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Policy Brief

India's Renewed Push on Pakistan-occupied Kashmir (PoK)

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Summary

Against a long-held grudge that India was not doing enough to assert its legitimate territorial claim on PoK, there are tangible changes on the ground to suggest there is some thinking on course-correction. India has recently done some unabashed speaking about its claim. The policy brief encapsulates this perceptible shift in India's policy approach on PoK before lining up commensurate measures to bolster this shift.

External Affairs Minister (EAM) S. Jaishankar's remarks on Pakistan-occupied Kashmir (PoK)¹ during his interaction at The Heritage Foundation in Washington on October 3, 2019, is one of the most significant expositions on the issue in recent times. Reiterating India's claims over PoK, EAM Jaishankar stated:

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.²

The EAM's remarks epitomise India's renewed push to assert its claim on the territory that continues to be under Pakistan's illegal occupation. In fact, he reinforced what he had stated earlier during a press conference in Delhi in September 2019, that PoK is "part of India" and that someday India will have "physical jurisdiction" over it.³

However, EAM's remarks cannot be seen in isolation. The issue of PoK reverberated through the entire monsoon session of the Parliament last year. Consistent references to India's claim on the territory were made during parliamentary debates on constitutional amendments relating to the then state of Jammu and Kashmir (J&K). Home Minister Amit Shah reminded the House that when he spoke about Kashmir, PoK was automatically accounted for.⁴ His statement was seconded by Defence Minister Rajnath Singh in his statements both in *Lok Sabha* (House of the People) and outside which underlined that any talks with Pakistan must involve PoK and that Pakistan has no *locus standi* on the region.⁵ The Minister of State in the Prime Minister's Office (PMO), Jitendra Singh, too reiterated that India would seriously pursue its claim on PoK.⁶

Although references to PoK have been made in the past as well by officials and ministers, what makes the current assertion noticeable is the frequency and intensity with which they are being made. Abrogation of Article 370 of the Constitution has provided a fillip to India's position on PoK, signalling a paradigmatic shift in how it seeks to pursue its strategic interests.

¹ PoK refers to parts of the erstwhile princely state of Jammu and Kashmir (J&K) which have been under Pakistan's control since 1947. It currently comprises two administrative units – the so-called 'Azad' Jammu and Kashmir ('AJK') and Gilgit Baltistan, which until 2009 was referred to as Northern Areas by the Government of Pakistan.

² Sriram Lakshman, "[Jaishankar reiterates India's claim over Pakistan-occupied Kashmir](#)", *The Hindu*, October 03, 2019.

³ "[Transcript of Press Conference by External Affairs Minister on 100 days of Government \(September 17, 2019\)](#)", *Ministry of External Affairs, Government of India*, September 18, 2019.

⁴ Sunil Prabhu, "[PoK Included When I Talk About J&K: Amit Shah Hits Back At Opposition](#)", *NDTV*, August 06, 2019.

⁵ Manvir Saini, "[Any talks with Pak now will only be on PoK: Rajnath Singh](#)", *The Times of India*, August 19, 2019.

⁶ "[Next aim is to retrieve parts of PoK to merge them with India: Jitendra Singh](#)", *India Today*, September 11, 2019.

For decades, J&K has reeled under the state-sponsored terrorism from Pakistan. The incessant spate of violence had apparently overshadowed India's legitimate claim on PoK, though some tough messaging was on display when a parliamentary resolution emphasising J&K as an integral part of the country was unanimously adopted in February 1994, at a time when the Pakistan-sponsored militancy in J&K was at its peak. The resolution not only strongly condemned Pakistan for its support and encouragement to "subversive and terrorist activities in the Indian state of J&K" but had also asked Pakistan to vacate territories that were under its illegal occupation.⁷ Nevertheless, indiscriminate violence and terrorism in J&K continued to cast shadow on the unresolved issue of PoK and India's legitimate claim over it for over the next two decades.

From Claim to Rhetoric

Earlier, successive governments seemed to have virtually abandoned India's claim on PoK. However, India is now finally witnessing a phase where pronouncements about reclaiming PoK are being made at the highest echelons of the state. For long, public articulation on PoK was too weak. What once was an essential constituent of India's position on Kashmir at world forums including the United Nations,⁸ had come to be rejected as a mere rhetorical rant.

Another factor that contributed to the lethargic approach towards PoK was India's stance on maintaining the status quo, discounting the reality that Pakistan was constantly challenging the same. India had, advertently or inadvertently, projected that it was inclined towards a status quo-centric solution on Kashmir.

What happened as a result was that a legitimate territorial claim underpinned by an Instrument of Accession incrementally degenerated into what was considered worthless jingoism — one that failed to resonate with India's strategic policy pursuits. While India was categorical about preserving its territorial integrity vis-a-vis J&K, expressed aversion to third party interference on the issue, and later highlighted Pakistan-abetted terrorism in the region, it did not speak enough on PoK to effectively influence the world opinion. There are no solid explanations for India's qualms in expressing and asserting its position on PoK more frequently than it has. This is despite the fact that the official version of India's stance on PoK has remained unchanged since 1947.

⁷ "Parliament Resolution on Jammu and Kashmir", Adopted on February 22, 1994, *Institute for Conflict Management*; New Delhi.

⁸ Refer, amongst other sources, to the frequency with which PoK is mentioned in what is called Krishna Menon's marathon speech at the UN in E. S. Reddy and A. K. Damodaran (eds.), *Krishna Menon on Kashmir: Speeches at United Nations*, Sanchar Publishing House, New Delhi, in association with Krishna Menon National Memorial Committee, 1992.

The downplaying of the country's legitimate claims on PoK failed to instil a strong sense of justification for those claims in public as well as at the global level. Lethargy and neglect together, slowly but surely, bred policy inertia on the issue, which at some point looked rather irreversible.

Reinvigorating India's Claim on PoK

The surge in official references to PoK has disrupted the inertia of the past years. Stridency in statements that talks with Pakistan will only be on PoK seems to be graduating towards an attempt to turn the tables in dealing with Pakistan. The perceptible impression is that the rules of engagement will have to change. India's insistence that talks with Pakistan cannot be held until Pakistan stops fomenting terror has so far been received well at the regional and global levels.

To trace the beginning of this policy shift, forceful assertion of India's claim on PoK began with Prime Minister Narendra Modi's Independence Day speech in August 2016, when he made explicit reference to parts of PoK. Media coverage pursuant to the surgical strikes of September 2016 further sensitised the people about PoK. Besides, repeated references to terror camps in PoK by then Defence Minister Manohar Parrikar sustained the government's focus on PoK.

Even prior to Prime Minister Modi's speech in August 2016, National Security Advisor Ajit Doval in May 2015 spoke of factoring in the 106-km long border with Afghanistan.⁹ The annual reports of the Ministry of Home Affairs (MHA) too began using the term Pakistan-occupied Jammu and Kashmir (PoJK), instead of PoK.¹⁰ It is believed that the China-Pakistan Economic Corridor (CPEC), as the flagship project of China's ambitious Belt and Road Initiative (BRI), in clear disregard of the Indian sensitivities, might have provoked the political establishment to rejuvenate its extant claims on the territory. More recently, the favourable outcome of the 2019 general elections and the subsequent abrogation of Article 370 by the Union government reorganising J&K into two Union Territories – Jammu & Kashmir and Ladakh – infused further energy into the government's articulation of its position on PoK.

The return of the National Democratic Alliance (NDA) Government led by Bharatiya Janata Party (BJP) with an overwhelming majority in June 2019 certainly raised hopes among the people regarding a decisive move on the long-pending, and geopolitically sensitive security matter.

⁹ Deeptiman Tiwary, "Need to factor in our 106 km border with Afghanistan: NSA", *The Times of India*, May 23, 2015.

¹⁰ Vijaita Singh, "In a first, PoK becomes PoJK in MHA document", *The Hindu*, March 25, 2016.

Future Strategy

It has been argued that strengthening claims on PoK and injecting it into India's Kashmir strategy will potentially buttress India's negotiating capability,¹¹ not only vis-a-vis Pakistan but also China, which too is in possession of parts of the former princely state, including the Trans-Karakoram Tract provisionally ceded to it by Pakistan in 1963. India's Kashmir strategy in the past evolved against extreme pressures imposed by the international community that was influenced by Pakistan-spurred deceitful, anti-India propaganda. Pushing PoK high on India's strategic priorities will make India's Kashmir policy more effective. However, India must prepare to face some bigger challenges ahead. Below are a set of measures that could serve as a primer to deal with such challenges.

A conducive situation as is evolving now demands a set of measures that may serve as vital components of a long-term strategy on PoK. The present context is an opportunity that must be seized to enunciate a coherent, policy-oriented discussion on PoK.

Sustain Momentum: The first and foremost challenge is to sustain the present momentum on PoK. In the coming days, it is all the more necessary that institutional mechanisms are set up and bolstered to monitor developments in PoK on a real-time basis. India must also be more open towards cultivating people from the terrain who are willing to come on board and contribute towards its broader policy objectives in PoK.

Shore up Public Awareness: There is an urgent need to widen the ambit of knowledge and awareness on PoK before stimulating a meaningful discourse on the subject. There is a need for more articulate and balanced voices on PoK as against the loud rhetoric and jingoism that animate discussions regarding the issue. In this context, raising India's stand on PoK must spread across ideological aisles. The MHA has a significant role to play in the dissemination of important facts and data on PoK.

Much disservice has been done by the sense of domestic complacency on PoK. While the talk on plebiscite and secession in J&K is unacceptable to all political parties, in certain quarters, irresponsible statements diluting India's claim on PoK have flowed freely in the public discourse. Such remarks have seldom been reprimanded or subjected to punitive measure within India. This tendency must be consciously reversed after due consideration.

Sensitise International Public Opinion: On the external front, India must undertake diplomatic efforts towards sensitising the international community about its legitimate claims on PoK. Indian foreign office should target especially those

¹¹ Priyanka Singh, "Inserting PoK into the Kashmir Conundrum", *IDSA Comment*, May 03, 2016.

countries who are either involved in developmental/infrastructure projects in PoK or are willing to do so. With friendly countries like the United States, Japan and France showing their sensitivity to the Indian position on the issue vis-à-vis Pakistan, India should activate its diplomatic missions to communicate its policy shift with regard to Kashmir in general and PoK in particular.¹²

Political Representation: The government must give serious thought to reserving parliamentary seats for representatives from PoK. The erstwhile Constitution of J&K had allotted seats in the state assembly for members from PoK, which, it noted, shall lie vacant until PoK is integrated with India. That there was no such quota in the *Lok Sabha* was something of a constitutional incongruity. Despite the fact that the constitution of J&K no longer exists, and the erstwhile state stands bifurcated into two Union Territories, it is all the more compelling to consider this option in accordance with the revised map of India. The constitutional impediments that may exist in this regard need to be overcome by introducing the required changes. Filling up some, if not all seats in the new assembly, could be a step forward, to begin with. Since delimitation for the newly created two Union Territories has already been done, serious thinking is required now to contemplate follow-up options in this regard.

Conclusion

To sum up, timing is opportune for India to proactively pursue its claim on PoK. There is a window for India to alter the discourse in its favour. India should develop a blueprint to recalibrate its approach on this long pending issue.

¹² For details on the role of various countries in PoK, see Priyanka Singh, [“Repositioning Pakistan Occupied Kashmir on India’s Policy Map: Geopolitical Drivers, Strategic Impact”](#), *IDS Monograph*, 62, October 2017.

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