

The Evolving Kashmir Dispute: Prospects for Peaceful Resolution in the Wake of Article 370 Abrogation

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ABSTRACT

The abrogation of the Indian constitution article number 370 on 5 August 2019 changed not only the constitutional but also the political face of the decades Kashmir conflict. An act of the integration and national unity, the abrogation followed through with the end of the semi-autonomous status in the region and brought an array of lawful, political, and humanitarian issues to the forefront. The question of a peaceful solution does remain viable in the aftermath of this radical legal rearrangement and the current paper investigates this. The research considers the historical background of the Kashmir dispute, deterioration of autonomy before 2019, and the short-term and long-term implications of the abrogation, examining all of them through qualitative research of peer-reviewed studies, official policy documents, UN reports, and the human rights briefings. The most noteworthy results reveal that although the central government in New Delhi considers the repeal as an independent constitutional act, the one The reaction of stakeholders, including India and Pakistan, local civil society, and global institutions, points to different storyline and an ongoing absence of consensus. The paper proposes that a legal integration in and of itself cannot hold any guarantees of political reconciliation or long-term peace. It resolves that the dialogue should be inclusive, multilateral in nature comprising Kashmiri representation, regional diplomacy and international human rights monitoring as a measure to de-escalate the tensions and cogitate on the sustainable solution.

Key Words: Kashmir Conflict; Article 370; Autonomy; Indian Constitution; Federalism; Human Rights; OHCHR; Pakistan; Reorganisation Act; Regional Security; India–Pakistan Relations; Demographic Change

Introduction

The Kashmir conflict has been one of the most primitive and volatile conflicts in South Asia and it originated with the disputed accession of the princely state of Jammu and Kashmir under India in 1947. This has led to three major wars between India and Pakistan in the region since then, ongoing cross border fire, political upheavals and the mushrooming human tragedy (Raazia & Askari, 2023). The root of the conflict is multifaceted interrelation between territorialities, ethnic, and

political desires especially of Kashmiri people, whose right to self-determination has been ignored (Ali and Mustafa, 2021).

The major twist in the path of this conflict was witnessed on 5 August 2019, when the Government of India driven by the Bharatiya Janata Party (BJP) abrogated Article 370 of the Indian Constitution. This constitutional provision had entitled Jammu and Kashmir with the special autonomous status and it allowed it to have its constitution, flag, and decision-making power all issues except foreign affairs, defence and communications. It also abrogated Article 35A that gave the state the power to determine who was considered as permanent residents and implement land and employment safeguards. This abrogation was enacted in form of presidential order and Jammu and Kashmir Reorganisation Act or a two Valley act, which divided the state into two centrally controlled Union Territories: Jammu and Kashmir and Ladakh (Rehman et al., 2022).



The political move came with the security lockdown that had never been witnessed before. Thousands of more soldiers were put to duty, the internet and telecommunications switched off, and political activists, leaders and journalists arrested. Minor curfew was forced in the region throughout months. The issue of the illegitimacy and disproportionality of enacted restrictions raised by international human rights organisations, such as the United Nations Office of the High Commissioner for Human Rights (OHCHR), attracted attention to the massive infringement of civil liberty and the right to dissent (OHCHR, 2019). Whilst the government of India explained that it was defending its actions as the only way to find integration, security, and development, the critics referred to it as an authoritarian action that aggravated the already established alienation among Kashmiris (Amnesty International, 2020).

The repeal of Article 370 did not only change the constitutional connection that existed between Kashmir and India Union but also redefined the legal and

political aspects of the dispute. The territory that was formerly a semi-autonomous region, with the agreements on constitutional guarantees, has turned into the centrally administered one, where the people do not consent to the government. In case the Indian government has streamered that such integration will result in economical development and political stability, but on empirical and scholarly evaluation the results indicate otherwise. The area is exceedingly militarised, and political opposition has been limited, and people trust towards the state is as low as never (Ali and Mustafa, 2021; Rehman et al., 2022).

The question or rather the question with central interest of this paper is whether it will be a possibility to have a peaceful resolution to the Kashmir dispute that was triggered by the 2019 abrogation of Article 370. It holds that the reconfiguration of the legal and administrative framework has not handled the underlying causes of the conflict, i.e., the questions of the political representation, identity, human rights and self-determination. This paper has argued that the process of legal integration does not always mean political reconciliation or peace in the society. Rather, to attain sustainable and fair peace in Kashmir, multi-level and inclusive dialogue at the local and national levels is needed including India, Pakistan and Kashmiri political players and backed with international accountability and rights safeguarding mechanism.

In the remaining parts of the paper, historical roots of the Kashmir conflict, steps towards and after abrogation 2019 and reactions and initiatives of different parties will be discussed along with obstacles to and a way out to a sustainable peace.

Historical Context

Kashmir conflict which is believed to be one of the most intractable territorial conflict in the post colonial world, is based on the violent division of British India in the year 1947. By the rules of the game of partition, the princely states would become part of either India or Pakistan once they had accepted the terms of their accession founded on geography and the wish of their people. Jammu and Kashmir was a Muslim-majority state composed of Hindu Maharaja Hari Singh, and in the beginning, it preferred independence. But later in October 1947, when a tribal attack that was assisted by Pakistan took place, the Maharaja entered into the Instrument of Accession to India in exchange of military support (Rehman et al., 2022).



Figure 1 Map of Kashmir, 1965, showing Pakistani and Chinese advances, and zones of control.

This accession was made legal under Indian Independence Act, but was supposed to be temporary and sanctioned by a plebiscite. Pakistani unilateral withdrawal of troops, Indian unilateral reductions of the military, and a plebiscite that would determine the destiny of region followed United Nations Security Council Resolution 47 (1948). But quite on the contrary, Pakistan did not complete its withdrawal of the forces, and India slowly incorporated the territory into its constitutional establishment (Human Rights Watch, 2020). This is the case of what conflict theorists describe as a frozen conflict, a conflict that has never ceased to exist, together with its unresolved tensions lurking behind the facade of administrative normalcy (Ali and Mustafa, 2021).

In the course of time, the viability of a plebiscite rotted. In the case of India, conducting one would have invalidated the legitimacy of the 1947 accession, whereas the right to self-determination was violated by India denying Pakistan the possibility of carrying it out (Siddiq, 2020). As such international law documents as the ones governing self-determination have been shown to be weak in terms of handling postcolonial territorial disputes in case major state actors do not comply with them.

On the domestic front, India made efforts to normalize its constitutional ties with Jammu and Kashmir by the signing of the Delhi Agreement in 1952 under which the local leader Sheikh Abdullah negotiated on the same. The Agreement confirmed the special status of Kashmir under Article 370 that had given Kashmir its own constitution and the rights to legislative autonomy except defense, foreign affairs and communications. The Indian Union laws could be applied to Jammu

and Kashmir: through presidential order and the consent of the state (Zutshi, 2018). It is a typical example of asymmetric federalism that may be defined as the variability of the autonomous features of various units in the federal system.

This was an anomalous legal framework that made a political compromise. Indian nationalists regarded it as a barrier to its unity, whereas numerous Kashmiris considered it as a constitutional protection of the unique identity and independence (Rehman et al., 2022).

Article 35A came into existence by presidential order in 1954, and gave Jammu and Kashmir legislature the authority to determine who are the permanent residents and accorded them special privileges within land ownership, employment and social services. This law was a demographic hedge, which maintained ethnic and socio-economic profile of the region. But it aroused the controversy of both legal experts and nationalists in its executive introduction, superseding parliamentary amendment (Human Rights Watch, 2020).

To the Kashmiri stakeholders, Article 35A represented protection by the Constitution. To the critics of India in Hindu nationalism, it became a discriminatory system, an obstacle of complete integration of India in the nation (SAGE, 2021).

The combination of the Instrument of accession, UNSC resolutions, the Delhi agreement, articles 370 and 35A were the foundation of the constitutional uniqueness of Kashmir in India. However this was unstable all the time. In a process of decades of presidential decrees and administrative encroachment, India siphoned the state of autonomy away in Jammu and Kashmir. This creeping integration achieved as of 2019 had prepared the way to the complete abrogation of Article 370.

This path can be interpreted through the prism of the postcolonial legal theory as an example of how the control over disputed territories is established when the states gradually eradicate legal pluralism and the developed system of autonomy by negotiation. It also details the inability of international law as well as domestic asymmetric federalism to bring an end to long lying conflicts despite the lack of true local approval and institutional limitation.

Methodology

The methodology to be applied on this research is qualitative content analysis of secondary sources such as peer-reviewed academic journals, UN and human rights reports and official government documents. The most important sources involve resources of Human Rights Watch, Amnesty International, OHCHR, and such scholarly databases as ResearchGate or JSTOR. Use of pictorial and statistical data accompanied the analysis; troop deployment figures, tourism trends and even perception surveys were applied. Although the research was unable to perform any

primary fieldwork restrictively within the region, the depth and reliability of the analysis are ensured by triangulation of credible and open-access sources.

Literature Review

Autonomy Erosion Pre-2019

Although the constitutionally guaranteed autonomy of Jammu and Kashmir, on August 5, the special status of the state under Article 370 was in fact, under a well-organized decay process in the past several decades. Though initially Article 370 meant that the Indian laws would only be applicable after being vetted by the J&K Legislative Assembly, Presidential Orders, later based on Article 370(1), have allowed the central government to impose almost every entry (with an exception of 2/97 entries) of the Union List unilaterally onto the state by 2019 (Ali and Mustafa, 2021).

The Indian arrangement gradually applied a variety of Indian constitutional articles, especially those pertaining to elections, finance, emergency protections and the judicial system, to Jammu and Kashmir, which further reduced the territory of legislation of Jammu and Kashmir. To take only one example, important governmental bodies such as the Election Commission, the Supreme Court, and the Comptroller and Auditor General were gradually extended to the state by executive fiat, as opposed to mutual agreement (Rehman et al., 2022).

Legal scholars refer to this gradual centralization by the name of creeping integration, the process through which the federal government acted on the procedural interventions that led to the circumvention of political agreement and diminution of regional autonomy in an indirectly constitutional manner (Aryal and Muneer, 2023). The Harvard international law journal notes that such upsurges were done during the period in which the state was under President rule, which is of great apprehension in terms of democracy and federal accountability (Chakravarti, 2020).

Since the 1980s, a rising level of political instability and the growing use of militancy in Kashmir had come to be confronted by coercive measures by the federal authority, in the form of extended governor rule, as well as the imposing of emergency measure, most notably the Armed Forces Special Powers Act (AFSPA). The measures also undermined the local institutions and weakened the form of autonomy in terms of public trust (Amnesty International, 2020).

When it was abrogated in 2019, Article 370 had long outlived its meaningfulness as a protective measure against self-rule and had grown into a nominal machine. The legal support that made the unique constitutional existence of Kashmir possible was gutted and thereby paved way to the official destruction of Kashmir.

Article 370 Abrogation

5 August 2019 The Government of India carried out a radical change in the constitution, repealing Article 370 and reorganizing the State of Jammu and Kashmir into two Union territories under the federal government: Jammu & Kashmir and Ladakh. It was a revolutionary step in the history of politics in the region and the process was executed based on a dual legal approach.

To start with, the President of India made a new order using Article 370(1), i.e. Constitution (Application to Jammu and Kashmir) Order, 2019 canceling the 1954 order. This gave full effect to all the provisions of the Indian constitution to the state including the contentious abrogation of Article 35A. At the same time, there was a resolution in the Parliament that Article 370 needed to be revoked on the basis of Article 370(3). Nevertheless, the central government replaced that of the J&K Legislative Assembly, which it would have needed to secure following the constitutional requirement, with that of the Governor, whose appointment was under President Rule (Rehman et al., 2022).

The second aspect of the plan included the Jammu and Kashmir Reorganisation Act, 2019 that downgraded the former state into two distinct Union Territories turning J&K into a case that was deprived of the residual autonomy and statehood. This was a move that was passed through parliament with no local consultation but fell under press in the Indian supreme court and has since been upheld in a landmark ruling in a case put before the Indian high court in December 2023 that ordered state elections by September 2024 to bring some form of democratic stability (Supreme Court of India, 2023).

The legal revolution was followed with one of the worst crackdown on internal securities in the history of democracy. More than 38,000 extra servicemen were sent to the region. Media channels, such as the mobile networks and the internet, were totally blocked off, months. The country derailed through the detention of political leaders and three former chief ministers on preventive custody law like Public Safety Act (UN OHCHR, 2019). Based on reports provided by the UN Human Rights Office, the situation was claimed to be an information blockade, having serious consequences of freedom of expression and right to information (OHCHR, 2019).

Such acts were subject to condemnation by most human rights bodies and jurists. Amnesty International (2020) termed the moves as being draconian and disproportionate and the Harvard Law Review raised the issue of the constitutionality of such unilateral executive actions under President Rule (Chakravarti, 2020).

The advocates of the abrogation were mostly of the BJP who claimed the move was essential to streamline the Kashmir, attract investments and connect the region with the rest of the country. But critics argued that it was a forced

settlement that was a violation of both the spirit of federalism and democratic consent (Aryal and Muneer, 2023)

The legal restructuring that followed the abrogation was not the only part of the episode, as it provoked the need to reframe the political and cultural identity of Kashmiris, and further instigated the fear of demographic change, the right to land, and the loss of political rights. Although the Indian government promised of bringing in development and peace through the move, the region was faced by an escalated distrust gap, political suppression, and a lack of certainty concerning its constitutional status.

Immediate Impacts

Immediate and far reaching changes that in effect transformed the social political and economical life of the region was affected due to the abrogation of Article 370 and consequent bifurcation of Jammu and Kashmir into Union Territories. These effects were most felt in three areas of changes, which are on security and human rights, demographic and legal change as well as the disruption on a socio-economic scale.

Security and Human Rights

To prepare against clashes resulting after removal of its autonomy, the Indian government imposed one of the tightest security lockdowns in the modern democratic history. Human Rights Watch (2019) states that tens of thousands of more troops were sent there, and there were more than 600,000 security personnel in Jammu and Kashmir. Cities and rural areas were put on curfew and movement to the outside world was heavily limited.

At the same time, it was feeding a communications blackout; mobile, internet, and landlines services have been disrupted. What the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2019) referred to as an information blockade, it has said, impacts negatively on the rights to freedom of expression, to enjoy the highest attainable standards of health, and to livelihood. OHCHR pointed out the violation of the right to receive and impart information and the freedom of the press by the blackout.

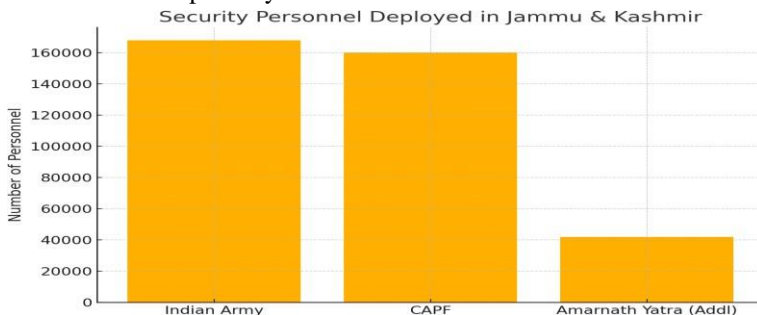


Figure 2 Comparative magnitude of militarisation, including extraordinary troop surges for religious events.

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Scores of arbitrary detentions were common. Political leaders, journalists, activists and ordinary citizens were put in preventive custody without charges, in thousands. Three of the ex-Chief Ministers of the state, Mehbooba Mufti, Omar Abdullah and Farooq Abdullah, were detained. These arrests have been enabled with statutes like the Public Safety Act (PSA) which enables un- trial incarceration up to two years. According to Human Rights Watch (2019), the situation was reported to be such that basic freedoms were endangered, and the dissent was clamped down under the security excuse of the country.

Demographic and Legal Change

In addition to the immediate lockdown, in April 2020, the Indian government initiated a new domicile law, which also changed the guidelines in a major way, concerning residency requirements in Jammu and Kashmir. Introduced in the legislation was an ability of those who had stayed in the area within that time being 15 years, the study period in 7 years and hazard of labor in public administration with 10 years to apply to domicile writing. This was a sharp contrast to the earlier regime under the Art 35A where such rights were only limited to the permanent residents (Rehman et al., 2022).

Parallel to that were mega land law reforms. Limits on land purchase that had once prohibited non-residents to own land in Jammu and Kashmir were deleted. Although in some cases, e.g., agricultural lands, there were still some protecting measures, with the opening of land markets, local populations had concerns about the demographic engineering (Ali and Mustafa, 2021). Such changes were explained by the government as the means to foster investment and development, but were viewed by local political and civil society actors as tools to detract the Muslim-majority character of the region and political disenfranchisement of indigenous populations.

Socio Economic Disruption

The security lockdown and the restructuring of law caused brutal consequences to the economy. The tourism which is backbone of Kashmir economy crumbled. Amnesty International (2020) reveals that more than 70 percent of the bookings at the peak of season 2019 were cancelled. The lack of communications meant that the hospitality industry could hardly operate and people were left unemployed. In 2020, a collective research study by the stakeholders in the industry found the region to have lost over 18,000 crore (approximately 2.5 billion US dollars) in economic production in a span of one year (Rehman et al., 2022).

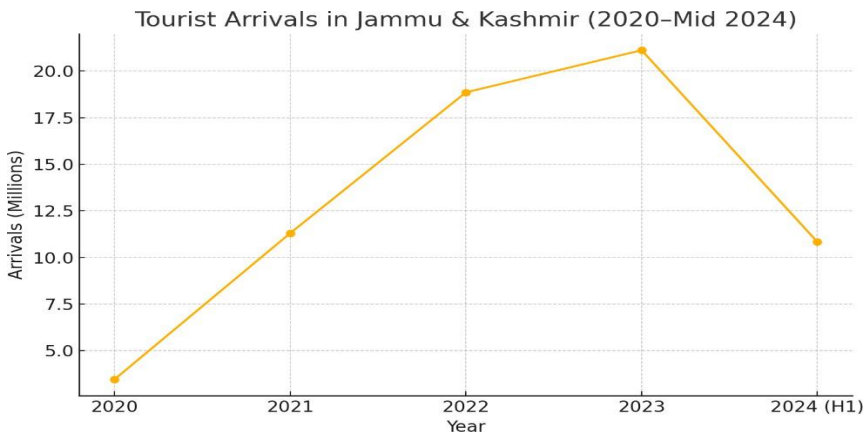


Figure 3 Initial tourism boom post-abrogation followed by a plateau and potential vulnerability.

The education was also affected. Students and personnel were not able to attend regular classes due to months of closed schools and universities, and the lack of internet resulted in limitations in the possibility to attend online education. When the Jammu and Kashmir Coalition of Civil Society examined the attendance of students a few months after abrogation, it came down to less than 10 percent. Health services were affected too: people could not reach any medical providers and could not travel to the urban areas because of the transport disruptions, and supplies of the vital goods and materials were held back by the curfews (Amnesty International, 2020).

Such cumulative effects did not only derail normalcy; they also entrenched the existing psychological trauma, in a people already ravaged by close to fifty years of conflict. The analysts caution that in the long run, the effect will be the loss of trust among the population in the state institutions and alienation of the younger generations in Kashmir (Ali and Mustafa, 2021).

Stakeholder Responses

In August 2019, Article 370 was abrogated and received radical and contrasting reception of major stakeholders both locally and abroad. Such answers confirm that the constitutional reforms were controversial and exposed wide rifts in politics, law, and visions of legitimacy and justice.

National Integration vs. Constitutional Critique in India

This abrogation was passed off by the ruling party (BJP) as bold act of securing national unity and integration. It said that aberrations such as Article 370 and 35A were outdated obstacles to growth and breeding source of development separatism and militancy in the area. The representatives of the government insisted that the invitation of Jammu and Kashmir into the Indian Union would allow enjoying

equal rights, economic investment, and stricter governance structures (Rehman et al., 2022).

Nevertheless, constitutionalists and legislators raised their voices in protest of the followed process. Among the major degrading reasons was the replacing of the Jammu and Kashmir Legislative Assembly authority by the approval of the centrally directed Governor, a decision perceived as contrary to the article 370(3) which needed the agreement of the state so that it could alter the constitution. According to legal interpretation, this maneuver has been found to be a breach of federal principles and abuse of emergency powers state of President Rule (Ali and Mustafa, 2021).

It was also cautioned by critics that it would set to go a dangerous precedent: constitutional arrangements with other states or territories could be changed unilaterally and without the consent of representatives. The absence of generating debate in the parliament and applying executive decrees stimulated views of totalitarianism instead of democratic dialogue

Pakistan: Internationalization and Diplomatic Protest

Pakistan also promptly repudiated the abrogation as one-sided change of the status quo of a disputed territory and a contravention of the resolutions of the United Nations Security Council. Islamabad foiled diplomatic ties with India, averted trade, and inaugurated a diplomatic offensive on the international arena to make the dispute international (Idahosa et al., 2023)

There were several papers by policy institutes like the Centre of International Strategic Studies (CISS) and the Ministry of Foreign Affairs of Pakistan asking the UN and the Organisation of Islamic Cooperation (OIC) to act (Strategic Perspectives, 2021). According to the Journal of Development and Social Sciences, Pakistan moved the Kashmir issue in all possible multilateral forums citing that India had violated international law by amending the constitutional status of the region unilaterally (Hussain, 2020).

Even though its vocal objections existed, Pakistan had few choices to change the state of affairs on spot. In as much as its role was appealing to certain allies, lack of desire by international appetite of direct intervention made its challenge of arranging intervention to be symbolic in nature.

Kashmiri Voices and Civil Society

Possibly the most neglected but the most impacted stakeholders in the process were the people of Jammu and Kashmir. All the political parties across the spectra including the parties that had supported the Indian interests criticized the abrogation and demanded the autonomy back. Arrests of influential Kashmiris politicians intensified the local disillusionment (Ali and Mustafa, 2021).

Civil rights groups like the Jammu and Kashmir Coalition of Civil Society (JKCCS) recorded human rights abuses, which also included the imposition of prolonged curfews and the suppression of dissent by means of spy work and state policing. Cases of a climate of fear were reported, and such cases were in part narrowing down the civic space, as the press was censored and journalists were arrested (ResearchGate, 2023).

Academic field work and NGO investigations made qualitative evidence of increasing alienation especially among the youth, whose identities and rights were perceived as facing an existential threat of being abrogated. According to the U.S. Congressional Research Service (CRS), the confidence of the population in the institutional mechanisms of redress was at a decline, and the inter-community trust had worsened compared to the previous year (Congress.gov, 2021).

Foreign Reactions: Cautiousness, but Alarm

The world response was quiet yet worried. The Office of the United Nations High Commissioner on Human Rights (OHCHR) released several statements to call the Government of India to lift the restrictions, restore communications, and to respect the political freedom (OHCHR, 2019). These worries were reflected by independent human rights organizations like Human Rights Watch and Amnesty International which pointed out how the use of force was disproportionate and arbitrary detention.

Human rights violations and democratic regress in the region was reported by the U.S. Congress via its Congressional Research Service (Congress.gov, 2021). However, the strategic and economic relations with India affected the cautious nature of major international players which include the United States and the European Union.

China, another important regional actor also came down heavily on the alteration of the status of Kashmir, especially on the Union Territory of Ladakh which shares a border with the Chinese controlled territory in the north. But its reaction was also substantially rhetoric as it only made formal protest statements at international forums (Idahosa et al., 2023).

The Obstacles to Peace

Although based on the official claim of the Indian government, the end of the Article 370 would bring more integration, development, and stability to Jammu and Kashmir, a number of structural and psychological obstacles have persistently limited the way to realistic resolution of the conflict. Such obstacles can be categorized in three categories (interwoven with each other) such as geopolitical stalemate, human rights issues, and exclusionary politics.

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Public Perception of Safety Post-Article 370 Abrogation

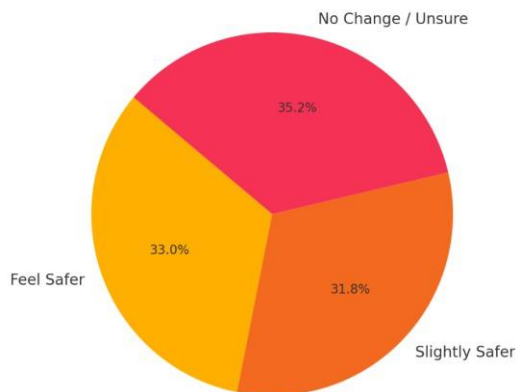


Figure 4 Mixed or hesitant local sentiment despite formal ‘integration’.

Geo-Political Stand-off and the Frozen Conflict

It is very clear that all along the Kashmir dispute has been typical of a frozen conflict whereby the political tensions were not solved even in the absence of an all-out war. The original United Nations Security Council (UNSC) Resolution 47 (1948) had stipulated that there should be a plebiscite to be held to determine the will of the people of Kashmir after the Pakistani side would withdraw; this did not happen because of the dispute between the demilitarizations in sequence (Ali and Mustafa, 2021). Consequently, this has given India and Pakistan their fair share of staking ground over their territorial disputes and there is hardly any incentive to compromise.

India has withdrawn any bilateral dialogue on Kashmir since 2019 unless Pakistan withdraws its support of militancy. On the contrary, Pakistan adheres to international mediation and considers that change implemented by India unilaterally is violating international law. This tussle confirms the frozen state of the conflict and eliminates the impetus behind a negotiated peace (Idahosa et al., 2023; Strategic Perspectives, 2021).

The environment of Humans Rights and Militarisation

The security set up that was in place in Jammu and Kashmir is very militarised and there are estimated eight soldiers per civilian in some districts (Human Rights Watch, 2020). There is also the culture of impunity with laws like Armed Forces (Special Powers) Act (AFSPA) and others giving impunity to the military troops. The organisations, including those like the Office of the United Nations High Commissioner for Human Rights (OHCHR), have documented repeated

allegations regarding enforced disappearances, extrajudicial killings, and arbitrary detention in the country (OHCHR, 2019).

Not only are such human rights issues a burden to the democratic stand of India, these issues also enhance the prevalent alienation among Kashmiris. According to the report released by Amnesty International (2020), the crackdown that occurred after the abrogation in 2019 doubled the psychological trauma and undermined the trust in institutions. Unless security practices are reformed majorly there are no chances of reconciliation to set in.

Political Disenfranchisement and Civic Exclusion

The second impeding impediment is the lack of effective engagement in politics. With President Rule imposed in 2018 onwards, the region has not been having an elected assembly. Though the Supreme Court of India ordered the election to be done by September 2024 in December 2023, the citizenry lot doubt as to whether the election can be conducted with a lot of fairness and the intentions of the electoral system in mind (Supreme Court of India, 2023).

Moreover, being a unilateral decision, the 2019 changes to the constitution were not made with the consultation of the elected representatives of Kashmir, which has been vastly seen as a very undemocratic and colonialist in its way of dealing (Chakravarti, 2020). The effect on civil society organisations is described as chilling activism, journalism, and even public debate, leading to subjections of participatory governance approaching a dead end (ResearchGate, 2023).

This political marginalisation worsens an already strained relationship between the region and the Indian state in such a way that no effort can be made to have an inclusive dialogue. It is quite impossible to build trust without reclaiming institutional autonomy and civic space.

Such deep-rooted immovable obstacles as geopolitical impasse, coercive security system, and civic disempowerment show that administrative and legal merger of Jammu and Kashmir into Indian Union has been not sufficient to eradicate the conflict (Askari & Alam, 2023). Quite on the contrary encouraging possibilities of peace would be difficult to get since the main legitimate ways of negotiations have been blocked and the relevant lack of trust between stakeholders has been increased. Until such time that these structural barriers are specifically dealt with, a vision of lasting peace will never be achieved.

The Roads to Peace

Although the polarization between the premises of the Kashmir conflict is utterly rigid, especially following the 2019 abolishment of the Article 370, it is still possible to envision a peaceful solution in case a multidimensional approach is taken. The Jammu and Kashmir peacebuilding should be a mix of domestic reforms, regional diplomacy and international assistance based on rights,

accountability and political inclusion. The subsequent routes provide practical, albeit also difficult, ways of support of long-term stability and reconciliation.

Universal Political Dialogue

A sustainable process in the quest to bring peace must start with all-inclusive political dialogue which considers the legitimate grievances and aspirations of all the stakeholders. It is not only the central governments of India and Pakistan, but it also involves the Kashmiri political representatives and civil society organisations as well as minority voices of Jammu and Ladakh and other lesser represented groups

The political alienation and thereby the loss of public trust has been further aggravated by India unilateral way of making decisions in 2019. The democratic processes should be renewed, and in that regard, it is important to restore the legislative elections in Jammu and Kashmir, which should be held by September 2024 according to the Supreme Court order (Supreme Court of India, 2023). But elections are not by their selves. A peace system where formal discussions between Kashmiri factions and New Delhi on a regular basis can be held with a focus on reparation of past wrongs along with provision of some political role in future administration must be in place (Chakravarti, 2020).

Pakistan-controlled parts of Kashmir also need to be fully involved in such activity so that a consistent peace structure is created. Previously initiated peace processes have pointed to the possibility of succeeding with negotiations that are structured as a trilateral dialogue when all parties involved display a political will to succeed (Idahosa et al., 2023).

CBMs (Confidence-Building Measures)

Peacebuilding also needs to be achieved by the presence of tangible confidence building measures (CBMs) which decrease enmity and increase people-to-people contact (LoC). These can be:

- The opening up of some cross border trade routes, especially the Uri-Muzaffarabad and Poonch Rawalakot connectivity, which were closed after rising ceasefire violations. The roads are not only contributing to the economy of the local communities but also serve as a symbol to reunite separated groups.
- Enhancing the family visits across the LoC and tourism within regulated frameworks.
- Promoting the collective exchange of academic, journalistic, and cultural experiences that help generate common stories and depolarize ideology (Rehman et al., 2022).

CBMs should be anchored on reciprocity and human security. The re-commitment India and Pakistan made to the LoC ceasefire agreement in 2021 was a small but powerful object lesson on how tactical maneuvering can cool the tensions where wider political processes have hit a freeze (Strategic Perspectives, 2021).

Socio Economic Justice and Development

It is a development led integration that the Indian government is focussing on and one that must be closely questioned. As much as infrastructure and investment are indispensable, development without dignity is non-productive. One has to work on:

- Fair access to work and learning, especially by groups historically disadvantaged in both state-sponsored violence and state-sponsored neglect.
- Refunding land and domicile protection or at least governing it openly, to avoid the feeling of demographic flux (Amnesty International, 2020).
- They must focus on mental health and trauma rehabilitation since the region has experienced conflict and militarization over decades.

The development policies should not be imposed but consultative and based on the local needs. Elected local government and decentralized institutions need the powers to conduct welfare distribution, education and governance in the rural areas (Ali and Mustafa, 2021).

Institutional, Legal Reforms

In order to establish the sustainable peace, the change in the security and legal infrastructure in Jammu and Kashmir should be noticeable. It is important to repeal or make significant changes to laws like Armed Forces (Special Powers) Act (AFSPA) and the Public Safety Act (PSA). These legislations have given a free hand to detention without trial and allowed security services to operate beyond prosecution, which has undermined belief in legal solutions among the citizens (Human Rights Watch, 2020).

Moreover, India ought to be committed in the independent prosecution of the human rights violations of the past, and establish a truth-telling formulas as means of post-conflict justice. A judge system with increased transparency, greater access to equal opportunity in the legal aid, and genuine protection of journalists and activists is a significant pillar to win the trust of the people (OHCHR, 2019).

International Mediation and Regional Mediation

As much as India is opposed to the intervention of the third party, international assistance can contribute in a positive way. Monitoring of the situation of the rights could be conducted with the help of the United Nations by using special

rapporteurs or the OHCHR. The diplomatic pressure points where the European Union or Organization of Islamic Cooperation (OIC) can encourage de-escalation and adherence to the norm can be used.

In addition, the informal track II diplomacy, such as civil society-based dialogue, academic consortia, and diaspora-based peace forums, has been efficient in maintaining engagement when diplomacy fails (Idahosa et al., 2023; Strategic Perspectives, 2021). Think tanks and international donors can assist ground level interventions regarding peace education, traumatization, and conflict transformation programs.

Peace process in Kashmir will not be viable through constitutional engineering on one side or muting of opinions on the other. It should be multi-layered, rights based and permission based. A political process, economic integration, legal change and localized diplomacy need to go together in a step-by-step and consultative road map. The absence of this, will result in the downward spiral of increased-hostile relations and unending instability in the region.

Although the official action of abrogation of the Article 370 was legitimately undertaken by India in 2019, it neither alleviated nor removed the more profound aspects of the dispute. Real peace must recognize that Kashmir is not a security problem or a territorial problem, but a political problem and handled with sensitivity, humility and vision which only cases of this lengthy conflict require.

Conclusion

The repeal of Article 370 can be seen as an immense constitutional and political development regarding India and its treatment of Kashmir. Although currently positioned by the Indian government as a step to integration and development, the regional tensions have been worsened by the unilateral character of the decision and the militarization of the region, the gradual loss of local powers. The failure of the international community to take an effective counteraction, the perception of the Kashmiri voices lacking in the decision-making process, concerns over the rights of this region indicate that the prospects of a peaceful resolution using legal changes seem far-fetched. The lasting solution can only uphold dialogue, restoration of democracy, and observance of the historical and constitutional uniqueness of the region.

Policy Recommendations

The Kashmir conflict requires specific policy-based interventions to initiate a peaceful and sustainable solution bringing structural injustices, political marginalization, and regional insecurity. The recommendation provided is organized on the basis of key stakeholders: India, Pakistan, Kashmiri leadership and the international community.

A. On the part of the Government of India

- **Recover Political Agency:** Immediate action should be done to hold free and fair elections to the Jammu and Kashmir Legislative Assembly which as per the Supreme Court (Supreme Court of India, 2023). These elected officials must have the freedom to discuss regional policies such as the land rights, language and education.
- **Reform Security Legislation:** The AFSPA and the PSA amongst others are laws that need to be reviewed, reduced, or abolished. They are not absolutes that should be welcomed in democratic practice and often criticised as provisions that allow the violation of human rights (Human Rights Watch, 2020).
- **Re-earn Public Trust:** India must take transitional justice, through truth commissions or people inquiries into past perversities. Civil society activists, the press and human rights defenders need to be protected by the state (OHCHR, 2019).

B. In the case of the Government of Pakistan

- **A Constructive Diplomatic Approach:** The stance of Pakistan on Kashmir will perennially be based on UNSC resolutions and may thus state that there should be no go-it-alone approach. To solve fundamental issues, Islamabad must present confidence-building structures and rehabilitate the backdoor diplomacy (Idahosa et al., 2023).
- **Strengthen Civil Society:** Pakistan needs to arm the non-state actors, such as think tanks, media, or diaspora communities, to establish peaceful narratives and humanitarian involvement instead of zero-sum discourses (Strategic Perspectives, 2021).

C. Our Kashmiri Political and Civil Actors

- **Reorganise Representation:** breaking the ideological barriers, Kashmiri political free groups should think through the formation of a united consultative platform, which may also be able to negotiate between Delhi and Islamabad on an inclusive, gender representation, and regional diversion principle
- **Encourage Pluralist Narratives:** Leaders and the civil society must stay clear of sectarianism and create converging points on all matters like employment, education and human rights-thus an offence to the state repression and the extremist ideologies.

D. To International Actors

- Enhanced Observation Tools: Multilateral institutions like the UN Human Rights Council, EU Parliament, and OIC must consider having permanent observation missions to Rights violations in Jammu and Kashmir (OHCHR, 2019).
- Fund Peace Infrastructure: The international community should finance reconciliation, trauma healing, inter-communal dialogue, and strengthening institutions in Kashmir.

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