

Associate Paper

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Kashmir and the Abrogation of Article 370: A Pakistani Perspective

Dr Naeem Salik
FDI Associate

Key Points

- The change in the status of the disputed territory of Jammu and Kashmir can be seen as another manifestation of the Narendra Modi-led BJP Government's *Hindutva* ideology.
- In anticipation of an adverse reaction to the change, the Indian Government moved an additional 50,000 military and paramilitary troops into the already highly-militarised area.
- The eventual lifting of the current security curfew is likely to be accompanied by further large-scale protests. India may respond by blaming Pakistan and again conducting "surgical strikes" inside Pakistani territory.
- Pakistani Prime Minister Imran Khan has made it clear that his country will respond strongly to any further military actions launched by India across the de-facto border, the Line of Control.
- In an emotionally-charged atmosphere, the Kashmir situation has brought the South Asian subcontinent to the brink of a serious crisis. Whether matters escalate will depend upon how the two nuclear-armed neighbours choose to handle the volatile situation.

Summary

India's move to change the status of the disputed state of Jammu and Kashmir is another manifestation of the Narendra Modi-led BJP Government's *Hindutva* ideology, which is aimed at "saffronising" India and turning it into a Hindu-dominated "Hindustan". In so doing, it has not only manipulated its own Constitution, but has also trampled democratic norms

and debased the United Nations Security Council resolutions recognising the territory as an international dispute, to which Pakistan is also a legitimate party, and promising the people of Kashmir an opportunity to determine their own future through a free and fair plebiscite under UN auspices. That promise was reiterated by Prime Minister Nehru on several occasions, with the assurance that he would respect the verdict of the Kashmiri people and that, if they were to tell India to leave, it would quit Kashmir without hesitation. As a consequence, the conditional accession of the state to the Indian Union was guaranteed through Articles 370 and 35A of the Indian Constitution.



Analysis

Under Articles 370 and 35A, the state of Jammu and Kashmir was allowed to have its own constitution and flag; its demographic makeup was assured by disallowing the purchase of property in the state by people from other parts of India. The special status thus granted to the Muslim-majority state by India’s founding Prime Minister seven decades ago has now been revoked through a Presidential decree with its post-facto passage in the two Houses of Parliament amid protests by opposition MPs. The special constitutional provisions for Jammu and Kashmir could only be amended through the recommendation of the state assembly. In the event, the BJP systematically prepared grounds for its action by first dismissing the state government, of which it was itself a coalition partner, and then dismissing the state assembly and imposing Governor’s rule. All of those actions were carried out over the course of the past year or so. Then, at the beginning of August 2019,

making use of the political vacuum in the state, the government secured a presidential decree to revoke Articles 370 and 35A, ostensibly on the recommendations of the Governor.

Expecting a violent and adverse reaction from the populace of Jammu and Kashmir, the Modi Government moved an additional 50,000 military personnel and paramilitary troops into a highly-militarised region that already had over half a million military personnel stationed there. The announcement of the change in the status of Jammu and Kashmir from a semi-autonomous region to a Union Territory was preceded by the imposition of a blanket curfew and the severance of all communication links, including telephone lines, mobile phones and Internet. The seriousness of the situation can be gauged from the fact that, in an unprecedented move, Hindu pilgrims conducting the *Amarnath Yatra* pilgrimage were asked to leave the territory immediately and all other tourists and visitors were also told to move out.

Residents have been locked down in their homes with soldiers stationed on almost every street. The curfew is now in its third week, with the exception of two short breaks for Friday and Eid prayers that saw angry demonstrations by stone-throwing Kashmiris. There have been reports of serious shortages of food and medical supplies. [Over two thousand people](#) have been detained, including three pro-India former Chief Ministers. Hitherto-fore Indian loyalists such as Farooq Abdullah and the BJP's former coalition partner, Mehbooba Mufti, have publicly acknowledged that their forefathers and they made an error of judgement in joining with India and have conceded that Pakistan's founder, Muhammad Ali Jinnah, was right in seeking a separate state for the Muslims.

The unrest is not confined to the predominantly-Muslim Kashmir Valley. Widespread unrest has also been witnessed in the Kargil region, which has been made part of the new Ladakh Union Territory, now separated from Jammu and Kashmir.

Certain BJP leaders have threatened to choke the supply of rivers that flow to Pakistan and Defence Minister Rajnath Singh has made a veiled threat to wrest the Pakistani-controlled part of Jammu and Kashmir. Tensions are also running high on the Line of Control (LoC), with an increasing frequency of firing incidents along the de-facto border.

What seems to have apparently encouraged the extremist Hindu dispensation in India to take this action is the apathy of the international community towards the plight of Kashmiris, who were being openly subjected to the use of brute force, including the use of pellet guns that blinded and seriously injured thousands of unarmed civilians under the disguise of counter-terrorism operations. India's so-called "surgical strike" across the LoC in September 2016 was applauded by many in the West, rather than cautioning India that it was embarking on a dangerous path. This further emboldened India to carry out aerial bombardment inside Pakistani territory in February 2019 until Pakistan retaliated. In the process, two Indian aircraft were downed, one of which fell on the Pakistani side, and its pilot captured. It deterred further military action by India at the time.

With the induction of additional troops, India may feel confident of its capability to launch new cross-LoC military actions but, in an environment of frayed tempers and charged emotions, they would surely escalate very quickly. Pakistani Prime Minister Imran Khan has

made it clear that his country would respond strongly to any further military adventurism by India. Given the emotionally-charged atmosphere and the public expectation for a befitting response to any Indian aggression, the Pakistani leadership is left with little other option.

To further complicate matters, in a statement symbolically made from India's nuclear testing site at Pokhran in the Rajasthan desert, the Indian Defence Minister hinted at India abandoning its much-vaunted "No First Use" nuclear policy (although Pakistan has never given much credence to that policy). The already delicate strategic stability in South Asia, with its non-existent crisis management and restraint mechanisms, is now under severe stress. Unfortunately, the international community has not yet fully woken up to that reality and, if anything, seems to be waiting for things to boil over before springing into action, by which time it may be too late.

The UNSC has held an informal closed-door meeting at the request of Pakistan and China, and advised both India and Pakistan to exercise caution. It may meet again formally to take up the issue which is still on the UNSC agenda. What is not commonly known is that the UN Military Observers Group in India and Pakistan (UNMOGIP) is the oldest UN peacekeeping mission. While the UNMOGIP observers are allowed to move freely to perform their assigned duties on the Pakistani side, India does not permit them to move out of Srinagar. US President Trump has expressed his concern at the deteriorating situation and has had telephone conversations with both the Indian and Pakistani leaders in an attempt to cool down the atmosphere but, beyond similar calls by the British Prime Minister, there has not been a more energetic and concerted effort by the global powers to prevent the crisis from getting out of hand.

India will one day have to lift the curfew and Kashmiris, including those who once gave their loyalty to the Indian State, will come out in large numbers to protest against the present Indian action. Given the track record of the Modi Government's handling of past demonstrations, and with increased numbers of troops available to them, the authorities are likely to use increased force to suppress dissent; large-scale violence and bloodletting is a not unlikely result. As has happened in the past, the Indian authorities will blame Pakistan for inciting violence and respond with increased actions along the LoC with the accompanying potential for escalation.

In a recent interview with the [New York Times](#), Prime Minister Khan again highlighted the dangers inherent in an armed conflict between two nuclear-armed states, the consequences of which will be disastrous not only for the South Asian region, but for the wider world, as well.

In any event, the South Asian subcontinent has been brought to the brink of a serious crisis. Before long, the two adversarial neighbours may again be close to climbing up the ladder of nuclear escalation. The question will be, can they climb down or are they getting themselves stuck in a trap from which there may be no escape?

About the Author: Dr Naeem Salik is a Senior Fellow at the Centre for International Strategic Studies, an Islamabad-based think-tank. He has a PhD in Political Science & International Relations from the University of Western Australia and a Masters in Strategic Studies from Aberystwyth University, UK. He has been on the faculty of the Defence & Strategic Studies Department at Quaid-i-Azam University, Islamabad, as well as at the National Defence University, Islamabad. He has also been a visiting fellow at the Stimson Centre, Stanford University, Brookings Institution and SAIS, Johns Hopkins University, USA. He has published several books, including 'Genesis of South Asian Nuclear Deterrence' and 'Learning to Live With the Bomb', 'Nuclear Pakistan – Seeking Security & Stability' (Editor) and the forthcoming book, 'India's Habituation with the Bomb' (Editor), besides publishing over 30 research articles in Pakistani and international publications.

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Suite 5, 202 Hampden Road, Nedlands WA 6009, Australia.
Tel: +61 8 6389 0211
Web: www.futuredirections.org.au