



## Indian Revocation of Kashmir's Special Status: Causes and Implications

Dr. Zahir Shah<sup>1</sup>, Sahil Shah<sup>2</sup>, Dr. Jamal Shah<sup>3</sup>, Abbas Khan<sup>4</sup>

### Abstract

Conflict and enmity between Pakistan and India began in 1947, immediately following their independence, and have since led to three wars between them. Their relations have always been strained mainly because of the Kashmir issue. Kashmir issue is the unfinished agenda of third June 1947 formula. According to the 3rd June 1947 plan, Kashmir was to be a part of Pakistan but due to the various unjustified means, India kept it under her occupation. Till August 5th, 2019 Kashmir was enjoying a special status under the Article 370 of Indian constitution but on August 5, 2019 its special status was revoked by the Narinder Modi's government through unilateral action and converted its temporary borders with Pakistan and China into international borders. Indian government ignored all the UN resolutions regarding Kashmir issue. The main focus of this research is to find out causes of the revocation of the Kashmir's special status, its impacts on the people of Kashmir and its implications for Indo-Pak relations and the region. The study shows that Modi's fascist, racist and anti-Muslim policy, demographic changes, extreme Hindu nationalism, the occupation of land, water and economic resources, geographical importance of the state and ideology of RSS were obvious reasons behind the abrogation of Article 370. This research is purely qualitative and descriptive. Secondary data were used to give answers to the various research questions.

**Keywords:** Indo-Pak Relations, Kashmir, Abrogation of Kashmir's Status, UN Resolutions, Bharatiya Janata Party (BJP)

### 1. Introduction

The history of Kashmir goes back to the first half of the 1<sup>st</sup> millennium when Hinduism entered into Kashmir. Shah Mir became the 1<sup>st</sup> Muslim ruler in 1339. Muslim ruled Kashmir till 1819. Mughal and Durrani ruled Kashmir from 1586 to 1751 and from 1747 to 1819 respectively. In 1819, Ranjit Singh, a Sikh seized Kashmir. Sikhs were defeated in first Anglo-Sikh war in 1846 (see Dhar, 1986: 8), and in accordance with the Amritsar Treaty, Kashmir became a princely state on March 16, 1846. The Sikhs ruled the valley till the independence of subcontinent (Alam, Bhatti & Awan, 2020). Kashmir is surrounded by Afghanistan, India, Pakistan and China in Himalayan Mountains. Due to its beauty, the Mughal rulers called it the Kashmir paradise.

In June 1947, Lord Mountbatten, the last viceroy, announced a plan to divide India, widely known as June 3<sup>rd</sup> Plan, 1947. According to Plan, all the princely states (about 562) were given choice to join either Pakistan or Indian Union, keeping in view their population and geographical contiguity (Minhas, Ahmad & Khan, 2019). On 19 July 1947 the state legislative assembly passed a resolution unanimously to accede to Pakistan (Hashmi, 1993: 50-51). However, Hari Singh, the Hindu ruler, was delaying the decision to find a suitable time for joining India (Choudhury, 1968: 90-108).

India and Pakistan were trying to have accession of the Kashmiri state with them. For the time being, Sikhs forces initiated their operation to quiet the Muslims. In reaction, the Muslims of Mirpur and Poonch started opposition movement on 8<sup>th</sup> August, 1947. During the revolt, the state forces committed Muslim genocide and almost 5 million Muslims were expelled from the state by being either brutally killed or forced out of Kashmir and into western Punjab. In the meanwhile, the Pathan tribesmen captured Kashmir in October 1947 (see for example Choudhury 1968: 90-108). After redeeming some territories on 24<sup>th</sup> October 1947, the freedom fighters declared an independent government namely Azad Kashmir. Sighting the departure of the state forces, Hari Singh requested help from the Indian government. India agreed to help but in return, the Maharaja had to join India. On October 26, 1947, Hari Singh signed a controversial paper and on October 27, 1947 Lord Mountbatten, recognized the letter of accession.

As the accession was against the partition plan, India promised to hold plebiscite on Kashmir. Jawaharlal Nehru, the Indian PM said that the fate of Jammu & Kashmir must be decided by its people. Pakistan stated that the accession to India was a dishonest act which was contrary to the June 3<sup>rd</sup> Plan and the wishes of Kashmiris and declared that Pakistan would never accept the accession as final. The controversial accession to India resulted in an armed conflict between the two countries (Choudhury 1968: 90-108). Sighting her defeat, India requested the UN Security Council (UNSC) on January 1, 1948 for a ceasefire. After complete considerations, Resolution No.39 was adopted by UNSC on January 20, 1948. Under this resolution, United Nations Commission for India and Pakistan (UNCIP) was empowered to investigate the issue in hand. On April 21, 1948, Resolution No. 47 was passed guiding both the countries to take out their armies, to establish a provisional government and to provide the ground for a free, peaceful, and fair plebiscite under UNCIP

Another broad resolution was adopted by UNSC on August 13, 1948 for holding of fair and free plebiscite. On January 5, 1949, another resolution was approved by UNSC which nominated administrators for referendum (Alam, Bhatti & Awan, 2020). Since India could not secure favorable resolution in the UN, it fused the Indian occupied land into its constitution. She gave special status to Indian Occupied Kashmir (IOK) in article 370 of the Indian constitution. The nature of the accession was not destined as an entire incorporation. It was assured that state would be under special status till a new agreement. Special status for IOK was first suggested in 1949 under article 306-A, and was settled under article 307. After much debate it was finalized under article 370 of the Indian constitution.

The UN's inability to settle the Kashmir conflict brought about border conflicts between Pakistan and India. So far three wars have been fought between the two nuclear powers. On June 6, 1998, UNSC passed Resolution 1172 to find diplomatic solution to

<sup>1</sup> Professor of Political Science Abdul Wali Khan University Mardan, Pakistan, [zahirshah@awkum.edu.pk](mailto:zahirshah@awkum.edu.pk)

<sup>2</sup> Student of BS Political Science at Government Post Graduate College, Mardan, KP, Pakistan

<sup>3</sup> Associate Professor of Political Science at Government Post Graduate College, Mardan, KP, Pakistan, [jamalkhattana@gmail.com](mailto:jamalkhattana@gmail.com)

<sup>4</sup> Student of BS Political Science at Government Post Graduate College, Mardan, KP, Pakistan

mutual conflicts as well as Kashmir issue. Till August 5, 2019, Kashmir was enjoying special status under article 370 of Indian constitution but when Narendra Modi came to power for his 2<sup>nd</sup> term, he unilaterally changed the status of Kashmir by rescinding articles 35 A and 370 of the Indian Constitution on August 5, 2019 and converted its transient boundaries with China and Pakistan into international borders. Kashmir was divided into 2 Union Territories i.e. Ladakh and Jammu and Kashmir. Union Territories are directly controlled by federal government. The move by the India is the violation of all UNSC resolutions regarding Kashmir issue. The move greatly affected the relations between the two countries. This move has also greater ramification/implications for the region. This study is an attempt to analyze the move. The main objective of the study is to find out the causes of the move by the Indian government and its implications for the people of Kashmir, Indo-Pak relations, and the region at large.

## **2. Bharatiya Janata Party (BJP): Origin and Aims**

The Bharatiya Jana Sangh (BJS), a political party was founded in October, 1951 and was a right wing of the Rashtriya Swayamsevak Sangh (RSS), a Hindu nationalist volunteer organization. In 1951, the BJS was merged in RSS. The Bharatiya Janata Party (BJP) of India was established on April 6, 1980, following the reformation of BJS, with the founding leaders of Murali Manohar Joshi, Atal Bihari Vajpayee, and Lal Krishan Advani (Setyorini & Mukti, 2020). BJP aimed to make India a purely Hindu state. BJP won the election and became a remarkable victor since 1984. Taipan, an Indian business group played a key role in the successes of BJP. After the election of 2014, the Narendra Modi's ministry was unable to fulfill the demands of Taipan and was pressurized by Taipan to remove hurdles in the way of creating national market and to improve taxes on various goods and services (Setyorini & Mukti, 2020). The policy of BJP regarding Kashmir and article 370 was to deprive Kashmir of its constitutional status and withdraw article 370 of Indian constitution, uniform civil code etc. (Baxter, 1969: 31-237). BJP's leaders have very deep ties with the Hindu extremist group, RSS. BJS' leader was highly encouraged by the Hindu extremist group RSS (Rahman & Muneer, 2020).

Parsad Mukherjee, the founding leader of BJS was minister in the Jawaharlal Nehru's first cabinet. Mukherjee left the Indian National Congress because he had differences with Nehru about IOK. Nehru favored Kashmir special status (Nag, 2014) while Mukherjee was one of its greatest opponents and was in favor of abolishing article 370 and the whole incorporation of IOK into Indian Union. The foremost aim of BJP was to revoke Article 35 A and 370 of the Indian Constitution. It was quite clear from the campaign of BJP for the election of 2019 where it was promised that the Indian population would be able to purchase land in IOK and it would be completely integrated into Indian Union (Rahman & Muneer, 2020). It is stated in the manifesto of BJP for Lok Sabha's election that BJP has to eradicate Article 370 and 35-A of the Indian constitution (India Today, April 8, 2019).

In the name of peace and development, BJP aimed to revoke the special status of Kashmir. BJP manifesto stated that it is to overcome all hurdles in the way of development in Kashmir and Article 35-A is a hurdle in the way of development and was to be revoked. The BJP's manifesto says "We are committed to annulling Article 35-A of the constitution of India as the provision is discriminatory against non-permanent residents and women of Jammu & Kashmir. We believe that Article 35-A is an obstacle in the development of the state." In the electoral campaign of 2019, BJP adopted anti-Muslims and anti-Pakistan narratives to gain public support. It was quite clear from the strikes of Indian Air Force in Balakot (Pakistani territory) on February 26, 2019, just before the election. Modi was presenting himself as watchman (Chowkidar) of the Indian nation (Diwakar, 2019).

## **3. The Move towards Revocation of Kashmir's Special Status**

After coming into power for the second time, the foremost objective of Modi was to revoke the special status of IOK under article 35-A and 370. BJP's aims were to convert Muslim majority into minority by bringing demographic alteration in the disputed IOK. The major objective behind these demographic alterations was to disrupt the right of self-rule and the conduct of plebiscite. In order to achieve its goal of abrogating article 370 and 35-A, BJP tried various strategies. The first approach was to secure 44 plus seats in Kashmir assembly but it failed and entered into coalition with People Democratic Party (PDP). The second approach was legal battle. With the firm support of RSS and other Hindu radical groups, BJP approached to High Court of IOK but the court declared Article 370 as permanent one. Later on the Supreme Court of India justified the decision of the High Court (Rahman & Muneer, 2020).

Eventually, Modi-led BJP's government abrogated Article 370 of the Indian constitution on August 5, 2019, through presidential order (Aljazeera, September 4, 2019). The Home Minister presented the Jammu & Kashmir Reorganization Bill, 2019 on August 5, 2019 in the Indian parliament (Khound, 2019). He recommended that the president has issued a decree eradicating the whole clause of the Article 370 to integrate the IOK into the Indian Union and split into two territories i.e. Jammu & Kashmir and Ladakh (The Wire, August 5, 2019). The Union territories would have to be headed by lieutenant governor. Ladakh would be governed without legislative assembly but Jammu & Kashmir would have its legislative assembly. Both Union territories came under the jurisdiction of IOK's High Court (Mohanty, 2019).

The Jammu & Kashmir Reorganization Bill was passed by the Indian Parliament on August 6 2019 (The Wire, August 07, 2019) and received the assent of Indian president on August 9, 2019. The two Territories of IOK came into existence on 31<sup>st</sup> October, 2019- the birth day of Sardar Vallabhabhai Patel, the Indian first Home Minister (The Hindu, August 09, 2019).

With the abrogation of Article 35-A and 370, any Indian citizen could be able to own property and settle permanently in IOK which would convert Muslim majority into minority (The Economic Times, August 05, 2019). The August 5, 2019 move of Indian government through presidential order was illegal and one-sided as the Indian government didn't include all the stakeholders before making the Act. The August 5, 2019 Act of Indian government was against the Constitution of India which provides that Article 370 could be amended only through the recommendations of state Assembly. According to Article 370(3) of Indian Constitution "The president may....declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify, provided that the recommendation of the constituent assembly of the state ... shall be necessary before the President issues such a notification" (Ray, 2019). Hence the state assembly was not in

existence and the president revoked Article 370 on the advice of the state governor instead of state assembly which was against the provisions of the Constitution (Hedge & Kishore, 2019) and was in violation of all the resolutions of UNSC on Kashmir and International Law since IOK is an undecided territory. In October 2015, the IOK High Court gave verdicts that Article 370 could not be amended or repealed by the Indian government as the Indian Constitution required consent of the Kashmir Constituent Assembly to amend or abrogate Article 370 (Rahman & Muneer, 2020).

#### 4. Causes of the Revocation

The removal of the Article 370 is violation of all the UNSC resolutions, Shimla Agreement, International Law and Hague Regulations of 1907 forbidding any power to occupy the territory under its illegal control (Chohan & Aamir, 2020). The various causes behind the illegal and unilateral action of Indian government are:

**The Ideology of Rashtriya Swayamsevak Sangh (RSS):** The main objective of the Hindu extremist and nationalist BJP was to deprive IOK of its special status and revoke article 370 of the constitution of India (Baxter, 1969: 31-237). Leaders of the BJP have emotional ties with the Hindu ultra-extremist group RSS formed in 1925 (Rahman & Muneer, 2020). RSS is one of the most vocal opponents of Kashmir's special status and is in favor of abolishing article 370 and the whole integration of Indian occupied Kashmir (IOK) into Indian Union (Graham, 1990: 32-40). Narendra Modi himself was a member of RSS for a long time period of three decades. RSS and BJP have a firm faith of religious Hindu majority in India.

**To Bring About Demographic Changes:** One of the major objectives of Modi and BJP was to convert Muslim majority into minority by bringing demographic alteration in the disputed IOK. The objective behind these demographic alterations was to disrupt the right of self-rule and the conduct of fair and free plebiscite. Various means were adopted by BJP to achieve its goal of abrogating Article 370 and 35-A like; (a) to secure forty plus seats in the election of state assembly but failed to secure and entered into an alliance with the People Democratic Party (PDP); (b) the legal battle. With the firm support of RSS, BJP approached to High Court of IOK but the Court of IOK declared Article 370 as permanent one. Later on, the Supreme Court of India affirmed the decision of IOK's Court (Rahman & Muneer, 2020); (c) to provide liberal leadership and to disrepute the standing leadership; (d) to disperse the people of various castes, religion, region, race and interest; (e) to give eternal residences to various immigrants in the state such as Baharis, Rohingyas, West-Pakistanis to bring about demographic changes; (f) the announcement of Union Territory for Ladakh, Kashmiri Pandits to resettle, to highlight Buddhists issue in Leh; and (g) to increase the number of Yatris in IOK. The objective behind was to pressurize the Muslim population of IOK (Rahman & Muneer, 2020).

**Controlling Water Resources:** Kashmir is one of the highly rich regions of water resources. The water resources of J&K have been a source of conflict between India and Pakistan. In September 19, 1960, Indus Water Treaty (IWT) was concluded between the two countries. Under the treaty three of the eastern rivers namely Ravi, Sutlej & Beas were given to India and the western rivers namely Indus, Jhelum & Chenab were given to Pakistan. The water resources of Pakistani rivers, flow through Kashmir have been used for irrigation and hydropower purposes. Various dams have been constructed by India due to which about 362 families were displaced and 533 acres land was grabbed to boost the her economy. Consequently, the state assembly opposed IWT through a resolution as it had directly affected the state development (Pandow, 2020). Indian power generation company, National Hydro-power Corporation (NHPC) has been operating various Hydro-power projects in J&K. J&K considered NHPC projects as exploitive as it was challenging the state power potential and opposed it. After the abrogation of Article 370, NHPC could be able to operate various hydro-power projects and control gold mine water resources of the state (Pandow, 2020).

**To Disrupt Afghan Peace Process:** To sabotage the Afghan Peace process might be a cause of the August 5, 2019's move. In the Afghan Peace process, India was kept aside despite of huge amount of investment in Afghanistan. India could not bear the central role of Pakistan in the process and liked to divert Pakistan's attention to interrupt the process (Chohan & Aamir, 2020). But that Indian policy failed when US-Taliban Accord was signed on February 29, 2020, which ended the 'War on Terror' and provided for the US withdrawal (BBC News, February 29, 2020).

**A Tool for BJP'S Electoral Gain:** In the campaign of 2019, BJP leaders promoted enthusiasm in the Hindu nationalist societies to abrogate Article 370. The objective behind was to gain public support in the election of 2019. By this factor Modi gained popularity and was supported because of anti-Muslim narrative (Shah & Dalton, 2019).

**Hindu Extremism and Anti-Muslim Agenda:** The ruling RSS backed BJP aimed to establish a wholesome Hindu state. The Hindu extremist group RSS is against Muslim, Christian, Western and secularism (Alter, 1994).

**Expansionism and Land Grabbing:** Kashmir has already been occupied illegally by India since 1947. But now, with the abrogation of article 35-A and 370, Indian citizen could be able to own property in the valley. BJP government planned to convert Muslim majority into minority just to sabotage Kashmir freedom movement. About 800000 army personnel has been stationed in IOK to occupy major portion of land through constructing bunkers, building cantonment and camps in the region (Kanjwal, 2019). The presence of such huge number of army has made the region the largest militarized zone of the world (Zia, 2019).

**Geo-Strategic Importance of the State:** The geography of the state is equally important for the security of both Pakistan and India and is therefore, a major cause behind the August 5, 2019's move. India perceived the state geography and its border as natural safeguard of her security against any foreigner antagonism, most likely China and Russia. In the same way, Pakistan perceived the Kashmir's geography to be a means of its defence and view illegal Indian occupation as a threat to Pakistan's defense. After the US withdrawal, a power tussle among India, Pakistan, China, Iran and Russia was also expected to be started. This might create hurdles in the way of India to develop strength in the region (Farooq & Gul, 2020).

**Taipan (Indian Businessmen Groups):** Taipan, group of businessmen of India, was very active during the electoral campaign. In the election of 2014 and 2019, the businessmen groups have performed a key role in the success of Modi. Modi gave positive response to Taipan by promising of eradicating regulations which were creating hurdle in the way of foreign investment. Article 370 was perceived to be a hurdle in the way of investment and creating a national market without limitations (Setyorini & Mukti, 2020).

**Economic Imperialism:** Economic imperialism is one of the major causes of the move. Indian government has been controlling JKB (Jammu & Kashmir Bank Limited). An agreement was concluded between JKB and RBI (Reserve Bank of India), in April 2011. According to the Agreement JKB would act as an agent of RBI to carry out general banking business. The agreement was detrimental to the state development as it made Jammu & Kashmir totally dependent on Indian government. The involvement of Indian government harshly effected the Jammu & Kashmir economic development. The move led to the loss of JKB autonomy, granted to it under Article 370. It was a planned step toward economic imperialism (Pandow, 2020).

#### **Implications of the Move for the People of Kashmir**

The abrogation of IOK status has implications for the people of Kashmir. Kashmiris since 1947 have been struggling hard for their right of self-rule. But India, the nominal secular state, has been applying various means to deprive the Muslims of Kashmir of their right of self-determination. Draconian laws are enforced in the state to kill, blind and torture innocent people of Kashmir along with state sponsored genocide. Indian draconian laws such as Armed Forces Special Power Act (AFSPA) and Kashmir Public Safety Act (PSA) gave exceptional power to occupied forces to commit Muslim genocide in IOK. The current move has badly affected the people of Kashmir through various ways for example:

**Deprivation from Special Privileges:** Article 370 gave special status to IOK and empowered the state of Jammu & Kashmir to have its own constitution, flag and make laws for the state except foreign Affairs, communication and defense matters. Article 35-A gave special privileges to people of Jammu & Kashmir and defined the permanent residents of the state. It gave only the permanent residents the right to own property and disallows non-permanent residents to own property. It also provided that only permanent residents of the state could be able to get jobs, financial assistance, scholarship and other schemes. Modi's move deprived the people of Kashmir of their special rights and privileges (Dagia, 2019). Now any Indian citizen could be able to own property in Jammu & Kashmir. The citizens of Jammu & Kashmir would follow the model of single citizenship as in the other Indian states. Kashmiris would follow the Constitution and flag of India and there would be no distinct constitution and flag of Kashmir.

**Strong Insurgency and Inhuman Curfew:** Before and after the August 5, 2019 move, 281 paramilit about 40000 military forces and 281 paramilitary groups were deployed in IOK (Sandhu, 2019) in order to cope with the expected protest against the illegal act. Indian occupied Kashmir was placed under harsh curfew. Many native political leaders were kept under house arrest. Schools and universities were closed. All the communication facilities were banned. Thousands of tourists and Indian pilgrims were said to leave. Almost 0.7 million military forces have been stationed in the region (Fareed, 2019). The shortage of food and medicine supply occurred (BBC News, August 4, 2021). Numerous killings and arrests have been reported and inhuman ways have been adopted to control the protest (Ahmar, 2021).

**Human Rights' Violation:** Kashmir has become the largest militarized region on the earth. The people of Kashmir are struggling hard to acquire their right of self-determination but the military forces have committed various human rights violations including rapes, gang rapes, destruction of houses, forced labor, extra judicial killings and forced disappearances etc. (Khan, Khan & Abbas, 2021). Women have been mostly the victim of brutality. Women of the IOK are treated in brutal way for their active role in the right of self-determination. India military forces in the region have been devoted to various cases of rape, molestation, persecution and degradation to suppress the native people of Jammu & Kashmir. About 11,224 rape cases were reported by Kashmir media service. "Death for death, rape for rape" said by SP Sinha the former Indian Major-General in November 17, 2019 (Shamim, 2019).

**Muslim Genocide for Demographic Alteration:** The state sponsored genocide has become the routine of occupied forces since August 5, 2019 (see Husain & Mehmood, 2021). The deployment of additional army after August 5, 2019, is a systematic plan of committing genocide in the region as Modi-led BJP's government aimed to make India a purely Hindu state. The move was a step by Indian government towards altering the demographic structure of the state to bring Hindus in majority IOK (Shamim, 2019).

**Detention of Kashmiris to Suppress the Protestors/Insurgency:** Many Kashmiris have been arrested. Indian government empowered Indian military forces to detain people through several laws such as AFSPA, 1990 and PSA 1978. Under PSA, the Indian forces can detain any person devoid of trial for about two years (Husain & Mehmood, 2021; Shamim, 2019).

**Enforced Disappearances or Missing persons:** Since August 5, 2019, many native Kashmiris have been disappeared and kept under illegal detention by Indian government. Thousands of Kashmiri missing persons have led to economic instability and mental illness in their families. As a result many of the Kashmiri women have come to be half widows and have become psycho patient (Haq, 2018) (APDP & JKCCS, 2019: 27-31).

**Breach of Freedom of Expression:** A strict clampdown was imposed by the Indian government to cope with the excepted protest of the locals. All means of communication were blocked. The various human rights violations such as harassments, detentions, destruction of houses, beating and illegal arrest committed by Indian forces could not be reported. Journalists were forced to publish only state directed news. Many journalists were punished for publishing against the inhuman lockdown in the J & K (Kakar, Ashraf and Fatima, 2019).

**Anticipated Demographic Changes (Domicile Rule):** The move was a deliberate plan to wholly occupy the Jammu and Kashmir valley. While the state was under strict clampdown, the government enforced Domicile Rule to transfigure Muslim majority into Muslim minority. After more than a month of its enforcement, 400,000 Indian citizens have got domicile certificates which can adversely affect the result of any plebiscite (Parvez, 2020). The rule generated unrest among the local citizens and leaders as the objective of the rule was to alter the demography of the state and transform Muslim majority into Hindu majority (Haroon & Hussain, 2020).

#### **5. Implications of the Move for Indo-Pak Relations**

Since independence, the relations between the two neighboring states have remained tense mainly because of Kashmir dispute which so far has resulted into three armed conflicts and many border skirmishes. In 2019, the relations over Kashmir escalated into

war like situation (Gupta, 2019) when, on February 14, 2019 around forty (40) Indian security personnel were killed in a suicide attack at Pulwama district of Jammu & Kashmir for which the Indian government blamed Pakistan and said that she would take “all possible diplomatic steps” to isolate Pakistan. Indian air force propelled air attacks inside the Pakistani territory on February 26, 2019 and claimed that it had targeted the camp of Jaish-e-Muhammad at Balakot but Pakistan negated any death or causality and assured to answer back. On February 27, 2019, two Indian aircrafts namely Su-30MKI and Mig-21 violated Pakistani airspace and were shot down by Pakistani air force and a pilot officer, Abhinandan Varthaman was arrested. On March 01, 2019, he was handed over to India as good will gesture (BBC News, August 08, 2019).

In August 2019, relations between the two countries became worse ever in the history. Immediately after coming into power for its 2<sup>nd</sup> tenure, the BJP-led government planned to accomplish its manifesto’s promise of revoking the special status of Jammu & Kashmir. A harsh clampdown was imposed in the valley. About 500 Kashmiri political leaders were kept under house arrest. This act of Indian government has escalated the already strained relations between India and Pakistan. Immediately, after the move, Pakistan deferred diplomatic relations with India and ousted the Indian High Commissioner and refused to send the currently appointed ambassador to India. The trade relation between India and Pakistan was put off (Moten, 2019: 588-590). Pakistani Prime Minister asserted to take the issue into UNSC and challenged the illegal move in the International Criminal Court. Pakistani PM warned that “if the world does not act today...(If) the developed world does not uphold its own laws, then things will go to a place where we will not be responsible for” (BBC News, August 8, 2019). He warned that the move might lead to more Pulwama-like circumstances. The PM said that any Indian bellicosity would be retorted. The joint session of Pakistani parliament adopted a resolution unanimously condemning the unconstitutional act of Indian government. The PM summoned a meeting of National Security Committee on August 7, 2019 in which two-sided arrangements with India were revised.

Shah Mahmood Qureshi, the then Foreign Minister (FM) of Pakistan, gave a detailed note of the continuing inhumanness of Indian government in Jammu & Kashmir in an emergency summit of Organization of Islamic Cooperation (OIC) on August 6, 2019. Pakistan viewed 14 August as “Kashmir Solidarity Day”. On August 14, Pakistani PM cautioned Indian PM, Modi, in a speaking to the Legislative Assembly of Azad Kashmir, that every aggressive move of India would be strongly responded. August 15, the Indian Independence Day was regarded as “Black Day” in Pakistan and the Pakistani PM said that the move would have stark consequences/reaction in the Muslim world.

On August 16, 2019, UN Security Council discussed the situations of IOK. It was for the 1<sup>st</sup> time since 1965 that UN Security Council took into consideration the issue of IOK which invalidated the plea of India that the August 5, 2019’s move was its internal matter (The daily Dawn, August 13, 2020). While addressing the UN General Assembly, Pakistani PM said “What is going to happen when the curfew is lifted-a bloodbath”. Furthermore, he warned “when a nuclear-armed country fights to the end, it will have consequences for beyond the borders. It will have consequences for the world” (UN News, 27 September 2019).

With the move, the already tense relations between the two states further deteriorated. Pakistani PM while responding to a question said that “unless India retreats from the steps taken on August 5, 2019, the Pakistani government will not talk to India at all” (Business Standard, May 11, 2021). Any miscalculation by both the governments could prompt a breakdown in the deterrence that has restricted conflict to levels each side judges it can manage. A full-scale war could inflict damages that would have economic and political consequences for years (Iqbal, 2021). Because of having nuclear capabilities, the worsened situation between India and Pakistan might escalate into full pledge war which could lead to the use of nuclear capabilities. The use of nuclear capabilities would not only be calamitous for India and Pakistan, but for the region and the whole world. Therefore, the world should get involved to bring normalcy in the worsened state of affairs. Moreover, a full-scale war would be fallacious to the economy and progress of Indian government and the already weakened economy of Pakistan, which would ultimately lead Pakistan to insolvency (Fadli, 2021).

## 6. Implications for the Region

The Indian unconstitutional move not only deteriorated the mutual relations between India and Pakistan, but created instability and uncertainty in the region, further hampering peace, prosperity and development of South Asian countries. Revocation of Kashmir special status aggravated global worries over a fresh armed conflict. South Asian region is less developed with the member states having unresolved issues due to which almost all of the South Asian states have security directed foreign policies and two major states of South Asia, Pakistan and India, have been sharing a history of conflict since 1947. Being nuclear, the region safety is really endangered because the use of weapons could lead to destruction of the region (Aslam, 2021).

Geographically, the state of Jammu & Kashmir has a key role in the security of India and Pakistan. India perceived the geography of the state as natural protection against any foreign power like Russia and China. Similarly, Indian presence in Kashmir is a threat to Pakistan’s safety. The antagonism between India and Pakistan can threaten the peace of South Asian region. It is said that India seized Kashmir because a power tussle amongst India, China, Pakistan, Russia and Iran was anticipated to be started after US departure from Afghanistan which would create hurdles in the way of India to become regional hegemon. Moreover, after US departure, India also had the fear of Taliban’s return which India perceived to be a threat to her occupation of Kashmir (Farooq & Gul, 2020). The regional and worldwide impacts of the move can be:

- The region’s destruction and the threat of another World War: As the move also impacted the position of Ladakh over which, China has a claim. Therefore, China perceived the act of India as offensive and reacted that “India’s unilateral amendment to its domestic law, continue to damage China’s territorial sovereignty”. Therefore, China perceived the Indian decision as “unacceptable and void”. In the scenario, the situations between the two emerging powers can escalate into a full-pledge war which may lead to the human and infrastructural tragedy in the region. Additionally, in the present scenario of alignment, any conventional war in the region might lead to another World War.
- The everlasting threat of local wars in the region: Being the nuclear haves states, Pakistan, India and China have claim over particular region of the Jammu & Kashmir. As these states are aware of the devastation related to the use of nuclear

capabilities, they would not precipitously turn into the use of nuclear arms, but remained restricted to local wars beneath the nuclear extension. Consequently, there would be massive likelihoods of confined wars in the region (Minhas, Ahmad and Khan, 2019).

- The use of nuclear arms would not only threaten the peace of South Asia, but would have consequences for the world. The world should be aware that the nuclear weapons of India are under the control of fascist mind Modi.
- The appearance of New World Order could also be the possible effect of the decision of Indian government. The current scenario of alliances and re-alliances, especially those, grounded on political economy, demonstrating the New World Order. China, Pakistan and Russia are considered to be one tactical group while India, America and other western nations would belong to the other group. Both the alliances are basically grounded on security and strategic concern. As a result, the economy built alliances and re-alliances could either shift the supremacy or reverberate between the two centers which would likely bring 'New Great Game' (Minhas, Ahmad and Khan, 2019).

## 7. Conclusion and Recommendations

The 2019 election campaign of BJP was totally based on anti-Muslim and anti-Pakistani propaganda aiming the people of Kashmir to be deprived of their special status and privileges granted to them under Article 370 of the Indian constitution. BJP leaders promoted Hindu nationalism aimed to make India a purely Hindu state and to bring demographic changes in occupied Kashmir by converting its Muslim majority into minority. The purpose was to disrupt the right of self-determination and any future's possible plebiscite. Various means were adopted by India to revoke Article 370 legally, but failed. Finally, the BJP government illegally abrogated Article 370 of Indian Constitution through presidential order on August 5, 2019. The act violated Article 370(3) of the Constitution of India which provides that Article 370 could only be amended by the consent of state assembly. The act was not only the violation of Indian constitution, but also of International Law, Shimla Agreement, and Hague Regulations of 1907 and all the UNSC resolutions which recognized Kashmir as disputed territory. The ideology of RSS was obvious behind the abrogation of Article 370. The move has led into a strong insurgency in the valley and about 10000 people revolted despite the harsh clampdown just after the revocation. The act of Indian government has also escalated the already strained relations between India and Pakistan and war like situation was created on borders. Because of having nuclear capabilities, the full pledge war between the two states could lead to the destruction of South Asia and also of the whole world. It could also lead to 3<sup>rd</sup> World War. The move also created the possibility of emerging New World Order and of perpetual limited wars in the region. Moreover, the move has created possibility for the early use of nuclear weapons mostly because of the Indian fascist minded leadership.

## 8. Recommendations

- The very first step towards bringing normalcy in the relations between Pakistan and India is to restore the pre-August 5, 2019's position.
- Steps should be taken to resolve Kashmir dispute by applying the June 3<sup>rd</sup> Plan, 1947.
- Our political and military leadership has been voicing their continuous backing to Kashmiris in their struggle of just right of self-determination in all national and international levels but that is not enough. International community and leaders are not keen to exert pressure on India and have remained limited only to verbal declarations. Pakistan should move beyond extracting verbal statements from the international community. As it is bitter but accurate fact that in international relations, significance and consideration to the struggles of states are given on the ground of its mutual relations with other states in global community, so it is the time to efforts to make firm and cordial relations with all the world major powers, which matter a lot.
- Pakistan should hasten the practice of frequent visits of international professionals and human rights groups to Azad Kashmir to gain more and more international backing and should encouraged such groups and professionals to present impartial reports on human rights violations in Kashmir. Likewise, visits of agents of regional and international organizations should also be planned quite frequently to Azad Jammu & Kashmir.
- Kashmiri and Pakistani political leadership should make certain the existence of legitimate Kashmiri struggle, including armed resistance, to Indian illegal and illegitimate occupation, draconian laws, violence and genocide for their just right of self-determination. However, to keep on legitimate such resistance must prevent all acts of horror against innocent citizens. India's case is grounded on violent occupation although Kashmir's case is founded on principle of self-determination. History is evident that principle always wins in contradiction of occupation.

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