Kashmir: The Vajpayee Years*, provide person-driven, anecdotal – though critical – evidence on the subject. Jairam Ramesh's *Intertwined Lives: P.N. Haksar & Indira Gandhi* details the times of Haksar, trusted aid of the former Prime Minister, who was also privy to the engagements with Pakistan on Kashmir. Important contributions especially on the internal aspects of Kashmir have been provided by David Devadas's *In Search of a Future: The Kashmir Story*, Navnita Chadha Behera's *Demystifying Kashmir* and Rakesh Ankit's *The Kashmir Conflict: From Empire to the Cold War, 1945-66*. Alex Von Tunzelmann's *Indian Summer: The Secret History of the End of an Empire* (2008) provides some very useful references on the Kashmir issue.

Commendable accounts on India's wars with Pakistan on Kashmir include: L.P. Sen's *Slender was the Thread: Kashmir Confrontation 1947-48* (1969), S. K. Sinha's *Operation Rescue: Military Operations in Jammu & Kashmir, 1947-49* (1977), E. A. Vas's *Without Baggage: A Personal Account of the Jammu & Kashmir Operations* (1987), Harbaksh Singh's *War Despatches: Indo-Pak Conflict 1965* (2010) and the *Monsoon Wars: Young Officers Reminisce – 1965 India–Pakistan War* (2015) by Amrinder Singh Gill and Tajindar Shergill. There is profusion of literature on the Kargil conflict of 1999 given that it is the most recent war, but the accounts by former Army Chief V.P. Malik titled: *Kargil: From Surprise to Victory* (2010) and Peter Levoy's *Asymmetric Warfare in South Asia: The Causes and Consequences of the Kargil Conflict* (2009), stand out amongst these for authenticity and wide-ranging perspectives respectively.

CONUNDRUMS

The study is broadly based on varied aspects related to the following key questions:

- Given the Kashmir issue has absorbed India's vital resources—including military costs and diplomatic energies, how high has the opportunity cost been? How far has development in the state been capitulated due to security costs?
- What attributes made the problem in Kashmir peculiar?
- What could be the nature and scope of future challenges concerning the Kashmir issue and what scale of preparedness on India's part is necessary to deal with them?
- How coherent is India's Kashmir strategy? Or is it an evolving approach? Is this approach static, fluctuating or adaptive? Is India still in search of a definite strategy?
- What must a future Kashmir strategy look like — one that, amongst other things, also balances the external and internal aspects of the problem?
- What are the measures that should be initiated to make the cost of insurgency/militancy in Jammu & Kashmir high for the insurgents? Could the hard stance with Pakistan limit our choices as far as dealing with our own people in Jammu & Kashmir is concerned?

REPOSITIONING KASHMIR IN CONTEMPORARY GEOPOLITICS: REFLECTIONS ON FUTURE COURSE

Of late, the contention that just reducing the priority of the Kashmir issue ('core' versus 'amongst other issues') from the bilateral agenda with Pakistan is probably not adequate. What is therefore, required is an amalgam of goals that balances external compulsions and internal priorities. India must ensure it is seen to be a step ahead while dealing with such problems. India has frequently cited sovereignty concerns about Chinese forays in Pakistan-occupied Kashmir (PoK) and the China-Pakistan Economic Corridor (CPEC). India's resistance to China's

connectivity drive through PoK, is linked to its broader position on Kashmir. It is time, therefore, to think ahead in terms of devising a strategy that bolsters its position further while dealing with the China-Pakistan collusion in Kashmir.

Over the years, there has been a determined effort to isolate Pakistan by exposing how it consorts with militant groups to promote terrorism against India. The language and tenor of India's responses to Pakistan's tenacious propaganda has been made sharp and curt including at the UN (reference to Pakistan as Ivy League of terror, *Terroristan*, etc.). Parallel to this, there was, what possibly appears to be, a tactful change by Pakistan. A deliberate strategy to give the conflict in Kashmir Valley the garb of indigenoussness has persisted. The recurring violence in the Valley and other events failed to receive traction internationally, much to Pakistan's dismay. However, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Report titled: "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 Azad Jammu and Kashmir and Gilgit-Baltistan", poses as a grim reminder of India's compulsions in contending with diplomatic and geopolitical concerns, as they continue to surface in future. Whether India likes it or not, Pakistan, irrespective of the political dispensation at the helm, will continue to push its Kashmir bandwagon and India has no choice but to deal with it. Restoring stability and stemming the eruption of violence are equally critical in Jammu & Kashmir. As India marches ahead, would a reactionary approach, limited to fielding attacks from Pakistan while upholding and maintaining status quo on Kashmir, - suffice or not in the long run, needs continuous and due contemplation.

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THE NATURE OF WARS ON KASHMIR

BACKGROUND

Kashmir as the perennial flashpoint of the India-Pakistan conflict has witnessed several armed wars as well as unarmed hostilities. While the armed conflicts have occurred at interregnums, diplomatic tussles have been a constant chore for the policy makers and strategists in both countries. The regular spurts of conflict between India and Pakistan have stemmed from the reality that both countries have not been able to reconcile with the respective territorial physical controls. While India controls majority swathe of the Kashmir region on one hand, Pakistan, on the other hand pursues an unrelenting obsession with altering the status concerning India's upper hand on Kashmir.

Cardinal Facets of the India-Pakistan Bilateral Tussle over Kashmir

The India-Pakistan tussle over Kashmir was a direct consequence of the British withdrawal from the subcontinent. It can be termed both as an intended and unintended consequence of the same. As seen from the prism of continuation of the British policy of 'divide and rule', it was intended. There were however, unintended collateral impacts – one that can be seen in the chaos that followed and where Kashmir may not have fallen in place as per the broader strategic pursuits of the British were concerned. As far as Lord Mountbatten's role in the months preceding India's partition is concerned, he is known to have visited Srinagar with a piece of advice for the Maharaja of Kashmir, that he may ascertain the wishes of the people of his State before making a decision to join either of the dominions – India or Pakistan. There was no precedent of Mountbatten's advice on popular choice. "Such consultation was, however, neither a part of, nor a condition in, the

transfer of power procedure laid down by the British government”¹. Mountbatten, arguably, was not in favour of the Maharaja declaring Kashmir to be an independent State thereafter. “[G]iven the ‘historical unreliability’ of Maharaja Hari Singh, both Mountbatten and [Hastings] Ismay were convinced that an ‘independent’ Jammu and Kashmir could not be relied upon to permit the British monitoring stations to remain in existence” and therefore tried their best to dissuade the ruler from doing anything of that nature.²

As the virtual pivot that for years drove India’s equations with Pakistan, the issue evolved its own characteristics, approaches and tendencies. Given the inherent quotient of rivalry involved, the respective characteristics concerning each country’s position are diametrically opposite. However, there are certain overlaps, which can be gauged, based on territorial and sovereign claims – qualified or unqualified – as well. The politics and geopolitics of the matter predominates other strands concerning social and economic dimensions. Another prominent strain has been the hydro politics involving the former princely state, given it is home to the expansive riverine terrain, the River Indus and its tributaries.

Amongst the myriad strains, the following are some of the relevant facets of the Kashmir issue as they have existed between India and Pakistan– ones that are particularly driven by the need to assess the issue through the bilateral paradigm/spectrum.

Irreconcilability of Both Sides with Each Other’s Position

The India-Pakistan contestation stems from the unrelenting inability/willingness to comply with the territorial status quo as it exists in the Jammu Kashmir and Ladakh region. Pakistan has constantly sought to

¹ Kuldip Nayar, “Kashmir: Re reading its past in order to proffer a practicable solution”, *The Round Table*, 81(323), 1992, p. 303.

² Iqbal Chand Malhotra, “Mountbatten’s Hidden Agenda”, *The Open Magazine*, 28 January 2022 at <https://openthemagazine.com/essay/mountbattens-hidden-agenda/> (Accessed on 22 May 2022).

challenge India's hold over what constituted a major portion of territory from the erstwhile princely State. India's official stance on Pakistan-occupied-Kashmir entails that Pakistan must vacate parts of the former princely State that continue to be under its illegitimate control since 1947. The problem lies in the paradox concerning these opposing positions that are perennially juxtaposed in the bilateral strategic calculations and seeps, at times, into each country's equations with third countries as well.

Parallel Wars

The long-drawn bilateral battle on Kashmir has witnessed parallel wars-armed conflict, diplomatic manoeuvring and geopolitical side-seeking almost simultaneously. Over seven decades of perpetual contest on the territory has witnessed the issue been raked at every possible platform, especially by Pakistan. On its part, Pakistan has persistently forged a propaganda war against India's physical control over the former princely State. For years, the pursuit to validate one's position on Kashmir is at the core of the each country's individual (or in combination with another country or countries) manoeuvre at the global and regional level. The issue became incrementally intermeshed with the broader foreign policy in both cases.³ As Pakistan chose to become a part of the Western alliances, it had the support of Western countries, especially the UK and the US, at international fora. India on the other hand, had to rely on the support of the former Soviet Union not because India was tilting towards the communist bloc, but because in a geopolitical atmosphere surcharged by divisions and binaries, India sought to be standing on its own and not falling in the Western camp like Pakistan did.

International Lobbying

Since the inception of the Kashmir issue overlapped the partition of India and the creation of Pakistan, the issue remained at the roots of

³ For a detailed analysis on the subject refer to Priyanka Singh, "The Kashmir Matrix: Foreign Policy/Strategy Formulation in India and Pakistan", in Aparna Pande (Ed.) *Routledge Handbook on South Asian Foreign Policy*, August 2021, pp. 123-136.

the emergence and evolution of the two dominions as independent States. Kashmir has been intermeshed with the foreign policy pursuits of both countries not only vis-a-vis each other but also governs their respective equations with other nation states. The Kashmir issue has remained the pivot that controls the nature of relations the two countries shared with others and produced a set of binaries that overwhelmed other issues and interests.

Corresponding/Respective 'Principal Issue'⁴

One of the key strands in the long existing conflictual equilibrium between the two sides has been their positional penchants with regard to what should be the core issue in their bilateral dialogues and other interfaces. For Pakistan, the perennial quest has been to keep the Kashmir issue at the centre stage of the bilateral dealings. On the other hand, India has tried to dilute Pakistan's agenda by asserting on discussion on a variety of other issues, Kashmir being just one of them. With the advent of militancy in Jammu and Kashmir, India has had to contend with a plethora of challenges resulting from international pressure. This was before the scale of Pakistan's abetted violence against India became so acute, surpassing all thresholds, that policy makers and decision takers in India felt they have no option than to train the spotlight on terrorism funded by the Pakistani establishment. From this change in approach, emerged India's offensive against Pakistan that was woven primarily around 'terror and talks cannot go together'.⁵

For decades, the broad approach on Kashmir has been a blend of the aforementioned facets. These features continue to shape the respective strategic positions that are enmeshed in the policy pursuits of India

⁴ Harsh V. Pant (Ed.), *Politics and Geopolitics: Decoding India's Neighbourhood Challenge*, Rupa Publications, New Delhi, 2021, p. 26.

⁵ Hakeem Irfan Rashid, "Terror and talks cannot go together, says Rajnath Singh", *The Economic Times*, 23 October 2018 at <https://economictimes.indiatimes.com/news/defence/home-minister-rajnath-singh-appeals-to-kashmiris-not-to-visit-gunfight-sites/articleshow/66334471.cms> (Accessed on 30 May 2022).

and Pakistan.⁶ The contours of these factors are not as clear-cut – as noted earlier they may be overlapping or even contradicting at times. Both countries seek to contradict each other's hold of the respective parts of the former princely State under their control. Their mutual territorial claims on the entire constituents of J&K as prevalent in 1947 can be described as an overlapping aspect.

These facets are not sacrosanct to the geopolitics involving Kashmir. Their functions, effects and eventual impacts can always be debated. Nonetheless, these are fundamental aspects that have remained salient for the issue of Kashmir as viewed by India and Pakistan.

ARMED CONFLICT AND AGGRESSION

The intensity and impact of the Kashmir issue in the bilateral equations between India and Pakistan can be gauged from the reality that on three out of four occasions India and Pakistan have been at full-fledged war on the issue of Kashmir. The Bangladesh Liberation War of 1971 though did not directly involve Kashmir, was fought in the backdrop of deteriorating equations concerning the Kashmir problem between the two sides, especially in the aftermath of the 1965 conflict. The reverberations were felt in the far eastern part of the Ladakh sector – the Baltistan region, where Indian forces launched an offensive and in the process captured four strategically key villages in the sector.

It is important to look at each of these wars in order to determine the thresholds in both India and Pakistan as far as dealing with the Kashmir question is concerned.

The First War on Kashmir 1947-48

The first armed aggression to capture Jammu and Kashmir occurred on the cusp of India attaining freedom and Pakistan being carved out of the former as an independent nation state for Muslims. At the time of partition, the leadership in Pakistan helmed by the founder

⁶ Priyanka Singh, note 3.

Mohammed Ali Jinnah developed an opinion framed by the Muslim majority of the State. Premised on such ground realities it is noted: “The fact that Kashmir was not only predominantly Muslim but also congruous with Pakistan convinced Mohammed Ali Jinnah that the maharaja’s decision would go in his favour. ‘Kashmir’, he said at the time of partition, ‘will fall into our lap like a ripe fruit’”.⁷

The political chaos in Pakistan and inheritance of defence forces who were not yet well equipped, did not deter Pakistan from aiding and abetting the aggression in the princely State of Jammu and Kashmir. The tribal raids with active participation from the Pakistan-inherited ranks of the forces wreaked havoc in the princely State. Josef Korbel notes: “about the middle of October, when the situation in Kashmir developed into mass killing” the princely State and Pakistan “exchanged a number of telegrams” wherein the former warned of being left with “no option but to ask for assistance”.⁸ Due to uncertainty besetting the princely State, the aggression did receive traction and made advance gains mainly due to the Maharaja’s indecision and that he wanted to remain independent and not go with either India or Pakistan. It is argued: “He disliked becoming part of India, which was being democratised, or Pakistan, which was Muslim... He thought of independence”.⁹ In the first Kashmir offensive, elements from the Pakistan Army are said to have provided crucial backup support in terms of operational technique and strategy and the supply front.¹⁰ It was Mohammed Ali Jinnah who “ordered General Gracey, the acting commander-in-chief (Messervy was on leave), to send the Pakistan

⁷ Owen Bennett Jones, *Eye on the Storm*, Yale University Press, 2002, pp. 56-57.

⁸ Josef Korbel, *Danger in Kashmir*, Princeton University Press, 1966, p. 68.

⁹ William Norman Brown in *United States of India and Pakistan*, as cited in Sajid Ali, “How, on this day 72 years ago, Jammu & Kashmir agreed to become a part of India”, *The Print*, 26 October 2019 at <https://theprint.in/past-forward/how-on-this-day-72-years-ago-jammu-kashmir-agreed-to-become-a-part-of-india/311724/> (Accessed on 22 August 2022).

¹⁰ As cited in Navnita Chadha Behera, *Demystifying Kashmir*, Dorling Kindersley (India) Pvt. Ltd., Licensees of Pearson Education in South Asia, 2007, p. 74.

Army into Kashmir in response to India's military intervention".¹¹ The involvement of the Pakistan Army may have only increased and become more entrenched as the war stretched over months. The sustained aggression from the Pakistan side was dealt a severe blow when the Indian Army became involved after the signing of the Instrument of Accession by the Maharaja of Kashmir on 26 October 1947. The Indian troops landed in Srinagar and launched a counter-attack against the tribals and Pakistan Army in the garb of tribal raiders.

The Indian Army's blitzkrieg dimmed all prospects of getting Pakistan an operational edge, which they may have achieved in the interregnum. An "unqualified success of the airlift" has a crucial role in giving India's operation a clinical advantage.¹² The Maharaja's indecisiveness and a situational lurch aided Pakistan's designs and random strategy for some time. However, as noted, the initial advances and gains gradually started to diminish as the Pakistani fighters became complacent with the early triumphs. It is argued that "rather than striking forward, the tribesmen became distracted by the opportunities for plunder".¹³ The tribal march and their marauding was crippled by the "haphazard nature of its operations".¹⁴ As a consequence, their "increasingly lawless conduct had a disastrous consequence" that eventually led to the disaffection amongst [the] local Muslim population that "rather than seeing them as liberators, began to fear them and, far from providing help to the tribesmen, turned against them".¹⁵

India was unequivocal in its stance when the Maharaja requested the leadership for military help against Pakistani aggression. India's condition was clear—sign the Accession and get help. The leadership in India

¹¹ Shuja Nawaz, *Crossed Swords: Pakistan, its Army, and the War Within*, Oxford University Press, New York, 2008, p. 51.

¹² C. Dasgupta, *War and Diplomacy in Kashmir: 1947-48*, Sage, New Delhi, 2002, p.49.

¹³ Owen Bennett Jones, note 7, p. 65.

¹⁴ Ibid.

¹⁵ Ibid.

was, hands-on, vigilant and kept a close tab on events even in the face of sudden aggression by the newly created Pakistan. They were quick to respond to the Maharaja of Kashmir's overtures in distress, but were clear on the principle of integrating Jammu and Kashmir and not let the princely State fall in the Pakistani trap in the face of the violent outbreak and crisis. Owen Bennett Jones further argues that "Pakistan was to pay a heavy price" for Mohammed Ali Jinnah's "complacency that the 'ripe fruit' of Kashmir would fall into his lap. Throughout 1947 Jinnah's approach to Kashmir was inept and at every stage his Indian counterparts outmanoeuvred him".¹⁶

As soon as V.P. Menon secured accession from the ruler of Jammu and Kashmir, the "329 Sikhs of the First Sikh Regiment and with tons of material landed by 9 DC3s on a miraculously empty Srinagar airfield at dawn, Monday, 27 October, would be just the first instalment in an uninterrupted flow of men and material India would pour into Kashmir".¹⁷ After this initial deployment, "eventually 100,000 Indian soldiers would fight in the snowy highlands".¹⁸ The mission to save Srinagar, the capital of Jammu and Kashmir "had been successfully implemented and thus ended the initial phase of operations in the Valley, with the balance sheet drawn heavily" in India's "favour".¹⁹

Whether there was unequivocal consensus on the armed aggression in Jammu and Kashmir within Pakistan has been an issue of debate. The raid was however not as "spontaneous" as it was projected to be, hence, the role of General Mohammed Akbar Khan who led the so-called Azad forces, by his own admission was evidence sufficient to establish Pakistan's complicity.²⁰ The Chief Minister of the then North

¹⁶ Ibid., p. 61.

¹⁷ Dominique Lapierre and Larry Collins, *Freedom at Midnight*, Vikas Publishing House, New Delhi, p. 549.

¹⁸ Ibid.

¹⁹ Lt Gen S.K. Sinha, *Operation Rescue: Military Operation in Jammu & Kashmir 1947-49*, Vision Books, New Delhi, 1977, p. 33.

²⁰ Navnita Chadha Behera, note 10, p. 74.

West Frontier Province (NWFP- now rechristened as Khyber Pakhtunkhwa) Khan Abdul Qayum Khan, who had roots in Kashmir, was pivotal in coordinating the ambush from the Pakistani side.²¹ However, Pakistan's first Prime Minister Liaquat Ali Khan was of the view that given the dire state of things in Pakistan, considering it was struggling on every front, economically and militarily, it should not be seen as supporting the invasion and thereby causing a massive drain on already scarce resources. This was seen as one of the earliest enunciations of the strategy of "plausible deniability" that Pakistan pursued henceforth for decades to come, in its tryst to obtain control over Jammu and Kashmir.²² The Government of Pakistan in a letter to the Government of India on 30th December 1947 noted that Pakistani nationals might be fighting in Kashmir but only as private volunteers or as soldiers [on] leave rendering assistance to their kith and kin".²³

In his version of the state of affairs in Pakistan in the backdrop of the 1947-48 aggression against the princely State, George Cunningham the Governor of NWFP noted that upon being informed about the tribal attack, Jinnah observed: "Don't tell me anything about it. My conscience must be clear" serving the argument that "Kashmir was never going to be secured by such ambivalent leadership".²⁴

India-Pakistan War 1965

In the wake of India's military loss in the war with China in 1962, Pakistan found an opportune moment to commit aggression against India in the hope that India, rendered weak at the hand of Chinese, would not be able to put a stiff resistance. This was a phase of self-realisation in India after the undesired outcomes of the India-China War. Pakistan entered into negotiations with People's Republic of China on settling its so-called border with it. India put up a strong objection

²¹ Ibid.

²² Ibid.

²³ Ibid., p. 75.

²⁴ Owen Bennett Jones, note 7, p. 85.

even while the negotiations were underway. As a matter of fact, the time of the boundary negotiation between China and Pakistan also coincided with the foreign ministers'-level talks that were taking place at the initiative and insistence of the Kennedy administration.²⁵ Pakistan felt emboldened by the confidence that stemmed from aligning with the West against communism and formal participation in anti-communist power blocs. While simultaneously striking a deal with China at the expense of India's uneasiness, the Pakistani establishment – then under Martial Law – and President Ayub Khan launched a covert operation code-named *Operation Gibraltar* that aimed to sneak/infiltrate trouble-makers into Jammu and Kashmir and foment an uprising. These infiltrators were regulars in the Pakistan Army's so-called Azad Kashmir battalion. In Pakistan's calculations, the outbreak of the rebellion would help elicit international attention on the former State of Jammu and Kashmir, something that is said to have waned in the period prior to the attack.

The infiltration plan, however, did not work out the way it ought to have. The military offensive under *Operation Grand Slam* was meted with stiff resistance from the Indian military. Despite being in a state of perceptible political flux after Prime Minister Nehru's death and ill-founded doubts on the new incumbent Prime Minister Lal Bahadur Shastri – on his preparedness and grit, India responded heavily against Pakistan's aggression and not only defended the territory of Jammu and Kashmir, but also did not hesitate to step its military beyond the borders in Pakistan, right up to Lahore.

India's military response in the war was all-out, and Pakistan that launched the offensive, was least expecting the scale and volume of India's military might and intentions that were at display. Before the war, Zulfikar Ali Bhutto paid a long visit to China perhaps to seek assurance from Beijing on possible help during conflict with India. That the Chinese have been noted to convey to India that they may intervene, did not deter India. India was determined to defend even if there was need to breach the thresholds of conventional warfare in

²⁵ For details see: Y.D. Gundevia, *Outside the Archives*, Sangam Books, Hyderabad, pp. 255-310.

terms of respecting the sanctity of the mutually recognised borders. In March 1964, President Ayub Khan in a radio broadcast had threatened India, forewarning that the Chinese could invade India and that it would serve India's security interests to resolve the issue of Kashmir pending with Pakistan. In this radio address, President Ayub Khan, building on the possibility of an apocalyptic "Chinese invasion", urged India to gear up "to prepare to meet such a threat by settling her long standing dispute with Pakistan over the state of Kashmir".²⁶ He further noted: "Any student of history knows that this subcontinent has been invaded whenever there was internal strife or hostility".²⁷

The 1965 hostilities were brought to a close by signing of the Tashkent Agreement facilitated by the former Soviet Union on 10 January 1966.

India-Pakistan Conflict on East Pakistan 1971

Though the Kashmir issue was not the principal cause behind the 1971 Bangladesh Liberation War, the culmination of the same with the inking of the Simla Agreement in July 1972 had significant paradigmatic implications in this regard. The Simla Pact ushered in bilateralism in the India-Pakistan squabble on the issue, ending all possibility of third-party role in the resolution of the problem. During the Bangladesh Liberation War, India seized some territory in the Baltistan sector – a situation that was not reverted in the Simla Pact. Parts of the Chamb sector which went under Pakistan's control (after the battle of Chamb 1971),²⁸ were not restored to India's control as well.

²⁶ "ATTACK BY CHINA ON INDIA POSSIBLE, PAKISTAN ADMITS; Ayub Alters Earlier Stand —Bids New Delhi Settle Dispute Over Kashmir", *The New York Times*, 2 March 1964 at <https://www.nytimes.com/1964/03/02/archives/attack-by-china-on-india-possible-pakistan-admits-ayub-alters.html> (Accessed on 22 June 2022).

²⁷ Ibid.

²⁸ The Battle of Chamb was fought during the India-Pakistan War of 1965 as well. In the Bangladesh Liberation War, the sector was yet again assaulted by the Pakistan Army, which feared severance of vital communication lines via Gujarat by the Indian side.

A significant aspect in the aftermath of the 1971 conflict between India and Pakistan was that the war consequently shaped the Line of Control (formerly the ceasefire line) as obtained today. This in turn ascertained the territorial contours of the India-Pakistan contestation. Hence, in a way, the 1971 War which was neither directly fought in Kashmir, nor over Kashmir, but instead over Bangladesh, shaped the attributes of future Kashmir policies in India and Pakistan. However, India's sustained adherence to the principle of bilateralism or status quoism faced challenges, as Pakistan spearheaded the emergence of violence and terrorism in Jammu & Kashmir soon after the withdrawal of the Soviet forces from Afghanistan in 1988-89. The advent of State-sponsored terrorism in J&K around 1989 saw the opening up of another phase of Pakistan's revisionism and non-adherence to bilateralism, as it made every effort to internationalize the Kashmir issue – a trend that only intensified after India conducted nuclear tests followed by Pakistan.

Siachen Operation 1984

Pakistan, seething under humiliation ever since India's decisive victory in the Bangladesh Liberation War, developed a military plan to conquer the Siachen Glacier, strategically nestled between Shaksgam Valley and Gilgit-Baltistan. The Siachen Glacier and the Salto Ridge are of huge strategic importance to India as they straddle China-held Aksai Chin and Pakistan-controlled Gilgit-Baltistan (Chinese and Pakistani held parts of the former princely State respectively). Siachen is considered a "wedge" between these two mountainous segments.²⁹ India's military could keep a tab on the Chinese and Pakistani activities through Siachen. It is important to reiterate that the Shaksgam Valley or the Trans-Karakoram Tract was ceded to China by Pakistan after the boundary Agreement of March 1963. The territory swap took place despite India's stiff resistance. This glacial landscape was, therefore, of immense strategic capital both to Pakistan and China which continues to hold

²⁹ "Siachen Glacier World's Highest Battleground Decoded – History of India Pakistan Siachen War 1984", 5 September 2021 at <https://www.youtube.com/watch?v=-Hprwm0BFuo> (Accessed on 2 April 2022).

parts that comprised the erstwhile princely State of Jammu and Kashmir in 1947 and are since then claimed by India by virtue of the Instrument of Accession that brought the State under India's legal and physical jurisdiction.

India's conquest of the Siachen Glacier occurred more than a decade after the India-Pakistan war that occurred around the Bangladesh Liberation Movement in December 1971. The Simla Agreement and the thrust on bilateralism converting the ceasefire line into a Line of Control ushered in relative calm in the India-Pakistan theatre. The ceasefire line was converted into the Line of Control and the point of last cartographic marking was NJ 9842. Further to NJ 9842 (also known as NJ 38 98000, 13 42000, yard based Indian Grid Coordinates)³⁰, the understanding was "thence north to the glaciers".³¹ Given the tough terrain, the "India-Pakistan AGPL (Actual Ground Position Line), begins from the NJ9842 on LoC and ends near the Indira Ridge at the trijunction of areas controlled by China, India, and Pakistan".³² Both India and Pakistan had varying perceptions regarding the un-demarcated section beyond NJ 9842.³³ A CIA (Central Intelligence Agency) report

³⁰ "NJ 9842: Peak Visor", at <https://peakvisor.com/peak/nj9842.html?yaw=0.00&pitch=0.00&hfov=90.00> (Accessed on 27 May 2022).

³¹ Agreement relating to Cease-fire Line in J&K: AGREEMENT BETWEEN MILITARY REPRESENTATIVES OF INDIA AND PAKISTAN REGARDING THE ESTABLISHMENT OF CEASE-FIRE LINE IN THE STATE OF JAMMU AND KASHMIR, Karachi, 27 July 1949, Ministry of External Affairs at <https://mea.gov.in/bilateral-documents.htm?dtl/5252/Agreement+relating+to+Ceasefire+Line+in+JampK> (Accessed on 29 March 2023); Also see: Sushant Singh, "Operation Meghdoot: 34 years ago, how India won Siachen", *The Indian Express*, 13 April 2018 at <https://indianexpress.com/article/explained/operation-meghdoot-34-years-ago-how-india-won-siachen-5135429/> (Accessed on 21 April 2022).

³² See note 30.

³³ Vandana Menon, "How India beat Pakistan to gain control of the world's highest battlefield 34 years ago", *The Print*, 14 April 2018 at <https://theprint.in/past-forward/how-india-beat-pakistan-to-gain-control-of-worlds-highest-battlefield-34-years-ago/49222/> (Accessed on 2 August 2022).

titled Near East and South Asia Review in 1985 noted: “Given the area’s remoteness at the time, this imprecision presumably was not considered a problem. After the 1971 war, the ceasefire line was adjusted to reflect actual control when the fighting was halted. Since the war was fought in December, neither side was likely to have had sufficient forces on the glacier to require a more exact drawing of the ceasefire line”.³⁴ Some maps emerging in the West in fact started showing this region as part of Pakistani territory. Even Pakistan was strategizing to strengthen its claim on the territory- first by establishing military posts and concurrently issuing permissions to Western mountaineering expeditions and climbers.³⁵

Inputs regarding Pakistan’s purported purchase of winter battlefield gear precipitated India’s action, as it swiftly moved to launch a pre-emptive strike in the form of *Operation Meghdoot* that brought the Siachen Glacier under its full control.³⁶ Pakistan was left without an option but to be satisfied holding a post at a much lower height, that too under the watch of the Indian Army. Subsequent attempts were made by Pakistan to retrieve the glacier in 1985 and 1987 but without success. In fact, during *Operation Rajiv* in 1987, Pakistan had another Post named Qaid, that India conquered and renamed Bana Post after Subedar Bana Singh, who led the successful operation.

The actual contour of the LoC and the respectively held perceptions by India and Pakistan, was at the root of the inception of the Siachen conflict. Till *Operation Meghdoot* – a pre-emptive strike against the impending Pakistani strike code-named *Operation Ababeel* – it was with the tacit understanding that the two sides lived, until Pakistan tried to upset this understanding when it began sending tourists to the region in the un-demarcated zone beyond NJ9842. India’s troops remained

³⁴ Near East and South Asia Review in 1985, 16 August 1985 at <https://www.cia.gov/readingroom/docs/CIA-RDP87T00289R000100150001-2.pdf>, p. 7 (Accessed on 24 August 2023).

³⁵ Ibid.

³⁶ For details refer: Peter R. Levoy, *Asymmetric Warfare in South Asia: The Causes and Consequences of the Kargil Conflict*, Cambridge, New Delhi, 2009, p. 52-53.

stationed at Siachen, which gave it a tactical advantage, overseeing enemy movements in a crucial strategic region.

Kargil War 1999

Irrespective of the fact that at the beginning of the late 1980s and into the 1990s, Pakistan unleashed a proxy war by perpetrating violence and bloodshed in the Kashmir Valley, it was Kargil in the summer of 1999, where formal, direct India-Pakistan hostilities unfolded yet again. The confrontation resulted after the Pakistan Army infiltrated into several key areas that fell under India's territory across the Line of Control. These positions remained vacated during winter months based on mutual understanding on both sides. The large-scale intrusions occurred in the immediate aftermath of the Lahore Declaration that was bilaterally announced after Indian Prime Minister Atal Bihari Vajpayee travelled to Lahore on a bus to extend a hand of friendship and cooperation towards Pakistan. Months into the initiative shown by India, massive intrusions were reported from the entire belt straddling the Kargil sector in Ladakh. On a tip-off by local shepherds, the Indian Army detected massive intrusions on some of the most daunting heights of the Kargil sector in the Ladakh region.

Pervez Musharraf, the Chief of Army Staff in Pakistan, masterminded the Kargil operations and the planning had started even before Lahore Declaration was concluded between the two countries. India's response was quick once the intrusions were established and a strategy to flush them out was ironed out. The Indian Army's and the Indian Air Force's combined offensive successfully weeded out the intruders in the entire belt. Amidst full-fledged counter-operations, the directions from the political leadership were categorical that the Indian Military should not cross or breach the LoC.

India's approach towards the Kargil War must be gauged in the light of the fact that it was being fought in a context when India had conducted nuclear tests much to the chagrin of the Western powers, mainly the United States. India's all-out offensive against Pakistan was still restrained. This reflected in the policy/choice to refrain from breaching the LoC. India in the 1990s was faced with severe consequences because of Pakistan-abetted militancy in Jammu and Kashmir. That was also a phase when the West was incrementally seen

manufacturing this hysteria around the Kashmir issue being a potential flashpoint of confrontation in the subcontinent.

India's approach during the crisis won it a moral high ground, being seen as a country on which a war had been imposed, an undesired nuisance by Pakistan. Pakistan received admonition from the US, its ally and close strategic partner. The heights treacherously taken over by Pakistan were valiantly retrieved and Pakistan faced international humiliation exposing a serious dent in the Kashmir strategy it had been pursuing that far. India on the other hand, was yet again able to establish its moral claim on the entire state of Jammu and Kashmir as an integral part of the Indian Union. India was seen as taking pro-active measures in the form of the Prime Minister's bus diplomacy, in return for which Pakistan had infiltrated India's territory and fomented war and bloodshed.

PROXY METHODS: UNDECLARED AND LIMITED WAR

Pakistan has been a perennial factor governing the security dynamics in Jammu & Kashmir. Unable to reconcile with J&K's accession to India in 1947, Pakistan's State apparatus including its Army's dubious designs and machinations have been impeding every effort that has been made towards restoration of normalcy in J&K. Since the late 1980s, Pakistan has been constantly involved in perpetrating violence in the Kashmir Valley.³⁷ There have been umpteen terrorist attacks in J&K that have hugely affected the security situation and civilian life there.³⁸ In this context, it is also noted that: "For Islamabad, the liberation of Kashmir

³⁷ Syed Ata Hasnain, "Pakistan's Proxy War In J&K: Joining The Dots", *The New Indian Express*, 31 May 2022 at <https://www.newindianexpress.com/opinions/2022/may/31/pakistans-proxy-war-in-jk-joining-the-dots-2459892.html>; for details also see: EFSAS Study Papers, "Proxy War in Jammu & Kashmir", May 2017 at <https://www.efsas.org/publications/study-papers/proxy-war-in-jammu-and-kashmir/> (Accessed on 9 July 2022).

³⁸ "How Pakistan's Proxy War Began – I", B Raman's Book Excerpts: *A Terrorist State as a Frontline Ally*, 9 February 2013 at <http://www.indiandefencereview.com/spotlights/how-pakistans-proxy-war-began-i/> (Accessed on 10 October 2021); Also see: Wajahat Habibullah, *My Kashmir: Conflict and Prospects of An Enduring Peace*, United States Institute of Peace Press, Washington, 2008, p. 67.

is a sacred mission, the only task unfulfilled since Muhammad Ali Jinnah's days. Moreover, a crisis in Kashmir constitutes an excellent outlet for the frustration at home, an instrument for the mobilisation of the masses, as well as gaining the support of the Islamist parties and primarily their loyalists in the military and the ISI".³⁹

Pakistan's proxy tactics are as old as the India-Pakistan conflict. Just as Pakistan has used terrorism and violence as an instrument of State policy, the application of guerrilla tactics or the proxy ways is intrinsic to Pakistan's India strategy and its Kashmir strategy in particular. Right from the first war on Kashmir where Pakistan invaded the former princely State of Jammu and Kashmir under the garb of tribal raids, to the 1965 war, when *Operation Gibraltar* was launched by President Ayub Khan to sneak in Pakistani soldiers in order to incite a rebellion in the Valley, its policy against India is intertwined with its conventional deceit and devious proxy warfare methods.

The seeds of proxy conflict being sown earlier, it received a major fillip during the Zia-ul-Haq regime. Around 1984, as Pakistan became nuclear-enabled with China's help, the planning to unleash a proxy rebellion in order to destabilize Jammu & Kashmir further crystallized. In this context, author David Devadas argues: "While at home Zia renovated the pork-relishing Jinnah's creation into the fountainhead of violent jihad, abroad he pushed his farsighted predecessor's realignment of Pakistan as China's ally and instrument" hence, acquiring "an apocalyptic guarantor that India would not strike back for Pakistan's abetment to a freedom struggle".⁴⁰

³⁹ Yossef Bodansky, "Pakistan's Kashmir Strategy", from the Monograph titled: *Pakistan, Kashmir & the Trans-Asian Axis*, Houston, Texas: Freeman Centre for Strategic Studies, Summer 1995. (Yossef Bodansky was Director of the US Congress Task Force on Terrorism and Unconventional Warfare) as cited in Gurmeet Kanwal, "Proxy War in Kashmir: Jihad or State-Sponsored Terrorism", *Strategic Analysis*, 23 (1), April 1999.

⁴⁰ David Devadas, *In Search of a Future: The Story of Kashmir*, Penguin Viking Books India, 2007, p. 159.

Premised on the use of proxy modus operandi, Pakistan propagandist paradigm vis a vis India is replete with instances of violent acts of terror in parts of India including in Jammu and Kashmir over decades, a pattern that climaxed with the 26/11 attacks in Mumbai in 2008.⁴¹ The attacks shook India's decision-making apparatus across the political spectrum. A major overhaul in the security apparatus, the creation of the National Investigation Agency and the establishment of a robust security grid in the aftermath of 26/11 attacks have gone a long way in preventing attacks by Pakistan in the hinterland at least of that scale and magnitude.

For decades, Pakistan has laid claim on J&K, given its obsession with the idea that a predominantly Muslim-inhabited Kashmir Valley should have been part of it. It has for this purpose, fanned religious sentiments under the garb of peddling the idea of *azadi* of Kashmir from the Indian Union and perpetrating acts of incessant violence in J&K in the name of supporting the so-called Kashmiri cause. Pakistan's inalienability with its own interpretation of the 'unfinished business of partition' continues to infuse its obsession with revisionist acts of challenging India's control over Jammu and Kashmir. The subsequent propagandist approach as manifested in the "bleed India with thousand cuts"⁴² (an acute sentiment that occurred in the aftermath of the crushing defeat Pakistan suffered at India's hand in 1971 War) and propagated under Zia-ul-Haq, was looking at fulfilling strategic objectives via proxy/guerrilla tactics. The particular doctrine was devised to target India's vulnerabilities viz. insurgency in Punjab besides Jammu and Kashmir. Besides, Zulfiqar Ali Bhutto's clarion propaganda against India calling forth "a thousand year war" was reiterated by his daughter Benazir Bhutto as Prime Minister, many years later. Successive establishments in Pakistan have harboured the unrelenting penchant to harm India's security interests and it is in this framework of animosity that proxy

⁴¹ Arif Jamal, *Shadow War: The Untold Story of Jihad in Kashmir*, Vij Books, New Delhi, 2009, p. 14.

⁴² "India, Pakistan, and the Pulwama Crisis", *CRS Report* (Congressional Report Service), updated 26 February 2019 at <https://sgp.fas.org/crs/row/IN11057.pdf>, p. 2 (Accessed on 1 September 2022).

war/methods/means are most instrumental and a niche strategy. It is noted that strategy makers in Pakistan at some point were paying great deal of “attention to the doctrines of Mao and Ngyuen Giap, and sought to understand how the lessons of the Vietnam War might be applied to their offensive in Jammu and Kashmir”.⁴³ In pursuit of achieving similar objectives, beginning 1989, Pakistan abetted militancy made extensive forays in Jammu & Kashmir “centred on the towns of Srinagar, Anantnag, Baramula and Sopore” and their sole objective seemed “either complete independence or unification with Pakistan”.⁴⁴

It is due to Pakistan’s act of commissioning terrorism in Jammu & Kashmir that the region has remained overtly securitized. Heavy presence of the security forces has deeply affected the mind-sets and psychologies of the people who wished to live a peaceful and stable life. Disruptive acts of stone pelting at the behest of militant organizations who have direct links with Pakistani agencies, has been a nuisance to everyday life. A number of ordinary innocent people have fallen prey to the resulting cross- fire between the security forces and the trouble makers.

There are certain unresolved issues between the Government and the people of Jammu & Kashmir. Some of them are long due for suitable resolution. This gap in living up to the expectations of the common people has over a period of time been manipulated by agencies in Pakistan so as to widen the trust deficit between New Delhi and the state. Exacerbating religious sentiments and rapid scale of radicalisation has been a dampening reality that has persisted and become entrenched due to Pakistan’s constant mingling in J&K through its proxies— some political outfits that possess a conspicuous soft stance on Pakistan, and sometimes through other subterranean means.

In the aftermath of the revocation of Article 370 sometime in October 2019, it was widely reported that – “Prime Minister Imran Khan’s

⁴³ Praveen Swami, *India, Pakistan and the Secret Jihad: The Covert War in Kashmir, 1947-2004*, Routledge, Oxon, New York, 2007, p. 45.

⁴⁴ Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War*, Viva Books Pvt. Ltd., New Delhi, 2017, p. 145.

government has readied a plan to expand coverage of its mobile network in Jammu and Kashmir that is not only designed to help Pakistan-trained terrorists infiltrating into the valley but also neutralise the impact of a future communication blockade imposed by the government”.⁴⁵

The drone attacks at the Air Force base in Jammu (though investigations to fix accountability are still underway) in the immediate aftermath of the Prime Minister’s outreach, have brought to the fore Pakistan’s dogged determination to hamper/inhibit any constructive engagement between political groups of the former State and the Central Government in New Delhi.

Pakistan has been deeply flustered by the Government of India’s move to abrogate Article 370 in Jammu & Kashmir. The fact that India initiated a process to constitutionally integrate Jammu & Kashmir into the Indian Union, is said to have caught Pakistan napping, given that India refrained from doing so earlier, even though it faced daunting challenges in securing its strategic interests vis a vis J&K.

DIPLOMATIC PURSUITS AND GEOSTRATEGIC/ GEOPOLITICAL QUESTS

For decades, Kashmir as the “gravest single concern” remained a worry and the foci of Indian foreign policy.⁴⁶ It is no exaggeration to say that India’s diplomacy has evolved remaining entwined to the issue of Kashmir. Indian diplomacy was exposed to the contingencies of crisis that was rapidly developing on India’s northern periphery in the wake of India’s partition and Pakistan’s eventual aggression to seize territorial

⁴⁵ “Pakistan readies plan to sabotage J&K telecom blackout with new mobile towers”, *Hindustan Times*, 19 October 2020 at <https://www.hindustantimes.com/india-news/pak-plan-to-neutralise-telecom-blackout-in-kashmir-includes-new-mobile-towers/story-bNXWhSYFiPr0lVlym7soL.html> (Accessed on 3 August 2022).

⁴⁶ S. K. Choube, “Krishna Menon in the United Nations”, *The Indian Journal of Political Science*, 25(¾), Conference Number for XXVI, Indian Political Science Conference, 1964, Annamalaiagar, July-September-December 1964 at <https://www.jstor.org/stable/i40087619>, p. 102 (Accessed on 11 March 2022).

control over what was then the princely State of Jammu & Kashmir. India's diplomatic quests made a nascent start with the Kashmir issue being referred to the United Nations. India referred the matter to the UN under Article 1 of the UN Charter (as discussed in the subsequent chapter). India's diplomatic pursuits have cut teeth fighting and defending the control over the major portion of the territory of the State. The Kashmir issue has been a centre of gravity, a pivot of geopolitical alignments in the Cold War era. At a certain phase in history, geostrategic or geopolitical quests centred on positions important countries took on the issue of Kashmir. The issue on Kashmir polarised choices countries made in a deeply divisive international relations landscape.

Former Defence Minister V.K. Krishna Menon's marathon speech at the UN in 1957 was only one amongst a series of diplomatic offensives India undertook to build and defend its case on Kashmir. India's strongly worded protest notes to China on the eve of the provisional Sino-Pakistan Boundary Agreement also sought to reinforce its claim on the former princely State, what it considered an integral part of the Union.⁴⁷

Some multilateral groupings such as the Organisation of Islamic States (OIC) have persistently served as vehicles to spur propaganda about India's position on Kashmir and the alleged human rights violations there. OIC's nefarious acts on subverting India's image has run through decades. The Organisation's Contact Group formed in 1994 and the Islamic Conference of Foreign Ministers (ICFM) have extensively engaged in anti-India activities. In the year 1994, at the peak of Pakistan-perpetrated militancy in Jammu and Kashmir, at what was then the United Nations Commission on Human Rights (UNCHR), the OIC Resolution (that was propped at Pakistan's request) was quashed by the able defence given by Indian delegation then led by former Prime Minister Atal Bihari Vajpayee (Leader of Opposition specially nominated by the ruling Narasimha Rao-led Congress government). The Resolution aimed to malign India's case based on fictitious human rights violations in the Kashmir Valley. The Indian representation came out triumphant

⁴⁷ For details see: Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, Indian Council of World Affairs, New Delhi, 1998, pp. 428-429.

as the Resolution failed. Iran played an important role in getting the OIC Resolution rejected and India's position was further emphatically established that "it meant business on Kashmir".⁴⁸ Notably, the delegation also comprised Salman Khurshid and Farooq Abdullah, leader of the National Conference.

The South Asian Association for Regional Cooperation (SAARC) has been largely crippled due to Pakistan's obstinate espousal of terrorism and violence. The SAARC summit scheduled to be held in Islamabad was boycotted as most countries in the subcontinent followed suit after India's boycott in the aftermath of the grisly attack on an Indian military base camp at Uri in J&K.⁴⁹ The ill-fated SAARC process of regional integration has remained unfulfilled and yet to restart after this incident.

Even to this day, the annual UN General Assembly sessions have been indiscriminately used by Pakistan to spread slander against India on Kashmir. Indian responses in the past have been sober and well-meaning that mainly look to fulfil and abide by the agenda of the General Assembly sessions. However, of late, India's responses have become more strident and direct, meant mainly to deflate the lies and deceit Pakistani representatives continue to spread.⁵⁰

⁴⁸ Shekhar Gupta, "India shows the world it means business on Kashmir issue at Geneva meet", *India Today*, 31 March 1994 at <https://www.indiatoday.in/magazine/cover-story/story/19940331-india-shows-the-world-it-means-business-on-kashmir-issue-at-geneva-meet-808937-1994-03-31> (Accessed on 10 May 2022).

⁴⁹ "SAARC summit unlikely after India's boycott, Pakistan says it will happen", *The Indian Express*, 28 September 2016 at <https://indianexpress.com/article/india/india-news-india/after-boycott-by-india-and-others-saarc-summit-likely-to-be-called-off/> (Accessed on 10 June 2022).

⁵⁰ "Pakistan hosts Ivy League of terrorism, UN told", *The Hindu*, 22 September 2016 at <https://www.thehindu.com/news/national/India-attacks-Pakistan-at-the-71st-UNGA-Pakistan-is-%E2%80%99terrorist-state%E2%80%99-carries-out-war-crimes-says-India-to-UN/article55938138.ece>; Also see: Namrata Brar and Deepshikha Ghosh, "Pakistan Is Terroristan", India Says In Strong Reply To Pak PM At UN", NDTV, 22 September 2017 at <https://www.ndtv.com/india-news/pakistan-is-now-terroristan-india-says-in-strong-reply-to-pakistan-pm-shahid-khaqan-abbasi-at-un-1753638> (Both accessed on 10 May 2022).

FUTURE WARS (SCENARIO BUILDING): PORTENTS, POTENTIAL IMPLICATIONS

It is important to reflect on the evolving nature of wars that may take shape in India's northern periphery involving the issue of Kashmir. The two-front war potentiality vis a vis the China-Pakistan combine has been part of the strategic and military discourse for some time.⁵¹ Concerns on the possibility of India facing a two-front challenge have also increased due to the China-Pakistan Economic Corridor and India's principled resistance to it. Besides, in the post-Article 370 era, China's stance on Kashmir has become shriller and more direct. This is also because India's leadership has claimed Aksai Chin to be part of its strategic horizon. This is one issue that has irked China and the clashes in the Galwan Valley and the larger standoff in the Ladakh sector have been seen through the prism of possible fallout of China's uneasiness. The scrapping of special status of Jammu & Kashmir and the conversion of the State into two union territories – with Ladakh also getting a Union Territory status, is of particular concern to China. The redrawing of India's political map in the aftermath of this administrative change has angered China to a great extent.

As things stand today, the India-Pakistan conflict theatre may witness more limited strikes (pursuant dog fights as well), as was evident in the surgical strikes on terror camps in PoK in September 2016 and the Balakot model where a precision strike was accomplished to target Jaish-e-Mohammed's hideout in Khyber Pakhtunkhwa situated in the heart of Pakistan.⁵² What would wars look like also depends on the strategic posturing the two countries undertake in the years ahead. Not

⁵¹ For details see: Sushant Singh, "The Challenge of a Two-Front War: India's China-Pakistan Dilemma", *Asia Issue Brief*, Stimson Center, 19 April 2022 at <https://www.stimson.org/2021/the-challenge-of-a-two-front-war-indias-china-pakistan-dilemma/> (Accessed on 11 July 2022).

⁵² Pradip R. Sagar, "Balakot airstrike marked paradigm shift in the way India responds to terror attacks", *The Week*, 26 February 2022 at <https://www.theweek.in/news/india/2022/02/26/balakot-airstrike-marked-parasign-shift-in-way-india-responds-to-terror-attacks.html> (Accessed on 22 May 2022).

long ago, India's Defence Minister Rajnath Singh's statement that "India's No-First-Use (NFU) policy on nuclear weapons depended on 'circumstances'", raised a bout of speculation and debate.⁵³ The Minister said so after concluding his visit to Pokhran.⁵⁴

Other potential domains which may witness expansion or exacerbation of aggression against India's security interests vis a vis Kashmir could be Cyber, Space, etc. Social media has already been applied full throttle, the consequences of which, were demonstrated by a sharp spike in the street protests and stone pelting incidents till about a few years ago. Social media tools played a key role in mobilisation of the public in Jammu & Kashmir. Funerals of terrorists became a popular spectacle due to such mass mobilisation, while they became a nuisance for the security forces at large. Precisely for such potential fallouts post August 2019, the Government of India for long kept the 4-G services in the State suspended despite widespread criticism.

NATURE OF WARS: A COMPARATIVE ANALYSIS ON IMPACT

Decades of armed aggression and conflict have been a constant drain on India's resources. This is primarily as wars with Pakistan have not been of India's choosing. War situations have been imposed by Pakistan on India—Kashmir being the mainstay and the justification of Pakistan's decades-long offensive. It is useful to analyse which war has been the most lethal (given the variety of offensives India felt compelled to face in order to safeguard its interests on Kashmir). The probable answer is: each war has had an impact in varied ways.

Territorial and Internal Security

The conventional wars with Pakistan have necessitated India's defence preparedness at costs that have been high for a developing country

⁵³ "‘No-First-Use’ nuclear policy depends on circumstances: Rajnath Singh", *The Hindu*, 16 August 2019 at <https://www.thehindu.com/news/national/no-first-use-nuclear-policy-depends-on-circumstances-rajnath-singh/article29109149.ece> (Accessed on 29 June 2022).

⁵⁴ Ibid.

with a large population to cater for. The proxy war, frequently used to describe Pakistan-abetted terrorism in India, more than anything else, has been a psychological irritant, thrusting the State into situations where it found itself pitched against its own people. In Kashmir, Pakistan-sponsored terrorism has contributed towards widening the gap between the Government and the people and perforated the social fabric to spur feelings of distrust and distress.

Diplomatic

It is understood that the Kashmir issue has consumed the major share of India's diplomatic reserves.⁵⁵ In the self-imbibed non-aligned approach, India's efforts to forge ties of its choice were constrained due to its preoccupation with the Kashmir issue. Nimble efforts by diplomats to forge and shape ties with the world were severely thwarted by emerging divisions on the issue, especially how it played out at international fora such as the UN.

Political

Due to the perennial nature of India-Pakistan rivalry, the issue of Kashmir has considerable political capital in domestic politics as well. Both countries are democracies, and in Pakistan especially, the electoral campaigns for years have been replete with references to Kashmir. In Pakistan's political spectrum, the strategic imperatives involving Kashmir and India are considered a measure of strength of the contestants in fray and their potential grit to fight India is a significant plank. Given that India is the epicentre of strategic narratives inside Pakistan – more importantly, one that justifies sustenance of military supremacy – the Kashmir issue has remained plugged into the popular political consciousness of Pakistan. In India, the political capital involving Kashmir is proven beyond doubt that no political party, irrespective of the

⁵⁵ Also discussed in the author's previous work titled: *China-Pakistan Ties and Kashmir: History and Geopolitics*, MP-IDSA Monograph Series, No. 78, August 2022 at <https://www.idsa.in/system/files/monograph/monograph77.pdf>, p. 100 (Accessed on 7 August 2023).

region, language or cultural affiliation, disputes India's broader position on Kashmir and adheres to it in unison— one that entails Jammu & Kashmir as an integral part of the Indian Union in addition to its extant claim on PoK as well. How India reacts to a crisis in the former State is also a measure of its strength. The surgical strikes in September 2016 and the Balakot strikes after the Pulwama incident, captured public imagination amongst the masses. It was perceived as a punitive action against Pakistan, the perpetrator of terrorism against India. Ever since the 26/11 attacks, the discourse within India was centred on how to bolster India's response towards Pakistan-aided terror acts. However, for over a decade plus, India's choice to exercise 'strategic restraint' after Mumbai's 26/11 attacks has been contested. In this regard, the Modi government has managed to alter the perceptions concerning thresholds of India's restraint while warding off a constant nuisance from across the western border.

Social Impact and Governance

The India-Pakistan conflicts on Kashmir have permeated the functions of the former State as a society. At the societal level, the contestations and everyday quibbles have scarred people, as they have lived amidst uncertainty and bloodshed. Pakistan's constant forays have created a wedge between the people and the Government of India. This is mainly because the Government's attempts to preserve order and peace involved use of force – at times high-handed – in desperate situations. The collateral damage in the form of distrust and disenchantment is expected to take years to overcome in a complete manner.

Religious and Ideological

The principle of religious continuity, which lies at the core of Pakistan's Kashmir strategy, has invariably infused perceptions in Jammu & Kashmir with religious and ideological strains. More than a territorial plank, what Pakistan's involvement has done is flare up the religiosity to forge a bond with people in Jammu & Kashmir and establish its equity over the region. A combination of the myriad problems that have beset Jammu & Kashmir along with constant religious reminders from across the LoC, have blemished the mindsets and contributed towards religious radicalization and polarization.

External Factors

What India and Pakistan have done to serve their interests on Jammu & Kashmir has also resonated in their external dynamics, both individually and in combination.⁵⁶ The issues in Kashmir have influenced the US's ties with India and Pakistan over decades. Much of the India-Pakistan hyphenation by the US, was in part driven by this lurking aspect in the geopolitical domain. Pakistan's constant attempts to persuade the US to bring India to the negotiating table all these decades and India's complaints against Pakistan for perpetrating terrorism on the other, have existed parallelly. Such persuasions have influenced ties of the respective countries. When Richard Holbrooke was appointed US Special Envoy on Afghanistan and Pakistan under the Obama administration in 2009, the buzz was that Kashmir may well be co-opted under mandate.⁵⁷ Similarly, the attitude of the OIC platform on the Kashmir issue has been far from fair or balanced.⁵⁸ The forum has been extensively exploited to benefit Pakistan's frivolous claims on Jammu & Kashmir. Former Soviet Union's support for India on the UN Resolutions on Kashmir was a critical factor in shaping the India-Russia strategic bond.

Summing-up

The cumulative impact of the tussle on Kashmir has impinged on India's capability to solely focus on nation-building. This was so not only during the nascent years after independence but continued in the later evolutionary phases as well. The Kashmir issue has remained enshrined in India's foreign policy pursuits and continues to shape ties

⁵⁶ For details, see: Priyanka Singh, note 3.

⁵⁷ Laura Rozen, "India's stealth lobbying against Holbrooke's brief", *Foreign Policy*, 24 January 2009 at <https://foreignpolicy.com/2009/01/24/indias-stealth-lobbying-against-holbrookes-brief/> (Accessed on 24 March 2022).

⁵⁸ "India says OIC statement on Kashmir 'reeks of bigotry'", *The Hindu*, 5 August 2022 at <https://www.thehindu.com/news/national/mea-says-oic-statement-on-kashmir-reeks-of-bigotry/article65733472.ece> (Accessed on 24 March 2022).

with other nations including the big powers. The intensity with which India has defended its position on Kashmir may have had its costs. But the strategic perseverance and clear-headed approach on the end results vis-a-vis the Kashmir issue, and how India doggedly strove to achieve those, all these decades, has contributed immensely in shaping perceptions on India's indomitable capabilities and strength.

DISCERNING INDIA'S KASHMIR STRATEGY

India's independence and gradual redemption from the clutches of centuries-old colonialism was intertwined with an inheritance of territorial questions. Simultaneously, for the leaders in the newly independent country, fresh from the shock of an imposed blood-soaked partition, envisaging a modern secular set up in the country was a challenging dream. The dispute over Kashmir as a result of Pakistan's aggression in an attempt to capture the former princely State and the inevitable intermesh of India's political and strategic evolution made it incumbent on the Indian leadership to develop an inclination towards maintaining the Jammu & Kashmir and Ladakh as a part of India. Significantly, India's conviction to territorially retain the former princely state as part of the federation stemmed from this nation-building construct. While Pakistan was ill at ease with the prospect of a Muslim-majority State remaining a part of India and one that will bolster its secular characteristic, India on the other hand, felt compelled that Jammu & Kashmir should become a part of the Union. It was the strands from this conviction that dominated India's Kashmir strategy in the years following independence, and the essential tenet continues to dominate till date.

THREADS OF CONTINUITY: PATTERNS, PREFERENCES

While debating on the contours of India's Kashmir strategy, it is important to put forward certain fundamental premises. These premises are governed by the overarching principles of territoriality and sovereignty and continue to be woven around these concepts even now. It is these fundamental premises, which provide the essential framework of India's policy-making on Kashmir. Most of these principles have existed for decades while others may have evolved over a period of time. These premises govern India's formal positioning on the Kashmir issue or even periodic temporary posturing that it may have adopted subjectively in order to meet contingencies. Overall, these principles comprise the perennials, inviolable, the 'constants' that India

has refused to give up under all or any circumstances. Some of the most prominent constants in India's Kashmir policy are as follows:

Upholding Territorial Possession

India's principle to uphold its physical control over the territory of Jammu & Kashmir and Ladakh is the prime thread of continuity in its Kashmir policy. In the years after independence, be it series of armed conflicts or the diplomatic objectives, the aim of the Indian strategists has been to preserve its extant territorial integrity. In contrast, Pakistani objectives have been centred on disrupting India's control over the territory it holds. In the series of armed conflicts that India has had with Pakistan over Kashmir, the prime objective is to avert any potential threat to territorial sovereignty and go all out to preserve its sanctity and not cede an iota of territory India holds. This has been India's persistent and unequivocal stance with regard to all of its territorial boundaries, particularly Jammu & Kashmir and Ladakh. India's adherence to this objective has been so in its entire post-independence history. With regard to this particular facet of strategy pursued by India it is observed: "The [G]overnment of India never advertised that she would be, might be, or ever had been prepared to settle the Kashmir issue by any territorial adjustments" given India's policy on Kashmir has invariably been "theoretical, mathematical, almost metaphysical, certainly only didactic, a priori- never a posteriori, never empirical".¹ The above logic was further underscored in what came to be known as the "Menonian axiom" concerning "vacation of aggression".² So while Indian policymaking seemed to be grappling with the caustic after-effects and attempting to cope with the challenges in the Cold War-governed world, and may have at some point seemed to be flexible, it was least so in reality. The principle challenge in the Cold War's divisive ecosystems was to find support and uphold India's obstinate, categorical approach so far being pursued against all odds stacked up against it.

¹ Y. D. Gundevia, *Outside the Archives*, Sangam Books, Hyderabad, 2008, p. 241.

² Ibid.

Territorial Claim on Pakistan-occupied Kashmir

India's claim on Pakistan-occupied Kashmir (PoK) is another prominent feature of its Kashmir policy even though the mild fervour and subdued pitch which India maintained, can be a subject of debate. Irrespective of the widely alleged policy of inertia on PoK, India's Kashmir construct has remained wedded to its extant claim on PoK; albeit, and more significantly, without attempting to conquer it even at the most opportune moments in the history of its conflicts with Pakistan.

Adhering to Bilateralism

India's key plank in its policy on Kashmir has been to propound bilateralism between India and Pakistan on the issue. Bilateralism was reiterated in the Simla Agreement of July 1972 in the immediate aftermath of the Bangladesh Liberation War that brought upon Pakistan a crushing defeat. With a focussed mindset to reduce the irk caused by unwarranted international attention, a wary India used the opportunity it had availed during the Simla Conference with Pakistan, to reduce the status of the Kashmir issue from a multilateral to a purely bilateral one.

Safeguarding the Line of Control

A parallel perhaps equally prominent strain in India's Kashmir strategy has been to uphold the sanctity of the ceasefire line that was rechristened as the Line of Control as a result of the Simla Pact in 1972. There are popular theories regarding India's inclination to formalise the Line of Control as the de facto border. However, Prime Minister Indira Gandhi failed to extract this understanding on a formal signed agreement from the President, Zulfikar Ali Bhutto. Since the Simla Pact, the Line of Control has remained the Rubicon that India never crossed, until the surgical strikes in 2016 and the subsequent Balakot strikes changed the rules of engagement, albeit in a limited precision strike operation. Even as Pakistan indulged in gross violation of the LoC prior to the outbreak of the Kargil Conflict, India maintained restraint and refused to bypass the bilateral understanding reached between the two sides years ago. Whether this was India's own preference or done on the suggestion of the Clinton administration, has been often debated. Notably, President Bill Clinton played a crucial role in nudging Pakistan Prime Minister Nawaz Sharif to immediately end hostilities and withdraw incursions from the Indian Territory across the LoC.

Besides, India has been forthcoming in forging experiments to promote trade and travel across the LoC. It was in this spirit that the Cross LoC Trade and Travel programmes were envisaged and implemented in 2008 and 2005 respectively.³ Divided families from J&K and PoK were allowed to travel across the other side by bus on designated days in a week.⁴ It was also proposed not to limit travel to just divided families but expand it for tourism and pilgrimage purposes as well. Bus travel and trade on listed commodities continued until it eventually stopped owing to technical hurdles.

Tacit Status Quoism?

While India's position on the Kashmir issue is intertwined with the Instrument of Accession signed by the Maharaja of Kashmir in October 1947 (which categorially entails that the entire territory of what constituted the princely State on the eve of British withdrawal, acceded to the Indian Union), it is widely believed that India has been gradually and steadily working towards achieving a resolution based on India and Pakistan's extant territorial position, as it evolved and existed since the two sides fought their First War of Kashmir in 1947. Even though India's official position on Kashmir remained unaltered, the strategy seems to have been propelled by an implied sense of status quoism, given the practical feasibility and perhaps the long time span that has lapsed since the time areas of what comprised Pakistan-occupied Kashmir were lost to Pakistan.

India's Pursuit of Kashmir: Downscaling from Multilateralism, Bilateralism to Self-centrism

India's Kashmir quest has been no less than a roller coaster. This is mainly because the issue has been at the centre of the geopolitical

³ The author was part of a three-week long field trip to J&K and Ladakh in May-June 2014 mainly to understand the functioning and processes behind the Cross LoC Travel and Trade. The field study also sought to explore future possibilities of opening up additional routes especially in the Ladakh sector.

⁴ Sharat Sabharwal, *India's Pakistan Conundrum: Managing a Complex Relationship*, Routledge South Asia Edition, 2022, Abingdon Oxon, New York, pp. 106-107.

construct vis a vis India for the most part of its arduous 75-year plus life. India's Kashmir travails encompass comprehensive journey from adopting an ideal, multilateral, law-abiding principled approach with great expectations from the newly- created world body down to its own moments of realisation that the world around was deeply divisive, self-interest-driven and manipulative. It was in those moments of realisation that India quietly decided to side step the multilateral way.

India emancipated itself from the unnecessary obligations guided and imposed mainly by great power politics that in turn was bound by self-serving geopolitical and ideological constraints. In the subsequent years, India quietly changed tact before it was afforded an opportunity to draw in the adversary Pakistan, hence graduating towards bilateral paradigm. However, bilateralism has had its own constraints with an irrational, erratic actor like Pakistan that has no qualms pursuing terrorism as an instrument of State policy. The resultant exasperations have, of late, driven India towards thinking in terms of only national interest paying less heed to the repercussions of its preferences and strategic options vis a vis Kashmir.

The United Nations Purview – Unfavourable Outcomes of Adherence to Multilateralism in a Deeply Divisive Geopolitical Landscape

In September 2019 after the revocation of Jammu and Kashmir's special status, Home Minister Amit Shah, hinting at the flip side of taking the Kashmir issue to the UN noted that Prime Minister Nehru committed a grave error by referring "the matter to the United Nations under Article 51 of the UN Charter, instead of Article 35"^{5&6}. Had he done so, "the outcome would have been different"⁷. Shah also observed

⁵ "Fact Check: Article 35, UN Charter — How India took up Pakistan invasion of J&K", *The Indian Express* at <https://indianexpress.com/article/explained/amit-shah-jawaharlal-nehru-pakistan-occupied-kashmir-6025723/> (Accessed on 10 March 2022).

⁶ "Charter of the United Nations Chapter VI — Pacific Settlement of Disputes" at <https://legal.un.org/repertory/art35.shtml> (Accessed on 3 June 2022).

⁷ "Fact Check...", note 5.

that Prime Minister Nehru “declared an untimely ceasefire” in the aftermath of the India-Pakistan War over Kashmir in 1947-48 and this made the latter responsible for “the existence of Pakistan-occupied Kashmir”.⁸

The perennial question in the policymaking and strategic circles in India has been as to why India referred the issue of Kashmir to the UN when it was militarily capable to ward off the Pakistani invasion in due course.⁹ The discourse on the particular subject is replete with aspersions against Prime Minister Nehru for having done so. There are also questions concerning as to why “despite material advantages, Nehru never did decide to strike the raiders’ bases in Pakistan”.¹⁰ Then there are interpretations on the differences in approaches between Prime Minister Nehru and Home Minister Sardar Vallabhbhai Patel.¹¹ The role of the British and the last Viceroy Lord Louis Mountbatten is highlighted in particular with regard to having influenced Prime Minister Nehru’s ‘controversial’ decision. Nonetheless, Lord Mountbatten “accepted [M]aharaja’s accession in his capacity as governor-general”.¹² While the Indian Army seemed to be having an edge in the various battles it was fighting with the Pakistani counterparts, there seemed to be a “stalemate” for the want of decisive action.¹³ The war was

⁸ Ibid.

⁹ For a detailed discussion on the Kashmir issue at the United Nations, see: Aman Hingorani, *Unraveling the Kashmir Knot*, Sage India Pvt. Ltd., 2016.

¹⁰ Andrew Bingham Kennedy, *The International Ambitions of Mao and Nehru: National Efficacy Beliefs and the Making of Foreign Policy*, Cambridge, 2012, p. 178.

¹¹ Rasheed Kidwai, “How Nehru-Patel’s dithering approach kept Kashmir simmering on the back burner”, ORF Commentaries, 25 February 2019 at <https://www.orfonline.org/research/nehru-patel-dithering-approach-kashmir-simmering-back-burner-48479/> (Accessed on 29 April 2022).

¹² Narendra Singh Sarila, *The Shadow of the Great Game: The Untold Story of India’s Partition*, Harper Collins and India Today Group, 2005, p. 354.

¹³ Rajiv Dogra, *India’s World: How Prime Ministers Shaped Foreign Policy*, Rupa Publications, 2020, as cited in “Nehru going to UN on Kashmir was an error. And he knew it”, *The Print*, 27 August 2020 at <https://theprint.in/pageturner/excerpt/nehru-going-to-un-on-kashmir-was-an-error/490062> (Accessed on 29 April 2022).

stretching out and in that context, there was also the apprehension that what if Pakistan pre-empts and reaches out to the UN. In due course, however, “Pakistan responded with their own letter to the UN Security Council on 15 January 1948 (S/646), rejecting India’s claims, outlining its own position concerning Kashmir and airing several other grievances regarding India’s conduct”.¹⁴

For some, Prime Minister Nehru’s UN moves seemed to be guided by cautious optimism while others perceived it as his misguided moral grandstanding. Nonetheless, the reference to the UN by India’s Representative on 30 December 1947 urged the Security Council “to call upon other Pakistan nationals to desist from taking any part in the fighting in the J&K State; and to deny to the invaders: (a) access to and use of its territory for operations against Kashmir; (b) military and other supplies; (c) all other kinds of aid that might tend to prolong the present struggle”.¹⁵ However, as things got complicated and the issue became embroiled in the Great Power games, Prime Minister Nehru realised something was amiss, and to give credence to his decision, addressed a press conference outlining his intentions in taking the matter up to the world body. The Prime Minister averred: “It must be remembered that all the fighting has taken place on Indian Union territory and it is the inherent right of the Government of India to drive back any invaders on its territory. Till the Kashmir State is free of invaders, no other matter can be considered”.¹⁶ He further observed: “Our making a reference on this issue to the UN Security Council was an act of faith, because we believe in the progressive realization of a world order and a world government. In spite of many shocks, we have adhered to the ideals represented by the UN and its [Charter]. But those very ideals teach us also certain duties and responsibilities to our own people and to those who put their trust in us. To betray these

¹⁴ Stephen P. Westcott, “The Case of UN Involvement in Jammu and Kashmir”, E-International Relations, 29 May 2020 at <https://www.e-ir.info/2020/05/29/the-case-of-un-involvement-in-jammu-and-kashmir/> (Accessed on 2 March 2023).

¹⁵ Rajiv Dogra, note 13.

¹⁶ Ibid.

people would be to betray the basic ideals for which the UN stands or should stand”.¹⁷

Prime Minister Nehru further defended the Government’s decision of referring the matter to the UN by noting: “The accession of Kashmir to India is entirely in conformity with the Indian Independence Act...it is also fully in accord with all that has happened in the case of other princely States which acceded to India...We did not ask the UN to adjudge the validity of Kashmir’s accession or to determine where the sovereignty lay. We did not seek arbitration but we went to them to complain about aggression by Pakistan which we thought might jeopardize world peace. The UN took advantage of our initiative in our referring the matter to them and thus enlarged the scope of their enquiry...Until now neither the UN Commission nor the Security Council has suggested that the accession was open to question”.¹⁸

The leadership’s confidence on India’s stance on Kashmir issue stemmed from the fundamental realities surrounding the Instrument of Accession. The government was somewhat convinced that even “if a plebiscite had been held in Jammu and Kashmir sometime in 1949, there was a good chance that the majority of the people would have voted for India, because the wounds inflicted by the Pakistani raiders on the peaceful people of Kashmir were still fresh in their minds and India was held in much respect as their saviour”.¹⁹

Explaining the roots of the dispute over Kashmir and the “divergence in understanding”, Sisir Gupta observes: “To India, a State which had acceded to it (and even without accession, to which it had an obligation) was being invaded and massacred by raiders from another country, with its complicity and support and the first task was of clearing the

¹⁷ Rajiv Dogra, *India’s World: How Prime Ministers Shaped Foreign Policy*, Rupa Publications, New Delhi, 2020, p. 12.

¹⁸ Ibid., p. 13; Also see: B. L. Sharma, *The Kashmir Story*, Asia Publishing House, Bombay, 1967.

¹⁹ B.N. Mullik, *My Years with Nehru: Kashmir*, Allied Publishers, New Delhi, 1971, p. 7.

soil of the invaders, the next being a reference to the people of the issue of accession. To Pakistan, a State which it hoped was about to accede to her and where popular outbursts were taking place (albeit supported from outside) had now acceded to India and the future had become a *fait accompli*, unless some way could be devised of keeping the issue open. Withdrawal of support from the raiders might not mean anything more than a further step towards the accomplishment of Kashmir's integration with India. To this basic difference were added numerous arguments and counter-arguments in the years to follow, but the essence of the problem has remained what it was in October 1947".²⁰

The UN interplay presented a reflection of the Great Power politics that was unfolding in the wider world. Pakistan, which "ardently courted both the United Kingdom and United States", benefitted from this interplay.²¹ Later however, to its dismay, despite having the back of major "extra regional powers", Pakistan failed to "alter the status quo in Kashmir".²² India's strategy of delay and non-cooperation, successfully "thwarted Anglo-American pressure to accept a solution on unfavourable terms".²³

India's multilateral experience on the Kashmir issue was a bumpy ride. It found itself caged in the complex interplay of power politics and divisions thereof and felt isolated at times for choosing not to take sides in an atmosphere of fierce divisions and polarization. By the time India realised the futility of the multilateral mechanism to seek resolution on Pakistan's aggression, the Kashmir issue had captured the gaze of the whole world— the entire world seemed to have an opinion on the matter even if they had nothing remote to do with the issue. This was so because in the Cold War days, allegiance was determined

²⁰ Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, Asia Publishing House, Bombay, 1967, p. 128.

²¹ Navnita Chadha Behera, *Demystifying Kashmir*, Pearson Longman, Dorling Kindersley (India) Pvt. Ltd., Licensees of Pearson Education in South Asia, 2007, p. 212.

²² *Ibid.*, p. 213.

²³ *Ibid.*

primarily by bandwagoning behind the power blocs one was part of, devoid of a judicious call on a relevant international problem.

The Road to Bilateralism

Despite Pakistan's aggression, and India's staunch posturing on the issue, the leadership in both countries have engaged on several occasions where Kashmir figured as one of the subheads to the discussions. As soon as the Pakistani raiders breached the security of the former princely State and Indian military action – validated by the Instrument of Accession – was underway, a meeting was convened by Lord Mountbatten in which both Jawaharlal Nehru and Mohammed Ali Jinnah had agreed to participate. However, Prime Minister Nehru did not participate in the discussion owing to indisposition. Plebiscite is known to have been proposed by Viceroy Mountbatten and Jinnah seemed to have rejected it.²⁴ No consensus could be reached on the presence and withdrawal of troops as Jinnah seemed to be adamant on wresting Kashmir, linking it to the two-nation theory, consequent partition in the subcontinent and Kashmir's overwhelming Muslim population.

The Nehru- Liaquat Pact inked in 1950 did not mention anything on Kashmir and was confined to commitments by both “governments to preserve the right of minorities in their two countries to equal protection of the law”.²⁵

Jawaharlal Nehru- Mohammad Ali Bogra Talks

Initials talks were held between Prime Ministers Jawaharlal Nehru and Mohammad Ali Bogra on the side-lines of Queen Elizabeth's

²⁴ Refer to Avinash Mohanany, “How Kashmir was won from Mountbatten & Jinnah”, *The Economic Times*, 7 August 2019 at <https://economictimes.indiatimes.com/news/politics-and-nation/how-kashmir-was-won-from-mountbatten-jinnah/articleshow/70560879.cms?from=mdr> (Accessed on 9 January 2022); Also see: Jinnah - Mountbatten Talks, 1 June 2003 at <https://storyofpakistan.com/jinnah-mountbatten-talks/> (Accessed on 11 September 2022).

²⁵ Anwar Syed, “The summit meetings”, *Dawn*, 4 January 2004 at <https://www.dawn.com/news/1065457> (Accessed on 11 January 2022).

coronation ceremony in June 1953.²⁶ Both leaders upon their return to their respective countries expressed optimism regarding headway on the Kashmir issue. This was followed by formal talks that were held between the two leaders in Karachi in July 1953 – an inconclusive round– and in August 1953 at New Delhi, where some forward movement was probably made and a formal communique issued.²⁷ The communique noted on the Kashmir issue that it: “should be settled in accordance with the wishes of the people of that State with a view to promoting their well-being and causing the least disturbance to the people of the State. The most feasible method of ascertaining the wishes of the people was by a fair and impartial plebiscite”.²⁸ According to Governor General Mountbatten, “Kashmir might [temporarily] accede to India, which could come to its aid, subject to the proviso that the will of the people should be ascertained as soon as law and order was generally restored”.²⁹ However, no further progress could be made in this direction as the United States started to arm Pakistan heavily, its budding partner in pursuit of the anti-communist crusade.

The Swaran Singh-Zulfiqar Ali Bhutto Talks

In the aftermath of the Sino-Indian War of 1962, there was increased pressure from the United States and Britain for India to come to the negotiating table with Pakistan. India was in a strategically weak position after the losses incurred in the war with China. Since the United States morally supported India during the war and with some material aid, India felt the obligation to honour the wishes of the then Kennedy administration. Reluctantly, India agreed to participate in these negotiations with Jawaharlal Nehru stressing that “the bilateral

²⁶ The queen acceded to the throne post death of her father, King George VI, on 6 February 1952.

²⁷ “The summit meetings”, *Dawn* (Letters) 14 February 2004 at <https://www.dawn.com/news/1065612> (Accessed on 11 January 2022).

²⁸ Fahmida Ashraf, “The Kashmir Dispute: An Evaluation”, *Strategic Studies*, 13 (4), (JSTOR) 1990 at <https://www.jstor.org/stable/45182032>, p. 71 (Accessed on 11 March 2022).

²⁹ H.V. Hodson, *The Great Divide: Britain-India-Pakistan*, Hutchinson of London & Co., London, 1969, p. 449.

discussions could not be confined to Kashmir but must cover all related problems”.³⁰ Pakistan had reservations about India’s conditionality regarding the broadening of the agenda of talks. It was only after Britain’s Secretary for the Commonwealth, Duncan Sandys travelled to both New Delhi and Rawalpindi (then capital of Pakistan) and “hectoring the two sides to agree to the terms of discourse”, that the talks could be held.³¹ The talks were held in multiple rounds in Indian and Pakistani cities and have been noted to generate at least some initial traction. However, given India’s perceived weaknesses in the aftermath of the India-China Border War, “as Pakistan became more maximalist in its demands, Swaran Singh too began to stall”.³²

The Simla Pact 1972

The India-Pakistan talks in Simla were held after the break-up of Pakistan, with East Pakistan becoming an independent nation. India was praised for its handling of the crisis and achieving triumph in the war by forcing a humiliating public surrender on the Pakistani army in front of thousands of people in Dhaka, the capital of the newly created nation, Bangladesh. The Simla Conference was held to sort out issues pending from the Bangladesh War, primarily the territories India had captured in Western Pakistan and the 93,000 Prisoners of War who were held captive by India and the *Mukti Bahini*. While the talks had some teething issues in the initial phase, some form of understanding was arrived at wherein India agreed to release or rather persuade Bangladesh to release the prisoners of war. India also agreed to return the territory captured in West Pakistan while keeping swathes that Indian Army captured in the Baltistan sector of Pakistan-occupied Kashmir straddling Ladakh. As a result of the Simla Pact, the ceasefire line was converted into the Line of Control, which both sides “agreed to not upset it by the use or

³⁰ Inder Malhotra, “Dialogue of the Deaf”, *The Indian Express*, 22 January 2010 at <https://indianexpress.com/article/opinion/columns/dialogue-of-the-deaf/> (Accessed on 14 March 2023).

³¹ Ibid.

³² Shekhar Gupta, “Old game, new rules”, *The Print*, 17 August 2016 at <https://theprint.in/national-interest/old-game-new-rules/544466/> (Accessed on 1 March 2023).

threat of force”.³³ Apart from this, the Indian and Pakistani leadership also “agreed to discuss a final, peaceful settlement of the Kashmir question bilaterally”.³⁴

Was the Sino-Pakistan boundary pact a factor in the Kashmir issue – whether the Simla agreement was a missed opportunity? This thread of debate has captured a great deal of attention in the public domain given the continued adversities and animosity shared between India and Pakistan. The Bangladesh revelry is seen as ‘the’ opportune time to wrest a settlement on Kashmir. By choosing to release the Pakistani Prisoners of War without getting an assurance on paper of an agreement to retain the Line of Control as the de facto border, has generated mixed views over the subsequent decades. To many, India had a good chance during Simla negotiations to contain the bilateral problems and the tussle between the two neighbours.

Pursuits for Settlement in the Bilateral Framework

Pursuant to the Simla Agreement of 1972, India and Pakistan held several summit-level talks at the top leadership level during which issues including Kashmir were discussed. During the Rajiv Gandhi-Benazir Bhutto talks held in December 1988, Kashmir is reported to have been discussed as well. Rajiv Gandhi was the first Indian Prime Minister to visit Pakistan after a gap of 40 years, albeit he was there to attend the South Asian Association for Regional Cooperation (SAARC) summit.³⁵ Decades later, after the assassination of Benazir Bhutto, Asif Ali Zardari, former President of Pakistan and her spouse, captured headlines by noting that the two leaders had committed to resolve the Kashmir issue amicably.³⁶ Whatever the truth about headway or the

³³ T.N. Kaul, *A Diplomats Diary: China, India and USA: A Tantalizing Triangle*, Macmillan India Limited, 2000, p. 94.

³⁴ Ibid.

³⁵ Shaikh Aziz, “The ‘dawn of a new era’ that remained a dream”, *Dawn*, 21 August 2016 at <https://www.dawn.com/news/1278747> (Accessed on 7 September 2022).

³⁶ “Rajiv Gandhi, Benazir were ready to resolve Kashmir issue: Asif Ali Zardari”, *Business Standard*, 6 February 2018 at https://www.business-standard.com/article/current-affairs/rajiv-gandhi-benazir-were-ready-to-resolve-kashmir-issue-asif-ali-zardari-118020600952_1.html (Accessed on 7 September 2022).

so-called understanding may be, Benazir Bhutto as Prime Minister in 1990 diluted it by repeating the propagandistic call of fighting a ‘thousand-year war’ with India, once given by her father Zulfikar Ali Bhutto.³⁷

In the aftermath of the nuclear tests conducted by the two neighbours under perceived pressure from the United States, India and Pakistan came together at the negotiating table and produced what is known as the Lahore Declaration. The Prime Ministers of the two countries, Atal Bihari Vajpayee and Nawaz Sharif, had had an interface in the months preceding the Lahore Summit— at the UN General Assembly session in 1998 and before that in the July 1998 Colombo Summit. The Lahore Resolution was a memorandum of understanding or a joint statement that was issued at the end of the visit by Atal Bihari Vajpayee, who went on board the inaugural Amritsar-Lahore bus service, initiated to boost people-to-people ties between the two sides.³⁸ Amongst other things, the Declaration mainly embodied the following aspects on bilateral tranquillity based on the previously agreed understanding noting: “Recalling their agreement of 23rd September, 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose”.³⁹ The two countries thereby abided in principle that they “shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir”.⁴⁰

The talks between Prime Minister Atal Bihari Vajpayee and President Pervez Musharraf in July 2001 were held amidst a great deal of fanfare

³⁷ Shekhar Gupta, “Pakistan’s real 1,000-year war”, *The Print*, 3 April 2016 at <https://theprint.in/sg-national-interest/pakistans-real-1000-year-war/544429/> (Accessed on 9 May 2022).

³⁸ Sumita Kumar, “Indo Pak bus diplomacy”, *Strategic Analysis*, 23(1), 1999 at <https://www.tandfonline.com/doi/pdf/10.1080/09700169908455036>, p. 167 (Accessed on 9 July 2022).

³⁹ “The Lahore Declaration”, Joint Statement/Memorandum of Understanding, Ministry of External Affairs, February 1999 at <https://mea.gov.in/in-focus-article.htm?18997/Lahore+Declaration+February+1999> (Accessed on 9 March 2022).

⁴⁰ Ibid.

and euphoria. Though the leadership on the two sides was not so keen to have a dialogue or summit, domestic compulsions are known to have played a role. While Musharraf was facing a crisis in the democracy-deprived domestic landscape in Pakistan, the leadership in India wanted to achieve a breakthrough, establish a legacy on the home political turf that had not witnessed a dialogue with Pakistan since Kargil happened, while at the same time also being driven by concerns stemming from the situation in Jammu and Kashmir.⁴¹ Wide media coverage was another striking characteristic of the Agra summit. However, despite the promising build-up and the surrounding set of expectations, the summit is said to have failed. No joint statement could be issued at the end of it. But both sides defended the effort by noting that the summit “though not leading to any forward-looking conclusions, was not a failure”.⁴² Years later, in his memoir, Pervez Musharraf alleged “a hidden hand” behind the letdown at the Agra talks.⁴³

ACTS OF DEVIATION/DIVERGENCE

Internal/Domestic Plank

India confronted the Kashmir problem in naivety while it was on the cusp of attaining freedom from British rule. It later faced intense heat from a Cold War-surcharged international community. As India referred the issue to the good offices of the United Nations, it agreed to abide by the plebiscite as well, given that requisite conditions for doing so were arrived at by Pakistan’s fulfilment of basic preconditions. Unfortunately, Pakistan never withdrew from the areas it illegally established control over. On the other side, a steep partisan approach unfolded, with the West’s open espousal of Pakistan’s purposes. It was then that India realised a plebiscite under UN supervision would further

⁴¹ For details see: J.N. Dixit, “India and Pakistan—beyond the Agra Summit”, *India International Centre Quarterly*, 28 (3), Relocating Identities (Monsoon 2001), pp. 133-148 (Accessed on 29 August 2022).

⁴² *Ibid.*, p. 139.

⁴³ For details see: Pervez Musharraf, *In the Line of Fire: A Memoir*, Simon & Schuster LLC, 2006.

be to India's detriment. The world body remained under heavy influence of the then so-known great powers, the United States and Britain.

The apparent tilt in favour of Pakistan's position on Kashmir which solely aimed to dispossess India of the territorial control over J&K and Ladakh, drove India towards looking at alternative approaches towards the territory it held. This was the setting in of a paradigmatic shift in India's outlook based on the "federal logic" that necessitated "Kashmiri nationalist urges were harmonised with the larger Indian nationalistic politics".⁴⁴ Herein began the process of gradual down gradation of Article 370 that was conceived as the epitome of a semblance of autonomy in the just-acceded former princely State of Jammu & Kashmir. However, it is noteworthy that the subsequent Delhi Agreement of 1975 also known as the Indira-Sheikh Abdullah Accord⁴⁵ reiterated Article 370 in principle mainly to mark the onset of Sheikh Abdullah being reinstated as Chief Minister of Jammu & Kashmir after a gap of almost two decades.⁴⁶

Sheikh Abdullah was brought into the political scene to resuscitate democracy in the former princely State.⁴⁷ It was mainly done to restart

⁴⁴ Rekha Chowdhary, *Jammu and Kashmir: Politics of Identity and Separatism*, Routledge, Abingdon Oxon, New York, 2016, p. 49.

⁴⁵ Details of the Accord are analysed in G.R. Najar, *Kashmir Accord 1975: A Political Analysis*, Gulshan Books, Srinagar, 2007.

⁴⁶ Kasturi Rangan, "A Breakthrough Accord on Kashmir is Reported in New Delhi", *The New York Times*, 19 January 1975 at <https://www.nytimes.com/1975/01/19/archives/a-breakthrough-accord-on-kashmir-is-reported-in-new-delhi.html> (Accessed on 24 April 2022); Also see: "Delhi Agreement, a master stroke to enfeeble Kashmir", *India TV News*, 24 July 2019 at <https://www.indiatvnews.com/news/india-delhi-agreement-master-stroke-to-enfeeble-kashmir-article-370-537642> (Accessed on 2 April 2022).

⁴⁷ "Sheikh-Indira Accord, 1975: Agreed Conclusions" at https://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/sheikh_indira_accord_1975.htm (Accessed on 1 September 2022); Also see: "Kashmir and the Indian Union: Development of a Relationship", Review by Anil Nauriya of *Jammu and Kashmir: Triumph and Tragedy of Indian Federalisation* by Balraj Puri, *Economic and Political Weekly*, 18 (29), 16 July 1983, pp. 1277-1279 at https://www.jstor.org/stable/pdf/4372313.pdf?refreqid=excelsior%3A99b83d6c6ce7117431e0bbcbece5ca52&ab_segments=&origin=&acceptTC=1 (Accessed on 1 September 2022).

a political process especially in the aftermath of the Simla Pact that is seen to have been woven around retention of the Line of Control as the de facto border and designation of the Kashmir issue as a bilateral one. It is also worth noting that the Delhi Agreement was signed close on the heels of the promulgation of the Interim Constitution of 1974 in the so-called 'AJK' in Pakistan-occupied Kashmir.

External Plank

An important thread that has remained embedded in the Indian discourse on Kashmir is the reality that despite India's structural heft vis a vis Pakistan, India has never really attempted to forcibly seize parts of the former princely State under Pakistan's control. India, over a span of seven decades, has remained ahead of Pakistan in terms of political prowess and economic heft. India has gained respect in the democratic world given its unstinted commitment to democratic principles and ideals and based on this won support from many nations as close strategic partners and friends. India's emerging ties with the United States have reinforced its confidence after the breakup of the bipolar paradigm that dictated world affairs for a considerable part of the history of independent India. Irrespective of the given attributes, India has chosen not to militarily recapture the lost territories, which is a rare facet and a subject of debate within as well as outside India.⁴⁸

Seizure of Territory

In spite of the fact that India has honoured the sanctity of the ceasefire line and later the Line of Control, there have been certain aberrations in its strategy during conflict situations with Pakistan. In this regard, it is important to see that successive governments in India have taken the call based on prevailing realities guided by strategic pragmatism.

It is important to note and examine the variations in pattern in this regard. So, while the Bharatiya Janata Party, under Atal Bihari Vajpayee

⁴⁸ Sandeep Bamzai, "Nehru's Pacifism and the Failed Recapture of Kashmir", *ORF Special Report*, 13 August 2016 at <https://www.orfonline.org/research/nehru-pacifism-and-the-failed-recapture-of-kashmir/> (Accessed on 4 July 2022).

chose not to disturb the territorial status quo during the Kargil War restraining the Indian Air Force from violating the Line of Control, a government helmed by the same party, sanctioned strikes across the LoC after the terrorist attack at Uri in September 2016. At the same time, on the other hand, the present government after a spree of incursions in previous years, decided to abide by the understanding on the status quo and settled for a ceasefire ushered in by the DGMO- (Director General, Military Operations) level talks between India and Pakistan.

Many such decisions driven by the strategic merit- of upholding the sanctity of the LoC helped muster international sympathy and concern in 1999; the surgical strikes reinforced the people's faith in the government and also carried a great deal of deterrent value. Similarly, the Indian National Congress under whom the principle of status quo was enshrined in the bilateral framework with Pakistan, showed no qualms in walking over and seizing territory beyond LoC if it seemed to serve the strategic interests of the day— as had happened during the 1965 war, the 1971 Bangladesh Liberation War and *Operation Meghdoot* to capture Siachen Glacier in April 1984.

- **Haji Pir Pass:** The strategic swathe of territory was captured by the Indian Army during the India-Pakistan War in 1965. The Haji Pir Pass is nestled in the Pir Panjal mountain range and it is the geographical bridge that provides access to the so-called Azad Jammu and Kashmir ('AJK') in Pakistan-occupied Kashmir.⁴⁹ The Pass is located at the confluence of the Poonch-Uri route. During the India-Pakistan conflict of 1965, as India was gaining a dominant position in the War, the Indian Army expanded its operation and used this opportunity to ambush Pakistan in a distant theatre near what was then the ceasefire line. The battle to conquer Haji Pir Pass was chivalrously led by Major Ranjit Singh Dayal. The jury is still out and views are polarized on the return of the seized Haji Pir Pass to Pakistan as part of

⁴⁹ Col. Bhaskar Sarkar, "Battle of Hajipir Pass 1965", *Indian Defence Review*, 15 May 2016 at <http://www.indiandefencereview.com/spotlights/battle-ofhajipir-pass-1965/> (Accessed on 23 August 2022).

the Tashkent Agreement in January 1966. This is especially so as the Haji Pir Pass has been grossly misused to infiltrate militants inside Jammu and Kashmir— a process that only intensified as Pakistan launched a full-fledged proxy war in the then State of J&K in the late 1980s.⁵⁰

- **Villages in Baltistan:** In the backdrop of the 1971 India-Pakistan War preceding the creation of Bangladesh, Indian Army captured a total area of 804 square kilometres in the Baltistan sector of Pakistan-occupied Kashmir, which included four villages—Chalungka, Turtuk, Thyakshi and Thang. In spite of being far-flung, these villages were of extreme strategic value. A mission of the Ladakh Scouts under Chewang Rinchen successfully seized control of these villages in Baltistan.⁵¹ Turtuk village, which is now the last Indian outpost straddling the Gilgit-Baltistan region, is strategically located and owing to security-related sensitivities, was kept out of bounds for public access for several decades. It was opened for public visits only in 2010.⁵²
- **Siachen Glacier: A Pre-emptive Move?** *Operation Meghdoot* was India's pre-emptive strike to secure an un-demarcated periphery it shared with Pakistan because of the Karachi Agreement of July 1949, signed by representatives of India and Pakistan under the auspices of the United Nations Commission for India and Pakistan (UNCIP). In this particular agreement, for practical considerations, the line beyond Point NJ9842 was not demarcated on paper since the terrain was taken to be

⁵⁰ For details see: P.C. Katoch, "Battle of Haji Pir: The Army's Glory in 1965", *Journal of Defence Studies*, 9 (3), July–September 2015, pp. 53–74 at http://www.idsa.in/system/files/jds/jds_9_3_2015_BattleofHajiPir_0.pdf (Accessed on 4 September 2022).

⁵¹ Aaqib Khan, "Turtuk, a Promised Land Between Two Hostile Neighbours", *The Wire*, 15 April 2017 at <https://thewire.in/123835/turtuk-story-of-apromise-land/> (Accessed on 10 June 2022).

⁵² Nandini Mehta, "Turtuk Diary", *Outlook*, 8 August 2011 at <http://www.outlookindia.com/magazine/story/turtuk-diary/277826> (Accessed on 4 July 2022).

desolate, unpopulated and climatically extremely hostile.⁵³ According to the understanding reached through this agreement, Point NJ9842 would remain the north-most cartographically demarcated point on the map showing the then ceasefire line. As per the ceasefire agreement, the ceasefire line was slated to adhere to this point of reference and understanding. Besides, further to Point NJ9842, the un-demarcated line was to proceed “thence North to the glaciers”.⁵⁴ India and Pakistan continued to nurture their own interpretations of this indicative principle in the projected ceasefire line as contained in the agreement.

Incensed by the breakup of the country and still seething under the pain and humiliation of the defeat by India during the Bangladesh Liberation War, Pakistan got down to planning a military operation to establish its control over the un-demarcated zone comprising the Siachen Glacier. India became aware of the plan through intelligence inputs and launched an operation to thwart Pakistani designs. Pakistan not only violated the principles of the Karachi Agreement by planning a deceitful invasion of the Siachen Glacier, but even before that, flagged off mountaineering expeditions to the region, some of which included foreign nationals as members. The control over Siachen Glacier is considered of immense strategic importance and ever since, the heights surrounding the Glacier are under the control of the Indian Army, from where the deployed troops stare down the Pakistan Army stationed at a much lower altitude.

Status Quoism

India’s tacit pursuits towards maintaining the extant territorial status quo were also a divergence of the strategic thought process emanating

⁵³ For details see: B. G Verghese, “Siachen Follies: Defining Facts and Objectives”, CPR Occasional Paper Series No. 20, May 2012, Centre for Policy Research, New Delhi at http://www.cprindia.org/sites/default/files/working_papers/Siachen_0.pdf, p.7 (Accessed on 20 August 2022).

⁵⁴ For a comprehensive study on *Operation Meghdoot* and the Siachen issue in general, refer to Nitin Gokhale, *Beyond NJ9842: The Siachen Saga*, Bloomsbury India, New Delhi, 2014.

probably from pragmatism. With regard to India's perennial stance that the former State of Jammu and Kashmir was, and will always remain, an integral part of the Indian Union, whether India was tacitly or tangibly looking at resolutions weaved around retaining the extant territorial status, has remained a subject of vigorous and animated debate. However, it must be accepted that retaining the status quo was not something that was in consonance with India's official stance as enshrined in the Instrument of Accession that the entire territory of what comprised the princely State of Jammu & Kashmir in 1947, became a part of India.

Lassitude on PoK

Pursuant to India's underlying predisposition towards status quo was some kind of a policy inertia on PoK.⁵⁵ The two dimensions—territorial status quo and an inert stance on PoK—are intertwined. Ever since the First Kashmir War of 1947-48, India urged that the territory of the former princely State under Pakistan's illegitimate control be reverted to India. Given the prolonged nature of the issue, India's stance on PoK has not been consistently strident.⁵⁶ The scale of fervour for the regions under PoK have varied. This was owing to India's other strategic preoccupations and liabilities. Since the official and formal position on PoK has remained unchanged, the kind of inertia India allegedly pursued towards its claim on PoK despite Pakistan's bizarre revisionist pursuits, can be interpreted, amongst other things, as a divergence from India's chief goal of safeguarding its territorial sovereignty.

⁵⁵ For pointers on the subject see: Priyanka Singh, "Why disclaiming Pakistan occupied Kashmir is not prudent", *MP-IDS A Strategic Comment*, 11 December 2017 at https://www.idsa.in/idsacomments/why-disclaiming-pakistan-occupied-kashmir-is-not-prudent_psingh_111217 (Accessed on 11 January 2022).

⁵⁶ Priyanka Singh, "Beyond Cartographic Assertion: A Roadmap on Pakistan Occupied Kashmir", *MP-IDS A Policy Brief*, 1 August 2016 at https://www.idsa.in/policybrief/beyond-cartographic-assertion-pakistan-occupied-kashmir_psingh_290716 (Accessed on 7 January 2022).

Annuling the Special Constitutional Status of Jammu & Kashmir

The eventual annulment of autonomy and special status accorded to the former State of Jammu & Kashmir via Article 370 and related clauses was a major deviation given the political capital attached to it both domestically and internationally. India's policy makers worked assiduously over decades to wean off the constraints posed by Article 370 especially with regard to the ties the Union shared with J&K and Ladakh. Apart from political unanimity, the revocation would end complexities with land regulations and the role of the private sector, hence, ushering in competition, intensive development and growth.

In essence and effect, Article 370 regulated India's relations only with the Indian controlled part of J&K and not PoK (which remained governed by the Accession document). The process of downscaling the special status started quite early, with the ratification of Jammu & Kashmir's accession to India by the Constituent Assembly created in 1951. Article 370 granting special status to the then J&K State was included in the Constitution of India by the Constituent Assembly of India as adopted on 26 November 1949. This became operative with the President of India issuing the constitutional application order for Jammu & Kashmir on 26 January 1950. Though the Delhi Agreement⁵⁷ between Jawaharlal Nehru and Sheikh Abdullah conferred a special status to the State, the Presidential Decree vide Article 370 extended the Constitution of India to the former princely State.⁵⁸ The Constituent Assembly formed in 1951 to draft the State's Constitution, dissolved itself in 1957. Gradually and in a staggered fashion, developments such as these paved way for the ultimate dissolution of Article 370 in due course.

⁵⁷ "The Delhi Agreement, 1952" at https://www.satp.org/satporgtp/countries/india/states/jandk/documents/papers/delhi_agreement_1952.htm (Accessed on 30 March 2022).

⁵⁸ "In Depth: Jammu and Kashmir", 18 April 2019 at <https://www.drishtiias.com/loksabha-rajyasabha-discussions/in-depth-jammu-and-kashmir> (Accessed on 31 March 2022).

The eventual annulment of Article 370 was nonetheless, considered a watershed policy decision by India. For decades, successive governments in India preserved this constitutional provision, albeit temporarily, firstly for the backlash it could induce from the international community, and secondly, the negative impact it could incur on peoples' perception at the domestic level within Jammu & Kashmir.

CONTINUITIES + DIVERGENCE = STRATEGY?

As discussed in the preceding sections, India's Kashmir approach can be perceived as a judicious mix of experimentalism yet status quoism and rigidity of stance yet flexible. Therefore, India's policy on Kashmir has been a blend of status quoism and unequivocal territoriality on the part of the former princely State it already holds. However, that has not prevented India from vociferously raising its claim on Pakistan-occupied Kashmir, a pitch that has gained substantial amount of traction in the past few years. India fought wars on Kashmir as and when they were inflicted but also has remained forthcoming to come to the negotiating table with Pakistan, albeit through a third-party nudge such as that from the United States or former Soviet Union. India's tryst with the UN on Kashmir gave it lessons that shaped the course of its future strategies on Kashmir. It opted for bilateralism from a position of strength. It did not shy away from the use of brute force to contain the militancy perpetrated by Pakistan in the Kashmir Valley during the late 1980s through the early 1990s. India deftly handled international pressure before it became influential enough to be able to sway the responses of big powers on Kashmir in its favour. The annulment of Article 370 was a culmination of policy realised by the Government of India after due deliberation and the subdued impact thereafter can be seen as the fruition of India's Kashmir policy.

As noted in the preceding sections, India's tryst in dealing with the Kashmir issue has witnessed paradigmatic transitions as part of decision making against prevalent exigencies. In the aftermath of the First Kashmir War, India was thrust with the vagaries of the Cold War that predominated the processes and proceedings of the UN. India's options at multilateralism as a tool to resolve the problem were foreclosed owing to India's assertion of strategic autonomy. The attempt and hope behind referring Pakistan's aggression to the UN Security Council

was met with rude shock. The course of events at the UN as they progressed on the issue of Kashmir, repulsed Indian policy makers and probably shaped the acute aversion towards the efficacy of the multilateral option. This was also – as India observed – how Pakistan remained unchecked for disregarding fulfilment of the conditions in the proposed sequential resolutions on Kashmir. Pakistan brazenly refused to withdraw from areas of the former princely State that it illegitimately established control over under the guise of a tribal raid. From India's perspective on its approach towards Kashmir, this was one of its first policy crossroads.

As the UN involvement waned in the subsequent phase, India gradually treaded the path of bilateralism. India was boxed-in by the manoeuvres of multilateralism propelled mainly by Cold War preferences. It became essential to break the pattern and undercut the international angle on the Kashmir issue. It was not easy to bring about a major shift in how the world approached the issue. The triumph post the 1971 war and dismemberment of Pakistan provided India the springboard to pursue Kashmir's scale down as a bilateral issue.

For India, an inward approach increasingly became a choice as Pakistan continued to disregard the principle of bilateralism by attempts to internationalise the Kashmir issue. Pakistan's key contribution in manifesting the CIA's (Central Intelligence Agency) game plan against Soviet intervention in Afghanistan helped it retain the favour it enjoyed from the US. Later, the Kashmir Valley got engulfed in bloodshed by Pakistan-perpetrated violence during the late 1980s. Here again, Pakistan's core strategy was to escalate the crisis to a level where the region becomes a spotlight for the Western nations including the US. Attempts to link Kashmir to a potential nuclear confrontation in the 1990s and the manufactured hysteria built around it to pressurize India to come to the negotiating table, was part of subsequent strategies which powerful countries pursued at Pakistan's behest. Post-9/11, Pakistan yet again remained central to the NATO intervention in Afghanistan. Coinciding with the period, while India was engaging with Pakistan selectively, the breakthrough achievement was the ceasefire agreement of 2003. Subsequently, India began to pursue a tougher stance under the 'terror and talks can't go together' principle.

Acceptability of India's stringent posturing against Pakistan paved way for India to prepare for a more self-seeking approach – one that would facilitate the complete constitutional amalgamation of the former princely State into the Indian Union. The deflection in international attention on Kashmir was also caused by a sharp downturn in Pakistan's overall image as the sanctuary of terrorists and a minefield of terror outfits. This provided the much-needed enabling geopolitical environment to act independently and punish Pakistan for its acts to destabilise India. None of those countries that matter were outraged when India carried out the strikes against Pakistan- in 2016 and 2019 in PoK and Balakot respectively. India's strategic calculus developed further options and gave it the strength to fulfil its long-pending wish to constitutionally integrate J&K and end its separate special status.

RESCINDING PARADOXES: REWRITING A FRESH STRATEGY

Within India, the subject of Jammu and Kashmir bears an indelible emotive value. In a democracy of billions, therefore, every issue pertaining to Kashmir has considerable political relevance as well. Successive governments in India and the establishments thereon have pursued a very linear approach towards this sensitive subject. The most prominent strain in this linear approach has been to uphold and maintain territorial control over what has been under India's control since 1947 pursuant to the signing of the Instrument of Accession by the Maharaja of Kashmir, Hari Singh. A second tier has been reclaiming territory that was lost to Pakistan after the latter engineered a deceitful raid on the former princely State in the aftermath of independence, in an effort to seize control over the territory by belligerence and aggression— the entire region of Pakistan-occupied Kashmir, including that of Gilgit-Baltistan.

India's unabated resolve to defend the territory of Kashmir draws majorly from the fact that (as is in other cases elsewhere as well) the British withdrawal from the region meant India inherited their unresolved boundaries in several quarters of its periphery. Due to this historical reality and a few other accompanying factors, India has evolved into a State where defending territory or territoriality is one of the predominant strands in conduct of foreign relations. Itty Abraham makes a significant argument about India's territoriality in his book.¹ India has evolved as a State that has constantly remained in a defensive mode vis a vis the territories it holds and controls.

¹ For a detailed analysis debating the subject, refer to: Itty Abraham, *How India Became Territorial: Foreign Policy, Diaspora, Geopolitics* (Studies in Asian Security), Stanford University Press, 2014.

The debate around India-evolved predilections for a territorial status quo perhaps derives from this mode of defending what it already holds and to protect and uphold what is already there, which has emerged as core element of the country's ultimate objective. It was perhaps due to this inherent predilection that India at its zenith of bilateral equations with Pakistan in the aftermath of the Bangladesh Liberation War of 1971, could splurge on the options at the table but instead decided to tacitly pursue the continuation of territorial status quo on Kashmir, converting the ceasefire line into a Line of Control. Notwithstanding, the fact that India never really gave up its claim on PoK, is testimony to the reality that at points of time in the decades-long quest over Kashmir, India may have seriously explored/considered prevailing upon Pakistan to agree to and abide by the extant status quo in the former princely State. However, it is to be understood that parting away with what India already held in terms of territory was never seriously a part of the considered option – at least never in official or formal terms.

ANNULMENT OF ARTICLE 370

Article 370 was formally abrogated through the Reorganisation of the State of Jammu and Kashmir Act in Parliament. Withdrawing the special status, the state of J&K was, henceforth, bifurcated into twin union territories (UTs) - Jammu & Kashmir and Ladakh. Conversion into a UT was a longstanding popular aspiration in Ladakh.² However, the decision was abhorred in J&K, particularly in the Kashmir Valley per se. The conversion of the former state into a UT after the abrogation of Article 370 was a bold measure in terms of the long-held sensitivity of the Kashmir issue. Quite naturally, the move has been virulently opposed by various constituencies and stakeholders in J&K.

Two significant developments— disparate but linked— that occurred in the aftermath of the Government of India's milestone decision to

² Ladakh was declared a UT without legislature. The Kargil sector opposed the abrogation move with protests and strikes. Besides, popular apprehensions in Ladakh erupted in the aftermath primarily apprehending the possible impact of the change in status with regard to ownership issues, domicile and application of Schedule 6 of the Indian Constitution.

permanently revoke Article 370 on 5 August 2019 need to be taken into account. Prime Minister Narendra Modi's outreach to leaders of the political parties of Jammu and Kashmir including those that constituted the 'Gupkar Alliance', yet again trained focus on the need to devise a comprehensive blueprint that carves out a future for the betterment of the newly-constituted Union Territory (UT).³ Secondly, the drone strikes at a Jammu Air Force base on 27 June 2021 which the Lashkar-e-Taiba was suspected to have perpetrated, became a grim reminder of the lurking menace across the Line of Control (LoC), especially as some parties during the Prime Minister's outreach did stress on the need to engage with Pakistan.

ENDING THE PARADOX?

The decision to annul Article 370 had been on the agenda of the Bharatiya Janata Party (BJP). The conviction flowed from the Jan Sangh's exposition against according a special status to Jammu & Kashmir – one that set it apart from the rest of the country and its constitution for they believed: "*Ek desh mein do vidhan, do nishan, aur do pradhan, nahin chahenge, nahin chahenge* (Two constitutions, two flags and two heads of state are unacceptable within one nation)".⁴ The slogan was framed by the founder of Jan Sangh, Dr. Syama Prasad Mookerjee in the early 1950s.

In the election manifesto published prior to the 2019 general elections in India, the BJP reiterated and put forward its longstanding intent on Jammu & Kashmir. Amongst other things, the manifesto categorically noted, "In the last five years, we have made all necessary efforts to ensure peace in Jammu and Kashmir through decisive actions and a firm policy. We are committed to overcome all obstacles that come in the way of development and provide adequate financial resources to

³ A follow-up meeting between Centre and the Jammu & Kashmir political parties (on Delimitation) was held on 6 July 2021.

⁴ Bharat Bhushan, "Overhauling Kashmir Politics", *Social Scientist*, 48 (7/8), July–August 2020 at https://www.jstor.org/stable/pdf/26978886.pdf?refreqid=excelsior%3A8e3d46fa717e3fb323680b237cc7ca76&ab_segments=&origin=&initiator=&acceptTC=1, p. 49 (Accessed on 29 May 2022).

all the regions of the state. We reiterate our position since the time of the Jan Sangh to the abrogation of Article 370”.⁵ The BJP’s election manifesto further observed, “We are committed to annulling Article 35A of the Constitution of India as the provision is discriminatory against non-permanent residents and women of Jammu and Kashmir. We believe that Article 35A is an obstacle in the development of the state. We will take all steps to ensure a safe and peaceful environment for all residents of the state. We will make all efforts to ensure the safe return of Kashmiri Pandits and we will provide financial assistance for the resettlement of refugees from West Pakistan, Pakistan-occupied Jammu and Kashmir (POJK) and Chhamb”.⁶

The ideological affiliate of the BJP, the Rashtriya Swayamsevak Sangh (RSS) and its associated organisations have long been attached to issues on PoK. RSS’s and Jan Sangh’s propagations of India’s extant claim on PoK has been sustained for decades. As a collateral result of this, even bodies and advocacy groups who promote the reclaiming and re-controlling of the lost territories, and have otherwise no link to the RSS, have been generalised and branded as right-leaning conservative groups, sometimes existing on the fringe.⁷ The Kendra Karyakari Mandal, an offshoot of the RSS, was vocal in criticising the Government of India’s role and position on the building of the Mangala Dam in the so-called ‘AJK’ in 1960. Calling it India’s tacit approval, the Mandal alleged that the Government of India has “by giving its silent consent to the construction of Mangala Dam in Pak-occupied Kashmir, shown its mental preparedness to give up its claim over that strategic area”.⁸

⁵ “Bharatiya Janata Party, Sankalp Patra, Lok Sabha 2019”, Manifesto of the Bharatiya Janata Party (BJP) in the 2019 general elections at <http://library.bjp.org/jspui/bitstream/123456789/2988/1/BJP-Election-english-2019.pdf>, p. 12 (Accessed on 5 October 2021).

⁶ Ibid.

⁷ Previously discussed in: Priyanka Singh, “Why disclaiming Pakistan occupied Kashmir is not prudent”, *MP-IDS A Strategic Comment*, 11 December 2017 at https://www.ids.a.in/idsacomments/why-disclaiming-pakistan-occupied-kashmir-is-not-prudent_psingh_111217 (Accessed on 25 October 2021).

⁸ Shyam Lal Yadav, “Explained: How PoK has featured in RSS, Jana Sangh discourse for nearly 7 decades”, *The Indian Express*, 12 August 2019 at <https://indianexpress.com/article/explained/how-pok-has-featured-in-rss-jana-sangh-discourse-for-nearly-7-decades-jammu-kashmir-5896976/>; Also see

Article 370 has been sequentially phased out over decades as has also been discussed in the earlier chapters. Successive regimes in Jammu & Kashmir worked towards “constitutionally integrating the state into India, thus affirming while at the same time eroding Article 370”.⁹ A formal decision to terminate it by an act of Parliament, nevertheless, threw things in a tizzy. As noted, this was a hugely anticipated move given the huge majority enjoyed by the present BJP-led dispensation. However, it was believed, that the fear of unknown repercussions, including the international community’s response, would deter the Government from doing so.

Cognisant of the wide-ranging scepticism and rumour mongering around the decision, the Government of India consciously tried to wave off the public apprehensions. Against this context, in his address to the nation after the revocation of special status, Prime Minister Modi observed that, “Article 370 and 35A have given nothing but secessionism, terrorism, nepotism and widespread corruption on a large scale to Jammu-Kashmir. Both these [A]rticles were used as a weapon by Pakistan to flare up the emotions of some people. Due to this, about 42,000 people lost their lives in the last three decades. The development in Jammu-Kashmir and Ladakh could not be done on levels which the region deserved”.¹⁰ The Prime Minister further noted the legal deprivations inflicted on the former state due to its special distinct political and constitutional status. He observed: “More than 1.5 crore people of Jammu & Kashmir were deprived of the benefits of laws that were enacted for the benefit of the people of India. Imagine children in [the] rest of the country have a right to education while children in Jammu & Kashmir were deprived of this right. The

for further details: S. Kalyanaraman, “India’s Changed Approach to Kashmir Settlement”, *MP-IDS A Issue Brief*, 30 March 2021 at <https://www.ids.a.in/system/files/issuebrief/ib-india-approach-kashmir-settlement-skalyanaraman.pdf> (Both accessed on 9 November 2021).

⁹ Chitrlekha Zutshi, *Kashmir: Oxford India Short Introductions*, Oxford University Press, New Delhi, 2019, p. 130.

¹⁰ “PM Modi addresses the nation”, at <https://www.narendramodi.in/prime-minister-narendra-modi-s-address-to-the-nation-on-8th-august-2019-545901> (Accessed on 7 August 2021).

daughters of Jammu & Kashmir were deprived of the right that our daughters had in [the] rest of the states. In all the other states, [the] Safai Karamchhari Act was enacted for hygiene workers but the workers of Jammu & Kashmir were deprived of this. In other states, strict laws were enacted to stop atrocities on Dalits but no such laws could be implemented in Jammu & Kashmir”.¹¹

The revocation of Article 370 was inevitable to set up a fresh edifice. In principle, it is a long-pending realisation of India’s consistent position that J&K is an integral part of the Union. India has never out-stepped constitutional norms vis a vis J&K, which it upholds as an integral part of its territory by virtue of the Instrument of Accession signed in 1947. Even our foreign policy adheres to the constitutionality of Jammu & Kashmir being a part of the Union of India.¹² Several talks/negotiations on the Kashmir issue have been held within this constitutional framework. The existence of separatist constituencies in J&K, some of them freely operating in the Valley, was contravening to this constitutional framework of territorial oneness. It was a less proclaimed truth that heading on this path, special status was untenable and ideas of soft separatism, however benign, could no longer be allowed to linger on.

Additionally, a series of Pakistan-abetted terrorist attacks – Pathankot and Uri in 2016 and Pulwama in 2019 – necessitated a show of grit and resoluteness in India’s response – one that particularly reflects India is open to usher in a paradigmatic shift in approach. Of late, India has continued to feel hemmed-in by collusion between China and Pakistan on its periphery. It was time India took the initiative to ensure its policy on J&K coheres with its broader geopolitical priorities.

PUTTING ON LEASH SEPARATIST/SECESSIONIST POLITICS

Much before rescinding the special status of Jammu & Kashmir, the Government of India took some concrete steps to curb the unfettered,

¹¹ Ibid.

¹² Also noted in Author’s response to Ask an Expert: Q. No. 1853 on MP-IDSA website, 26 March 2015.

unregulated status and activities of groups who had been openly proclaiming and supporting the State's secession from India. These groups, over the years, were emboldened and acted with absolute impunity, as the Government in India failed to undertake punitive measures to control them. These groups and members of such organisations were openly espoused by the Pakistan High Commission in New Delhi.¹³ Some of them were known to have been courted by China as well.¹⁴ Their pockets remained flushed with funds that were channelized through hawala from international sources.¹⁵ Realising the gravity of the situation and the deep-rooted nexus the separatists had with the Pakistan state, the Inter-Services Intelligence (ISI) and the Pakistan Army, the Government at New Delhi finally flagged off a focussed strategy to contain the secessionist groups and their nefarious networks and activities.

The Roots of Separatist Politics

The seeds of organized separatist politics in Jammu & Kashmir were sown in the backdrop of Pakistan-pursued and Pakistan-fuelled violence and insurgency in the Valley in the early 1990s. The All- Parties Hurriyat Conference (APHC), was one such conglomerate of secessionist parties and leaders. The APHC came into being on 9 March 1993.

Following were the constituents of the APHC (The original list of 26 parties): 1) Aawami Action Committee; 2) Jamaat-e-Islami; 3) Jammu and Kashmir People's Conference; 4) Muslim Conference; 5) Jammu

¹³ "Pak. High Commission invites separatists to Eid Milan", *The Hindu*, 14 July 2015 at <https://www.thehindu.com/news/national/pak-high-commission-invites-separatists-to-eid-milan/article7418595.ece> (Accessed on 3 October 2022).

¹⁴ Riyaz Wani, "Mirwaiz gets an invite, says will go to China", *The Indian Express*, 20 November 2009 at <https://indianexpress.com/article/news-archive/web/mirwaiz-gets-an-invite-says-will-go-to-china/> (Accessed on 11 March 2023).

¹⁵ Aamir Khan, "NIA bares Pak high commission's terror role", *The Times of India*, 5 October 2019 at <https://timesofindia.indiatimes.com/india/nia-bares-pak-high-commissions-terror-role/articleshow/71449344.cms> (Accessed on 2 September 2023).

& Kashmir Liberation Front; 6) People's League; 7) Ittihad-ul Muslimeen; 8) All Jammu & Kashmir Employees' Confederation; 9) Employees and Workers Confederation; 10) Anjuman-e-Tablig-ul Islam; 11) Liberation Council; 12) Jamiat-e-Ahle Hadith; 13) Kashmir Bazme Tawheed; 14. Jamiat-e-Hamdania; 15) Kashmir Bar Association; 16) Political Conference; 17) Tehreek-e-Huriati Kashmiri; 18) Jamiat-e-Ulama-e-Islam; 19) Anjamani Auqafi Jama Masjid; 20) Muslim Khawateen Markaz; 21) Jammu and Kashmir Human Rights Committee; 22) Jammu and Kashmir People's Basic Rights (Protection) Committee; 23) Employees & Workers Confederation (Arsawi Group); 24) Students Islamic League; 25) Islamic Study Circle; and 26) Auqaf Jama Masjid.¹⁶ Some groups joined the organisation later, enchaining the number of groups within APHC. However, the umbrella group has witnessed several splits in the following years and split factions have continued to operate under their respective leadership.

The APHC was envisaged “as a political front to further the cause of Kashmiri separatism”.¹⁷ After its inception, “the amalgam has, since then, been consistently promoted by Pakistan in the latter’s quest to establish legitimacy over its claim on the Indian State of Jammu and Kashmir”.¹⁸ The APHC believes that Jammu and Kashmir is “disputed territory” and “‘India’s control’ on it is unjustified”.¹⁹ The APHC is known to uphold Pakistan’s position and its claim on Jammu & Kashmir under the auspices of the “‘unfinished agenda of Partition’”—one that must be settled “‘as per the aspirations of the people of Jammu and Kashmir’”.²⁰ Pakistan on its part supports the APHC wholesomely, validating it as “the sole representative of the Kashmiri people”.²¹

¹⁶ “All-Parties Hurriyat Conference: Incidents and Statements involving All Parties Hurriyat Conference: 2017, 2016, 2015, 2014, 2013, 2000-2012”, South Asia Terrorism Portal (SATP) at https://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/hurriyat.htm (Accessed on 21 May 2021).

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

Given the scale of geopolitical machinations the Kashmir issue has been subjected to, it is hardly a surprise to acknowledge some the multilateral forums who have hosted and embraced the cause of the APHC to serve their own exploits over the years. The APHC was accorded an observer status in the Organisation of Islamic Conference (OIC).²² In the past, Syed Ali Shah Geelani and Mirwaiz Umar Farooq have been invited and were hosted at the OIC's Foreign Ministers Conference.²³ Ironically, the Government of India has not been unsparing enough in denying them visas and permissions to attend such controversial forums that have remained a huge nuisance for India's broader interests on Kashmir.

The arrest of Asiya Andrabi, leader of the Dukhtaran- e-Millat in July 2018, was one of the initial steps in the path of course correction. With the National Democratic Front government getting re-elected in the 2019 elections, there were a series of steps to curtail the freedom and activities of separatist constituencies. The death of Syed Ali Shah Geelani, one of the most prominent faces of the hard-line APHC, left a complete void in the separatist politics landscape of Jammu & Kashmir. Geelani's funeral was held under strict State supervision.²⁴

The death of Syed Ali Shah Geelani did not augur well for the future of separatist politics in the Kashmir Valley. His successor Masarat Alam Bhat²⁵, has remained lodged in jail and "his appointment as the new

²² Ibid.

²³ Ibid.

²⁴ Peerzada Ashiq, "Geelani gets pre-dawn quiet burial", *The Hindu*, 2 September 2021 at <https://www.thehindu.com/news/national/other-states/separatist-leader-geelani-laid-to-rest-in-srinagar/article36241977.ece>; Also see: Jehangir Ali, "Week After Syed Ali Shah Geelani's Death, We Still Don't Know What Happened at His Funeral", *The Wire*, 8 September 2021 at <https://thewire.in/rights/syed-ali-shah-geelani-funeral-secrecy> (Both accessed on 1 March 2022).

²⁵ For details refer: Peerzada Ashiq, "Masarat Alam Bhat: Voice of secession", *The Hindu*, 31 December 2023 at <https://www.thehindu.com/news/national/masarat-alam-bhat-voice-of-secession/article67690946.ece> (Accessed on 2 January 2024).

APHC chief will hardly have a significant effect on the ground”.²⁶ There is a sea change in the situation on the ground “due to factors such as the loss of Geelani, loss of popular support, and the constraints under which all political activities are operating” separatists may not be “able to make any significant impact on the ground”.²⁷ It is, therefore, argued that the future of the Hurriyat will be overtly influenced by “the political situation, the [C]entre’s policies and the degree with which political activities remain constrained”.²⁸

In December 2023, the hard-line outfit run by Masarat Alam, a faction of the Muslim League Jammu Kashmir (MLJK) was banned by the Government of India under UAPA (Unlawful Activities Prevention Act). The ban was executed as the Home Ministry noted: “the group’s active involvement in anti-national and secessionist endeavours within Jammu and Kashmir, orchestrated with the malevolent intention of instigating a reign of terror across the nation”.²⁹ Announcing the group’s proscription, Home Minister, Amit Shah, noted on social media platform X (formerly Twitter): “The Muslim League Jammu Kashmir (Masarat Alam faction) is declared as an ‘Unlawful Association’ under UAPA. This organisation and its members are involved in anti-national and secessionist activities in J&K, supporting terrorist activities, and inciting people to establish Islamic rule in J&K”.³⁰

²⁶ “Tough road ahead for Kashmir separatist movement after Geelani”, *Al Jazeera*, 22 September 2021 at <https://www.aljazeera.com/news/2021/9/22/kashmir-freedom-groups-geelani-hurriyat-separatists-aphc-india> (Accessed on 30 March 2022).

²⁷ Ibid.

²⁸ Ibid.

²⁹ “Another blow to separatists”, *Daily Excelsior*, 1 January 2024 at <https://www.dailyexcelsior.com/another-blow-to-separatists/> (Accessed on 2 January 2024).

³⁰ “Govt Bans Masarat Alam Faction of Muslim League Jammu Kashmir”, *Daily Excelsior*, 27 December 2023 at <https://www.dailyexcelsior.com/mha-declares-muslim-league-jammu-kashmir-masarat-alam-faction-an-unlawful-association/> (Accessed on 30 December 2023).

It is important to contextualize the interface between separatist politics in J&K and the former state's special status. There has been a huge clamour about rescinding the special status as entailed in Article 370 from separatist constituencies and their proponents. Article 370 enforced in 1950 was part of the Constitution of India. All these years separatist politics twined around the principle of J&K not being an integral part of India. However, the fixation over Article 370, that was nothing but an arm of the Indian Constitution, presented one of the biggest paradoxes in the debate involving the Kashmir issue.

CHANGING THE RULES OF ENGAGEMENT: CO-OPTING PAKISTAN-OCCUPIED KASHMIR

Pakistan-occupied Kashmir existed peripherally on India's map of policy priorities for decades. The perceived sense of loss in terms of territory is reminiscent of leadership failures to some. For others, it is losing out a strategically located region that contemporarily forms the centre of gravity of the China- Pakistan Economic Corridor, the fulcrum of the ever-strengthening Sino-Pakistan nexus. In this context, the incumbent political dispensation has steered India's PoK policy in a certain direction that appears to break from the past pattern, more so by pro-activating the issue through repeated and pronounced references to the region. The current approach appears infused with a fresh aggressive orientation in its approach to PoK, one that is blunt, straightforward and head-on. There are formal/official statements concerning PoK on a regular basis, proactive instead of purely reactive, and there is attention from the highest echelons of the establishment in this regard.

What makes India's present approach significantly different from the past is the recurrent insistence upon the extant claim on the region. India's policy on PoK seems to be drifting a notch away from the 2005-2006 policy indications concerning experimentally contemplating on retaining the status quo- that may have entailed giving up claim on PoK and settle for the Line of Control as the permanent border. The issue of PoK has been on the Government's mind and there is some international traction as well. New Delhi seems to be prepared to re-drawing its horizon on the PoK, by diverting from the presumed status quoist approach. A plan B in which PoK is "pivotal and strategically

positioned” is finally shaping up.³¹ In this context, External Affairs Minister S. Jaishankar made some very persuasive observations on India’s existing claim on PoK. Jaishankar noted: “My sovereignty and my jurisdiction is laid out by my maps. My maps have been there for over 70 years. Now, that’s my claim. And naturally if I have a claim, as you would have a claim, as anybody would have a claim, you would hope one day that if there are territories in your claim over which you don’t have physical jurisdiction, one day you will. It’s as simple as that”.³² This was the onset of India’s unabashed talk on PoK before an international audience in the West.

The policy pronouncements by New Delhi on PoK are becoming routine. This is a definite break from the past. Prime Minister Narendra Modi mentioned parts of PoK in his Independence Day Address in August 2016. The Defence and Home Ministers in their expositions have raked up India’s claim position on PoK. Home Minister Amit Shah stirred perceptions on geopolitical equilibrium by noting, on the cusp of rescinding of Article 370, that when he talks of Kashmir, he means to address PoK and Aksai Chin as well.³³

The Narendra Modi government draws this proactive approach on PoK from their party/organisational legacy. The BJP government under Atal Bihari Vajpayee was vocal in bringing forth the issue of PoK as a pre-condition in talks with Pakistan. Vajpayee’s strident approach advocated that talks with Pakistan be “confined to only the one-third

³¹ “Inserting PoK into the Kashmir Conundrum”, *MP-IDS A Strategic Comment*, 3 May 2016 at https://idsa.in/idsacomments/inserting-pok-into-kashmir-conundrum_psingh_030516 (Accessed on 1 August 2022).

³² Sriram Lakshman, “Jaishankar reiterates India’s claim over Pakistan-occupied Kashmir”, *The Hindu*, 3 October 2019 at <https://www.thehindu.com/news/national/jaishankar-reiterates-indias-claim-over-pok/article61978698.ece> (Accessed on 3 August 2022).

³³ Ananya Bhardwaj, “Amit Shah tells Lok Sabha J&K also means PoK & Aksai Chin, ready to die for this”, *The Print*, 6 August 2019 at <https://theprint.in/india/amit-shah-tells-lok-sabha-jk-also-means-pok-aksai-chin-ready-to-die-for-this/272875/> (Accessed 9 September 2022).

portion of Kashmir which is under Pakistan's (illegal) occupation".³⁴ Prime Minister Vajpayee reiterated this line of argument in 2003 as well. He noted: "One-third of Kashmir is under Pakistani occupation. Whenever there are talks on Kashmir we will talk about the part of Kashmir under their occupation. We will not let go of our territory".³⁵

As noted, the present dispensation under Prime Minister Modi has inherited an infallible affinity to the pending claim on PoK from its organisational predecessor the Jan Sangh. The patron political outfit had a resolute position on the country's decades-old territorial claim on PoK. The Jan Sangh was, therefore, opposed to any proposal that bordered on retaining the extant territorial status quo. As one of the tallest leaders of Jan Sangh, Atal Bihari Vajpayee even fervently opposed the Simla Pact in 1972 referring to it as a "black agreement" and "sellout".³⁶ The supporters of the Jan Sangh even clashed with the members of the Congress party, then in power under Prime Minister Indira Gandhi, upon her return from the Simla talks.³⁷ As discussed in the preceding sections, the understanding at Simla was spun around formalizing the territorial status quo in Jammu & Kashmir. This, in Jan Sangh's view, was tantamount to abandoning an important territorial claim India maintained vis a vis Pakistan.

PURSUANT DOMESTIC REALITIES: POLITICAL VOID, ECONOMIC TRIBULATIONS, VIOLENCE REDUX

Prior to the abrogation, J&K including Ladakh had been under Governor's rule since the breakup of the ruling Bharatiya Janata Party

³⁴ "Talks Should Be Limited To Pok, Says Vajpayee", *Business Standard*, 19 May 1997 (Last Updated on 27 January 2013) at https://www.business-standard.com/article/specials/talks-should-be-limited-to-pok-says-vajpayee-197051901023_1.html (Accessed 2 September 2022).

³⁵ Siddarth Singh, "PoK is Ours, Says Vajpayee", *The Times of India*, 18 October 2003 at <https://timesofindia.indiatimes.com/pok-is-ours-says-vajpayee/articleshow/240087.cms> (Accessed on 9 July 2021).

³⁶ "A Leaf from History: The Simla Mystery", *Dawn*, 30 September 2012 at <https://www.dawn.com/news/753038/a-leaf-from-history-the-simla-mystery> (Accessed on 5 June 2022).

³⁷ Robert Trumbull, "The World", *The New York Times*, 9 July 1972 at <https://www.nytimes.com/1972/07/09/archives/in-the-last-hours-a-formula-indiapakistan.html> (Accessed on 11 August 2022).

(BJP) and the People's Democratic Party (PDP) alliance in June 2018. Detention of several political leaders, including those who were part of the previous alliance, made people feel insecure and politically headless for a while. Politically, therefore, there was already a perceptible restiveness that got further aggravated by the revoking of statehood and special status. In this context, holding of elections, as even PM Modi noted during the all-party meeting, was a priority. The proposed Delimitation³⁸ being a pre-requisite to the holding of popular elections, support from political parties was solicited over the issue during the PM's outreach.

Prior to the end of special status, there was large-scale troop deployment in Jammu & Kashmir as a precaution to prevent untoward eventualities in the aftermath. Post 5 August 2019, life in Jammu & Kashmir was brought to a grinding halt. The UT was under complete lockdown for months with strict curbs on communication and movement. Much before the rest of the country was put under COVID 19-induced total lockdown, Jammu & Kashmir was under blanket shutdown with educational institutions shut indefinitely and economic activities curtailed. Jammu & Kashmir, therefore, had to contend with a double whammy tremendous economic losses running into several billion rupees with severely reduced tourists' footfalls and consequent job losses due to the closure of tourism-driven small-scale industries.

³⁸ The last Delimitation was carried out in 1994-95— a total of 111 seats in the J&K Assembly including 4 for Ladakh and 24 were reserved for representatives from Pakistan-occupied Kashmir. The process of further Delimitation was put off till 2026 by the Farooq Abdullah government and the Supreme Court in 2002. Part V of the J&K Reorganisation Act 2019 activates the same. A Delimitation Commission headed by a former Supreme Court Judge, consisting of Members of Parliament of the former J&K state, was constituted in March 2020 to create seven more constituencies based on the 2001 census. The Commission, initially slated to conclude its task by March 2021, submitted its final report in May 2022 and the Gazette Notification for the same was also issued alongside. See for details: "Delimitation Commission Finalises the Delimitation Order Today", Press Information Bureau, 5 May 2022 at <https://pib.gov.in/PressReleasePage.aspx?PRID=1822939> (Accessed on 30 May 2022).

Besides, a premature snowfall in November 2019 served as an additional blow to the poorer sections of farmers. Though compensation was announced, large left-out sections were noted to be unhappy over unfair distribution due to inadequate distribution channels and alleged bureaucratic incompetence. The apple industry, a major contributor to the Jammu & Kashmir's GDP, faced extreme distress during the lockdown, further compounded by the threat of militancy.

Popular disenchantment was noted to be palpably high due to multiple reasons:- a sudden change in political status coupled with crippling constraints posed by the prolonged pandemic. Rampant corruption has been acknowledged at all levels across the entire spectrum in Jammu & Kashmir. People felt exasperated, as they believed corruption, instead of receding had rather increased.

The level of violence has shown a definite dip in the aftermath of the revocation, according to the government.³⁹ In a written reply to a question in Rajya Sabha question, G. Kishan Reddy, then as Minister of State for Home, noted: “incidents of martyrdom of security force personnel have come down by 73% in Jammu and Kashmir”, after rescinding of “Article 370, 35A and other constitutional ambiguities”.⁴⁰ There is a decline in numbers of violent incidents as compared to pre-abrogation years. Besides, a significant fall is noted in the scale of militant recruitment. However, there has been a disturbing trend of soft target killings that include off-duty police personnel, civilians including Kashmiri Pandits and migrant labourers, leading to a greater sense of insecurity. The fears of a backlash, particularly affected the Pandit community in

³⁹ “Parliament proceedings | Terrorist violence in Jammu and Kashmir reduced significantly post abrogation of Article 370, says government”, *The Hindu*, 9 March 2021 at <https://www.thehindu.com/news/national/other-states/terrorist-violence-in-jammu-and-kashmir-reduced-significantly-post-abrogation-of-article-370-says-government/article34026659.ece> (Accessed on 2 May 2022).

⁴⁰ “73% drop in Martyrdom of Security Force Personnel in Jammu and Kashmir since Abrogation of Article 370: Shri G. Kishan Reddy”, Press Information Bureau, Government of India, Ministry of Home Affairs, 5 February 2020 at <https://pib.gov.in/newsite/PrintRelease.aspx?relid=198982> (Accessed on 11 May 2022).

the Kashmir Valley including those who have been expecting to return to their homes in J&K for decades.⁴¹

KNEE-JERK CONSOLIDATION OF MAINSTREAM POLITICS IN JAMMU & KASHMIR

On 4th August 2019- the eve of Article 370's annulment, a group of political parties got together to bring out a Declaration named after the location of residence of former J&K Chief Minister Farooq Abdullah at Gupkar Road, Srinagar.⁴² The group consisted of 6 political outfits: National Conference, Indian National Congress, Peoples Democratic Party, Communist Party of India (M), Jammu and Kashmir People's Conference and the Awami National Conference.⁴³ The Gupkar Declaration as it is known, outlined the participant parties' stance on preserving J&K's special status under Article 370.⁴⁴

The conglomerate of six mainstream parties also adopted a Resolution that put forward the following demands:

- “All parties would be united in their resolve to protect and defend the identity, autonomy and special status of Jammu & Kashmir against all attacks whatsoever”;
- “The modification or abrogation of Articles 35A and 370, and the unconstitutional delimitations or trifurcation of the state would be an aggression against the people of Jammu, Kashmir and Ladakh”;

⁴¹ Jehangir Ali, “J&K Village Mourns Killing of Man Belonging to Lone Kashmiri Pandit Family Which Stayed Back”, *The Wire*, 26 February 2023 at <https://thewire.in/rights/jammu-kashmir-pandit-achan-killing> (Accessed on 3 March 2023).

⁴² “After all-party meeting, Gupkar declaration issued”, *KL News Network*, 4 August 2019 at <https://kashmirilife.net/after-all-party-meeting-gupkar-declaration-issued-217172/> (Accessed on 8 September 2022).

⁴³ “What is Gupkar Declaration?” *Business Standard* at <https://www.business-standard.com/about/what-is-gupkar-declaration> (Accessed on 9 May 2023).

⁴⁴ *Ibid.*

- “The parties participating resolved to seek an audience with the President and Prime Minister of India and the leaders of other political parties to apprise them of the current situation and appeal to them to safeguard the legitimate interests of the people of the state under the Constitution of India”; and
- “All the political parties were resolved to remain together and stand united in their struggle to safeguard the identity, autonomy and special status of the state”.⁴⁵

While leaders of almost all political parties were kept under house arrest, they were released as the situation in the Union Territory showed signs of normalcy. The leaders were released on a staggered basis. Soon after their release, leaders of the mainstream political parties in Jammu & Kashmir reconvened a meeting at Farooq Abdullah’s residence in August 2020 reiterating the previously adopted Gupkar Declaration.⁴⁶ The People’s Alliance for Gupkar Declaration (PAGD) or the Gupkar Alliance as it has been known since 24 October 2020, opposed the Union Government’s moves in Jammu & Kashmir and demanded that the special status of the former state be immediately restored.⁴⁷

BILATERAL IMPACT, GEOPOLITICAL RIPPLES AND INTERNATIONAL REACTION⁴⁸

Apprehension of how the international community would perceive and react to the reversal of Article 370 had been a major deterrent for

⁴⁵ N.C. Vij, *Kashmir Conundrum: The Quest for Peace in a Troubled Land*, Harper Collins, New Delhi, 2021, p. 362.

⁴⁶ “Explained: What is Gupkar Alliance?” *Deccan Herald*, 18 November 2020 at <https://www.deccanherald.com/india/explained-what-is-gupkar-alliance-917040.html> (Accessed on 27 December 2022).

⁴⁷ Ibid.

⁴⁸ For some details on international reactions to Indian government’s decision to abrogate Article 370, see: “Kashmir: Background, Recent Developments, and U.S. Policy”, Congressional Research Service, updated 13 January 2020 at <https://crsreports.congress.gov/product/pdf/R/R45877>, pp. 15-19 (Accessed on 11 May 2022).

successive Indian leaderships that kept postponing the act. Once India decided to bite the bullet, there was shock and reaction, but only so that could be absorbed without much challenge. Reactions from the international community was subdued compared to the extreme virulence of the Cold War days and the post-1991 peak insurgency phase.

The United States

Responses from the United States, that had once forefronted the Kashmir bogie due to its strategic proximity with Pakistan, were rather measured. This was crucial given that President Trump's statement in July 2019 – less than a fortnight before the annulment of Article 370 – raised quite a controversy when in the presence of the then Prime Minister of Pakistan, Imran Khan, President Trump did mention his willingness to mediate on the Kashmir issue if that be needed. In the aftermath of the revocation of special status, the US State Department Spokesperson, Morgan Ortagus, initially noted, New Delhi “described these actions as strictly an internal matter”.⁴⁹ Morgan Ortagus further added, “We are closely following the events in Jammu and Kashmir. We have taken note of the announcement by India, of revising the constitutional status of Jammu and Kashmir and India's plan to split the state into [two] union territories. We call on all parties to maintain peace and stability along the [L]ine of Control”.⁵⁰ The State Department Spokesperson Ned Price observed, “I want to be very clear that there has been no change in US policy in the region” when he was questioned on a tweet by the State Department that did not make a mention of the term “disputed”.⁵¹ The tweet from the US State Department

⁴⁹ Anwar Iqbal, “India calls actions in Kashmir internal matter: US”, *Dawn*, 6 August 2019 at <https://www.dawn.com/news/1498261> (Accessed on 11 August 2022).

⁵⁰ “US closely following events in Kashmir, urges ‘all parties’ to maintain peace along LoC”, *The Print*, 6 August 2019 at <https://theprint.in/diplomacy/us-closely-following-events-in-kashmir-urges-all-parties-to-maintain-peace-along-loc/272944/> (Accessed on 29 March 2022).

⁵¹ Anwar Iqbal, “No change in US policy on Kashmir, says State Dept”, *Dawn*, 11 February 2021 at <https://www.dawn.com/news/1606744> (Accessed on 25 February 2022).

barely noted, “We welcome the resumption of 4G mobile internet in India’s Jammu & Kashmir. This marks an important step for local residents and we look forward to continued political [and] economic progress to restore normalcy in J&K”.⁵² Later, the US Congress did pass Resolutions reproving India’s move—majorly supported by the Democrats.⁵³

Pakistan

Pakistan was initially caught unawares by the abrogation of Article 370. Apart from the usual rhetoric, domestically and some internationally, there could be a possible link drawn between the 5 August decision and former Prime Minister Imran Khan’s subsequent announcement (1 November 2020) to absorb Gilgit-Baltistan as Pakistan’s fifth province.⁵⁴

China

On 6 August 2019, the Chinese Foreign Ministry, in a statement noted that, “the issue is a legacy of history between India and Pakistan, which is also the consensus of the international community”.⁵⁵ The statement that came in a written form, further added being “seriously concerned” about the current situation in Kashmir advising “the parties concerned should exercise restraint and act with caution, especially to avoid actions

⁵² “State SCA, the official @StateDept account for the Bureau of South and Central Asian Affairs (SCA)” at https://twitter.com/State_SCA/status/1359504796194131974 (Accessed on 31 August 2022).

⁵³ Kamala Harris, the US Vice President, is known to have expressed a few unfavourable remarks on Kashmir as a Senator. After taking office though, the Biden Administration has not made any major statement on the issue.

⁵⁴ “Gilgit-Baltistan to be a full province: Pakistan PM”, *The Hindu*, 2 November 2020 at <https://www.thehindu.com/news/international/gilgit-baltistan-to-be-a-full-province-pakistan-pm/article61744090.ece> (Accessed on 21 May 2023).

⁵⁵ “Article 370: China says opposed to Ladakh as Union Territory”, *India Today*, 6 August 2019 at <https://www.indiatoday.in/india/story/china-reaction-jammu-kashmir-article-370-1577915-2019-08-06> (Accessed on 27 August 2022)

⁵⁶ Ibid.

that unilaterally change the status quo and exacerbate the tension”.⁵⁶ In an audience with members of the Pakistani media, Chinese official spokesperson from the Foreign Ministry reiterated its stance against “any unilateral change to the status quo”, asserting that “China follows closely the situation in the Kashmir region”.⁵⁷ Foreign Ministry Spokesperson Wang Wenbin further asserted, “Our position is consistent and clear. This issue is a dispute left over from history between Pakistan and India. That is an objective fact established by the UN Charter, UN Security Council [R]esolutions and bilateral agreements between Pakistan and India. Any unilateral change to the status quo is illegal and invalid”.⁵⁸

China, on the other side, was visibly rattled as conveyed in their official statements. Official statements from the Chinese termed the administrative change in Jammu & Kashmir as a concern for its own “territorial sovereignty” refusing “to recognize the newly created Union Territory of Ladakh, in part reiterating that India has wrongly included the Chinese-administered Aksai Chin as a part of Ladakh”.⁵⁹

The India-China standoff at the Line of Actual Control (LAC) in summer 2020 has been widely analysed in the light of the administrative change brought about in Ladakh and the alterations in official Indian map post August 2019.⁶⁰

Russia

Russia called India’s move a sovereign decision. The Russian Ministry of Foreign Affairs observed, “We proceed from fact that the changes associated with the change in the status of the state of J&K and its

⁵⁷ Suhasini Haider and Ananth Krishnan, “India’s move on Article 370 is ‘illegal and invalid’, says China”, *The Hindu*, 5 August 2020 at <https://www.thehindu.com/news/national/indias-article-370-abrogation-illegal-says-china/article32275663.ece> (Accessed on 29 August 2022).

⁵⁸ Ibid.

⁵⁹ Shaiba Rather, “India and China Border Briefer: The Shadow of Article 370’s Revocation”, 23 November 2020 at <https://www.lawfareblog.com/india-and-china-border-briefer-shadow-article-370s-revocation> (Accessed on 29 July 2022).

⁶⁰ Ibid.

division into two union territories are carried out within framework of the Constitution of the Republic of India”.⁶¹ Russia also urged India and Pakistan to “not to allow ‘aggravation’ of the situation in Jammu and Kashmir”.⁶²

United Kingdom

There was some dissonance in the UK given a large Pakistani diaspora. At least 8 Labour Party MPs of Pakistani origin wrote a letter to the then Prime Minister Boris Johnson, urging him to revisit trade ties with India and rake up Kashmir instead.⁶³

Besides, there have been a couple of closed-door meetings to discuss J&K at the UNSC.⁶⁴ The meetings, however, failed to issue a formal statement or a document on the matter.⁶⁵ India, on its part, has largely coped well – through diplomatic means – and checked matters from turning offensive.

Here, it is important to note that much of the international criticism on Jammu & Kashmir that trickled down in the aftermath, was based on protracted communication blockade and limited access to information.

In October 2022, there was an isolated reference to the UN role on Kashmir by the German Foreign Minister Annalena Baerbock during a joint press conference in Berlin she held with Pakistani Foreign Minister, Bilawal Bhutto. The Spokesperson of the MEA reacted sharply to

⁶¹ “Russia says Article 370 move backed by Constitution, asks India, Pakistan to take diplomatic route”, *India Today*, 10 August 2019 at <https://www.indiatoday.in/india/story/article-370-kashmir-russia-india-pakistan-constitution-1579363-2019-08-10> (Accessed on 29 August 2022).

⁶² Ibid.

⁶³ “Article 370: Protests in UK as British MPs launch tit-for-tat letters”, *Mint*, 10 August 2019 at <https://www.livemint.com/news/india/article-370-protests-in-uk-as-british-mps-launch-tit-for-tat-letters-1565451370354.html> (Accessed on 15 February 2023).

⁶⁴ “UN Security Council Holds Closed-Door Meeting on Kashmir”, *NDTV*, 16 August 2019 at <https://www.ndtv.com/india-news/united-nations-security-councils-closed-door-meeting-on-kashmir-begins-2086134> (Accessed on 20 February 2022).

⁶⁵ Ibid.

Baerbock's unwarranted comment on Kashmir noting, "all conscientious members of the global community have a responsibility to call out international terrorism, especially of a cross-border nature" further adding, "Jammu and Kashmir has borne the brunt of a terrorist campaign for decades and it continues till now".⁶⁶

Despite best efforts, Pakistan's plea against India's move did not find significant takers apart from Malaysia and Turkey, to some extent. One of Pakistan's closest allies, Saudi Arabia, supported India's move to revoke Article 370.⁶⁷ Later, Saudi Arabia even rejected Pakistan's request to bring up the issue of revocation of Article 370 at the OIC.⁶⁸

Given, the time span that the Kashmir issue has survived between India and Pakistan and also in the conscience of the international community, it is natural that there will be some degree of international attention or interest in the region including those of the rights bodies, diplomatic agencies and government bodies especially in the Western world. In the coming years, the challenge for India will remain to neutralize adverse publicity on Kashmir especially in the aftermath of the August 2019 decision.

Rebooting Democracy

As aforementioned, in June 2021, almost two years after the withdrawal of Jammu and Kashmir's special status, an all-party meeting was convened in New Delhi at the Prime Minister's official residence. At the all-party meeting, presided over by Prime Minister Modi and Home Minister Amit Shah, the leaders of the mainstream political parties

⁶⁶ "India Takes Strong Note of German FM Advocating Role of UN in Kashmir Dispute", *The Wire*, 10 October 2022 at <https://thewire.in/diplomacy/bagchi-kashmir-german-foreign-minister> (Accessed on 27 March 2023).

⁶⁷ Nayanima Basu, "Saudi Arabia 'backs India' against Pakistan on Kashmir and Article 370", *The Print*, 31 October 2019 at <https://theprint.in/diplomacy/saudi-arabia-backs-india-against-pakistan-on-kashmir-and-article-370/313677/> (Accessed on 2 March 2022).

⁶⁸ "Saudi Arabia rejects Pakistan's plea for discussion on Kashmir at OIC", *The Hindu*, 7 February 2020 at <https://www.thehindu.com/news/international/saudi-arabia-rejects-pakistans-plea-for-discussion-on-kashmir-at-oic/article30758862.ece> (Accessed on 4 January 2022).

from the former State put forward their demands pertaining to “grant [of] statehood soon, conduct [of] Assembly elections, rehabilitation of Kashmiri Pandits in J&K, [release of] all political detainees and on domicile rules”.⁶⁹ The Government convinced the participant leaders on the well-meaning intentions and the promise that demand to restore statehood will be fairly considered.⁷⁰

Steps Taken Towards Strengthening of Grassroots Democracy in Jammu and Kashmir

During his outreach meeting with political leaders of Jammu & Kashmir on 24 June 2021, Prime Minister Narendra Modi emphasized strengthening of the grassroots democracy in Jammu & Kashmir as a primary objective of the Government of India. The former State had been under Governor’s Rule since the bitter breakup of the ruling BJP-PDP alliance in June 2018. Therefore, to provide the people a sense of political empowerment before the formal promulgation of the State into two Union territories –Jammu & Kashmir and Ladakh– on 31 October 2019, elections of the Block Development Council – the first ever in Jammu & Kashmir were held on 24 October 2019.

- The Block Development Council comes at level II after the Panchayat elections within the grassroots governance model. In Jammu & Kashmir and Ladakh, it consists of 310 posts of Block Development Council Chairpersons (BDC) (out of a total of 316). It is followed by the District Council level, elections to which were held in November-December 2020.⁷¹

⁶⁹ “PM Modi’s all-party meet ends: J&K leaders put five demands including statehood”, *Mint*, 24 June 2021 at <https://www.livemint.com/news/india/pm-modi-all-party-meet-ends-j-k-leaders-put-five-demands-including-statehood-11624541389327.html> (Accessed on 29 August 2022).

⁷⁰ Ibid.

⁷¹ Rekha Chowdhary, “Turnout, Dominance, Region, Religion: The Big Takeaways of the J&K DDC Polls”, *The Wire*, 29 December 2020 at <https://thewire.in/politics/jammu-kashmir-district-development-council-elections> (Accessed on 4 May 2023); Also see: “J&K block development council polls: 217 Independents, 81 BJP members elected”, *The Times of India*, 25 October 2019 at <https://timesofindia.indiatimes.com/india/jk-block-development-council-polls-217-independents-81-bjp-members-elected/articleshow/71749942.cms> (Accessed on 25 November 2022).

- The BDC elections were held amidst heightened security, while most of the Union Territory of Jammu & Kashmir was under shutdown. A few major political parties – the PDP, National Conference and the Indian National Congress – did not participate in the elections while their leaders were under house arrest in the aftermath of the revocation of Article 370.⁷²
- The BDC polls were held under the aegis of the Jammu & Kashmir Panchayati Raj Act, where the first tier of popularly elected Panchayat *Panches* and *Sarpanches* exercise their right to vote. The *Panches* and *Sarpanches* can themselves contest for the position of BDC. At least 33 per cent of the seats are reserved for women candidates.⁷³
- Subsequently, elections to the District Development Council (DDC) – the next tier in the local government structure – were held in November-December 2020 in which the PAGD (People’s Alliance for Gupkar Declaration) participated and won majority 110 of the seats while the BJP emerged as the single largest party, winning 75 seats (of the total 280 seats).⁷⁴

⁷² “Jammu and Kashmir local body elections 2019 Highlights: Independents bag 217 blocks, BJP 81”, *The Indian Express*, 24 October 2019 at <https://indianexpress.com/elections/jammu-and-kashmir-local-body-block-development-councils-elections-live-updates-6084476/> (Accessed on 17 June 2023).

⁷³ For details see: PANCHAYATI RAJ ACT, 1989 (Act No. IX of 1989) at https://www.indiacode.nic.in/bitstream/123456789/16478/1/panchayati_raj_act%2C_1989.pdf (Accessed on 21 August 2022).

⁷⁴ “J&K DDC poll results: PAGD wins with 110 seats, BJP gets 75”, *Mint*, 23 December 2020 at <https://www.livemint.com/politics/news/j-k-ddc-poll-results-pagd-wins-with-110-seats-bjp-gets-75-11608727502554.html> (Accessed on 29 August 2023); Also see: “J-K DDC Elections Results 2020: PAGD wins big with 110 seats, BJP single largest party with 75 seats; check final list of winners”, *Dainik Jagran*, 24 December 2020 at <https://english.jagran.com/elections/jammu-and-kashmir-district-development-council-election-results-2020-winning-candidates-live-updates-gupkar-alliance-bjp-congress-jk-ddc-elections-10021415> (Accessed on 2 September 2023).

- In the DDC polls, the newly formed Jammu & Kashmir Apni Party (JKAP), led by Altaf Bukhari, won 12 seats.⁷⁵
- It was noted: “The polling percentage during the DDC polls in the terror-infested areas witnessed considerable increase in comparison to the previous elections. While Ganderbal saw 43.4 per cent voting, Kulgam saw 28.9 per cent and Shopia 17.5 per cent”.⁷⁶ Home Minister Amit Shah reiterated the Government of India’s commitment to work for the betterment and prosperity of Jammu & Kashmir. He tweeted: “Modi government is doing everything possible to restore the grass root democracy in Jammu & Kashmir. The recently held DDC polls for the first time in the history of J&K is the testimony of the same. The mass participation in these elections reflects people’s faith in democracy”.⁷⁷
- The remaining challenge for New Delhi has been to hold Legislative Assembly elections in Jammu & Kashmir as soon as possible. The Prime Minister’s outreach to political parties of Jammu & Kashmir was the first step in this direction.⁷⁸
- Delimitation remained a pre-requisite before holding popular elections in the UT. Prior to the abrogation as well, the government was already contemplating on carrying out

⁷⁵ Ibid.

⁷⁶ Kumar Shakti Shekhar, “Jammu & Kashmir DDC election results: Key takeaways”, *The Times of India*, 23 December 2020 at <https://timesofindia.indiatimes.com/india/jammu-kashmir-ddc-election-results-key-takeaways/articleshow/79925958.cms> (Accessed on 11 March 2023).

⁷⁷ “Modi government doing everything to restore grassroots democracy in J&K — Amit Shah on DDC polls”, *The Print*, 23 December 2020 at <https://theprint.in/politics/modi-govt-doing-everything-to-restore-grassroots-democracy-in-jk-amit-shah-on-ddc-polls/572768/> (Accessed on 29 August 2022).

⁷⁸ “Hope and promise: On Centre’s J&K outreach”, Editorial, *The Hindu*, 21 June 2021 at <https://www.thehindu.com/opinion/editorial/hope-and-promise-the-hindu-editorial-on-centres-jk-outreach/article34873981.ece> (Accessed on 11 April 2022).

delimitation exercise in the former state with a view to “redrawing the scope and size of assembly constituencies and determining the number of seats to be reserved for SCs”. The proposed delimitation aimed to end “inequity and anomaly of regional disparity long suffered by Jammu province and also provide representation to all reserved categories in the state assembly”.⁷⁹ Prime Minister Modi emphasized this during his 24 June 2021 interaction with leaders of the mainstream political parties.

- Reports regarding lack of consensus amongst members of the Delimitation Commission (comprising Members of Parliament from the former state – both from NC and BJP headed by a retired Supreme Court judge) surfaced over a period. Efforts to reconcile and harmonize all such differences were made on priority so that elections are held at an early date. The Commission, originally slated to conclude its assignment by March 2021, was given an extension. A final report was submitted in May 2022.⁸⁰ It suggested creating additional 6 seats in Jammu region and 1 in the Kashmir Valley. The Delimitation Panel report also led to redrawing of Lok Sabha and Assembly seats.⁸¹
- There was deep-seated scepticism regarding the process of Delimitation amongst a certain section. Political parties in Jammu & Kashmir also expressed widespread apprehensions regarding the nature of the process. Delimitation process was earlier put to freeze under the Farooq Abdullah led government in J&K till

⁷⁹ Kamaljit Kaur Sandhu, “Government planning to redraw Jammu and Kashmir assembly constituency borders: Sources”, *India Today*, 4 June 2019 at <https://www.indiatoday.in/india/story/government-toys-with-delimitation-commission-in-j-k-1542446-2019-06-04> (Accessed on 1 June 2023).

⁸⁰ Bashaarat Masood, “Explained: What changes to J&K constituencies mean”, *The Indian Express*, 6 May 2022 at <https://indianexpress.com/article/explained/explained-what-changes-to-jk-constituencies-mean-7903352/> (Accessed on 17 June 2023).

⁸¹ *Ibid.*

2026.⁸² The fact as to why then the Delimitation is being done before 2026 stirred political opinions as objection were being widely raised.

- As noted, the fact that all political parties of Jammu & Kashmir and their leaders who attended the meeting welcomed the Prime Minister's outreach in 2021, was a positive sign. Some of them who came forward to engage with the government had been under prolonged detention post the 5 August decision. To ensure that a smooth political process gets underway, there is need to instil further confidence amongst these representatives and engage them optimally to bring back normalcy in the Union Territory.
- The demand for restoration of statehood to Jammu & Kashmir – a major demand from the political groups across the spectrum – must be analysed in a bipartisan manner before a decision is finally taken.

ASSESSING THE AFTERMATH

In the period following the revocation of special status, the Government at the Centre remained distracted managing the coronavirus crisis country-wide. As signs of normalcy appear amidst receding infection numbers and the pace of vaccinations (most significantly, reduced levels of violence in J&K), the Government must utilize the opportunity to come up with a promising, actionable and comprehensive roadmap that has the potential to touch each Kashmiri's life. The Government's approach must judiciously blend strictures with facilities to ensure that the changes it intends to usher in are safeguarded and not reversed. Most importantly, perception management is key in the Kashmir Valley, where emotions inherently run high.

⁸² For details see: "SC upholds freeze on delimitation in J&K till 2026", *The Hindu*, 9 November 2010 at <https://www.thehindu.com/news/SC-upholds-freeze-on-delimitation-in-JampK-till-2026/article15680525.ece> (Accessed on 1 June 2023); Also see: "Why J&K delimitation commission's report has raked up a storm", *The Print*, 17 May 2022 at <https://www.youtube.com/watch?v=spe9JeiHo-s> (Accessed on 22 May 2022).

- To begin with, it could be basic access to better education and higher education as well as enhanced employment opportunities. This is essential to deal with the widespread apprehensions that opportunities to outsiders post the abrogation of Article 370 will lead to reduced number of jobs for natives of Jammu & Kashmir.
- Some aspects of the revocation like the end of Article 35A need to be promoted and popularised as positive changes towards ensuring gender equality and a fair system of inheritance.⁸³
- The economy has been dealt a harsh blow by the lockdown—first post the abrogation move, and later, the pandemic. It is difficult to assess though which of these was the bigger setback. Whether the latter crisis was a shock absorber is a possibility hard to determine. Be that as it may, there is need to synergise efforts that resurrect the economic parameters in Jammu & Kashmir.
- Ownership of land and property, while being opened up to outsiders after the abrogation, requires a fair amount of caution. It is essential to keep a special tab on the social responsibility while disposing the land purchase rights to the wealthy including corporate groups from the rest of India. This is one way to reduce the steeped insecurities amongst people in Jammu & Kashmir (and Ladakh to an extent) about losing their land and wealth to outsiders.⁸⁴

⁸³ “ARTICLE 35A OF THE CONSTITUTIONAN- OVERVIEW”, prepared by Shri G. Ranga Rao, Additional Director (23035251) and Shri Vinod Kumar, R.O. of Lok Sabha Secretariat under the supervision of Smt. Kalpana Sharma, Joint Secretary and Shri R.N. Das, Director, No. 43/RN/Ref/October/2017 available at https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Article%2035A%20of%20the%20Constitution-%20An%20overview.pdf (Accessed on 18 June 2022).

⁸⁴ A harsh reality is— earlier the wealthy and powerful sections from Jammu & Kashmir were buying majority of the land and property – now the rich from the rest of the country will have access to it; common people remain at bay in both scenarios. Conscious steps must be taken to avoid a widening of the economic disparities and prevent further pessimist sentiments from taking roots.

- As reiterated before, the fact that leaders of mainstream parties welcomed the Prime Minister's outreach is a positive signal that one must not ignore. It means there is a window to engage collaboratively. Irrespective of the populist statements some of them may have been making about the Government of India's actions and intentions, there is need to assiduously engage them, for the time being, to execute important policy decisions. They enjoy popular support and may be instrumental in bringing in a few desired changes. For Jammu & Kashmir's political landscape and character to undergo desired meaningful transformation may be a long-drawn process. Until then, there is no option but to allow these mainstream parties to provide a semblance of popular political culture.
- With regard to the strategic rumblings across the LoC owing the collusion between China and Pakistan, heightened by the CPEC in particular, it is incumbent on the Government to insulate and nurture people on our side. It is equally imperative to create an enabling environment and ecosystem that prevents them from thinking they are (comparatively) losing out on prosperity, development and growth.

THE WAY AHEAD

After the revocation of Article 370 through which the former state of Jammu & Kashmir was accorded a special status, the Government of India needs to carve out a multi-prong long-term approach that seeks to propel the Union Territory towards greater normalcy. The realisation of a long-pending goal of total integration of Jammu & Kashmir must be complemented by efforts on the ground to strengthen the trust of the people. India has made a very emphatic statement by rescinding Article 370 and ushering in a new phase in the history of Jammu & Kashmir. It is also a bold move, as it not only abrogated a provision—however, obsolete—but also involved redrawing the political map of India. In the days and years to come, India needs to function with similar determination to constitutionally integrate not only the territory but also the hearts and minds of people who inhabit Jammu & Kashmir.

GOING FORWARD

“Looking at the matter too from a more modern political angle religious affinities alone do not and should not normally determine the political alliance of States. We do not find a Christian bloc, a Buddhist bloc, or even a Muslim bloc, about which there is so much talk nowadays in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of States”.

Sheikh Mohammed Abdullah’s Speech in the
Constituent Assembly, 5 November 1951.¹

What the tallest leader of Jammu & Kashmir said decades ago, holds true today, more than anything else for Kashmir and Kashmiris—entailing congruence of development goals and economic interests belie dated concepts based on religious congruity and ethnic affinity. In the same speech, Sheikh Abdullah also upheld the Indian Constitution and its pursuit of secular democracy and how it “has amply and finally repudiated the concept of a religious State, which is a throwback to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, color caste and class”.² He further noted: “the goal of secular democracy based upon justice, freedom and equality for all without distinction is the bedrock of modern democracy”.³ This also nulls “the argument that the Muslims of Kashmir cannot have security in India”, Abdullah further observed.⁴

¹ Excerpted from Sheikh Mohammed Abdullah’s Speech in the Constituent Assembly delivered on 5 November 1951 at <https://kashmirlit.org/historical-document-sheikh-mohammed-abdullahs-speech-constituent-assembly/> (Accessed on 23 January 2023).

² Ibid.

³ Ibid.

⁴ Ibid.

Nearly 75 years later, India continues to hold the part of Jammu & Kashmir and Ladakh that it held after the Pakistani raids. India has sailed through unprecedented times negotiating challenges vis a vis the Kashmir issue to be in a position of strength today. Even from this position of strength, India had to undergo trying travails being in possession of the major portion of territory of the former princely State.

If one looks at the narrative in the security domain, fundamentally not much has changed. An insurgency that is 30-plus years old, is on the wane. Times of extreme volatility have subsided. However, the principal challenge is to ebb it away completely. There are swathes of population that are disenchanted and feel alienated. Sentiments of disgruntlement and apathy have swelled up in the aftermath of the revocation of Article 370, as some reports have indicated. Of late, there have been streaks of what some would allege high-handedness in the Government of India's approach in dealing with Jammu & Kashmir. The Government on its part prefers to call it a stern approach – an element that was long called for but remained unimplemented due to various reasons that prevented the end of soft-peddling Jammu & Kashmir affairs so far.

WHAT CAN BE DONE?

What can the Government of India do to improve things from here on? What are the primary challenges ahead? A panoramic view of the state of affairs in Jammu & Kashmir reflects that this can be done at the ground level broadly at two levels:

- 1) Make the cost of dissent high– to put it another way– it is to make the cost of abiding with a conflict situation very high.
- 2) Managing the youth – The Government must think of innovative methods to integrate the youth into the mainstream and make them develop stakes in the continuance of peace and stability.

In the fast-moving geopolitical churn witnessed over the last few years, India's Kashmir strategy has straddled both the internal and the external parameters of the problem. However, with the turn of geopolitical developments taking place in the vicinity, especially since the proclamation of the China- Pakistan Economic Corridor, the focus

has been more on the external plank— Pakistan to an appreciable extent, China to a partial extent. The link between the CPEC and the Kashmir issue, the sovereignty argument woven around it, and India’s sovereign claim on the territory of the former princely State under Pakistani control, has been high on the geopolitical and diplomatic radar. India’s extant claim on Pakistan-occupied Kashmir has been pitched more than often at the government/official level to sensitize the population and the outside world that India has not given up its position with regard to parts of territory in what constituted the princely state of Jammu & Kashmir in 1947 as its own. The surgical strikes in response to the Pakistan-abetted attack at Uri in September 2016, marked a change in the discourse on Kashmir from that of restraint, as it had been in the face of the 26/11 attacks, unleashed by elements across the Line of Control.

The need now is to shift focus more towards constructive cooperation – engage and re-engage. The foremost task is to strengthen democracy and instil political aspirations amongst the youth who have been inhibited by a sense of hopelessness, fear and dejection.

THE STATE’S OUTREACH

Prime Minister Narendra Modi’s Independence Day Address in 2017 included significant observations on newer ways to view and resolve problems in Kashmir. The Prime Minister’s exposition of “*Na goli se, na gaali se...Kashmir kei samasya suljhegi gale lagaane se*”⁵ was in fact an extension of the previously adopted approach that imbibed winning hearts and minds of the people. It is important to note that it was Atal Bihari Vajpayee, who in his tenure as Prime Minister, made tangible outreach efforts towards the population of Jammu & Kashmir. The former Prime Minister was committed to go ahead with off-beat measures, beyond what had been tried in past, while finding innovative ways of resolving the Kashmir issue. While speaking in the Lok Sabha in April 2003, Vajpayee outlined the famous epithets or the guiding

⁵ Smita Mishra, “PM spoke for suffering Kashmiris, not gun wielders and their sympathisers”, 15 August 2017 at <https://www.pgurus.com/pm-spoke-suffering-kashmiris-not-gun-wielders-sympathisers/> (Accessed on 25 February 2022).

principles in the resolution of Kashmir problem. These were *insaniyat* (humanism), *jambooriyat* (democracy) and *Kashmiriyat* (inclusive Kashmiri culture).⁶ His words found a great deal of resonance amongst people in the former state and continue to cast a spell on the perceptions on how to approach the populace and problems of Jammu & Kashmir.

The Prime Minister's reference was received well in the Valley because one could sense that the intention of the Government was to amicably engage. Here, it is important to mention the distinction with which *Operation Sadhbhanna* was carried out by the Indian Army, brokered peace and brotherliness via slogans like "*Jawan Aur Awaam Aman hai Muqaam*".⁷ The particular mission undertaken by the Indian Army was able to establish important milestones with regard to the strategy to win the 'hearts and minds' of the Kashmiri people.

At the beginning of his first tenure, Prime Minister Modi's move to celebrate Diwali in Jammu & Kashmir was another gesture to convey the willingness of the Government to engage. However, at the same time, it was clear that security conditions had to be transformed for any meaningful change. There was also the fact that a high magnitude of violence was witnessed in the Valley in the run-up to the killing of the dreaded Hizbul Mujahideen terrorist, Burhan Wani.

Going back in the years following the 26/11 Mumbai attacks, during 2009-2010, the tradition of stone pelting in the street protest was gaining a great deal of traction. At the same time, there was a steep rise in the voices of the forces that forever advocated punitive measures against the use of pellet guns on street protesters. Pakistan, whose complicity in the 26/11 attacks was proven beyond doubt, carried on its mission of coercing innocent people to chart the path of subversion in Jammu & Kashmir. This was also because a definitive reprisal from the Indian

⁶ "PM's Statement in Lok Sabha on His Two Day Visit to Jammu & Kashmir", Press Information Bureau (PIB), 23 April 2003, available at <https://archive.pib.gov.in/archive/releases98/1yr2003/rapr2003/23042003/r230420037.html> (Accessed on 18 June 2022).

⁷ Muzamil Jaleel, "A People's General", *The Indian Express*, 17 April 2011 at <http://archive.indianexpress.com/news/a-people-s-general/777108/4> (Accessed on 25 February 2022).

side could not be staged.⁸ Pakistan appeared to have gone totally scot-free. A fix situation was gradually building up where the Government was expected to take a firm decision in order to retrieve peace and order in the Valley. With the spike in the popular protests in Jammu & Kashmir, there was immense discontent amongst the common people as well. The trust deficit between the Government and the people was deepening. Just as everyone assumed the middle ground had vanished, the Government announced the new interlocutors who would interact with various stakeholders. The choice of the Government, as reflected in the selected group of interlocutors, showed the Government was willing to engage with the Kashmiri people and this would be facilitated by practitioners who had spent years in close contact with the ground realities in Jammu & Kashmir and were well conversant with the sentiments and popular aspirations of the people at large.⁹ These distinguished citizens could inspire some degree of confidence amongst people that the Government was indeed harbouring legitimate intentions regarding the well-being of the people in Jammu and Kashmir. At this point, the Government seemed to be pursuing a two-pronged strategy – a combination of brute force on the one hand and the dangling olive branch on the other, to initiate dialogue and constructive partnership to work towards larger objectives and welfare.

The aforementioned trend continued more or less till the political transition in India after the 2014 general elections ushered in conjectures regarding the fundamental shifts in the approach of the Government of India. Speculations were rife considering a different dispensation was voted to power with a huge majority after a gap of a decade. The era of coalition politics that survived mainly through compromises, seemed to have made way for confident, emphatic decision making at the Centre. The personality of the new Prime Minister as somebody who could take difficult calls and has the confidence to own up to decisions, was a factor behind rising expectations. The growing euphoria

⁸ For details on India's strategy formulation in the aftermath of the 26/11 attacks, see Shivshankar Menon, *Choices: Inside the Making of Indian Foreign Policy*, Penguin Random House India, New Delhi, 2016.

⁹ Vinay Kumar, "Three interlocutors chosen for J&K", *The Hindu*, 13 October 2010 at <https://www.thehindu.com/news/national/Three-interlocutors-chosen-for-JampK/article15778960.ece> (Accessed on 9 May 2022).

was a reality to reckon with at that point of time. Due to the sea change in the voting pattern and preferences brought forth by the elections, there was incremental capital being placed on projecting and discerning what the new government could do to improve the lives of Kashmiri people, and the prospects to introduce a solid antidote to resolve all dimensions of the problems besetting Kashmir.

Soon after taking oath, Prime Minister Narendra Modi made his maiden visit to Kashmir in July 2014. The timing was important to determine some order of the Government's priorities. This was the beginning of what later became a series of visits in the years to follow. The visit was greeted by boycott calls from the separatist constituency who wished to express anger over Prime Minister's visit to the Valley per se.¹⁰ However, the visit set the agenda in motion with Prime Minister Modi inaugurating a hydropower project in Uri near the Line of Control.¹¹ The colossal floods of September 2014 inundated scores of villages in Jammu and Kashmir. In the aftermath of the calamity, a special package named Prime Minister's Development Package for J&K, 2015 worth a total Rs.80,068 was extended to the former State as per the Ministry of Home Affairs documentation on status of various schemes of Jammu & Kashmir.

In April 2017, while inaugurating the Chenani–Nashri Tunnel, Prime Minister Modi lauded the project noting the tunnel not only “reduces distance between Kashmir and Jammu, it is a long jump for the development of Jammu and Kashmir”.¹² The Prime Minister further reinforced the Government's objectives by resolving that, “using the same prime motto, we will move ahead with harmony, with brotherhood, with strong will and determination for the brighter future of the youth”.¹³ He lamented that usually “packages remain on the

¹⁰ “Indian PM Narendra Modi on maiden Kashmir visit”, *BBC*, 4 July 2014 at <https://www.bbc.com/news/world-asia-india-28156988> (Accessed on 21 February 2022).

¹¹ *Ibid.*

¹² “40 years of bloodshed has benefitted none, PM to Kashmiri youth”, *Deccan Herald*, 2 April 2017 at <https://www.deccanherald.com/content/604303/40-yrs-bloodshed-has-benefitted.html> (Accessed on 27 March 2022).

¹³ *Ibid.*

paper only” but today, “development is our only mantra”, offering accolades for the successful utilisation of a major portion of Rs. 80,000 crore package. Prime Minister Modi also underscored the significance of “Jan Bhagidari’ (people’s cooperation)” and re-emphasized how “taking the youth along” was of prime importance.¹⁴

He further elucidated the paradoxical irony involving the choice of “Tourism versus terrorism” and how it’s time the youth make their judicious choices. Applauding the Chenani–Nashri Tunnel as “*Yeh sirf infrastructure network nahi, yeh dilon ko jodne wala network hai*” Prime Minister Modi further noted: “I want to tell the misguided youth of Kashmir valley, realise the power of a stone. On one hand, there are some misguided youth who pelt stones, on the other hand, there are youth from the same Kashmir who carve stones to build infrastructure”.¹⁵ He also invoked the heartfelt legacy left behind by former Prime Minister Atal Bihari Vajpayee of upholding the “*Kashmiriyat, Jambhooriyat and Insaniyat*” paradigm – a signature remark that till date continues to be the defining and pronounced element in the Union Government’s political engagement and dialogue with the Kashmiris and the broader debate involving the Kashmir issue.

The Government of India under Prime Minister Modi has been agile and deft in messaging on Kashmir. Most of the new age messaging pursued by the Government is derived from the principles and spirit of the previous dispensation at the Centre under Atal Bihari Vajpayee. In 2002, Atal Bihari Vajpayee “devoted a significant part” of his Independence Day speech to Jammu and Kashmir.¹⁶ The popular slogans have at times had a soothing effect especially in dealing with angst and despair. However, the gap between the promises and their delivery has been a dampener on the normalisation process, even though the intentions of the successive governments in India are honest.

It is believed the current political dispensation in New Delhi has the necessary wherewithal to turn the tide in the Kashmir. The emphatic move to rescind the special status in August 2019 and subsequently the

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Rekha Chowdhary, *Jammu and Kashmir: Politics of Identity and Separatism*, Routledge India, Abingdon Oxon, 2016, p. 216.

success in tiding over the repercussions with deftness has certainly proven the Government's potential in realising the long pending aspirations of the people in Kashmir. Prior to this, the experimental move to form and run a coalition government with the Mehbooba Mufti-led People's Democratic Party (PDP), a party with deep ground support, was a welcome initiative, even though the political alliance did not survive for long. Besides, it is noted that: "from May 2014 to March 2019, a record 150-plus ministerial visits took place" to Jammu and Kashmir.¹⁷ These visits paved way for "building goodwill" and promote direct interface between the government and the people.¹⁸

The need as of today, is the immediate restoration of popular democracy with fresh elections, so that people in Jammu and Kashmir could move on with the new realities that beckon a change in the mind-sets of the people and the Indian State post the revocation of special status and annulment of constitutional anomalies-one that hazed Jammu and Kashmir's complete and ultimate integration with India.

Against this backdrop, today, it is a welcome relief to experience that international attention towards Kashmir has waned, if not ceased completely. India's detractors on the issue of Kashmir may have dominated in the bygone eras. But those harsh realities have now ceased to exist. Most countries that matter in today's world order, apart from China (and not so significant Pakistan and a handful others) have set aside their obsession with the Kashmir issue, choosing to call India's 5 August move as an internal administrative measure. In the ongoing phase ushered by overwhelming passivity on the Kashmir issue marked by drastic reduction in its nuisance-laden geopolitical value, the time is opportune to strengthen the roots of democracy and build on the confidence and trust that the people of Jammu & Kashmir have reposed in the Government of India, despite all odds.

Post-2019: A Fresh Backdrop

The rescinding of Article 370 can be perceived as a fresh opportunity for the two sides—the Government of India and the people of the

¹⁷ Narendra Modi, "Constitutional Integration", *The Indian Express* (Print edition), 12 December 2023, p. 15.

¹⁸ Ibid.

Union Territory. For decades, the compact between the State and the people of Jammu & Kashmir was defined in the backdrop of tumult revolving around the princely State's accession to India in 1947 and the security-centric political interface shared between the two sides. All these years the interface functioned under the shadow of multifarious factors— both internal and extraneous.

The reincarnation of the former princely State as a Union Territory is a breaking point. Even as the decision on revocation of special status is sinking in amongst the people and its after-effects are yet to recede fully, the time is ripe to positively pursue policies that have long remained on the table. First, under this framework there is greater need to restore people's faith. The Government must initiate measures that are reassuring and guarantee protection and security and a better future.

It is important to note that social and economic problems continue to exist in other parts of India as well. In Jammu & Kashmir, the same problems take a peculiarly complicated turn due to the security aspects related to Pakistan-aided terrorism. Corruption in Jammu & Kashmir has been a critical talking point in every discussion on chronic problems besetting the former state. Due to decades of violence, the gap between the people and the State has only widened. The gap in the interface is responsible for breeding layers of corruption in the system from bottom to top— marring all prospects of growth and prosperity. Delays in meaningful and strident policies (fearing popular backlash) have brought up systems and processes that are inherently corrupt and inefficient for the common man. Vested interests dominate and the political economy of conflict has remained in place whose core interest lies in perpetuating violence.

Another important factor is the COVID-19 induced lockdown— something that has impacted lives globally. The aftermath of the revocation of Article 370 coincided with the period when the pandemic brought lives and livelihood across the world to a grinding halt. Jammu & Kashmir was already reeling under the aftershock of what was considered, (even though in spirit and not in practice), a political transformation that may well bring on social changes too. During the two years of the pandemic, there was nothing extraordinary the State could do to give a sense of relief to the people. This probably added misery to the sensitivities of people already suffering economically during the pandemic.

OPPORTUNITIES AHEAD: A NEW SOCIAL CONSTRUCT POST 2019

With the veil of Article 370 now a thing of past, the daunting challenge lies in the question – where to from here? The answer perhaps lies in envisaging a comprehensive roadmap to define the contours of what all the future governments of India can do to strengthen its bond with Jammu & Kashmir. The irony is that problems pertaining to the former state have festered for so long that many such blueprints or roadmaps have been brought in and put forward to resolve the issues, but have yielded no results. Therefore, after seven decades the challenge is, what new and different can be done. Some may argue, why is that all such remedial roadmaps have really failed to foster permanent peace and stability. Irrespective of sub-optimal results in the past, today, after the annulment of special status, there is need to devise a future roadmap for Jammu & Kashmir. More than ever, now is the time to restore faith amongst people by integrating them to the largest extent possible in state-building exercises and processes. Following are some important pointers that could help shape the contours of a future-looking comprehensive approach towards Jammu & Kashmir and its people.

Entwine the Interests of Both Constituents

There is greater need than ever before to coalesce and harmonize the goals and interests of the two constituents—Jammu and Kashmir that now form the newly created Union Territory. Jammu has traditionally been seen as the entity that is closer to New Delhi. It is time that such impeding perceptions are ebbed by undertaking conscious measures to usher in a sense of equanimity among the people of Jammu and those of Kashmir and the processes therein, all the while working towards meeting their aspirations.

Encourage People to have their Skin in the Game

In the aftermath of the change in status, it is essential that each individual is given to understand and feel that he or she is part of the state's process. This may require major overhauling in approach and change in perceptions in one such heavily securitized part of the country.

Social Reorientation

For a society that, for decades, has seethed under turmoil and bloodshed, it is important to reconcile sentiments on the ground and mend them with deliverable assurances to beat the pattern of the past, when people had remained disenchanted mainly because promises failed to deliver.

Strengthen Incentives for Popular Participation

It is important to devise and implement incentives that may encourage people to come out and participate in everyday processes— prod the people to be involved in activities that aim towards improving basic state infrastructure and facilities like education and health. Let the people suggest as part of mass drives, what is it that they expect from the Government. After a careful analysis of the same and within the confines of what best the state could do to meet those expectations, a middle path could be achieved where the gap between projected expectations and feasible deliverables is minimized. It is important that every public policy that is implemented is reflective of the popular will and accommodates the sentiments and aspirations of the populace.

Reinforce Democracy

India's distinction as the world's largest democracy must transcend wholesomely to Jammu & Kashmir. Augmenting democracy in practice and ethos can be a potential vehicle to bring about a positive transformation in the people's perception towards the State. The new social contract between the State and the people must stem from an enhanced strengthened democracy and political culture in Jammu & Kashmir.

Need to Emphasize and Highlight the People-centric Policies

The policies that are implemented in Jammu & Kashmir must be centred on the people. However, simply devising people-friendly policies may not suffice. All such people-centric policies must be promulgated effectively to show the State's outreach efforts. Efficient communication and implementation of the government's approach has the potential to build long lasting trust and confidence.

THE SUPREME COURT VERDICT ON ANNULMENT OF ARTICLE 370: A CLOSURE

“Today, every child in Jammu, Kashmir and Ladakh is born with a clean canvas, where he or she can paint a future full of vibrant aspirations. Today, the dreams of the people are no longer prisoners of the past but about possibilities for the future. After all, development, democracy and dignity have replaced disillusionment, disappointment and despondency”.

Excerpt from Prime Minister Narendra Modi’s op-ed published in national dailies a day after the Supreme Court verdict.¹

On 11 December 2023, the Supreme Court (SC) of India issued a unanimous decision that judicially upheld and legitimized the Government of India’s decision to abrogate Article 370 and end Jammu and Kashmir’s special status. The verdict was passed by a constitutional bench comprising the Chief Justice of India, D. Y. Chandrachud. The full judgment comprised 3 separate concurring orders. While it upheld the creation of a separate Union Territory of Ladakh from the former state, it at the same time, urged the government to restore statehood “at the earliest” in J&K and hold elections before 30 September 2024.²

¹ Narendra Modi, “Constitutional Integration”, *The Indian Express* (Print edition), 12 December 2023, p. 15.

² Refer to the Supreme Court verdict dated 11 December 2023: IN THE SUPREME COURT OF INDIA ORIGINAL WRIT / APPELLATE JURISDICTION Writ Petition (Civil) No. 1099 of 2019 IN RE: ARTICLE 370 OF THE CONSTITUTION, 11 December 2023 at https://main.sci.gov.in/pdf/LU/article_370.pdf. p. 342 (Accessed on 14 December 2023).

The SC's constitutional bench was of the view that "J&K did not retain sovereignty when it joined the Union".³

Welcoming the verdict, Prime Minister Narendra Modi noted: "The verdict today is not just a legal judgment; it is a beacon of hope, a promise of a brighter future and a testament to our collective resolve to build a stronger, more united India".⁴ The Prime Minister further observed that the Supreme Court verdict is "historic and constitutionally upholds the decision taken by the Parliament of India on 5th August 2019; it is a resounding declaration of hope, progress and unity for our sisters and brothers in Jammu, Kashmir and Ladakh. The Court, in its profound wisdom, has fortified the very essence of unity that we, as Indians, hold dear and cherish above all else".⁵ Similarly, speaking in the Rajya Sabha, Home Minister Amit Shah noted the verdict has validated the decision and vindicated the Government's stand on abrogating Article 370.⁶

The SC's ruling was in response to group of petitioners who held the abrogation move as "constitutionally impermissible".⁷ This was mainly given that the erstwhile Constituent Assembly of the former J&K State possessed the sole authority to rescind J&K's special separate status.⁸

³ Ananthkrishnan G, "Centre's J&K act gets SC stamp", *The Indian Express* (Print edition), 12 December 2023, p. 1.

⁴ Prime Minister Narendra Modi's post on X after the Supreme Court judgement on 11 December 2023 at <https://twitter.com/narendramodi/status/1734106830845133108?lang=en> (Accessed on 14 December 2023).

⁵ Ibid.

⁶ "Shah targets Nehru in Rajya Sabha, says verdict vindicated Govt stand", *The Indian Express* (Print edition), 12 December 2023, p. 7.

⁷ Nalini Sharma, "Supreme Court's Article 370 verdict: Key arguments by petitioners and Centre", *India Today*, 11 December 2023 at <https://www.indiatoday.in/law/story/supreme-court-article-370-verdict-arguments-petitioners-centre-jammu-kashmir-judgment-delivery-2474333-2023-12-11> (Accessed on 12 December 2023).

⁸ Kamaljit Kaur Sandhu, "Supreme Court verdict on pleas challenging scrapping of Article 370 today", *India Today*, 11 December 2023 at <https://www.indiatoday.in/law/story/supreme-court-verdict-on-pleas-challenging-article-370-abrogation-jammu-kashmir-2474288-2023-12-10> (Accessed on 11 December 2023).

Extinction of the Constituent Assembly entailed there was at present no political/legislative vehicle or constitutional means to upend Article 370- in effect making the government move “essentially infructuous”.⁹ The petitioners pleaded that the Governor’s decision on dissolution of the state assembly did not have the sanction of the advice from the Council of Ministers.¹⁰

The SC in its landmark ruling brought forth the 1949 proclamation made by Yuvraj Karan Singh, heir to the Maharaja of Kashmir, Hari Singh, who executed the Instrument of Accession in India’s favour. The proclamation made on 25 November 1949 categorically noted: “that the Constitution of India shortly to be adopted by the Constituent Assembly of India shall in so far as it is applicable to the State of Jammu and Kashmir, govern the constitutional relationship between the State and the contemplated Union of India and shall be enforced in this State by me, my heirs and successors in accordance with the tenor of its provisions”.¹¹ Further the proclamation observed: “the provisions of the said Constitution shall, as from the date of its commencement, supersede and abrogate all other constitutional measures inconsistent therewith which are at present in force in this state”.¹²

In the run-up to the SC verdict, on 29 August 2023, India’s Solicitor General, Tushar Mehta, while responding during the SC hearing on petition against abrogation of Article 370, noted that as per the “the instructions” from the Government, “Union Territory is not a permanent feature” for J&K.¹³ However, “Ladakh will remain a Union

⁹ “Explained: Key aspects of Article 370 verdict”, *The Indian Express* (Print edition), 12 December 2023, p. 19.

¹⁰ Refer note 7.

¹¹ Refer note 2, p. 88; Also see: Alind Chauhan, “What was Karan Singh’s proclamation of 1949, cited by SC in verdict?” *The Indian Express* (Print edition), 12 December 2023, p. 19.

¹² Ibid.

¹³ “Supreme Court hearing on Article 370 abrogation: Day 12”, *The Hindu*, 29 August 2023 at <https://www.thehindu.com/news/national/supreme-court-hearing-on-article-370-abrogation-day-12/article67247302.ece> (Accessed on 31 December 2023).

'Territory', the Solicitor General further noted.¹⁴ The SC bench urged to know whether the Centre has "a time frame and roadmap to grant statehood to the erstwhile State".¹⁵ Further on 31 August 2023, the SC was informed by the government at the Centre that in J&K it was "ready for elections any time now".¹⁶ However, the Centre was not in a position to provide "an exact time frame for grant of statehood to the Union Territory".¹⁷

In an op-ed in national dailies the day after the verdict, Prime Minister Modi averred that: "while serving the people of J&K, we gave primacy to three pillars- understanding citizens' concerns, building trust through supportive actions, and prioritising development, development and more development".¹⁸ The write-up by Prime Minister further observed: "due to centuries of colonisation, we became a confused society. Sadly, Jammu and Kashmir (J&K) became a victim of such a mindset. At the time of independence, we had a choice of making a fresh start for national integration. Instead, we decided to continue with the confused approach even if it meant ignoring long-term national interests".¹⁹ The op-ed outlined Prime Minister Modi's early association with the Kashmir issue and reflected upon Syama Prasad Mookerjee's principled stance on Kashmir leading to his exit from Prime Minister Jawaharlal Nehru's cabinet. It also underscored the principles of *Insaaniyat*, *Jamhooriyat* and *Kashmiriyat* propounded by former Prime Minister Atal Bihari Vajpayee.²⁰

¹⁴ Ibid.

¹⁵ Ananthakrishnan G, "Is there a time frame to grant statehood to J&K... When will elections be held, SC asks Centre", *The Indian Express*, 30 August 2023 at <https://indianexpress.com/article/india/jammu-kashmir-statehood-supreme-court-article-370-8914516/> (Accessed on 20 December 2023).

¹⁶ Ananthakrishnan G, "Ready for J&K polls any time, no time frame for statehood: Centre tells Supreme Court", *The Indian Express*, 1 September 2023 at <https://indianexpress.com/article/india/jk-elections-supreme-court-statehood-article-370-8917286/> (Accessed on 21 December 2023).

¹⁷ Ibid.

¹⁸ Refer note 1.

¹⁹ Ibid.

²⁰ Ibid.

THE AUGURIES

In the aftermath of August 2019 decision, steady changes have been witnessed in J&K. The atmospherics have certainly cooled off with a relative decline in violence and improvement in the security situation. A Muharram procession was taken out in Kashmir for the first time in almost 3 decades since it was banned owing security threats.²¹ The Ashura procession was attended by the Lieutenant Governor, Manoj Sinha, and it concluded peacefully.²² Besides, the annual Kheer Bhawani Festival was also observed amidst harmony in May 2023.²³ The release of Mirwaiz Umar Farooq from house arrest in September 2023 was also a significant development. Soon after that, Mirwaiz led the Friday prayers at the Jamia Mosque in Srinagar.²⁴ Few months prior, under the aegis of India's G-20 Presidency, the third G20 Tourism Working Group meeting, was hosted at Srinagar on 22-24 May 2023. During the summit, delegates from several participant countries "were also

²¹ Peerzada Ashiq, "J&K lifts ban on Muharram procession in Srinagar after 3 decades", *The Hindu*, 27 July 2023 at <https://www.thehindu.com/news/national/other-states/jk-lifts-ban-on-muharram-procession-in-srinagar-after-3-decades/article67124664.ece> (Accessed on 25 December 2023).

²² "In a first, Jammu and Kashmir Lieutenant-Governor Manoj Sinha attends Muharram procession in Srinagar", *The Hindu*, 29 July 2023 at <https://www.thehindu.com/news/national/other-states/in-a-first-jammu-and-kashmir-lieutenant-governor-manoj-sinha-attends-muharram-procession-in-srinagar/article67134725.ece> (Accessed on 30 December 2023).

²³ Umar Raina & Arvind Sharma, "Annual Kheer Bhawani mela celebrated with religious fervour in Kashmir", *Rising Kashmir*, Jammu edition, 29 May 2023 at <http://risingkashmir.com/annual-kheer-bhawani-mela-celebrated-with-religious-fervour-in-kashmir-jammu-fbd04755-f769-4d72-8939-f60ab4e0223b> (Accessed on 27 December 2023).

²⁴ "Mirwaiz Umar Farooq released from house arrest after 4 years, leads Friday prayers at Srinagar's Jamia Masjid", *The Indian Express*, 22 September 2023 at <https://indianexpress.com/article/india/jammu-kashmir-mirwaiz-umar-farooq-released-house-arrest-8951200/#:~:text=Four%20years%20after%20he%20was,the%20Jamia%20Masjid%20in%20Srinagar> (Accessed on 29 December 2023).

shown local arts and handicrafts, and also had an interaction with the artisans”.²⁵

Irrespective of the fact of that some violent attacks have occurred in J&K in recent past, there has been a concerted effort on part of the establishment to synchronise the overall atmospherics. The government at all levels is seen engaged initiating efforts to coalesce the populace towards achieving bigger goals in terms of development and stability. Attempts are being made to “restore the peaceful and harmonious environment of the past, as well as revive Kashmir’s rich and varied traditions and customs”.²⁶ In this regard, the incumbent Lieutenant Governor as the UT’s current administrator also paid a visit to downtown Srinagar.²⁷ Shikara festivals have been promoted to usher in joy and happiness of past years before violence brought such activities in the Valley to a grinding halt.²⁸ Besides, efforts to constructively engage youth have been made in form of encouraging the culture of sports in the UT.²⁹ Overall, amidst the “winds of change”, people in the Valley who remained “long plagued by feelings of fear and uncertainty are heaving a sigh of relief as J&K is gradually shedding its image of being a troubled hotspot in the form of a centre for anti-government and terrorist related activity”.³⁰

²⁵ “3rd G20 Tourism Working Group Meeting held from 22nd to 24th May, 2023 in Srinagar concludes successfully”, Press Information Bureau (PIB), 26 May 2023 at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1927544> (Accessed on 29 December 2023).

²⁶ Farooq Wani, “Winds of change: Ushering normalcy in Kashmir”, *The Financial Express*, 12 September 2022 at <https://www.financialexpress.com/business/defence-winds-of-change-ushering-normalcy-in-kashmir-2664029/> (Accessed on 21 December 2023).

²⁷ “Downtown Srinagar new address of Indian sporting heroes: LG Manoj Sinha”, *Greater Kashmir*, 7 September 2022 at <https://www.greaterkashmir.com/srinagar/downtown-srinagar-new-address-of-indian-sporting-heroes-lg-manoj-sinha/> (Accessed on 31 December 2023).

²⁸ Refer note 26.

²⁹ “Sports playing a pivotal role in return of peace in J&K: Sinha”, *Hindustan Times*, 31 October 2023 at <https://www.hindustantimes.com/cities/chandigarh-news/sports-playing-a-pivotal-role-in-return-of-peace-in-j-k-sinha-10169877318334.html> (Accessed on 23 December 2023).

³⁰ Refer note 26.

INSTRUMENT OF ACCESSION

INSTRUMENT OF ACCESSION OF... JAMMU AND KASHMIR STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I, Sheikha Noor ul-Huda Begum, Rajpradesh, Lalmal, Srinagar
Ruler of JAMMU AND KASHMIR STATE *Jammu Kashmir*
in the exercise of my sovereignty in and over my said State do hereby execute *Kanaka Talwar*
this my Instrument of Accession and *Tibbet adle*
Desh adle palte

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of JAMMU AND KASHMIR (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

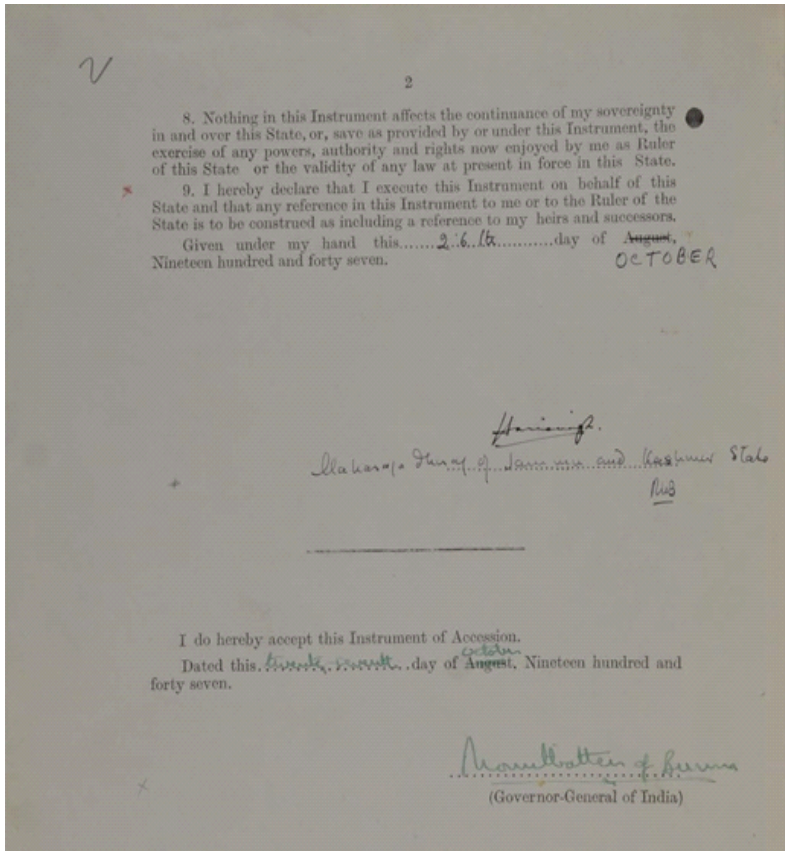
3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.



Source:- <https://thewire.in/history/public-first-time-jammu-kashmir-instrument-accession-india>

KARACHI AGREEMENT JULY 1949

(S/AC.12/TC.4, 29 July 1949)

AGREEMENT BETWEEN MILITARY REPRESENTATIVES OF INDIA AND
PAKISTAN REGARDING THE ESTABLISHMENT OF A CEASE-FIRE LINE
IN THE STATE OF JAMMU AND KASHMIR

I

INTRODUCTION

A. The Military representatives of India and Pakistan met together in Karachi from 18 July to 27 July 1949 under the auspices of the Truce Sub-committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian Delegation were:

Lt. Gen. S. M. Shrinagesh
Maj. Gen. K. S. Thimayya
Brig. S.H.F.J. Manekshaw

As observers:

Mr. H.M. Patel
Mr. V. Sahay

C. The members of the Pakistan Delegation were:

Maj. Gen. W. J. Cawthorn
Maj. Gen. Nazir Ahmad
Brig. M. Sher Khan

As observers:

Mr. M. Ayub
Mr. A. A. Khan

D. The members of the Truce Sub-committee of the United Nations Commission for India and Pakistan were:

| | | |
|-----------|---------------------------|--------------------|
| Chairman: | Mr. Hernando Samper | (Colombia) |
| | Mr. William L.S. Williams | (United States) |
| | Lt. Gen. Maurice Delvoie | (Military Adviser) |
| | Mr. Miguel A. Marin | (Legal Adviser) |

A. Considering:

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949, invited the Governments of India and Pakistan to send fully authorized military representatives to meet jointly in Karachi under the auspices of the Commission's Truce Sub-committee to establish a cease-fire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commission for India and Pakistan in its letter stated that "The meetings will be for military purposes; political issues will not be considered," and that "They will be conducted without prejudice to negotiations concerning the Truce Agreement.";

3. That in the same letter the United Nations Commission for India and Pakistan further stated that; "The cease-fire line is a complement of the suspension of hostilities, which falls within the provisions of Part I of the Resolution of 13 August 1948, and can be considered separately from the questions relating to Part II of the same Resolution.";

4. That the Governments of India and Pakistan, in their letters dated 7 July 1949 to the Chairmen of the Commission, accepted the Commission's invitation to the military conference in Karachi;

B. The Delegations of India and Pakistan, duly authorized, have reached the following agreement:

1. Under the provisions of Part I of the Resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a cease-fire line is established.

2. The cease-fire line runs from MANAWAR in the south, north to KERAN and from KERAN east to the glacier area, as follows:

(a) The line from MANAWAR to the south bank of the JHELUM River at URUSA (inclusive to India) is the line now defined by the factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

- (i) In PATRANA area: KOEL (inclusive to Pakistan) north along the KHUMALA KAS Nullah up to Point 2276 (inclusive to India), thence to KIRNI (inclusive to India).
- (ii) KHAMEHA, PIR SATWAN, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at BAGLA GALA, thence to the factual position at Point 3300.
- (iii) In the area south of URI the positions of PIR KJNHI and LEDI GALI, are inclusive to Pakistan.

(b) From the north bank of the JHELUM River the line runs from a point opposite the village of URUSA (NL 972109), thence north following the BALLASETH DA NAR Nullah (inclusive to Pakistan), up to NL 973140, thence northeast to CHHOTA KAZINAG (Point 10657, inclusive to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 025354, inclusive to Pakistan), thence to TUTMARI GALI (to be shared by both sides, posts to be established 500 yds. on either side of the GALI), thence to the northwest through the first "R" of BURJI NAR to north of GABDORI, thence straight west to just north of Point 9870, thence along the black line north of BIJILDHAR to north of BETARASI, thence to just south of SUDPURA, thence due north to the KATHAKAZINAG Nullah, thence along the Nullah to its junction with the GRANGNAR Nullah, thence along the latter Nullah to KAJNWALA PATHRA (inclusive to India), thence across the DANNA ridge (following the factual positions) to RICHMAR GALI (inclusive to India), thence north to THANDA KATHA Nullah, thence north to the KISHANGANGA River. The line then follows the KISHANGANGA River up to a point situated between JARGI and TARBAN, thence (all inclusive to Pakistan) to BANKORAN, thence northeast to KHORI, thence to the hill feature 8930 (in Square 9053), thence straight north to Point 10164 (in Square 9057), thence to Point 10323 (in Square 9161), thence northeast straight to GUTHUR, thence to BHUTPATHRA, thence to NL 980707, thence following the BUGINA Nullah to the junction with the KISHANGANGA River at Point 4739. Thereafter the line follows the KISHANGANGA River to KERAN and onwards to Point 4996 (NL 975818).

(c) From Point 4996 the line follows (all inclusive to Pakistan) the JANGAR Nullah eastward to Point 12124, to KATWARIE, to Point 6678, thence to the northeast to SARIAN (Point 11279), to Point 11837, to Point 13090, to Point 12641, thence east again to Point 11142, thence to DHAKKI, thence to Point 11415, thence to Point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence south-east to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the River to the east to Point 13449 (DUMHAT), thence to Point 14586 (ANZBARI), thence to Point 13554, thence to Milestone 45 on the BURZIL Nullah, thence to the east to ZIANKAI (Point 12909), thence to the southeast to Point 1114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to KARO (Point 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the line runs to Point 13647 (KAROBAL GALI, to be shared by both sides). The cease-fire line runs thence through RETAGAH CHHISH (Point 15316), thence through Point 15889, thence through Point 17392, thence through Point 16458, thence to MARPO LA (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India), DALUNANG.

(d) From DALUNING eastwards the cease-fire line will follow the general line Point 15495, IENMAN, MANUS, GANGAM, GUNDERMAN, Point 13620, JUNKAR (Point 17628), MARMAK, NARBARA, SHANGRUTH (Point 17531), CHORBAT LA (Point 15700), CHALUNKA (on the SHYOK River), KHOR, thence north to the glaciers. This portion of the cease-fire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The cease-fire line described above shall be drawn on a one inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man's land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission's Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive cease-fire line.

D. No troops shall be stationed or operate in the area of the BURZIL Nullah from south of MINIMARG to the cease-fire line. This area is bounded on the west by the Ridge leading northeast from DEDGAI KAL to Point 13071, to Point 9447, to Point 13466, to Point 13463, and on the east by the Ridge running from Point 12470, to Point 11608, to Point 13004, to Point 13976, to Point 13450. Pakistan may, however, post troops on the western of the above ridges to cover the approaches to KHAMBRI BAI Pass.

E. In any dispositions that may be adopted in consequence of the present agreement troops will remain at least 500 yards from the cease-fire line except where the KICHANGANGA River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the cease-fire line as determined in paragraphs A through E, inclusive, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in areas where no major adjustments are involved by the determination of the cease-fire line.

G. The action permitted by paragraph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by paragraphs II A to II G, inclusive, above, the military agreements between the two High Commands relating to the cease-fire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station Observers where it deems necessary.

J. The Delegations shall refer this agreement to their respective Governments for ratification. The documents of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than 31 July 1949.

K. A period of 30 days from the date of ratification shall be allowed to each side to vacate the areas at present occupied by them beyond the cease-fire line as now determined. Before the expiration of this 30-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

IN WITNESS WHEREOF THE UNDERSIGNED SIGN THIS DOCUMENT IN THREE ORIGINAL COPIES.

Done in Karachi on 27 July 1949

For the Government of India

s/ S.M. Shrinagesh

For the Government of Pakistan

s/ J. Cawthorn
Maj. Gen.

For the United Nations Commission
for India and Pakistan

s/ Hernando Sanper
M. Delvoie

Source: https://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_490729_%20Karachi%20Agreement.pdf

**AGREEMENT¹ BETWEEN THE GOVERNMENT OF
INDIA AND THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF PAKISTAN
ON BILATERAL RELATIONS
(SIMLA AGREEMENT)
Simla, 2 July 1972**

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan

HAVE agreed as follows :

- (i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
- (ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;
- (iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;

- (iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;
 - (v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
 - (vi) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.
2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.
3. In order progressively to restore and normalise relations between the two countries step by step, it was agreed that :
- (i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights;
 - (ii) Appropriate steps shall be taken to promote travel facilities for the nationals of the other country;
 - (iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible;
 - (iv) Exchange in the fields of science and culture will be promoted.
- In this connection delegation from the two countries will meet from time to time to work out the necessary details.
4. In order to initiate the process of the establishment of durable peace, both the Governments agree that :
- (i) Indian and Pakistani forces shall be withdrawn to their side of the international border;
 - (ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line;
 - (iii) The withdrawals shall commence upon entry into force of

this Agreement and shall be completed within a period of 30 days thereof.

5. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.
6. Both Governments agree that the respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Sd/-
INDIRA GANDHI
Prime Minister
Republic of India
Simla, the 2nd July, 1972.

Sd/-
ZULFIKAR ALI BHUTTO
President
Islamic Republic of Pakistan

PARLIAMENT RESOLUTION ON JAMMU AND KASHMIR

Following increasing terrorist violence and Pakistan's attempts to highlight the Kashmir dispute, both houses of the Indian Parliament unanimously adopted a resolution on February 22, 1994, emphasizing that Jammu and Kashmir was an integral part of India, and that Pakistan must vacate parts of the State under its occupation. The text of the resolution follows.

“This House notes with deep concern Pakistan's role in imparting training to the terrorists in camps located in Pakistan and Pakistan Occupied Kashmir, the supply of weapons and funds, assistance in infiltration of trained militants, including foreign mercenaries into Jammu and Kashmir with the avowed purpose of creating disorder, disharmony and subversion:

reiterates that the militants trained in Pakistan are indulging in murder, loot and other heinous crimes against the people, taking them hostage and creating an atmosphere of terror;

Condemns strongly the continued support and encouragement Pakistan is extending to subversive and terrorist activities in the Indian state of Jammu & Kashmir;

Calls upon Pakistan to stop forthwith its support to terrorism, which is in violation of the Simla Agreement and the internationally accepted norms of inter-State conduct and is the root cause of tension between the two countries reiterates that the Indian political and democratic structures and the Constitution provide for firm guarantees for the promotion and protection of human rights of all its citizens;

regard Pakistan's anti-India campaign of calumny and falsehood as unacceptable and deplorable.

notes with deep concern the highly provocative statements emanating from Pakistan urges Pakistan to refrain from making statements which vitiate the atmosphere and incite public opinion;

expresses regret and concern at the pitiable conditions and violations of human rights and denial of democratic freedoms of the people in those areas of the Indian State of Jammu and Kashmir, which are under the illegal occupation of Pakistan;

On behalf of the People of India,

Firmly declares that-

(a) The State of Jammu & Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means;

(b) India has the will and capacity to firmly counter all designs against its unity, sovereignty and territorial integrity;

and demands that -

(c) Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression; and resolves that -

(d) all attempts to interfere in the internal affairs of India will be met resolutely.”

The Resolution was unanimously adopted. Mr. Speaker: The Resolution is unanimously passed.

February 22, 1994

Source: https://www.satp.org/satporgtp/countries/india/document/papers/parliament_resolution_on_Jammu_and_Kashmir.htm


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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गृह मंत्रालय

(जम्मू, कश्मीर और लद्दाख कार्य विभाग)

आदेश

नई दिल्ली, 2 नवम्बर, 2019

का.आ. 3979(अ).—जम्मू-कश्मीर पुनर्गठन अधिनियम, 2019 (2019 का 34) (जिसे इसमें इसके पश्चात् मूल अधिनियम कहा गया है) को राष्ट्रपति की अनुमति 09 अगस्त, 2019 को प्राप्त हो गई थी और इसे उसी दिन राजपत्र में प्रकाशित कर दिया गया था;

और, 31 अक्टूबर, 2019 की तारीख, मूल अधिनियम के सभी प्रयोजनों के लिए नियत दिवस के रूप में अधिसूचित की गई है;

और, विद्यमान जम्मू-कश्मीर राज्य का जम्मू-कश्मीर संघ राज्यक्षेत्र और लद्दाख संघ राज्यक्षेत्र में पुनर्गठन का उपबंध करने के लिए मूल अधिनियम अधिनियमित किया गया था;

और, मूल अधिनियम की धारा 2 के खंड (ड) "विद्यमान जम्मू-कश्मीर राज्य" को "नियत दिवस से ठीक पूर्व यथाविद्यमान कश्मीर राज्य, जो भारतीय जम्मू-कश्मीर राज्य में भारत के संविधान के प्रारंभ से ठीक पूर्व राज्यक्षेत्र से मिलकर बना है" परिभाषित करती है;

और, मूल अधिनियम की धारा 3 यह उपबंध करती है कि नियत दिवस से ही, लद्दाख संघ राज्यक्षेत्र में विद्यमान जम्मू-कश्मीर राज्य के "कारगिल और लेह जिलों" के राज्यक्षेत्र सम्मिलित हैं;

और भारत के संविधान के प्रारंभ से पूर्व विद्यमान भारतीय सर्वेक्षण के अभिलेखों, मूल अधिनियम की धारा 2 के खंड (ड) और धारा 3 तथा भौगोलिक पहलुओं को ध्यान में रखते हुए मूल अधिनियम में लेह जिले के घटकों को स्पष्ट करना आवश्यक है;

और मूल अधिनियम के विभिन्न उपबंधों को प्रभावी करने में पूर्वोक्त कठिनाई उत्पन्न हुई है;

अतः अब, राष्ट्रपति जम्मू-कश्मीर पुनर्गठन अधिनियम, 2019 की धारा 103 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित आदेश करते हैं, अर्थात्:—

1. **संक्षिप्त नाम और प्रारंभ**—(1) इस आदेश का संक्षिप्त नाम जम्मू-कश्मीर पुनर्गठन (कठिनाइयों को दूर करना) दूसरा आदेश, 2019 है।

(2) यह राजपत्र में इसके प्रकाशन की तारीख को प्रवृत्त होगा।

2. **लेह जिले के राज्यक्षेत्र**—जम्मू-कश्मीर पुनर्गठन अधिनियम, 2019 की धारा 3 में विनिर्दिष्ट लेह जिले के राज्यक्षेत्र में विद्यमान जम्मू-कश्मीर राज्य के निम्नलिखित जिले सम्मिलित होंगे, अर्थात्:—

"गिलगिट, गिलगिट वज़ारत, चिलाम, जनजातीय राज्यक्षेत्र और 'लेह और लद्दाख' कारगिल के वर्तमान राज्यक्षेत्र के सिवाय"।

राम नाथ कोविन्द
राष्ट्रपति

नई दिल्ली,

तारीख : 2 नवम्बर, 2019

[फा. सं. 11014/05/2014-के-1]

अजय कुमार भल्ला, गृह सचिव

MINISTRY OF HOME AFFAIRS

(Department of Jammu, Kashmir and Ladakh Affairs)

ORDER

New Delhi, the 2nd November, 2019

S.O. 3979(E).—WHEREAS, the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) (hereinafter referred to as the principal Act) received the assent of the President on the 9th day of August, 2019 and notified in the Official Gazette on the same day;

AND WHEREAS, the 31st day of October, 2019 has been notified as the appointed day for all purposes of the principal Act;

AND WHEREAS, the principal Act was enacted to provide for reorganisation of the existing State of Jammu and Kashmir into the Union territory of Jammu and Kashmir and the Union territory of Ladakh;

AND WHEREAS, clause (e) of section 2 of the principal Act defines the "existing State of Jammu and Kashmir" as the "State of Jammu and Kashmir as existing immediately before the appointed day, comprising the territory immediately before the commencement of the Constitution of India in the Indian State of Jammu and Kashmir";

AND WHEREAS, section 3 of the principal Act provides that on and from the appointed day, the Union territory of Ladakh comprises the territories of "Kargil and Leh districts" of the existing State of Jammu and Kashmir;

AND WHEREAS, in view of the records of Survey of India existing before the commencement of the Constitution of India, clause (e) of section 2 and section 3 of the principal Act and the geographical aspects, there is a need to clarify the constituents of Leh district in the principal Act;

AND WHEREAS, the aforementioned difficulty has arisen in giving effect to various provisions of the principal Act;

NOW, THEREFORE, in exercise of the powers conferred by section 103 of the Jammu and Kashmir Reorganisation Act, 2019, the President, hereby makes the following Order, namely: –

1. Short title and commencement.—(1) This Order may be called the Jammu and Kashmir Reorganisation (Removal of Difficulties) Second Order, 2019.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Territories of Leh district.—The territory of Leh district specified in section 3 of the Jammu and Kashmir Reorganisation Act, 2019 shall constitute the following districts of the existing State of Jammu and Kashmir, namely: –

“Gilgit, Gilgit Wazarat, Chilas, Tribal territory and ‘Leh and Ladakh’ except present territory of Kargil”.

New Delhi
2nd November, 2019.

RAM NATH KOVIND
President

[F. No. 11014/05/2014-K-I]
AJAY KUMAR BHALLA, Home Secy.

Source: <https://static.pib.gov.in/WriteReadData/userfiles/GAZETTE%20NOTIFICATION.pdf>

**Press Information Bureau
Government of India**

**Maps of newly formed Union Territories of Jammu Kashmir
and Ladakh, with the map of India**

New Delhi, November 2, 2019

On the recommendation of Parliament, the President effectively dismantled Article 370 of the Indian Constitution and gave assent to the Jammu and Kashmir Reorganization Act, 2019. Under the leadership of Prime Minister Shri Narendra Modi and supervision of Union Home Minister Shri Amit Shah, the former state of Jammu & Kashmir has been reorganized as the new Union Territory of Jammu and Kashmir and the new Union Territory of Ladakh on 31st October 2019.

The new Union Territory of Ladakh consists of two districts of Kargil and Leh. The rest of the former State of Jammu and Kashmir is in the new Union Territory of Jammu and Kashmir.

In 1947, the former State of Jammu and Kashmir had the following 14 districts - Kathua, Jammu, Udhampur, Reasi, Anantnag, Baramulla, Poonch, Mirpur, Muzaffarabad, Leh and Ladakh, Gilgit, Gilgit Wazarat, Chilhas and Tribal Territory.

By 2019, the state government of former Jammu and Kashmir had reorganized the areas of these 14 districts into 28 districts. The names of the new districts are as follows - Kupwara, Bandipur, Ganderbal, Srinagar, Budgam, Pulwama, Shupian, Kulgam, Rajouri, Ramban, Doda, Kishtivar, Samba and Kargil.

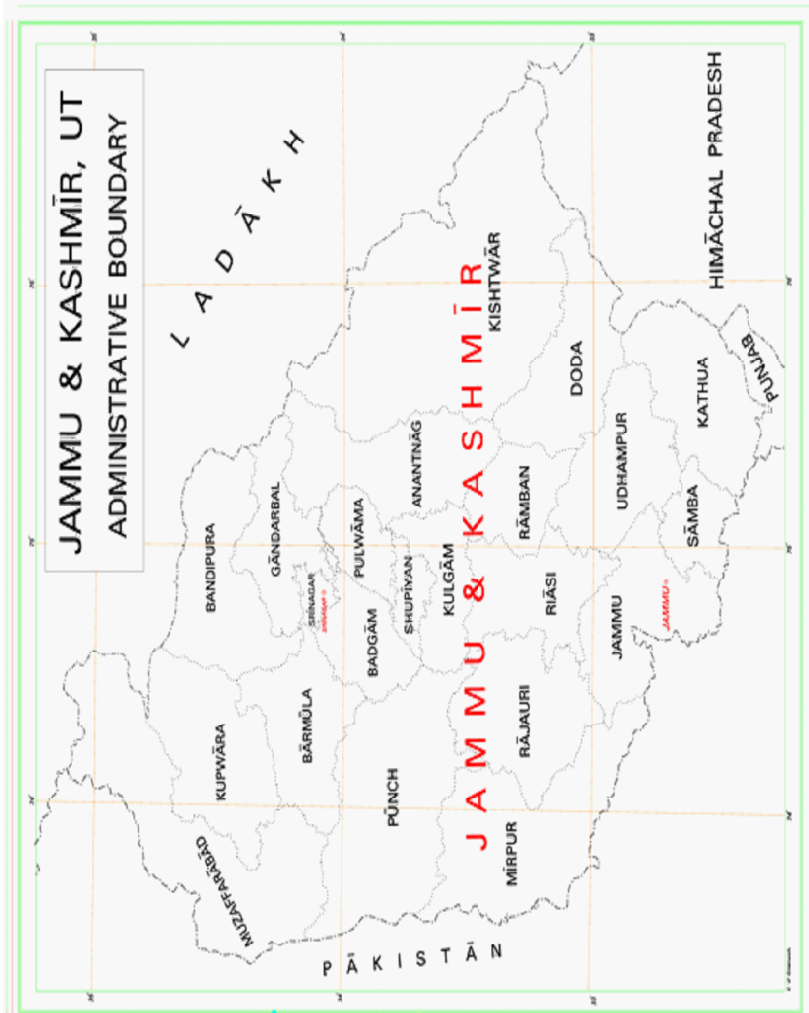
Out of these, Kargil district was carved out from the area of Leh and Ladakh district. The Leh district of the new Union Territory of Ladakh has been defined in the Jammu and Kashmir Reorganization (Removal of Difficulties) Second Order, 2019, issued by the President of India,

to include the areas of the districts of Gilgit, Gilgit Wazarat, Chilhas and Tribal Territory of 1947, in addition to the remaining areas of Leh and Ladakh districts of 1947, after carving out the Kargil District.

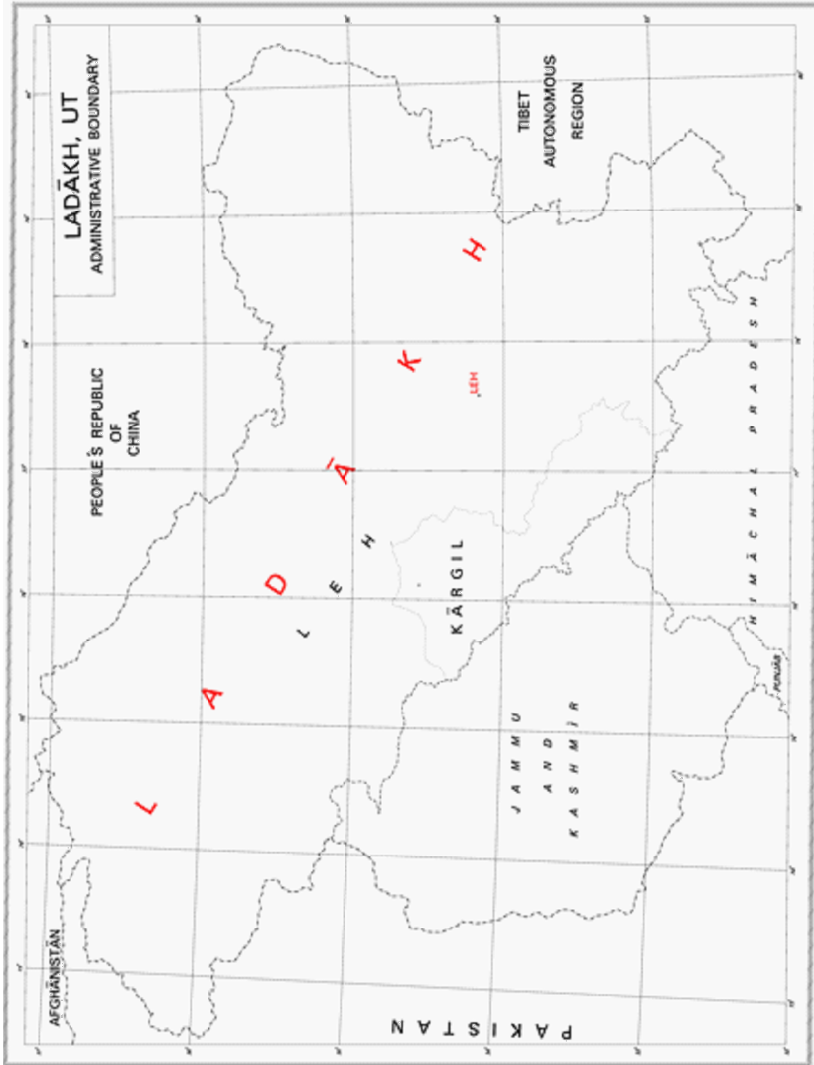
On this basis, the maps prepared by Survey General of India depicting the new Union Territories of Jammu & Kashmir and Ladakh, as created on 31 October 2019, along with the map of India, are attached below.

VG/VM

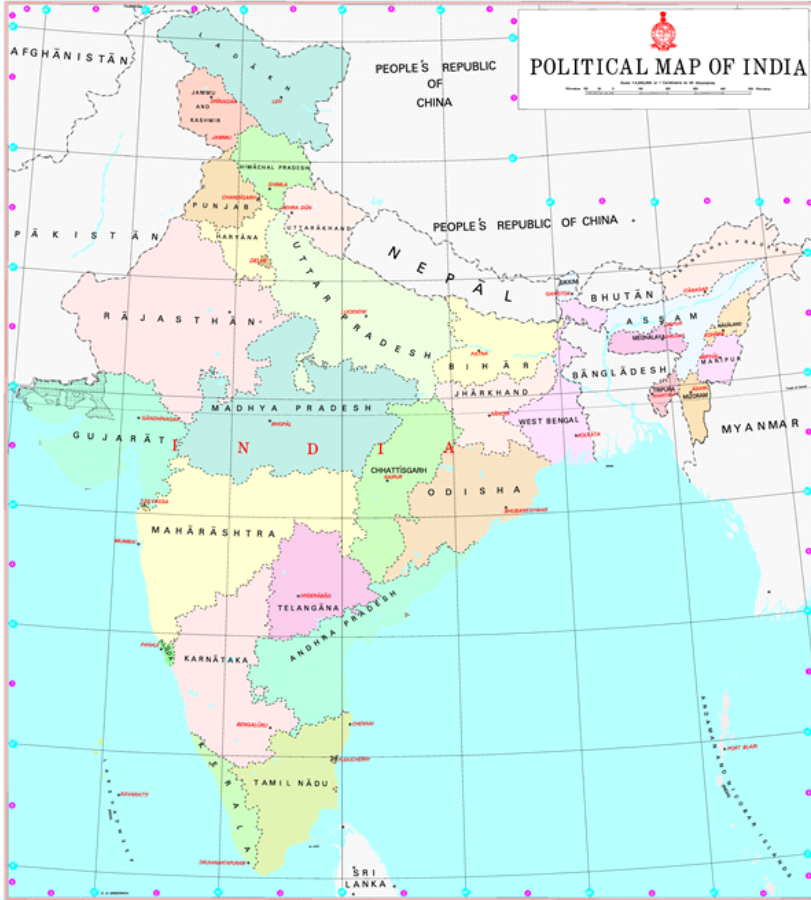
Source: <https://pib.gov.in/PressReleasePage.aspx?PRID=1590112>



Source: <https://static.pib.gov.in/WriteReadData/userfiles/UT%20of%20J&K.pdf>



Source: <https://static.pib.gov.in/WriteReadData/userfiles/UT%20Ladakh.pdf>



Source: <https://static.pib.gov.in/WriteReadData/userfiles/India%20-%20Political1.pdf>



Source: <https://static.pib.gov.in/WriteReadData/userfiles/India%20%20Political2.pdf>

The annulment of Article 370 on 5 August 2019 is considered a watershed in the seven-decade long history of India's approach towards Kashmir. The rescinding of a separate special status and, subsequently, the endorsement by the Supreme Court verdict on 11 December 2023 marked the culmination of India's long haul project to constitutionally absorb the former princely State of Jammu and Kashmir. Positioned against this important context/backdrop, the monograph canvasses the evolution of India's strategy on the Kashmir issue since its inception examining the continuities and discontinuities in India's overall approach. It delineates the fundamental premises in India's Kashmir horizon that remained indelible despite intense exigencies posed by geopolitical pressures and the hard strategic choices India made. It ends by listing out priorities India must promise and deliver to Jammu and Kashmir in order to consummate the formal integration of the former State into Indian Union.

Dr. Priyanka Singh is Associate Fellow at the Manohar Parrikar Institute for Defence Studies and Analyses (MP-IDSA), New Delhi and associated with the South Asia Centre. She holds an Honours degree in Political Science from Lady Shri Ram College for Women, University of Delhi, and a PhD from the University of Lucknow. Her PhD thesis was titled: "Indo-US Relations in the Last Decade - 1990-2000: Shifting Paradigms". This is her fourth in the series of monographs addressing the broader issues concerning Kashmir-previous ones being *Gilgit Baltistan: Between Hope and Despair* (2013), *Re-Positioning Pakistan Occupied Kashmir on India's Policy Map: Geopolitical Drivers, Strategic Impact* (2017) and *China-Pakistan Ties and Kashmir: History and Geopolitics* (2022). Her broader research interests include: Sino-Pakistan ties, China-Pakistan-Afghanistan triangular geopolitics, India-US relations, US engagement in Pakistan, Kashmir and the CPEC. She is the editor of the book *The Role of Media in Promoting Regional Understanding in South Asia* (Pentagon Press, 2016), and co-editor of *Proliferation and Emerging Nuclear Order in the Twenty-First Century* (Academic Foundation, New Delhi, 2009) and *Saving Afghanistan* (Academic Foundation, New Delhi, 2009).



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