
The Question of Kashmir under Article 370 and Post-370 Era: A Critical Reappraisal

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Since the partition of India in 1947, the question of Jammu and Kashmir has been a central theme in South Asian politics generally and India-Pakistan relations in particular. The contested ex-princely State is geo-strategically divided between India and Pakistan and is governed respectively with distinct constitutional provisions conceding it significant autonomy. In August 2019, through a constitutional amendment bill, the Indian parliament abrogated Article 370 of the Constitution of India which granted special and semi-autonomous status to Kashmir. This creepy move by the Indian government divided the Indian-held Kashmir into two constitutionally recognized union territories, namely Jammu and Kashmir in the southern part and Ladakh in the north. The stated reasons for the abrogation of Article 370 were better administration, good governance, and socio-political integration of the State with the Indian Union. This research paper argues that the question of Kashmir, presently under the direct and acknowledged authority of New Delhi after revoking Article 370, is unlikely to be settled without the involvement of the Kashmiris and Pakistan. In addition, the political history of Kashmir under Article 370 is critically examined, ultimately leading to its abrogation while considering future scenarios and the acrimonious India-Pakistan relationship.

Keywords: India, Kashmir, Article 370, Ladakh, Pakistan, South Asia

Introduction

Kashmir is located in the northwest of the Indian subcontinent high in the Himalayas. On the eve of the partition of India in 1947, there were about 560 princely States ruled by local Rajas and Nawabs. The State of Jammu and Kashmir (J&K) was one of those states ruled by the princes under the paramountcy of Britishers who had exclusive authority over its external affairs, defence, currency, and indeed, communications matters. The territory of J&K was larger in size than the other states. Accordingly, due to the Indian Independence Act of 1947, it was given the option to join either India or Pakistan. Raja Hari Singh Dogra was the Maharaja of Kashmir, and he at first tried to maintain the State as it was under the British paramountcy. The Maharaja soon entered into a Standstill Agreement with both the dominion states as he wished to secure his rule.

In the same time, majority of the Muslim population of the valley stood against the Maharaja out of the fear that “as the Maharaja is Hindu, he would join India against their will while also ignoring geographical compulsions of the proximity of Kashmir to Pakistan”.¹ These Muslims, mostly the retired veteran soldiers of British India, immensely supported by contingents of the Pashtun tribesmen, started an insurrection against the supposed inclination of their ruler. They fought bravely against the Maharaja's forces and established their demand for a right of self-determination. These freedom fighters arrived near Srinagar in October of 1947, pushing the Maharaja's forces back. The Maharaja left Srinagar for Jammu, requesting the government of India for assistance. The Indian government led by Jawaharlal Nehru conditioned India's help for quelling these freedom fighters if and only if Kashmir approved accession into India. It is an established fact that “Vallabhbai Patel, the first Indian interior minister, had a plan of military invasion prior to October 27”.²

The “Maharaja signed the Instrument of Accession to India in a bid to suppress the separatist elements and restore order in the valley”.³ The regular Indian forces – having the essential military training, equipment, and experienced officers of British India – were given orders to fly to Kashmir and safeguard the valley duly sanctioned by Prime Minister Nehru, the first Indian Governor General Lord Louis Mountbatten and Sardar Vallabhbai Patel. Dakota aircrafts for transportation, over 100, were assembled around Delhi for the Kashmir mission. On October 27, when the Kashmiri freedom fighters (mostly Poonchis) and Pathan tribesmen had besieged the city for three days, the first contingent of the regular army of India landed on Srinagar airport instigating the first Kashmir War between

India and Pakistan. M. A. Jinnah, the founder and first Governor General of Pakistan, also deployed Pakistani troops in Kashmir so as to halt Indian onslaught. However, Pakistan was at a disadvantageous position as both the armies of India and Pakistan were still under the single supreme command of Sir Claude Auchinleck, who would refuse what amounted to and considered to be a war between the two dominions. Meanwhile, the Kashmiri freedom fighters were soon crushed by the Indian army. What these Kashmiri freedom fighters and tribesmen had achieved till October 24 was declared as Azad Kashmir, with its own government coming into being under the auspices of Pakistan. The government of Pakistan also staged protests for Kashmir's alleged annexation to India. Till today, this is the most contentious issue between India and Pakistan as both claim it to be their integral part. Amid the geostrategic tussle, “the people of Kashmir valley are facing the death and destruction of their lives since 1947 because of Indian occupation”.⁴

Demography and Geography of Jammu and Kashmir

The Jammu region is predominantly Hindu, while the Kashmir valley is a Muslim-majority area. Early in 1949, there were about 77% Muslims, 21% Hindus, and the remaining were Sikhs. According to the Amnesty International report, “its total population is about 15 million: 12.5 million in J&K, and the remaining under Pakistan’s administered Azad Kashmir”.⁵ The Indian government is afraid of its consented demand of plebiscite in United Nations (UN) as its Muslim population will join Pakistan if it takes place. Muslims generally populate the western part of Kashmir, while its eastern part is dominated by Hindus and Sikhs. A significant majority of people practicing Buddhism is also present in Ladakh, bordering Chinese Tibet.

With a total area of about 85,000 square miles, Kashmir is predominantly a mountainous region strategically located in the northwest of the Indian subcontinent high in the Himalayas. In the east and northeast, two autonomous regions of Xinjiang (Uygur Muslim homeland) and Tibet, which are parts of China, border it. To the south, it is touched by India through the states of Himachal Pradesh along with the Indian Punjab, Pakistan on its western side and Afghanistan in the northwest. Azad Kashmir, erstwhile Gilgit Agency and Baltistan (now a single administrative unit under the name of Gilgit Baltistan with its headquarters in Skardu) that comprise the north-western tract are administered by Pakistan, while India administers the south-eastern and southern portions of

J&K and Ladakh which is bitterly contested with China since 1962 Sino-India war. Muzaffarabad is currently the capital city of Azad Kashmir, administered from Islamabad, while Srinagar is working as the capital of Indian-occupied J&K controlled by New Delhi. China also claims the territory of northern Ladakh bordering Tibet. Most of the rivers, particularly flowing in Pakistan, are arising in the Kashmiri foothills of the Himalayas, making the region geographically and strategically imperative for the prosperity and national security of Pakistan. The longest river in Pakistan, the river Indus, has provided water to the fertile lands of Punjab since the times unknown, making it a lifeline of Pakistan's existence. Thus, the unilateral "reorganization and annexation of the disputed region by the Indian government in 2019 is a topical basis for fostering newer threats to regional security and peace".⁶

Political Developments in Kashmir and the Birth of Article 370

A critical analysis of Article 370 along Article 35-A, included in the Indian constitution in the 1950s and, subsequently, the special status of and the destiny of this beautiful but unfortunately war-torn valley of Kashmir simultaneously with its abrogation, in 2019, by the Indian government under Bhartiya Janata Party (BJP) needs a robust historical exploration.

In 1949, when the Indian constitution was being deliberated, Gopaldas-wami Ayyengar presented a draft of Article 370 (originally 306-A) before the constituent assembly of India. This article defined "the government of the State" as the Maharaja of J&K acting on the advice of the Council of Ministers "for the time being in office" under the Maharaja's proclamation. It was adopted with this definition in the same year, and subsequently, India took the *de facto* control of the valley. Through this Article, India precisely followed this approach by ousting Sheikh Abdullah from his office of premiership and throwing him behind bars in 1953. Successive Indian governments tried many times to scrap away the autonomy of J&K enshrined in Article 370 along with 35-A to implement the Indian constitution therein.⁷

It was the pressure exerted by the United Nations Security Council (UNSC) that barred India from claiming overall control of the valley, as it was then disputed between India and Pakistan. Both the nascent states fought a small-scale war in 1947-48 over the accession of Kashmir to either India or Pakistan. According to Article 370 (ultimate constitutional form and numbering of Article 306-A) of The Constitution of India, Kashmir had its own constitution and independence over all its domestic matters except foreign affairs, defence, and communications, etc. Another article, "Article

35-A, was also attached to this article, which banned non-Kashmiris from purchasing land in the valley and acquiring possessions”.⁸ This article was revoked on August 5, 2019, when the Home Minister of India, Amit Shah, presented the J&K (Reorganization) Bill 2019 in the lower house of the Indian parliament, Lok Sabha. On the next day, the President of India, Ram Nath Kovind, gave assent to “the resolution declaring 370 with all its clauses, except clause one, abrogated and inoperative, bifurcating the State into two constituent union territories”.⁹

Over the years, “since the insurgency of 1989, the Indian government allegedly felt a strong urge of attaining the objectives of the State integration, administrative facilitation and good governance”.¹⁰ This legislation has divided the Indian-held Kashmir into two union territories, namely J&K and Ladakh. It is a far-reaching enactment and decision seeking redrawing of the geopolitical map and future of the flashpoint protracted with wars, fighting for the right to self-determination and terrorism. The move also brought media, power and internet shutdowns for months due to fierce opposition from the people of Kashmir and human rights organizations which suggest that the situation on the ground is all but normal. Before the intended abrogation of Article 370, the elected assembly led by Mahbooba Mufti was dismissed in 2018, and the governor's rule was imposed. The union “constitution of India prohibits the central government from taking any political or administrative action in the State” without the prior approval of its representative assembly.¹¹

Article 370, along with article 35-A, is one of the most debated articles in the world's lengthy constitution of total 395 articles that grants special autonomous status to the Indian-Occupied Kashmir since 1954 when it was given this status by presidential order that banned any change in the demography of the valley, allowed its own constitution and an elected assembly and a Prime Minister (later reduced to a Chief Minister) and a *Sadar-e-Riyasat* (titular President) working under the President of India through a governor. The position of *Sadar-i-Riyasat* was rescinded later, bringing the assembly and chief minister under the presidential entitlements. However, “the resolution passed in February 1954 by the constituent assembly of J&K confirming the legality of the State's accession to India was protested by Sheikh Abdullah” in prison along with the UNSC.¹²

Successive Indian governments tried their best to cope with this article and to become champions for Indian primacy in broader regional politics and secure their national interests in the fertile yet fragile region of Kashmir. The Kashmiris elected their representatives many times, and their elected

semi-autonomous assembly carried out its work with much difficulty, but the central government often kicked off these governments and imposed presidential rule through a governor. The aforementioned assembly also allegedly ratified the Instrument of Accession in 1953 when it was brought before it. The Indian government's control was limited to the defence, foreign affairs, communications and transportation of the Kashmir valley. It was independent in its internal affairs up to some extent. It had its own flag and citizenship laws in order to maintain the special status provided in the Indian Constitution. The Indian government, through multiple moves, extended its authority to Kashmir. As of 2012, “ninety-four of the ninety-seven entries in the Indian constitution's union list were extended to J&K”, as were 260 of the 395 articles.¹³

Articles 35-A and 370 of the Indian constitution clearly lay, summarily, the following special provisions regarding Kashmir;¹⁴

1. Only the representative assembly of the State shall define the permanent residents.
2. The Indian parliament (both Rajya Sabha and Lok Sabha) is not entitled to make any law regarding Kashmir without the consent of the State Assembly of Kashmir.
3. J&K will have their own flag and their own constitution and will be independent in conducting their domestic affairs through an elected assembly.
4. President rule cannot be proclaimed in that State; only governor (formerly *Sadar-i-Riyasat*) rule can be imposed.
5. J&K will have its own criminal code, Ranbir Penal Code, 1932.

J&K is not the only such State that has the status of a special state. There are several such states like Nagaland, Assam, Manipur, Arunachal Pradesh, etc., but in these states, there is no such type of provision which might separate them from India. Such type of provision in the Indian constitution, according to them, is totally against the unity and integrity of India, which is mentioned in the preamble of India, and in the year 1994, this resolution was passed by the Indian parliament that Kashmir is an integral part of India. Praja Parishad, a movement of the Hindu middle class under Prem Nath Dogra's leadership, started agitation in 1952 against Article 370 and the abolition of the special status of the State. In the same way, New Delhi attempted successively in the 1960s to abolish the constitutional provisions granting separate and special status to Kashmir but failed due to the Plebiscite Front's (a party founded in 1955 by Mirza Afzal Beg) strong

opposition. The Plebiscite Front issued a whitepaper in 1964 and stressed that “the accession to the Union of India of the State of J&K is politically temporary in nature and is not irrevocable, final or complete”.¹⁵

India's Unhappy Marriage with Kashmir through Article 370

Over the last seven decades, the Indian government and the State government have colluded to strip away the protections and guarantees available under article 370 to the State of J&K. The “State constitution of J&K”, which afterwards was “promulgated in the year 1956”, envisioned the office of the “*Sadar-e-Riyasat*” as the head of the State. The *Sadar-e-Riyasat* was to be elected by the State legislative assembly for a period of five years but appointed by the President of India. However, through an amendment in the State constitution in 1965, the governor, appointed by the President of India, replaced the office of *Sadar-e-Riyasat*, transforming the union and State's interrelationship over time.¹⁶

Similarly, “articles 356 and 357 of the Indian constitution pertaining to the presidential rule and some sort of Indian parliamentary law-making were applied to the State of J&K in 1964 through a presidential order”. It appeared probable that “sooner or later, Article 370 would eventually be abrogated”. It was strongly demanded not just from the *Rashtriya Swayamsewak Sangh* (RSS established in 1925) goons but from many nationalists and Hindutva leaders, too, claiming completion of the progression towards the fusion of the State with India. The State constitution's article 92 already provided for the governor's rule. The powers granted to the governor were further solidified in 1975 through another presidential order by the ambitious government of Prime Minister Indira Gandhi. That presidential order also barred the State legislature from amending the power and functions of the governor of the State. It is obvious that “the long and intricate journey of Article 370 along the provisions of Article 35-A was soaked in treachery and gradual erosion” from the very beginning.¹⁷

The Indian government, on many occasions, expressed their concerns about Article 370 in the constitution that granted special status to the J&K State. The Indian Prime Minister Jawaharlal Nehru, while delivering a speech in 1963 before the Lok Sabha, the lower house of the Indian parliament, once said;

*“Article 370...is a part of certain transitional provisional arrangements. It is a part as long as it remains so. As a matter of fact...it has been eroded, if I may use the word, and many things have been done in the last few years which have made the relationship of Kashmir with the Union of India very close”.*¹⁸

Later, Gulzari Lal Nanda, who was the acting prime minister of India twice in the 1960s, declared in a statement in 1964 that;

*“Only the shell of article 370 was there: whether you keep it or not, it has been completely emptied of its contents. Nothing has been left in it”.*¹⁹

Accordingly, it is clear from the above statements of the Indian authoritative figures that the fate of this unique article was to be short-lived. “It was to be abrogated one day, and so it happened in August 2019 during the absence of the State Assembly and the chief minister under the Prime Minister Narendra Modi government”.²⁰ However, “the disputed region of J&K is still heavily militarized and there is enough instability and human rights violations” followed by attempts to alter the indigenous identity by force to nullify the Indian claims of success in achieving peace.²¹

The underlying philosophy for the abrogation of Article 370 by the Bhartiya Janata Party (BJP)-led Indian government in August 2019, along with Article 35-A, is the brainchild of Narendra Modi, the hardliner expansionist and a staunch supporter of the Hindutva ideology of Chankiya and the *Sangh Parivar*. Narendra Modi is the right-wing incumbent prime minister of the world's so-called largest democracy, elected for a second term in the May 2019 general elections (first term: 2014-2018) with a sweeping majority. He was involved in the Gujarat brutal massacre of approximately two thousand Muslims in 2002 when he was the chief minister of that State. He is also a lifelong member of RSS, a saffron-led private force which holds the flag of *Bharatmata*, meaning every Indian should be a Hindu, and all the remaining must convert to Hinduism or leave India. Due to these reasons, the American government banned him from entering into America and cancelled his visa. Today, he is one of the close allies of the American government as the US tries to counter-balance the emerging economy and political rival, China. New Delhi aspires to be the leader of the third-world countries and a regional powerhouse. The incumbent government of

Narendra Modi pays no heed to matters dealing with Kashmir on regional and global platforms.²²

The election of Narendra Modi, the head of his own political party in India, gives a clear picture of changing political trends in India. “Indian masses are prone to the popular political culture today, and they showed it in 2014 and later in the May 2019 general elections”. It was “mentioned in the 2019 election manifesto of the BJP that a clear solution to the Kashmir issue” would be made as soon as possible if it formed a government in the center.²³

In order to accomplish their promise of an election campaign and the Hindutva dominance, India hatched a false flag operation and a conspiracy against Kashmiris. “In February 2019, an alleged Kashmiri of 22 years of age blew himself up in Pulwama” against a military convoy bus in which forty-five soldiers were killed and many wounded. The Indian central government blamed Pakistan for being involved and started a blame game owing to the warmth of election season. Pakistani government under Prime Minister Imran Khan denied the attack and also demanded clear proof of the allegations levelled against Pakistan.²⁴ But the “Indian military, with the substantive support of its civilian government, launched air strikes in the Pakistani territory of Balakot in northern Khyber Pakhtunkhwa (former NWFP)” and dropped their payload while going back, “falsely claiming the strikes killed above 300 terrorists”. In another aerial mission in the next few days, “the Pakistan Air Force (PAF) fighter jets boldly faced and had an eyeball-to-eyeball dogfighting with the Indian Air Force (IAF) in an aerial combat and dropped two of their jets”. One Indian jet got dropped in Azad Kashmir, and its pilot, Abhi Verma Nandhan, was caught up.²⁵

However, “PM Khan, after consulting the parliament released the prisoner as a peace gesture in these tumultuous days in order to neutralize the situation on the ground and bring India to the negotiating table”.²⁶ But the Indian government put it aside, and after facing so much humiliation in the international arena for its army's morale and failed operation in Kashmir—that India had crushed some three hundred above militants in Pakistan-held Kashmir area and their base, it appeared with a new plan, and claimed that IAF had targeted an F-16 (American manufactured) of PAF. The intended motive was later revealed in August. It was the annihilation of Kashmir's special status in the Indian constitution and polity. “Washington soon announced all the F-16s, numbering 16 in total, were safe and under the command of PAF”, refuting the Indian claim of downing one of PAF F-16s.²⁷

Consequently, “the Indian government, on August 5, 2019, imposed a curfew through the Public Safety Act, of 1978 in Kashmir and a brutal policy of suppression was applied” toward innocent Kashmiris in the name of clearing the valley from Muslim fundamentalist and separatist elements. On the same day, in the Indian parliament's lower house, Lok Sabha, the home minister Amit Shah, another hardliner and Modi's alter ego, presented two bills and, similarly, two resolutions pertaining to J&K in the Indian parliament. The first resolution, called the Constitution (Application to J&K) Order, 2019, issued by the President of India, sought to supplant the 1954 order associated with Article 370 Article and “the first Bill, namely the J&K (Reorganization) Bill, 2019 called for the division of Kashmir into two Union territories”. Correspondingly, the Resolution for Repeal of Article 370 of the Constitution of India and the Kashmir Reservation (2nd Amendment) Bill, 2019 were also tabled and passed.²⁸

On the next day, August 6, the legislation was completed after being passed by the two houses of the parliament and signed by the President of India. Henceforth, “Indian-Occupied-Kashmir was divided into two union territories, namely *Jammu and Kashmir*, with a legislature and *Ladakh*, without a legislature. Massive protests erupted in the besieged valley, and a curfew was imposed after the legislation”. Internet, media, and power crackdowns soon followed after the demonstrations against the legislation. Similarly, “listening to the petitions right after four years on the said matter, the Indian Supreme Court, to the disappointment of Kashmiri people, on December 11, 2023, upheld the August 2019 Union Government's legislation revoking Article 370 sealing the fate of J&K once and for all”.²⁹

Pakistan and China, who are the important actors in the Kashmir dispute, and the international community “condemned the move along with different other countries and international forums and human rights organizations”.³⁰ The assembly of the State was now defunct, its flag subsumed into the Indian flag, and the land of the valley was now permissible for Indians to purchase and settle there. With the abolition of the special status of Kashmir and abrogation of Article 370, “India has actually contravened its constitution, defiled of the *de facto* border of Line of Control (LoC), and also violated various bilateral agreements between India and Pakistan; the most important one is the Simla Agreement, 1972”. India has violated the unanimously adopted resolutions of the UNSC and, above all, international law. Till today, the curfew and lockdown are often observed on special occasions. The life of Kashmiris has become static; they cannot pray in

mosques, their daily businesses are closed, schools are shut off, and communications are blocked.³¹

The Future of Kashmir and India-Pakistan Relations beyond Article 370

Abrogation of “Article 370 along with 35-A once again brought India-Pakistan's relations to the lowest ebb” arising over the contested valley of J&K. The international community raised a dim voice against the Indian atrocities it committed to Kashmiri people during this lockdown, which has still not been lifted when these lines are being written. Pakistan raised its voice in support of the Kashmiris at the United Nations General Assembly annual address by strongly condemning the Indian government's policy of suppression and subjugation. Its abrogation will give impetus to the already soured tensions between India and Pakistan. Overall “its prominence it would change the geopolitical dynamics of South Asia”. India may infiltrate their military forces into the other portion of Kashmir and fall into a total war with Pakistan.³² Similarly, the annulment of Article 370 will likely make the Kashmiris more radical than before and more determinant to the cause of self-determination. The Indian government is applying severe penalties and oppressive measures to those who raise their voices against the occupation of their valley. However, “the masses and submissive leadership of Kashmir are more determined and prepared to come outside and protest against the move of abrogating Article 370 and demanding, at the same time, full independence from Indian occupation”. The internal politics India are subjected to revision of its foreign policy as well as defence policies in the changed geostrategic environment.³³ Similarly, the results of the recently held first ever elections in the disputed region since abrogation of article 370 in 2019 has muffled the Indian government functioning as a referendum on the issue of revoking Kashmir’s special status.³⁴

The “question of Kashmir between India and Pakistan and its future remains uncertain, and so are the bilateral relations” of the two nuclear-armed neighbours. Even the controversial “decision of abrogation of Article 370”, which still provided the State with semi-autonomous status, and Article 35-A of the Indian constitution recognizing the inherent right of Kashmiris over their homeland and domestic affairs, “is predestined to fail and backfire”. “No observable solution to peace and settlement is in sight, and the problem has tarnished India-Pakistan ties since the very beginning of the problem”, right after the blood-strained partition in August 1947.³⁵ The bold action followed by the Indian government in 2019, in which it unilaterally

and despotically abrogated article 370 concurrently with 35-A, is an indication that New Delhi is preoccupied with the insurgency characterized by separatist demands that needs to get rid of. However, the BJP government under the Hindutva-icon PM Modi is still unable to dislodge the question of Kashmir from the international chessboard of political affairs. Similarly, Islamabad's foreign policy initiatives focused on conflict-ridden Kashmir valley and strategic response on the diplomatic front are gaining attention” at international forums as the issue is once again in the global spotlight.³⁶

Pakistan's foreign policy on Kashmir since the abrogation of Article 370 and 35-A is successful in a myriad ways owing to its strong global advocacy. New Delhi is always striving to freeze the issue entirely and, instead, adamant on mainstreaming terrorism in bilateral talks with Islamabad and tackling global geopolitical disputes.³⁷

Since the abrogation of Article 370 in August 2019, “640 Kashmiris have been killed and many injured and decapitated in counter-terrorism, extra-judicial murders, arbitrary arrests and prison tortures, and encounters in the union territory of Kashmir”, and many more disappeared.³⁸ “In the month of September 2023, 11 Kashmiris were killed by the occupying Indian forces” amid strict media shutdowns and arbitrary detentions of leaders and journalists.³⁹ In 2020, right after the abrogation of Article 370, the Modi “government introduced a new citizenship law that granted non-Kashmiris considerable permission for possessing property, holding jobs and obtaining citizenship in occupied J&K while scrapping the State's own citizenship law” provided under Article 35-A, thus triggering, projected, demographic fluctuations suitable for furthering the Indian government's expansionist agenda. “Following the Israeli strategy in occupied Palestine, the Indian government under PM Modi, while abolishing 35-A, is engaged in settler colonization of Kashmir after getting variations in local demographics”.⁴⁰

The rationale behind “the abrogation of Article 370” and imposing India's constitutional supremacy by the Modi government is not reasonable for Kashmiris which was also opposed by Indian National Congress (INC). It “allowed Indian citizens of other states to buy and make properties in Kashmir and open industries on their land”, and the abrogation of Article 370 also abolished the separate identity of Kashmiris.⁴¹ The Indian government, under RSS ideology, was committed to doing it, and it did this brutal act through hurried legislation and a presidential order in October

2019. Girish Chandra Murma, a senior bureaucrat, administered the oath of first lieutenant governor in a ceremony. The ceremony was tightly secured by armed forces. The abrogation of Article 370 brought Kashmiris to the streets to protest the assault upon their State's special status and their separate identity from other Indians. The central government in New Delhi deployed more troops in the valley to control the situation. A curfew and lockdown were imposed to suppress the masses and to quell the insurgents. Public Safety Act of 1978 was applied in the valley, which brought all communications facilities to an end; people were shut in their houses, and overall life was made stagnant.

The Pakistani government raised its voice in the UNGA annual session and condemned it; Pakistan also showed support for them through diplomatic means and succeeded up to some extent. But the severe did not concerns of the international community stop India from proceeding with this plan of hatred and escalating tensions with its neighbour. The “Human Rights Commission of the UN issued a condemnation report and urged India to comply with the UN charter” and International Law.⁴²

Moreover, “the European Union parliamentarians made a visit to the landlocked State of Kashmir but were not allowed to go deep into the State territories for an assessment of a real situation”.⁴³ Kashmiris are so far languishing under heavy military presence, their life is disturbed and forced abductions and rapes of women are in full swing by the occupying Indian forces. The status of their identity is now scrapped, and they are now the citizens of India at large whether they like or not. The Indian government needs to gauge the sensitivity of the issue and must reinstate the autonomous status of Kashmir and comply with international procedures.⁴⁴ India will have to allow the plebiscite demand presented by the UNSC in any case. Otherwise, it may face the lasting movement for the right of self-determination in the form of resistance in the valley.

Conclusion

It is evident today that India has submerged Kashmir into its constitutional boundaries and is now going to eradicate the distinct identity of the Kashmiri people. They did so in order to solidify the stance of *Atut-Ang* (integral part) that Kashmir is an integral part of India. If Kashmir is an integral part of India, why are the laws of India not applicable? The disrespect of the Indian flag is not punishable; Indians outside are not allowed to make property in Kashmir or own it, and its assembly's term is

six years, which is different from the other State's assemblies. It has its own flag, the order of Indian apex court is not valid in the valley, *Sharia* law is applicable to Kashmiri women and etc.? So, these were the basic questions before the Indians through the decades that they talked about and wanted to abolish all these legal provisions and make Kashmir the constituent part of India. An objective analysis of the Indian strategy reveals that no attainable strategic or security objectives are there beyond the present tense status quo. India's dream of becoming the world's most useful economy pretty much depends on the peaceful solution to the Kashmir issue. Without an objective solution agreed upon by all, the ill-fated Kashmir story will continue to the detriment of all and the welfare of none.

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