

SOUTH ASIAN POLITICS AND SECURITY

The Abrogation of **Articles 370 and 35A**

of the Indian Constitution

and Its Implications for the South Asian
Regional Strategic Environment

A Critical Analysis of the Presidential Order, Constitutional Transformation,
and Geopolitical Consequences

Dr. Syed Rizwan Haider Bukhari

PhD Political Science - Strategic Studies

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Dedication

*To my beloved parents, whose prayers and counsel have guided
me.*

*To my beautiful wife, whose support and encouragement have
never ceased.*

To my brother and sisters, for their enduring love and faith in me.

In memory of my late grandparents, who continue to inspire me.

To my dear children, my sons and my lovely daughter.

*And to all my family members, whose love, sacrifices, and support
have given me strength.*

Contents

Dedication	v
Preface	ix
Abbreviations	xi
1 Introduction to Study	1
2 Brief Historical Study of Kashmir	51
3 IoK in Post withdrawal of Article 370 & 35 (A)	87
4 Indian's Abrogation of Article 370/35(A): A Pakistan Perspective	105
5 The Implications of the Abrogation of Article 370/35 (A)	127
6 Elite Perceptions on the Geopolitical Implications of the Abrogation of Article 370 and 35A: A Pakistani Strategic Perspective	155
7 Indian Held Kashmir: A Way Forward	207
Bibliographical Sources	233
Appendix A Instrument of Accession	263
Appendix B Constitution One Hundred and Fourth Amendment Act 2019	265
Appendix C States and Union Territories	267

Contents continued

Appendix D Hereditary State Subject Notification of 20 April 1927	271
Appendix E Article 370 Temporary Provisions with Respect to the State of Jammu and Kashmir	273
Appendix F Delhi Agreement 1952	275
Appendix G The Constitution Application to Jammu and Kashmir Order 1954	279
Appendix H The Constitution Application to Jammu and Kashmir Order 2019	281
Appendix I The Jammu and Kashmir Reorganisation Act 2019	283
Appendix J Questionnaire for Study Participants	289
Publications from the Dissertation	295
About the Author	297

Preface

This book, “The Abrogation of Articles 370 and 35A of the Indian Constitution and Its Implications for the South Asian Regional Strategic Environment: A Critical Analysis of the Presidential Order, Constitutional Transformation, and Geopolitical Consequences,” explores one of the most consequential constitutional and strategic developments in contemporary South Asian politics.

On August 5, 2019, the Government of India abrogated Articles 370 and 35A of the Indian Constitution, thereby ending the special constitutional status of Jammu and Kashmir. This decision, implemented through the Presidential Order and related constitutional measures, was not merely a domestic legal action. It became a turning point with far-reaching political, diplomatic, military, and geopolitical implications for South Asia.

The constitutional transformation of Jammu and Kashmir reshaped the strategic environment of the region. It altered the political relationship between Jammu and Kashmir and the Indian Union, intensified the Kashmir dispute, and deeply affected the security perceptions of India, Pakistan, and China. What was once viewed primarily as a territorial and political dispute increasingly became framed as a matter of sovereignty, national identity, existential security, and strategic survival.

This book critically examines how the abrogation of Articles 370 and 35A transformed Kashmir from a constitutional question into a wider regional security issue. It analyzes how India’s decision influenced Pakistan’s strategic calculations, reinforced debates on nuclear deterrence, and increased China’s geopolitical relevance due to its interests in Ladakh, border security, and regional connectivity. The book also explores how the issue has affected regional diplomacy, military posturing, international discourse, and the future of strategic stability in South Asia.

The study is guided by Securitization Theory, Deterrence Theory, and Regional Security Complex Theory. These theoretical frameworks help explain how constitutional change became linked with threat perception,

nuclear deterrence, territorial sovereignty, militarization, regional rivalry, and geopolitical competition. Through this approach, the book provides a deeper understanding of how legal and constitutional decisions can produce strategic consequences beyond national borders.

Methodologically, this work draws upon a mixed-method research design. It combines quantitative survey analysis, semi-structured elite interviews, and case-based observation of diplomatic and military developments. Quantitative data were analyzed through SPSS version 29, while qualitative data from interviews were examined through thematic analysis. This combination enables the study to capture both measurable patterns and deeper strategic perceptions among relevant respondents and stakeholders.

The central argument of this book is that the abrogation of Articles 370 and 35A has intensified the securitization of Kashmir and strengthened the strategic triangle among India, Pakistan, and China. It has influenced India's internal and external security posture, reinforced Pakistan's reliance on deterrence-based strategic thinking, and enhanced China's role as a critical geopolitical actor in the region.

This book is intended for students, researchers, policymakers, diplomats, analysts, and informed readers interested in Kashmir, South Asian security, constitutional politics, nuclear deterrence, India–Pakistan relations, and regional geopolitics. It aims to provide a balanced, critical, and research-based understanding of a development that continues to shape one of the world's most sensitive and volatile regions.

It is hoped that this work will contribute meaningfully to scholarly debate, policy reflection, and strategic understanding regarding Kashmir, constitutional transformation, and the future of peace and stability in South Asia.

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Abbreviations

AJK Azad Jammu and Kashmir

BJP Bharatiya Janata Party

CPEC China-Pakistan Economic Corridor

IoK Indian-occupied Kashmir

J&K Jammu and Kashmir

LAC Line of Actual Control

LoC Line of Control

OIC Organisation of Islamic Cooperation

RSCT Regional Security Complex Theory

SAARC South Asian Association for Regional Cooperation

SPSS Statistical Package for the Social Sciences

UN United Nations

UNSC United Nations Security Council

UT Union Territory

CHAPTER 1

1

Introduction to Study

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Introduction to Study

Dr. Syed Rizwan Haider Bukhari

1.1 Introduction

Indian withdrew Articles 370 and 35(A) in a dramatic move on August 5, 2019, it sparked a geopolitical tsunami in South Asia, which has entirely transformed the Kashmir content and catapulted it into the center of regional politics. A seismic change, over a single day Jammu and Kashmir lost its status of special status becoming wholly part and parcel of India pushed to wrath by both countries as well as sentiments raised by the whole world. A burning question is addressed by this PhD dissertation: How did a territorial dispute spiral out of control into existential security crises on both sides, India and Pakistan? The solution is in the framework offered by Barry Buzan and Copenhagen School with its concept of Security Threat Theory that makes it plainly clear how the leaders turn it into a do-or-die threat that enables them to open the door to the extraordinary that people would actually disavow. India discusses the abrogation as a necessity to national unity and security. To Pakistan, it is a challenge to its sovereignty and Muslim rights. Both of them play the language of security to gather strength and justify audacious steps. It is through this new, newfound prism that this work has found that securitization has transformed Kashmir into not a matter of land contestation, but rather one of survival struggle, redefining South Asian approaches and stability. The study pro-

vides key findings to the policymakers, scholars and anyone interested in learning more about the current security dynamics in one of the most unstable regions in the world.¹

The geo-political tsunami that rocked South Asia on August 5, 2019, when India dramatically revoked Articles 370 and 35(A), is truly fundamental to the Kashmir dispute and catapulted it into regional security. Jammu and Kashmir was deprived of its special status becoming a part of India wholesomely overnight a seismic change, which caused a rage in both countries and raised eyebrows among the international community. The Copenhagen School Securitization Theory by Barry Buzan is the most appropriate lenses. It demonstrates how leaders make political concerns into issues of do-or-die by using strong speech acts (do or die) resulting in extreme actions being justified. India justified the removal of Article 370 as a necessity to unite the country and to secure its safety. It was an existential attack on the sovereignty of Pakistan and its Muslims that was called by Pakistan. This security framing has been applied by the two countries to gather backing, mobilize forces, stop normal politics, and bypass diplomatic protocols. This paper has unveiled how securitization transformed Kashmir into a contestation of land into a contest of survival and altered South Asian strategies and prevented peace. This study provides new information to comprehend the contemporary security dynamics in one of the most contured areas in the world today.²

Securitization Theory is also used to understand the reactions of regional actors, like India, Pakistan and China, to the abrogation of Article 370. The India action has been positioning not merely as an internal action, but as a national security action with a view of strengthening the grip on Kashmir. The abrogation is an immediate danger to its territorial claims and strategic stability to Pakistan, especially given the years of tensions and military confrontation between the two nuclear-armed nations. According to the theory of securitization, security threats are inter-subjective, they are created and approved by an audience in this case, the peo-

ple and governments of India and Pakistan, who, as a block, perceive the problem of Kashmir as a threat to their existence and strategic interests. This framing of issues as a security threat not only influences the national policies, but also the security environment in the region. An example is the Chinese reaction to the abrogation which also affects its standings on Kashmir which in turn affects its relationship with India and Pakistan, making the situation even more fraught with security issues in the region.³

The concept that actors, be it state or non-state, engage in security speech acts in order to package issues as existential threats that require certain political or military reactions is one of the key components of the Securitization Theory. In the case of India, the abrogation was shown as a necessary move towards national integration, sovereignty, and territorial integrity. This was a speech act that presented the question of Kashmir as a domestic policy choice but a matter of national security, a matter that required special and urgent action. In the case of Pakistan, the same speech act has been construed to mean a direct threat to its territorial claims over Kashmir, which has resulted in increased security concerns. Securitization Theory in this case can be fully used to examine how the abrogation has transformed the security discourses in the region. By posing Kashmir as a security challenge, India and Pakistan have vindicated their respective national security approaches, further entrenching the conflict. Such framing process shows the significance of narrative and discourse in the framing of the responses to the regional security dilemma, and how the process has played a pivotal role in changing the Kashmir issue into a territorial issue to a national survival issue.⁴

The ideal manifestation of the transformative power of Securitization Theory has been spearheaded by WHO through global health security paradigm. Since the abrogation of Article 370 in India was an existential threat due to political speech acts, viruses like COVID-19 can be made global security crises by WHO. One announcement Public Health Emergency of International Concerns alters the situa-

tion of pathogens as a medical issue to a threat to national survival, and leads to lockdowns, border closures, and military deployments. Conventions that we all have been accustomed to are gone: the economies stand still, the civil rights are in suspension, trillions are thrown into motion with the speed of nuclear weapons. The zoonotic outbreaks have already become securitized in India and Pakistan, like in Kashmir: the troops are sent to quarantine, health has become a matter of life and death. Securitization has a new frontier; health. Pathogens do not recognize boundaries, but they spread panic at an equal level to the invasions of territories. The new security threats at WHO have put on lab jackets, not uniforms and have evolved international architecture competing with military alliances. The same urgency, the same measures, same existential stakes but no tanks is offered by health securitization.⁵

The involvement of international actors in this securitization process (China and the United States) also plays a significant role. Whereas India has attempted to position the abrogation as an internal issue, Pakistan and China have attempted to position it as a local security issue, with larger geopolitical stakes. The United States, as well as other international powers, has mostly avoided taking a direct role in the conflict, providing diplomatic words but which are usually a kind of wide-strategic calculation of the balance of power in South Asia. In this respect, it can be seen that the Securitization Theory provides a critical perspective in terms of the implications of the abrogation to the national security of the region, where national security concerns are not only locally made, but also influenced by external factors and international reactions. Through this many sided model, better insight is achieved in to the geopolitical transformations that have taken place since the abrogation and how securitization has restructured the regional strategic landscape in South Asia.⁶

1.2 Literature Review

A critical turning point in the Kashmir conflict was when India abrogated Article 370 and 35(A) on August 5, 2019, and redefined the political dynamics and strategic calculus in the region. This dissertation aims at analyzing the strategic implications of this move to India, Pakistan and China. This review of literature is aimed at exploring how the Kashmir dispute has over time developed and the role of the abrogation on the security of South Asia. Kashmir conflict has its roots that go deep in the historical context of the region. *Kashmir: Roots of Conflict, Paths to Peace* by Sumantra Bose is a piece of writing that provides an in-depth analysis of the political and historical reality of Kashmir stating that the beginning of the conflict in this country began with the partitioning of India in 1947. Bose explains the historical resentment of both India and Pakistan and preconditions the emergence of the next picture of why the abrogation of Article 370 has brought about such dramatic effects.⁷

The book *Understanding Kashmir and Kashmiris* by Christopher Snedden highlights the sociopolitical aspects of the Kashmir conflict, and how Kashmiri identity has been central to affecting the politics of the area. Snedden believes that Kashmiri view within the India/Pakistan discussion is largely sidelined and securitization of Kashmir plays a very important role in the instability in the region.⁸

Hindu Rulers, Muslim Subjects by Midru Rai presents a historical perspective of Hindu-Muslim relations in Kashmir, the issues of religious and political identity in the region, which have served as the contentious axis of the development of the conflict in the past 50 years.⁹

These constitutional books are a baseline to the current situation in the Kashmir dispute and the repercussions of the recent Indian moves. India has presented the abrogation of Article 370 as a domestic issue, which had to be done in

the name of national integration and national sovereignty. Scholars such as Indian scholars (Vivekananda International Foundation, Observer Research Foundation etc.) support this move as a long pending move to be able to make Kashmir an integral part of Indian Union, especially considering the fact that there is a security consideration created by Pakistan-sponsored militancy and cross-border terrorism.¹⁰

Legally, the article 370 abrogation has been authorized by the Indian legal scholars who argue that the Indian Parliament is in a position to amend the terms of Indian accession of Kashmir. The Supreme Court of India decision of *Dr Raja Lanoo Rishi v. Union of India* (2023) that supported the abrogation as a constitutional requirement to preserve the territorial integrity of India supports this view. The case affirmed the constitutional validity of the abrogation, and also underscored the national sovereignty rule of law.¹¹

Pakistan has reacted to the abrogation with harsh criticism on the other side and it has presented it as a threat to its territorial rights, and the safety of Kashmiri Muslims. In a critical analysis of the Pakistan security policy, Hasan Askari Rizvi and Moeed Yusuf have pointed out how Kashmir has continued to be key in the foreign policy and national security of Pakistan. Rizvi talks about how the main actor in the nuclear deterrence strategy of Pakistan lies in the military establishment, though Kashmir has been left a strategic point.¹²

Moeed Yusuf (his book on Pakistani foreign policy) examines the international aspect of the Kashmir dispute, and what Pakistan has done to rally diplomatic backing and nuclear signalling to oppose Indian action.¹³

The nuclear deterrence policy of Pakistan, which is grounded in an all-out deterrence policy, considers the Kashmir problem to be a national security issue. With the abrogation, the nuclear tensions between India and Pakistan have escalated Kashmir is no longer a bad case of a cruiser but a

case that involves security as far as the existence of the two nations is concerned. To see the strategic implications of the abrogation, we employ three major theories, any of which is, Securitization Theory, Deterrence Theory, and Regional Security Complex Theory.

- Securitization Theory can be used in explaining the manner in which India and Pakistan have attempted to frame the Kashmir conflict as an existential security issue. The both countries have rationalized extraordinary measures such as mobilization of military and nuclear deterrence, by securitizing Kashmir. The securitization process is also a political story but a justification of political and military actions of both states.
- The Deterrence Theory is very important in the nuclear relation between the India and Pakistan. The abrogation has strengthened the nuclear deterrence rhetoric with both the countries indicating their nuclear capacity as a disarmament measure to counter escalation and ensure the territorial claims are not lost.
- The theory of Regional Security Complex states that the Kashmir problem is not only an interpersonal quarrel, but a regional security dilemma. India, Pakistan and China are intertwined in their actions, and the abrogation will have the repercussions on the territorial interests of China and its increasing strategic alliance with Pakistan. Such an intricate network of relationships bears a huge implication as far as the regional security architecture of South Asia is concerned.

The literature review is a synthesis of a variety of literature that has influenced the perception of the Kashmir dispute such as historical view, political view, legal view, and strategic view. It interacts with critical analysis of Indian, Pakistani and other international academics and addresses gaps in the body of literature by synthesiz-

ing the gaps in literature and returning to some of the fundamental theoretical viewpoints (namely) the Securitization Theory, Deterrence Theory and the Regional Security Complex Theory. The review forms a theoretical framework of the dissertation that will be applied to the analysis of the strategic reactions of India, Pakistan, and China towards the abrogation of Article 370 and the effect on the stability of the region.

Further more, the repeal of the Articles 370 and 35A of the Constitution of India, in August 2019, has been broadly viewed as a domestic constitutional-political divide as well as overseas positioning strategy in South Asia.¹⁴ Such clauses had long possessed the special constitutional status of Jammu and Kashmir which influenced the federal-territorial order of India, the politics of Kashmiri identity and the overall diplomatic and discursive landscape of the Kashmir controversy between India and Pakistan.¹⁵ Their elimination did not only redefine the constitutional relationship between the Union and the former state but it also impacted regional understandings of sovereignty, territoriality and conflict management and gave rise to a considerable corpus of scholarly study to assess how the change in domestic law is echoed in the regional strategic and political, as well as social structures.¹⁶ Article 370 is placed in the context of the transitional and asymmetrical approach to the federal compact of the then-independent India in the constitutional-legal scholarship. A. G. In Article 370: A Constitutional History of Jammu and Kashmir, Noorani traces the beginnings of this to the 1947-1950 negotiations between Government of India and the princely state of Jammu and Kashmir showing the role of Sheikh Abdullah in this and the Instrument of Accession.¹⁷ Noorani argues that Article 370 was a provisional but structurally important provision that preconditioned the extension of the Indian Constitution at the consent of the state government, which took the form of autonomy integrated into a negotiated framework.¹⁸ It is a legal, historical interpretation which marks the fragile equilibrium of the state autonomy and national integration, which the abrogation

came to shatter. The autonomy that was envisaged by Art.370 was incrementally eroded over the years by presidential orders, which slowly turned the provision into a tool of gradual centralization and provided the foundations of the mindset that eventually resulted in the 2019 abrogation.¹⁹

According to scholars, these gradual changes have made it a pattern of central control over Jammu and Kashmir as a way of diminishing institutional controls and strengthening the legal, administrative authority of the Union. This gradual erosion is evidence of how the constitutional clauses though intended to have a temporary character could be strategically re-read in order to accommodate the drastic policy changes and thus it gives the sense of how the structural processes of how the special status of the region was so swiftly removed. Along with its juridical organization, the Article 370 represented a representation of a political complication and dispute of sovereignty. The Kashmir Dispute 1947-2012 by Noorani indicates the way the Kashmir conflict had constantly redefined the constitutional practice in India and at the same time represented the changing competition of rivalry between India and Pakistan.²⁰ Article 370 was not only the legal tool but a politicized structure, which was subject to dissimilar interpretation by the conflicting nationalist histories.²¹ Its abrogation produces divisive significances: domestically as a constitutional success persuasion and externally as a ha-ha fait accompli, which may bias the political future of a contentious primeval and bring the convergence of law and politics and international relations.²² In *Kashmir: A Disputed Legacy 1846-1990*, Alastair Lamb gives the conflict a wider historical context by placing it in the context of the British imperial policy and the problematic accession of 1947.²³ Lamb highlights the uncertainties of the Instrument of Accession and the final status of the Indo-Pakistani War of 1947-1948 in turning Kashmir into the thorny international conflict.²⁴ The ceasefire facilitated by the United Nations legalized a territorial de facto reality that instituted Kashmir in a sustainable framework of geopolitical conflict.²⁵ Historical legacies, in other words, are

necessary to comprehending what the institutionalized constitutional devices, such as Article 370, hold relevance far beyond the domestic law, influencing the strategic computations of the region.²⁶

In Kashmir after 2019 Werner F. Menski and Muneeb Yousuf, in *Kashmir after 2019: Abrogation of Article 370 and Completing the Partition*, give an analysis of the political and legal consequences of the abrogation of Article 370. They claim that the ruling is a significant change in the governance and identity as well as federal relations in India. On the same note, Badri Maharaj relates Kashmir issue to larger nuclear strategy, which emphasizes the way the tensions in the region overlap with security issues related to both China and Pakistan in the changing geopolitical situation.^{27 28} In their *Jammu and Kashmir: Changing Dynamics*, Stella A. Ogunleye and Michael Lyons observe the shift in the political and security situation in the area in the aftermath of 2019. As they have made their work more specific, those changes in internal policy have altered the structures of governance and increased regional tensions. The authors contend that the abrogated Article 370 has brought a lot of implications to the stability within the country, as well as to the relations between the states, especially between India and Pakistan making the area more complicated and more delicate concerning the South Asian politics today.²⁹ In *Jammu and Kashmir, Combustible Region Abrogation of Article 370 and 35-A and the South Asian Security Environment*, Maqsood Hussain makes Kashmir seem to be a very hot and a very sensitive area in terms of strategy. His argument is the abrogation has enhanced the current conflicting situations and it has redefined the regional security environment. Hussain brings out the effects of the decision in raising political tensions and increasing and intensifying the political grievances between India and Pakistan as well as playing a role in interlinking geopolitics, thus throwing long-term peace and stability in South Asia into a tricky situation.³⁰

The post-abrogation situation is thoroughly and regularly examined in the edited publication by Frederick Noronha, Werner F. Menski, and Muneeb Yousuf, *Kashmir after 2019: Abrogation of Article 370 and Completing the Partition*. The contributors address the legal, political, and social aspects of the change and claim that it is an extension of the past processes that are connected to partition. The article draws attention to the fact that the recent trends were greatly influencing the governance, identity, and the process of relations within the region of South Asia.³¹ After 2019 The literature on South Asian security explicitly establishes a connection between the abrogation and the changes in the South Asian security. Policy literature proposes that rescinding Articles 370 and 35 An increased zero-sum dynamic of relations between India and Pakistan is facilitating militarization along the Line of Control, violations of the ceasefire and worsening diplomatic interaction. In their own *Moon Has Blood Clots*, Rahul Pandita gives a very personal and emotional report on the Kashmir war especially with regard to the exodus of Kashmiri Panditas. He brings out human price of violence, exile and identity loss by narrating the story in memoir style. The work by Pandita provides insight on the lived lives of the communities affected and the focus is on memory, belonging, and trauma. His story brings a human element to the entirety of the politics, thereby demonstrating that war has an intense effect on the commonplace life that moves beyond both tactical and territorial agendas.³²

In his work *Kashmir: A Case of Freedom*, Tariq Ali is critical of the Kashmir issue by showing the right to self-determination. He defies the mainstream state discourses and brings the politics of Kashmiri people into attention. Ali claims that this war could be interpreted in the context of freedom and struggle, but not a just mere issue of territory between India and Pakistan. His work is a pivotal part of the debate as his voices make the demand of freedom and justice in the region in advance.³³

Piotr Balcerowicz and Beata Kuszewska examine the Kashmir conflict with the emphasis on the political policy of India and Pakistan. Their writing brings out that the various policies of the state, modes of governance and ideological positions have contributed to the direction that this dispute has taken over time. The authors believe that Kashmir is a territorial concern, as well as a complicated political problem, which is affected by the internal decision-making procedures. Their research is a great idea on the continuity of tensions in the country where national policies have contributed to the perpetuation of conflicts instead of solving them in the long run.³⁴ Venkata R. Indurthy discusses the Kashmir problem in a wider frame of wars between India and Pakistan and crisis that occurred frequently. In analyzing this, he proves how military clashes have strengthened the animosity and further mistrust between the two countries. Indurthy stresses the fact that the Kashmir dispute is one of the primary reasons of various conflicts to be considered as the major factor of instability in the region. The paper also recommends that there was no significant diplomatic growth due to repeated escalation which has perpetuated the crisis and continued the cycle of confrontation.³⁵

Robert G. Wirsing addresses the Kashmir issue on a local and international approach with the emphasis on the impact of foreign powers on the development of the conflict. According to his argument, world powers, such as China and United States, also control the strategic significance of Kashmir by subjecting it to their geopolitics. As it is demonstrated in the work by Wirsing, the matter is no longer a bilateral conflict because it is a part of a broader international concern. Such outside intervention makes resolving more difficult because rivalry in the global interest, is sometimes overlapped with regional relations.³⁶ In *Kashmir and the Future of South Asia* Sugata Bose and Ayesha Jalal provide a multi-disciplinary approach to the issue of Kashmir conflict by focusing on its political, historical, and regional aspects. They claim that the Kashmir will be the key to the stability of South Asia in the future as the relations between India and Pakistan will be influenced by this

situation. The editors also emphasize the importance of dialogue and collaborative systems, which should help resolve the conflict. Their work implies that in the process of maintaining peace, one has to leave the orthodox national standpoint in favor of more open and territorially based approaches.³⁷ Larry P. Goodson, together with his co-authors, vide his book *In Perspectives on Kashmir: The Roots of Conflict in South Asia*, offers an idea of what causes this dispute between Kashmir and India, focusing on its historical, political and social background. The paper highlights the role of the colonial past, identity politics, and territorial claims that have enhanced the continuation of the conflict. According to the authors, Kashmir cannot be explained in one way since it is influenced by various internal and external forces that determine the crisis. Their article presents a detailed evaluation of the causes of instability of the region.³⁸ Schofield shows how Kashmir has been the heart of the instability in the region by following the pattern of conflicts and escalation between the Indo-Pak. Here, the 2019 abrogation has not only been just a domestic law changes but also a strategic indicator involving the stability of deterrence, escalation patterns as well as handling crises in the South Asian region. This highlights why the amendment of the constitution in contested areas comes at a cost way beyond national borders affecting the strategic environment both at the regional and global levels.³⁹

Hamza Rehman, Dr. Tayba Anwar, and Rizwan Haider state that the abrogation of Article 370 and 35(A) created a debate among academicians, security engineers, and foreign policy experts at regional and international levels. This also jeopardized regional security and governance, human rights, and even relations between Indo-Pakistan. With the revocation, India-Pakistan relationships have also changed, and it resulted in creating more tensions in the sphere of strategic orientation in the South Asian region. The authors reported new administrative frameworks which rocked in with the old systems of political representation and expanded troop deployment and cleaned and strengthened them through legislative

reform with stabilizing and disruptive consequences. Even though these measures have been developed to guarantee that order prevails and Jammu and Kashmir are incorporated, civil liberties, human rights and political accommodation have been doubtful. The abrogation has been the tactical step towards upgrading the Indo-Pak competition, and legitimacy it would have over China's posture in the region where a Kashmir change would affect the trade paths, attract or repel between different countries and security provisions in the region. The constitutional amendments indicate that internal transformations on the law can also carry to international and regional effect. Their publication exemplifies the intersection of governance, security and human rights and offers data to policymakers and researchers. This study reveals that this action is a crucial process with long-term implications and altering the local way of administering governance and the South Asian strategic situation.⁴⁰

Asad Ullah Khan reviews the strategic modes that Pakistan might adopt in the aftermath of the Indian abrogation of Articles 370 and 35(A) of Indian Illegally occupied Jammu and Kashmir (IIOJK) on August 5, 2019. He examines the adoption of new domicile laws, land laws, the media policies and the results of recent IIOJK assembly elections. Khan underlines, that these constitutional and administrative developments have reorganized the regional politics and strategy to a great extent. He believes that Pakistan can use soft power and give voice to Kashmiris to help amplify them towards peaceful solution in line with local demands. With both policy acting and diplomatic efforts, Pakistan can offset the administrative growth of India which would leave the region stable and strengthen the concern of human rights to be placed in IIOJK by the international community. Khan places the abrogation into the frozen conflict theory by showing how the interrelations among political conflicts that remained unresolved, demographic shifts and governance strategies do interact with each other. He says that the reforms that have transformed the socio-political environment that has brought about controversy

surrounding civil liberties, political representation, and human rights. Both to India and Pakistan and to the wider South Asian strategic environment have consequences in how the various South Asian countries will deal with borders, regional strategic alliances, and international diplomatic discourse. Khan concludes that recent IIOJK Assembly election provides an option whereby Pakistan can formulate an issue-based policy to strike a balance between security, diplomacy, and advocacy of Kashmiri ambitions. His writing about a multi-dimensional view in analyzing post-abrogation governance, security, and regional stability provides a valuable contribution to policymakers, scholars and observers of the international system.⁴¹ Article 370 and Article 35(A) abrogation in the Indian Illegally occupied Jammu and Kashmir (IIOJK) has been of enormous impact concerning the security of the region, the governance and the relation between India and Pakistan and human rights. According to Seema Irshad, Fazlur Rahman and Sajid Anwar, the revocation further empowered the administrative control of India and made Pakistan lament over the ruling at both the national and international level regarding the unending argument on Kashmiri sovereignty. They examines how the special temporary status of Kashmir that had allowed the state to form its own laws, its own constitution and some form of freedom was withdrawn. The authors also articulate the response of the foreign policy of India, pointing out that the measures implemented by the Indians were quite successful but the continuation of these actions is essential to protect the rights of the Kashmiri and draw international forces in its support. Abrogation has created more tensions along the Line of Control, the future of Kashmiri people remains in danger, and, consequently, the necessity to engage diplomatically and multilaterally to find a peaceful way out of the conflict. In general, Irshad, Rahman, and Anwar present a broad perspective on the internal implications of Article 370 and 35(A) revocation, showing how a combination of governance failures, human rights obstacles, and regional strategic impacts may be observed. Their work highlights multi-dimensional solutions as necessary to deal with both short term and long term effects of this constitutional change.⁴²

Asia Maqsood explores the Chinese-Pakistan strategic calculations due to the constitutional amendments in India and its rising regional interest. The paper focuses on how the administrative control that India has exercised over Ladakh and Kashmir along with its growing partnership with the US as their strategic partner has forced Pakistan to deepen its relationship with China in order to facilitate a balance of power in South Asia. She reveals that China-Pakistan strategic partnership, especially when considering the role of Gwadar Port and the China-Pakistan Economic Corridor (CPEC) as the counter to Indian ambitions in the region. In the paper it is reported that India views these mega-development projects as geo-strategically, but security is an issue in that regard, though Northern Pakistan territory conflicts have not stopped China and Pakistan in continuing their liaison. Asia uses a theoretical paradigm of neo-realism to assert that this partnership fails not only in stabilizing strategic environment in the region but also in transforming triangular relationships between China, Pakistan, and India. Her paper underscores that in as far as India is in search of regional dominance, through military modernization, energy cooperation with the US, and blue-water navy ambitions, there is no effective way in which these forces can be neutralized by Pakistan alone. Placing the China-Pakistan partnership in the wider calculus of regional security, the paper demonstrates how bilateral cooperation should be a strategic balancer, whereby the South Asia will have a balance even as it responds to the hegemonic interests of India. Through her study, the importance of infrastructure, diplomacy, and strategic alliances in determining the geopolitical environment has been strongly emphasized.⁴³

Ms. Monika Sharma and Ms. Shikha Gupta shows the economic impact of the abrogation of Article 370 in August 2019 is transformative, as the authors look at the changes in the climate of investment, the pattern of employment, and the nature of economic growth in Jammu and Kashmir. According to Sharma and Gupta, Article 370 has been a barrier to development and decentralization in the

past that provided avenues to corruption, poverty and low growth. The reorganization which brought about abrogation that in turn reorganized J&K into two Union Territories has created new investment prospects, removed restrictions on property ownership, and enabled involvement of the non-residents in economic activities, boosting investor confidence. The agriculture sector has been recording higher productivity rates following policy reforms and foreign investments that have taken place post-abrogation. The industrial sector has enjoyed the inflows of capital whereas the tourism sector is experiencing a resurgence, which has been supported by the fact that security conditions have been enhanced. There has been an increase in employment rates and this indicates more opportunities in various sectors. Sharma and Gupta find that the repeal of Article 370 has produced a much larger net effect on the economic stability and future progress of Jammu and Kashmir and points to the long term outlook of local growth and prosperity.⁴⁴

Mr. Raghunandan M.C. and Ms. Anashwara Ashok discuss the immeasurable values of security and government in Kashmir post the abrogation of Articles 370 and 35A. Their empirical field work places Jammu and Kashmir (J& K) in a geopolitical critical category, which is located between China, Afghanistan, Pakistan, Ladakh, Himachal Pradesh, and Punjab. In J&K and Ladakh, the control of parts of the land is disputed and it has in the past raised the region to be the cause of a conflict between India and Pakistan, since 1947. The cross-border terrorism which peaked in 1989, purportedly aided by Pakistan, left more than 41000 civilians and security forces dead in three decades. The watershed moment was the 5 August 2019 abrogation and the J&K Reorganisation Act, 2019, which partitioned the territory into two Union Territories (J&K and Ladakh), which intensified the tensions between India and Pakistan and encouraged the propaganda activity by the latter. Though, a large part of the global diplomatic community encouraged the move of India, certain civil society groups in Europe and the United States condemned it. The Muslim misleading media campaigns and social media narratives

under the influence of Pakistan also play a significant part in the study as to how the global perception can be influenced with commitment to the use of information strategically against India. Raghunandan and Ashok believe that although statistical data can monitor the situation with the security level, i.e., the decrease of terrorist recruitment and attacks, it is not enough on its own and the guarantee of the long-term peace. Their approach has highlighted the significance of determining the aspect of non-quantifiable variables, including the effectiveness of the governance, the community perception, and the sustainability of institutions to attain the long-term goals of peace and development that were promised with the abrogation.⁴⁵

Javed Iqbal, Dr. Shamim Ali, and Rozina Bibi analyze the representation of the abrogation of Article 370 in English-language newspaper editorials in Pakistan, India, and the United States. Their study examines the editorials of Dawn (Pakistan), Times of India (India) and the New York Times (USA) to examine how the narrative in the media is shaped by differences in ideological perspectives. The authors find that Pakistani media stressed the injustice done to the Kashmiri people and depicted India as an oppressive player, while Indian media treated the abrogation as a boon for Kashmir and a measure deemed justified by the government. In contrast, the US editorials had a comparatively neutral position, condemning unilateral action by India and drawing attention to the oppression of Kashmiris. Iqbal, Ali and Bibi describe how media framing impacts considerably on public perception and policy debates as each country's perception has reflected national interests and political agendas. It illustrates the way that media can alter narratives for political and economic profit and practicality in responding to the challenge of working towards the resolution of complex international issues. By comparing editorial frames in three countries, the authors offer insights in the role of journalism in influencing the discourse around Kashmir and therefore an intersection of ide-

ology, media and geopolitics. Their findings underscore the significance of critical media literacy and assessment of international reporting in determining the implications of India's constitutional changes in Jammu and Kashmir.⁴⁶

Ayesha Siddiqua and Muhammad Zubair Iqbal explore the ways in which the Kashmir conflict was reported in Pakistani media in the aftermath of the Indian Constitution abrogation of Article 370. Using the critical discourse analysis technique to the news reports found in e-paper of Dawn, the authors pinpoint a specific narrative approach toward the unacceptable components of the actions of the Indian government but highlighting the voices of Kashmiris that agitate to earn human rights and self-determination. It concludes that the Pakistani media made persistent efforts to undermine the validity of the decision made by the parliament of India and covered at length the loss of life and damage that followed the confrontation between Indian security and Kashmiri separatist militants. Another factor that Siddiqua and Iqbal also discuss is that the posts of the Kashmiri and Pakistani politicians influenced the discourse significantly because of the multi-function of social media. Their analysis reveals that the descriptions of negativity have been applied to the Bharatiya Janata Party (BJP) in order to underline the perceived propagandistic activities in the area of restoring normalcy, against which the BJP described as positive actors in the area as separatist Kashmiri fighters who are fighting against occupations. The analysis is conducted to examine the contribution of media framing, narrative choice and discourse strategies in shaping the social views and political cognition about the Kashmir problem in Japan by the domestic politics in Japan as well as the operations of the region. The importance of media in constructing meanings of sovereignty, human rights and conflict resolution has been emphasized by the authors, and the journalistic practices have noteworthy impact in policy fora and knowledge of the Kashmir conflict on the international level.⁴⁷

Mohammad Amin Mir and Adil Hussain Bhat focus on the political implications. They contend through academic sources, newspaper articles and policy documentation that the ruling increased existing political divisions, pushed mainstream political actors to the marginal, and concentrated power in the hands of the Central government. The rise of new political actors and a new generation of militancy demonstrate the intricate processes elicited by the constitutional adjustment. The consequences of the abrogation are also discussed by the authors in terms of politics, governance, economics, and responses in the region. They assert that the best way of combating these challenges is restoring statehood, safeguarding land ownership and work rights of the local population, and doing reconciliation via inclusive political processes. Mir and Bhat put forward the idea that in the absence of these actions, the marketplace of marginalized populations and centralization of authority would only result in the acceleration of tensions and the destabilization of governance, and subsequent societal instability in the region. They highlights the inter-linkage of the constitutional changes, political reforms and the security situation in the region, through which they portends some very useful policy suggestions to Counseling the likely negative ramifications of the unilateral Indian action.⁴⁸

Sahar Khan of Harvard Law School interprets the legal changes above, abrogated Articles 370 and 35A in Jammu and Kashmir, as a form of settler colonialism stating that the legal modifications have their foundation in an existing policy of weakening indigenous Kashmiri identity. According to Khan, Article 35A used to safeguard the rights of permanent residents, cutting off territories and the native positions to the locals. This was facilitated by the 2019 abrogation helping to recruit non-Kashmiri settlers who were used to change demographic shifts and enabled the central government to gain tighter control over the land. She draws attention to legal and administrative institutional processes used, such as Constitutional Orders 272 & 273 and the Jammu and Kashmir Reorganisation Act that all abol-

ished the state autonomy and established two Union Territories under central government. Khan places the abrogation in a chronological direction, demonstrating how consecutive presidential orders and the moral decrease of the powers of the state undermined the Independent Kashmiri authority. It is contended in the research that these legal mechanisms together with militarization, arbitrary imprisonment based on the Armed Forces Special Powers Act (AFSPA) and Public Safety Act (PSA) introduce a culture of impunity and makes it easier to marginalize Kashmiri Muslims. The discussion demonstrates the ways in which law, military occupation, and administrative changes collide to develop a settler colonial project, which is in effect a new ownership of land, political engagement, and social organizations. The abrogation and policy surrounding it is settler colonial violence that eroded the rights and identity of the indigenous people, facilitating the broader strategic and demographic goals of the central government.⁴⁹

Muslim Khan explores the barriers to South Asian integration by looking at the following aspects; inter-state relations, major conflicts, internal politics of States in the SAARC with a greater emphasis on Kashmir as the most crucial issue to regional integration. Khan states that such challenges deny South Asian nations the opportunity to work together efficiently, which obstructs the establishment of an even-handed socio-economic prospects and mutual prosperity in the region. Based on secondary data sources, the research points out how historical provocations, geopolitical feedbacks, and national interests, among other conflicting interests played amongst member states worsen mistrusts. It also looks at how the political processes of the world at large which includes involvement of the super powers and foreign policy alignment complicate regional integration. According to Khan, the Kashmir issue needs to be resolved first as its solution will help develop mutual confidence, enhance the quality of diplomatic relations and open the way to the practical cooperation in the region. He highlights the relevance of concerted policy systems, greater economic integration, and enhanced cultural and people-to-people

relations to realize significant integration. These political, economic, and social barriers must be surmounted to bring the dream of South Asian integration to life and with long-term effects on the stability, development, and peace of the region.⁵⁰

Syed Rizwan Haider Bukhari, Nasir Iqbal, Anjum Mumtaz, Prof. Dr. Amir Ullah Khan and Inam Ul Haq give a detailed analysis of Articles 370 and 35(A) of the Indian Constitution which granted special status to Jammu and Kashmir. The research begins with the historical context of these articles since India achieved independence in the year 1947 and provides an overview of their legal and constitutional context and the political reasonableness of its creation and following abolition in 2019. The authors explore the consequences of abrogation to South Asia geopolitics, and especially within India-Pakistan relationships, security in the region, and federalism. The study also underscores the effects of the revocation, including the change to the relationship between Kashmir and India, the escalation of bilateral tensions, and the reaction of the region as well as other countries. It also regards the place of global powers in shaping South Asian stability, as well as strategic balance. Through historical, political and legal prism cutting the matter on major outcomes of the revocation in governance, region relations and security considerations, the study has historically shown the bigger impacts on governance, regional relations and security calculus. The amount of these changes reasoned as being critical according to the authors is vital in the information provided to policy makers and scholars aiming at addressing the long term strategic implications towards South Asia. Their results highlight how the cancellation of Articles 370 and 35(A) has changed the domestic politics as well as the international strategies of alignment, shaping further policy, regional co-operation, and conflict management in the sub-continent.⁵¹

Mohmad Aabid Bhat discusses the application of preventive detention in the Indian administered Kashmir in accordance with the Jammu and Kashmir Public Safety Act (PSA) as a counterinsurgency tool. It is sequential to the history of the formation of the laws of preventive detention since the colonial times with the enactment of the first laws with the enactment of the modern PSA and how these laws have evolved to become a method of governance to a political weapon to curb disobedience. According to Bhat, although the PSA was initially intended to fight security challenges and protect the order of people, the problem has been utilized over time to arrest political dissidents, civilians, and individuals in religious or socio-political movements, in the majority of occasions, without due process. The paper has contextualized the PSA within the broader view of the Indian approach of counterinsurgency, including militant deployment and losing New Friends no, Win Still (WFAM) approach. Bhat demonstrates that preventive detention is discriminatory and it inherently undermines local civil freedom, it is in itself resented locally, and it supports cycles of resistance, only to reduce temporarily armed activity. Upon the sufficient field data and the Right to Information (RTI) requests form the foundation of the paper shows the scope of detention since there exist discrepancies between the official figures and independent estimates. Bhat concludes that the PSA is not actually a rehabilitative (or security) instrument, it is more of a political control tool, and that it is part of a bigger scheme by the Indian state to regulate the actions by the civilians as well as repress dissent in the Kashmir conflict.⁵²

Munazza Khalid discusses on August 5, 2019, the abrogation of the Article 370 and 35-A of the Indian Constitution and the consequences of that on the South Asian strategic stability and to the issue of Kashmir. As the study points out, Kashmir has been a thorn in the flesh between India and Pakistan since then which left one limited and three full scale wars. Khalid discusses a qualitative research design with the deductive approach that focused on secondary sources such

as books, research articles, newspapers, reports, and online sources. The analytic and descriptive methods are used to evaluate the political, economical and social implications of the abrogation. The study concludes that the human rights violation, economic interference, and social restrictions imposed on the Kashmiri people are effects of the unilateral move by India. The abrogation heightened the regional tension affecting the South Asian strategic stability and fuelling cross border rivalries. Khalid underlines that it is important to Pakistan to utilize the effective policy choices in order to cope with the Kashmir issue and present it as an important matter of national and regional security. The study suggests that the sustainability of peace and stability in Kashmir is necessary to enhance the security and peace of the wider region. The study by assessing the legal, political and socio-economic implications of the situation highlights why diplomatic, political and multi-lateral action is necessary to alleviate the adverse consequences of the Indian constitutional modifications not only on the Kashmir region but also South Asia in general.⁵³

Dr. I.S. Kishore analyzes the abrogation of Article 370 and its implications on Jammu and Kashmir, the author points to the political, social, and economic changes that massacrred during August 5, 2019. A huge constitutional change took the form of revocation of the special status of the region and reconstitution of two Union Territories. Kishore is concerned with the impact on various sectors such as investment, commerce and development in general, and weighs its short and long term impacts. The research provides the historical background of Article 370 which gave Jammu and Kashmir the autonomy to its constitution, flag and legislative power allowing an exception concerning defense, foreign affairs, finance and communication. Article 35A is based on Article 370 and this gave the state the power to establish permanent residents and accord them special rights. This was overturned in 2019, and now non-residents are permitted a wider range of economic and property activities and the central government of the Indians has full

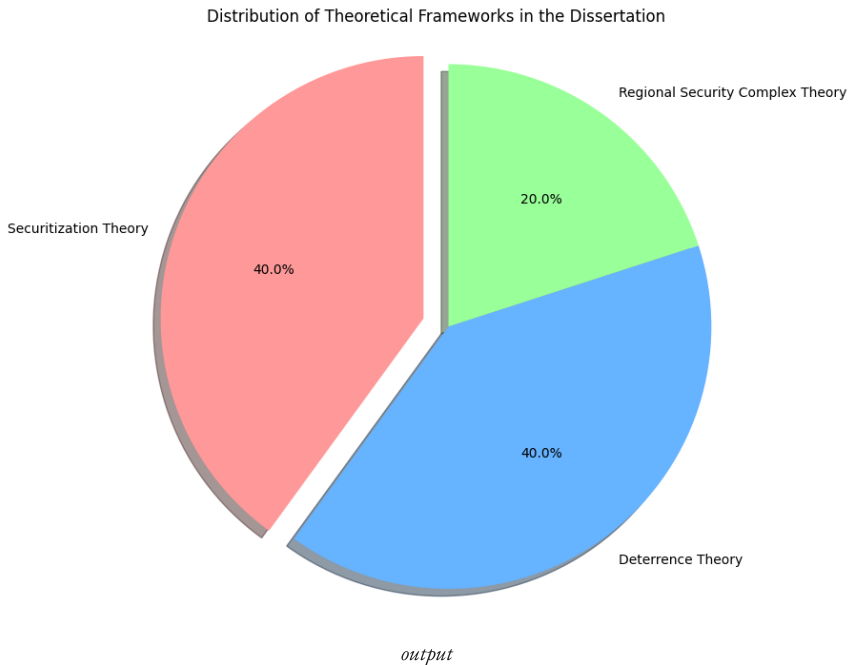
legislative authority. Kishore further asserts these developments can bring in investment, drive industrial and commercial development and also create more job opportunities that would boost the regional economy. Simultaneously, the paper observes that the governance modifications, security issues and social adoptions are the key points in implementing these benefits. Through historic, legal and economic examination, the paper shows how the abrogation of Article 370 changes the socio-economic and strategic balance of Jammu and Kashmir, which affects the realm of internal development and the stability of the region.⁵⁴

1.3 Theoretical Framework

On August 5, 2019, in a dramatic attempt, Indian revoked Articles 370 and 35(A), the move in South Asia caused an unforgettable geopolitical tsunami that has wholly overhauled the Kashmir content and given it a significant push to the centre of regional politics. With just one day Jammu and Kashmir lost its special status becoming entirely part of part of India, the two countries pushed to fury along with feelings evoked by the entire world. One burning question is answered by this PhD dissertation: How did a fundamental territorial issue run amok into existential security crises on both sides, India and Pakistan? The answered question lies in the paradigm provided by Barry Buzan and the Copenhagen School with its theory of Security Threat that makes it all too clear how the heads make the Threat a do or die option that allows them to open the gateway to the extraordinary that the population would merely disown. India talks of the abrogation as a requirement to national unity and security. It presents a challenge to the identity of Pakistan and the rights of Muslims. They both are cajoling the language of security in order to marshal force and reinforce bold action. It is this new, newfound prism through which this work has discovered that securitization has seen Kashmir become not about contesting land, but about struggling to survive which has redefined South

Asian approaches and stability. The study presents some important findings to the policymakers, academics and those who wish to know more about the prevailing dynamic of security in one of the most volatile parts of the world.⁵⁵

THREE FOUNDATIONAL THEORIES



Graph - 1 : Securitization Theory, Deterrence Theory, And Regional Security Complex Theory⁵⁶

The geo-political tsunami that hit South Asia when India on August 5, 2019, made dramatic revocations of Articles 370 and 35(A) is in fact fundamentally related to the Kashmir dispute and threw it into regional security. An entire seismic shift of Jammu and Kashmir being reduced as one whole to a part of India overnight left a lynch mob in both nations, raising eyebrows among the world community. The best lenses is the Copenhagen School Securitization Theory by

Barry Buzan. It shows the way leaders are able to turn political issues into do-or-die issues by employing effective speech acts (do or die) that lead to serious threats being justified. According to India, the abolition of Article 370 was a necessity to unify India and also to ensure that the country is peaceful. It had been an existential assault upon sovereignty of Pakistan and its Muslim population which was referred by Pakistan. The two countries have used this security framing to enlist support, marshal troops, halt regular politics, and circumvent the diplomatic process. This paper has revealed how the securitization of Kashmir as a contestation of land turned into a contest of survival and remodeled South Asian strategies and blocked peace. The present study helps in releasing new information in order to understand modern dynamics of security in one of the most disputed areas in the world today.⁵⁷

The reaction of regional actors, such as India, Pakistan and China, to the abrogation of Article 370, is also explained using the Securitization Theory. The India action has been pitching not only as an in-house action, but also as a national security action with the perspective to tighten the belt in Kashmir. This abrogation poses a direct threat to its territorial integrity, and strategic stability to Pakistan, considering that there have been years of tensions and military clashes between the two nuclear-armed countries. In the theory of securitization, the security threats are inter-subjective, they are produced and accepted by someone in this case, the people and governments of India and Pakistan, who, as a block, feel that the issue of Kashmir endangers the values of their existence and block interests. This way of framing the issues in form of a security threat not only affects the national policies, but also the security environment in the region. Such situation is exemplified by how Chinese responded to the abrogation thus influencing its positions on Kashmir and subsequently its relations with India and Pakistan, making the situation all the more laden with security concerns in the region.⁵⁸

One of the most important elements of the Securitization Theory is the idea that actors (whether state or not) perform security speech acts in a bid to package issues in ways that portray them as existential threats that must be met by political/military responses. The abrogation in the case of India was presented as a step in the right direction towards national integration, sovereignty, and territorial integrity. Here was a speech action that put forth the question of Kashmir as a domestic policy option but a question of national security, and a question (that) needed special and extraordinary action. In Pakistan, the same speech act has also been interpreted to imply a direct threat to its claims to the territory of Kashmir which has led to heightened security concerns. This case can utilize fully the Securitization Theory, which can be applied to the process in which the abrogation has changed the discourse on security within the region. India and Pakistan have justified their national security policies by framing Kashmir as a security problem, and it continues to reinforce the conflict. Such framing process demonstrates the relevance of narrative and discourse in framing the responses to the regional security dilemma and the relevance of the process in transforming the Kashmir issue into a territorial issue to a national survival issue.⁵⁹

WHO has led the way in introducing ideal manifestation of transformative power of the Securitization Theory through global health security paradigm. As the abrogation of Article 370 in India was the existential threat because of the political speech acts, COVID-19-like viruses could be turned into the global security crisis by WHO. A single announcement Public Health Emergency of International Concerns changes the situation of the pathogen as a health problem to the challenge of national survival, and results in lockdowns, border closures and military deployments. Conventions of which we all have been accustomed are dead: the economies are paralyzed, the civil liberties suspended, as the trillions are shot into motion as fast as the nuclear weapons can go. Zoonotic outbreaks are already securitized in India and Pakistan, such as in Kashmir: the soldiers are deployed to quar-

antine, health is a matter of life and death. A new frontier of securitization; health. The boundaries are not felt by the pathogens, but they bring panic just as much as the invasions of the territories do. New security threats to WHO have donned lab jackets, not uniform and have come to international architecture competing military alliances. Health securitization provides the same urgency, the same actions, same existential stakes yet no tanks.⁶⁰

The role of international players in this process of securitization (China and the United States) is important as well. Whereas India has tried to frame the abrogation as an internal concern, Pakistan and China have tried to frame it as a local security concern, having bigger geopolitical interests. The United States and other international powers have largely resisted assuming any active role in the conflict offering rhetorical expressions, but which are typically a sort of broad-strategic calculation of the balance of power in South Asia. In this aspect, it could be observed that the Securitization Theory is the one offering a critical view regarding the implications of the abrogation to national security of the region, where national security issues are not only domestically determined, but also affectively influenced by the external factors and reactions of other countries. With this multi faceted model the understanding of better the geopolitical changes that have occurred since then since the abrogation and the way securitization has rearranged the strategic Contours in South Asia is gained.⁶¹

1.4 Hypothesis

On August 5, 2019, the Modi government abrogated Article 370 and 35(A) which has far-reaching strategic consequences on South Asia. The hypothesis of this dissertation is that the abrogation has:

1.4.1 To India: Enhanced national unity and priority, in terms of consolidating its authority over Jammu and Kashmir. Nevertheless, it has further aggravated the nuclear deterrence risks as it has been instigating military reactions by Pakistan and the escalation of both nations towards an elevated state of military preparedness.

1.4.2 To Pakistan: Was a threat to its very existence in its territorial claims of Kashmir and this resulted in re-organization of its nuclear deterrent policy which saw it relying more heavily on military posture. This has been packaged as a direct security threat, which has given Pakistan justification to send out nuclear signals and the mobilization of military forces along the Line of Control (LoC).

1.4.3 On the part of China: Initiated a change of posture on its regional security by reclaiming its territorial claims in Aksai Chin and enhancing its strategic relationship with Pakistan. Abrogation has made the relations of China with India complex and hence making China entrenched in the security game in the region and raising geopolitical tension.

This hypothesis will be proved by means of both elite surveys, military data analysis, and diplomatic documents of India, Pakistan, and China, prioritizing the strategic discourses used by each of the states as a reaction to the abrogation. The empirical study will be carried out in time frame 2019 to 2025 and the results will be explained in the context of Securitization Theory, Deterrence Theory and Regional Security Complex Theory.

1.5 Statement of the Problem

The removal of Article 370 and 35(A) in Jammu and Kashmir has raised tensions in South Asia, straining relations between India and Pakistan, two nuclear-armed nations with a long history of conflict. This move threatens regional stability and

could potentially lead to military clashes. Pakistan now faces the challenge of protecting its interests while seeking a peaceful resolution. Lasting peace in the region depends on coordinated efforts from all sides.

1.6 Research Gaps

In spite of the number of literary materials on the Kashmir conflict and the abrogation of Articles 370 and 35(A), there still exist a number of vacuities that merit the development of additional academic research. The literature tends to take discrete disciplinary approaches on the issue, which restricts them on an extensive view of how the said issue has wider implications to the South Asian strategic environment.

1.6.1 Gap in Bridging Constitutional Change and Regional Strategic Results. There is a significant lacuna of little connection between the interpretation of the constitution and the regional cluster dynamics. Although some researchers, including A. G. Noorani, give comprehensive information on how Article 370 in the constitution has evolved, and there are those who discuss its strategic implications, there is a lack of literature that would relate domestic legal changes to regional security outcomes. This involves a small amount in the examination of the impact of constitutional change on deterrence stability, escalation, and rivalry by states in South Asia.⁶²

1.6.2 Gap in Long term Strategic Impact Assessment Height after 2019. The available literature is mostly concerned with the short-term political and administrative impacts of the case of the abrogation in 2019 and has little to offer in terms of its long-term strategic effects. In depth examination as to how the decision has transformed militarization tendencies, alliances formations and the changing security ideals in the region is lacking. This is a constraint to the in-depth knowledge of the evolution of the South Asian strategic environment over the years.⁶³

1.6.3 Multi-Actor and Geopolitical Analysis Difference. Most of the literature has been largely India-Pakistan-focused and fails to reflect on a wider geopolitical scenario of some of the major outside players, including China and the United States. There is a lack of systematic scope of triangular interaction of strategic interactions and their implications on the stability of the region in Indo-Pacific framework, even though some studies admit international aspects.⁶⁴

1.6.4 Gap of the Integration of the Human Security and the Strategic Studies. The other huge gap is the failure to bridge the gap between the human security thinking and the conventional strategic analysis. Whereas there are works that have involved the discussion of human rights, power and self-identity, such is seldom combined with the geopolitical and military systems. Such a divide impedes a broad outlook of the way socio-political interactions in Kashmir affect the procession of regional stability and conflict.⁶⁵

1.6.5 Mismatch in Empirical and Field-Based Evidence. Most of the literature available is rather theoretical and policy driven without much empirical studies done with regards to field data, local perceptions, and quantifiable governance results. The grounded studies are needed to evaluate the actual effect of the abrogation on the political participation, administration, and the stability in the society in Jammu and Kashmir.⁶⁶

1.6.6 Discursive and Narrative Gap Comparison Gap in Comparative Discourse and Narrative Analysis. The literature is characterized by fragmentation and polarization of the stories based on the national and ideological frames. Even though the media discourse is investigated in some works, a lack of comparison between the conflicting narratives on policymaking, international perceptions, and conflict escalation is present. This gap identifies that a more critical and balanced discourse-based approach is desired.⁶⁷

1.6.7 Regional Integration and Cooperation Analysis Gap. Little research studies the correlation that exists between the conflict between Kashmir and regional integration in South Asia. Although Kashmir is always considered to be an impediment to cooperation, there is little literature on the impact of the abrogation of Articles 370 and 35(A) to the regional institutions including SAARC, economic cooperation, and diplomatic involvement.⁶⁸

1.6.8 Gap in Developing an Interdisciplinary Analytical Framework. The problem of developing an interdisciplinary analytical framework is an area where there is a gap in research. The greatest disparity is with regard to a deficiency of a hooking together inter-disciplinary frame which combines the legal, political, strategic and socio-economic aspects. Majority of the studies are done separately on these aspects, achieving disjointed analyses. An integrated methodology in which complex relationship of constitutional change, regional security, governance and international relation is captured is clearly needed.⁶⁹

To fill these gaps, the current paper will seek to give a critical and combined evaluation of the implication of abrogation of Article 370 and 35(A) on the South Asian regional strategic environment to help develop a more comprehensive picture of the matter.

1.7 Research Methodology

This dissertation has developed a research design to achieve the strategic implications of the abrogation of Article 370 by India on August 5, 2019 on the dynamics of South Asian regional security. Considering the multifaceted nature of the Kashmir conflict, the study utilizes both quantitative and qualitative approaches, including surveys, qualitative interviews and observational data to thoroughly investigate the elite strategy perceptions as well as the wider implication of this political affair.

1.7.1 Primary Data Collection

There are number of books and articles on the Kashmir issue, not all people know about it, so the various degrees of awareness contribute to the necessity to include appropriate primal information in this research. In order to cater to this, the use of several data collection techniques such as structured surveys, selection of right sampling technique, direct and participatory observation will be used. Also, semi structured interviews will be carried out using a pre-designed interview guide that will include open ended and close ended questions to obtain more detailed information on the respondents. Such a flexible interview design will enable the respondents to offer their opinions without restriction but in a way that brings uniformity in the collection of data. The SPSS (version 29) will be applied in analyzing the collected data to create meaningful findings.

1.7.1.1 Data Collection Techniques

For collecting important information, a purposive stratified sampling method was chosen because of the research goals, the complexity of the study area, and the current security conditions. Since the topic is complicated, this method combines purposive and stratified sampling. It helps select groups who are familiar with the study area, based on their academic background, field experience, and knowledge of the research subject. This approach ensures that the chosen group is relevant, improving the accuracy and usefulness of the data collected.⁷⁰

1.7.1.2 Structured Surveys

A designed survey tool will be used to collect measurable information on the strategic perceptions of elite respondents towards the abrogation of Article 370. The survey will be composed of the Likert-type and multiplechoice questions that are aimed at measuring the attitudes to the main themes that include national se-

curity, territorial sovereignty, and nuclear deterrence in the light of the Kashmir issue. Questions will be presented using Likert-scale to assess the level of agreement of the respondents with certain statements whereas in the multiple choices question, emphasis will be made to get the opinion of the respondents towards certain policy actions, including military mobilization and nuclear posturing. The purpose of the survey is to obtain the opinion of elite actors engaged in the South Asian security, i.e. ambassadors, military officers, technocrats, bureaucrats and politicians. It will be possible to have a total of 110 responses, and the analysis of data will be carried out with the help of SPSS (version 29) with the descriptive frequency analysis and the detection of the correlations between strategic priorities and regional security-related concerns.

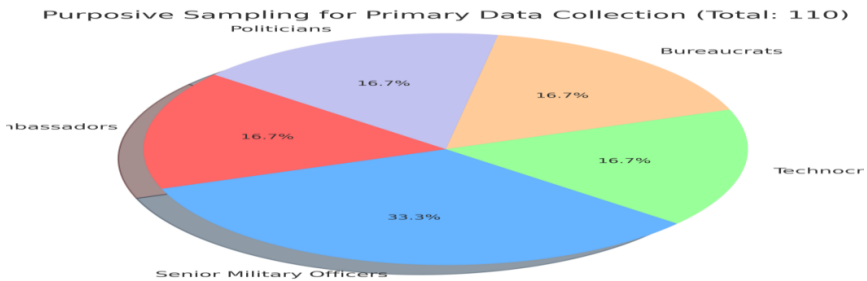
1.7.1.3 Semi-Structured Interviews

Besides the survey, semi-structured interviews will be carried out with key respondents of the elite to provide qualitative data of their strategic perceptions. The interview guide will entail a combination of both open-ended and closed-ended questions. This will be a flexible avenue as the respondents will be free to air their opinions and the data will also be collected in a uniform manner. The open-ended questions will delve further into how the elites understand the role of the abrogation in terms of regional stability and nuclear deterrence; the closed-ended questions will assist in quantifiably capturing a certain group of opinions of strategic security concerns. The interviews will help the researcher to explore the logic behind the opinion of the respondents not only what they believe they think, but why they have such opinions. Thematic analysis will be employed to analyze the data of these interviews in order to detect the prevailing themes and trends in the discourses of elite strategy.

Purposive Sampling for Primary Data Collection

Serial	Designation	Expected
1.	Ambassadors	20
2.	Senior Military Officers (serving and retired)	40
3.	Technocrats	20
4.	Bureaucrats	20
5.	Politicians	20
6.	Total	110

Table-1



Graph -2

The sample was calculated considering such practical limitations as complex political and security situation in Pakistan. The respondents have been chosen strategically together with relevant and significant professional spheres such as am-

bassadors, high ranking military officials (serving and retired), Technocrats, bureaucrats as well as politicians. This is a purposive sampling, which will guarantee the introduction of varied, experienced and knowledgeable perspectives. This kind of representation is required to create a holistic view of the multifaceted political and security interactions that are happening in the region and make the research deeper, more credible, and more reliable.

1.7.1.3 Observational Data Collection

Research methodology will also consist of direct and participatory observation. This will entail monitoring of decision-making and deliberations at informal levels in the elite particularly policy briefings, diplomatic dinners, and discussions in military strategy sessions among others, wherever applicable. Observational data aims to achieve an insight into the ways, through interaction and conversation, the strategic perceptions are formed, beyond the expressed in the formal survey and interview. Nonetheless, in case there is no gathering of observational data, the methodology section will be changed accordingly and argue in favor of utilizing surveys and interviews as a sufficient source of collecting the needed data.

1.7.1.4 Population and Sampling

This research paper covers the elite respondents of India, Pakistan, and China with the order of their participation either in the security, diplomatic or military field of South Asia. Purposive sampling will be used in selecting these respondents, so that the sample of the respondents is representative in the sense that a variety of perspectives of the main actors that shape the dynamics of regional security are included.

- The diplomats and ambassadors will give a foreign policy standpoint.

- Military personnel will provide opinions on the deterrence of nuclear weapons and military policies.
- Technocrats and bureaucrats will also help in interpreting statecraft and the process of decision by the government in relation to security issues.
- Politicians will give information on the effect of domestic political environment on national security policy.

A sample of 110 respondents will be used and a break down given to show how respondents will be covered under these five categories. The full sample size of the responses, the response rate, and the sample distribution of respondents will be well mentioned in the methodology section to bring about transparency and reliability of the findings.

1.7.1.5 Data Analysis

A mix of qualitative and quantitative approaches will be employed to analyze the data obtained in the shape of structured surveys, semi-structured interviews, and observations:

1.7.1.5.1 Quantitative Analysis: The data given in the form of the structured survey would be inputted into SPSS (version 29) to perform descriptive frequencies which would aid in determining how common strategic perceptions were among the elite respondents. Correlation tests will also be done to get to know the association among various variables, including attitudes towards Kashmir and nuclear deterrence.

1.7.1.5.2 Qualitative Analysis: Semi-structured interviews will be analyzed through a thematic analysis. It is done by coding answers into themes which are connected with the factors of security issues, stability in the region, and India-

Pakistan-China relations. The data used in the interviews will give a more refined picture of the fine-tuned perceptions of the elite decision-makers on the strategic implications of the abrogation.

1.7.1.5 Justification for Methodology

Mixed-methods is appropriate in the present dissertation because not only the measurement of the elite perceptions on strategic issues needs quantitative accuracy, but the subject matter also demands the qualitative in-depths in order to understand the fine details of the perceptions. The structured surveys, semi-structured interviews, and observational data will guarantee that the dissertation gets the depth and breadth of strategic thinking in reaction to the abrogation of Article 370.

Moreover, the quantitative one will enable the generalization concerning a broader sample and the qualitative approaches will guarantee a more profound comprehension of the factors that led to strategic decisions. Such a method will enable the rigorous and extensive analysis of strategic implications of the actions of India in Kashmir, as it will be possible to answer the research question both through a theoretical and empirical perspective.

This way of conducting research will make the research sound, transparent, and dissertation-oriented. The analytical synthesis of quantitative and qualitative methods will enable the study to produce useful information on post-abrogation of Article 370 strategic dynamics of India, Pakistan and China. The methodology will respond to the issues of the examiner so that the approach is valid, reliable and can delve an in-depth analysis of the implications of regional security.

1.7.1.6 Secondary Data Collection

Secondary data collection included obtaining data from various perceptive works including books, reference books, diaries, international interviews, opinions and documentaries that have tended to the Kashmir issue. To guarantee clarity from repetitiveness in reference of comparable ideas across various sources was inadequate. Just the most relevant books, diaries, and research papers were chosen for secondary data extraction. Furthermore, data from renowned newspapers such as The Express Tribune, The News International, The Nation, and The Dawn, as well as Indian newspapers and tribunes, were also utilized to augment the research.

Research Methodology (Mixed = Qualitative + Quantitation)⁷¹	
Primary Data • Sampling • Interviews • Observation • Questionnaire	Secondary Data • Books • Journals • Encyclopedia • News Papers • Interviews • Other Documents
Data Analysis • SPSS - 29.0	Data Analysis • Content Analysis

1.8 Research Objective

- To study geography, demography and history of Kashmir and the development of its political status and the contents of Article 370 and 35(A). The aim is to critically evaluate the importance of these provisions in developing the autonomy of Kashmir and its contribution to the security of the South Asia region. This will include the scrutiny of the past legal principles of Kashmir special status and its strategic connotations to India and Pakistan.
- In order to critically analyze the abrogation of Article 370 and 35(A) in terms of the strategic motifs of the India, the impact on the Kashmiri people, and the reaction of Pakistan, China, and the global community. This goal shall delve into how this process of abrogation transformed regional security balance with references to the future of India-Pakistan yet nuclear deterrence and South Asian stability.
- With the aim of isolating and suggesting workable solutions to ending the Kashmir conflict by tapping into the minds of different stakeholders in the region (India, Pakistan, China and Kashmiris) and other actors, internationally. It is aimed at offering policy suggestions to Pakistan and other crucial actors, and a way out towards peaceful solution and stability in the region on the long-term basis. This goal will also propose diplomatic, security and resolution of conflict policies to manage the dynamics of the Kashmir problem and foster the collaboration between India and Pakistan.

1.9 Research Significance and Limitations

1.9.1 Research Significance

- This study stands as an original focus research, examining the multifaceted nexus of hitches and arrangements inside the safety domains for Pakistan.
- It will clarify the shaded elements encompassing the revocation of Article 370 and 35 (A) in Indian Occupied Jammu and Kashmir in more elaborated language.
- It will offer meaningful enlightening plan of action and key dynamic sequences with grounded in exact examination and observational proof.
- This study will suggest government of Pakistan with priceless suggestions which will lead to national security matrix.

1.9.2 Research Limitations

- The will be dependent upon essential data gathered through study researches; in order to get the required data with insufficient details will be a huge challenge.
- Some data is confidential in nature will be hard to compile.
- Meetings and interviewing with the prominent people including Ambassadors, retired and serving senior military and civilian officers, technocrats, bureaucrats and politicians will be the real challenge.

- Gathering relevant details from broadcasted interviews will be requiring big effort, financial impact and time.
- Non availability of focus research on the subject can be a possible obstacle while collecting data.
- Security of interviewees, especially government officials looking for non-disclosure of identity is different from research ethics by sticking to professional morals and sets of principles.

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CHAPTER 2

2

Brief Historical Study of Kashmir

Dr. Syed Rizwan Haider Bukhari

Brief Historical Study of Kashmir

DR. SYED RIZWAN HAIDER BUKHARI

2.1 Introduction to Brief Historical Study of Kashmir

This chapter gives a detailed account of the geography, demographic disposition and historical development of the Kashmir region offers the vital background to the intricacies of the problem. These elements are essential to understanding in grasping the current events in Kashmir and analyzing their deep strategic implications on the South Asian region. Moreover, the chapter provides the systematic organization and the conceptual layout of the study, which is clear, academically rigorous, and logically-progressive. It can be utilized to provide an average reader with the extensive scope of knowledge about the historical, political, and geographical background of this study, which eventually leads to a critical assessment of the situation of annulling Article 370 and 35(A) and its following impact on the overall South Asian regional strategic situation.¹

2.2 Geography of Kashmir

Jammu and Kashmir (J &K) is such a region whose geopolitical importance cannot be overestimated because of its geographic position at the border of South Asia, Central Asia, and China. Kashmir has important geopolitical significance being bordered by India, Pakistan and China, located in close vicinity to Afghanistan and Central Asian region, in general. It has rugged mountains, snow-peaked mountains, life giving rivers, vital mountain passes, all of which form part of the reason why the region is one of the most contested and strategically sensitive in the world.²



IMG_256

Map -1 - Geography of Kashmir³

Table 2 The Geographical Features of the Kashmir Region	
Feature	Details
Total Area	222,236 sq. km (disputed among India, Pakistan, China)
Mountain Ranges	Himalayas, Karakoram, Pir Panjal
Major Rivers	Jhelum, Indus, Chenab, Ravi
Borders	India, Pakistan, China
Key Strategic Passes	Zoji La, Banihal Pass

Control over these geographical features has strategic implications for both regional and extra-regional actors, particularly due to connectivity routes, water resources, and military advantage.

2.3 Demography of Kashmir

The population of Jammu and Kashmir is characterized by diverse ethnic, religious, and linguistic groups. As per the latest estimates, the region comprises approximately 13 million people.⁴ The significant majority of Muslims in the Kashmir Valley spells a contrasting sharp demographic as compared to the more religiously diverse citizens in Jammu and Ladakh. Although the Muslim population ranks almost 97 percent in Kashmir Valley, the Jammu region possesses a large percent of Hindu population with Muslim and Sikh groups, and Ladakh has an endemic demographic referent with Buddhists and Muslims. The significance of these demographic differences has been in the core of the political discourse in the region with identity-based mobilizational politics, sectarianism and contested identity narratives concerned with autonomy, political control and claims to territory.⁵

Political integration, governance reforms and peacebuilding have also been hitherto hampered due to demographic heterogeneity between these sub-regions. Specifically, the religious and ethnic differences have aggravated the strained historical relationship as to the resource allocation, political representation and cultural accommodation. The region is also characterized by marked sensitivities (brought about by contest mingled with the ambitions of different local peoples who want to have a larger say, or to achieve self-determination) in addition to being a contested territory between India and Pakistan. This interaction, therefore, forms one of the central drivers of political struggle, government instability, and unrest in the region whenever there are major constitutional modifications, like the scrapping of Article 370 and 35(A).

Religious Composition of Jammu and Kashmir

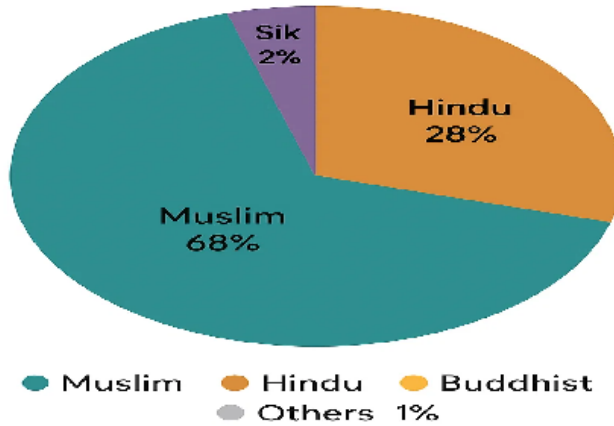


Figure 1⁶

2.4 Historical Background of the Kashmir

Issue

The events that led to the dispute in Kashmir are inseparable to Kashmir history, which has major strategic, political, and security impacts on the South Asian region. The princely state of Jammu and Kashmir, which was under the leadership of the Maharaja Hari Singh, during the partition of British India in 1947 was the first state to want to exist on its own terms, however, at independence it choose not to immediately accede to either Pakistan nor India. But once the tribal militias that were backed by Pakistan invaded the Kashmir Valley in the month of October in the year 1947, their intention was to capture the strategically important region. Due to this invasion, the Maharaja Hari Singh formally asked the Indian Government to provide him with military help. Such assistance came as a condition of signing of the Instrument of Accession on October 26, 1947, whereby Jammu and Kashmir acceded to the Dominion of India. Provisional, rather than

permanent, in its very nature with future plebiscite, the accession was the legal framework that allowed India to provide military forces to protect the land. The series of events after the accession brought the first Indo-Pak war of 1947-48 when both the states fought intensively over the possession of Kashmir. The hostilities resulted in mass evacuation, soldier deaths, and finally; the intervention of the United Nations, which in January 1949, negotiated a truce. This armistice leads to the creation of the Line of Control (LoC), a *de facto* border, the border still separating the area into two parts, controlled by India and Pakistan respectively, however contested by both parties. The aftermath of such occurrences has had far-reaching consequences on the strategic terrain of South Asia etching Kashmir as the most militarized and politico-sensitive point of contention between two nuclear-armed neighbours. This historical background remains as the unresolved status of Kashmir and has subsequently led to the ongoing bilateral tensions, armed skirmishes, diplomatic standoff and an ongoing atmosphere of instability in the region.⁷

2.4.1 Key Historical Milestones

In order to fully comprehend the Kashmir conflict it is imperative to trace its long history filled with political turmoil and military conflict and changing nature of the power in the region. Every milestone has strengthened the designation of Kashmir as a geo-political flashpoint with far reaching ramifications on peace, stability, and strategic groupings in South Asia.⁸

2.4.1.1 1947–1948 First Indo-Pak War and Accession of Jammu & Kashmir

In 1947 British India was partitioned, and princely states were allowed to choose whether to join India or Pakistan. The ruling Maharaja Hari Singh of the state of Jammu and Kashmir tried to observe neutrality. But when a tribal invasion that had the backing of Pakistan occurred in October 1947, he had to get the military help of India. He was required to sign the instrument of Accession on October 26, 1947 which made him formally accede to India. This resulting Indo-Pak war saw the actual split of the region with India commanding about two-third of Jammu and Kashmir, and Pakistan managing Azad Jammu and Kashmir (AJK) as well as Gilgit-Baltistan.⁹

2.4.2 1948–1949 U.N. Resolutions and Internationalization of the Dispute

The events years 1948-1949 are therefore a defining point in the Kashmir conflict which brought with it its strategy and geopolitical importance in the South Asian region. After the declaration of the first Indo-Pakistan war towards the end of 1947, the United Nations came in to avert the growth of the war. On April 21, 1948, the UN Security Council resolution 47 was issued de-

manding an immediate ceasefire, withdrawal of both the Pakistani tribesmen and regular army forces by Pakistan together with a reduction afterward in Indian military forces that were necessary only to ensure law and order. The most notable of the provisions of the resolution was the provision that a plebiscite should be held to enable the people of Jammu and Kashmir to decide on their political destiny and this has become a crux of the issue and one which has never been fulfilled. Although both India and Pakistan had agreed in principle to the resolution initially, distrust so deep that they could not agree on the measures to demilitarization and the way politics had changed ensured that ideally, the resolution could not be changed. The uncarrying out of the plebiscite frozen the de facto territorial segmentation of Kashmir in the so-called Line of Control (LoC), with about one-third under Pakistan, the so-called Azad Jammu and Kashmir, and Gilgit-Baltistan, and two-thirds under control of India, including the highly strategic Kashmir Valley, Jammu and Ladakh. The fissure entrenched Kashmir as one of the most militarized geopolitically elastic regions with each nation using the strategic geographical location of the region to an interest in their overall national security. Reflectively, 1948 and 1949 not only institutionalized the place of Kashmir into the epicentre of the military conflict in the eyes of the two nuclear-armed states, but locked the conflict within the arrangement of regional stability. The non-resolution of the region has since influenced the military positioning, trans-national conflicts and foreign affiliations even by powers of the world. Therefore, the developments of this formative period are key to the appreciation of how constitutional changes, including the 2019 abrogation of Article 370 and 35(A), resonate longingly of living in international politics and directly affect the regional strategic picture.¹⁰

2.4.3 1965 Second Indo-Pak War and the Limits of Military Solutions

Indo-Pak War (1965) resulted in another crucial move on the Kashmir conflict and confirmed the importance of the region to the unsteady strategic situation in South Asia. The war started through the military intrigue by Pakistan and its clandestine operation was dubbed the Operation Gibraltar that involved introducing armed elements as well as irregular fighters into the Indian-controlled Jammu and Kashmir. The main mission was to take advantage of the perceived political unrest in Kashmir Valley and to cause popular uprising against Indian rule. The operation did not lead to popular uprising as Pakistani would have expected. Rather, it generated a strong Indian military reaction, which led to a major conventional war between the two remains

within the confines of minutes to hours as the situation spilled out across the borders in various fronts involving Punjab, Rajasthan and Jammu and Kashmir. The war helped to bring home the issue of Kashmir as an unsettled problem by itself the military start gun and also it helped to bring out how strategic miscalculation in the area could within a matter of hours send South Asia into the open conflict. Even though, the war of 1965 had a military result of a stand-off, with no side gaining substantial benefits, political settlement later in the Tashkent Agreement (January 66) repeated the necessity of bilateral peaceful means of solving unsolved problems, especially Kashmir. Through the Soviet Union, the agreement was mediated and it required troop withdrawal to their pre-conflict stands and it saw the importance of diplomatic relations. As regard to the regional strategic environment of South Asia, the 1965 conflict cemented the idea that Kashmir is a territory and an ideological place of bitter struggle that would inform future defense strategies and military doctrines by both parties.¹¹

The post-aftermath was characterized by further securitisation, more defense funding, and even further militarisation of Line of Control (LoC), which further solidified the position of Kashmir as a nuclear flashpoint during the following decades. The legacy of the 1965 war is very much alive even today in the modern world and especially in the post-Kashmir Article 370 and 35(A) abrogation era in 2019. It showed that all unilateral or coercive measures to change the political or demographic status or political dynamics of Kashmir echo on the South Asian Security but mostly trigger the military conflict, diplomatic crisis, and new entrance of great power in the region.

2.4.4 1971 Third Indo-Pak War, Creation of Bangladesh, and the Simla Agreement (1972)

Also known as the Bangladesh liberation war, the Indo-Pak war of 1971 was principally influenced by the secessionist insurgence movement in East Pakistan (the present Bangladesh). The war had far reaching and long-lasting impacts regarding the Kashmir issue and South Asian strategic issues in general. The war was instigated by the political and military suppression in East Pakistan by Pakistan government after Awami League, which was the election winner, requested independence and subsequently autonomy. Decades of the humanitarian crisis with mass atrocities and millions of refugees pouring into India preconditioned the Indian military intervention in the region in December 1971.¹²

Although geopolitically the war led to the formation of Bangladesh, the fundamental transformation in the South Asian geopolitical landscape, there has also been a more insidious consequence in the fact that the war also pre-conditioned the intractable character of the Kashmir conflict. In July 1972, India joined with Pakistan in signing the Simla Agreement which aimed at normalizing relations, deescalating military tensions, and offering a platform through which bilateral disputes (mainly Kashmir) could be settled with peaceful and diplomatic methods.¹³

The Simla Agreement brought in two important factors that have pertinence in the strategic standing of Kashmir. First, it transformed the UN-monitored ceasefire line of 1949 to the Line of Control (LoC) thus providing a de facto boundary but clearly indicating that the territorial status quo was not prejudicial to the ultimate defeat of the dispute. Second, the agreement focused on the concept of bilateralism, which supported the suggestion that the future negotiations on Kashmir and other controversial issues would be held between India and Pakistan alone, which restricts the possibility of involving a third party to help solve the problem. Even though the Simla Agreement halted LoC temporarily and diminished the chances of large-scale outbreak of war on immediate scale, it did not eliminate the fundamental territorial and political differences. In the case of India, the deal was a chance to strengthen its domination over Jammu and Kashmir and minimize foreign influence. In the case of Pakistan, however, it enforced and entrenched a status quo that was perceived to be undesirable and unfair, which has been the subject of continuous diplomatic and military disputation. When examining it in the context of the changing strategic environment of South Asia, the events of 1971 war and Simla agreement left long-term effects. Bilateral structure has replicated several times through transnational terrorism, military tensions and differing excitations to sovereignty and self-determination. This is also an issue, as Article 370 and 35A are revoked in India in 2019, displacing the balance of power in the entire region, with Pakistan believing that India literally broke the Simla Agreement and destabilized the already weak security equilibrium.¹⁴

Therefore, the 1971 war and the following Simla Agreement are not historical incidents, but point of departure phenomena that still has effects on the strategic computation over Kashmir. They show how difficult it is to reach lasting peace with the help of military power and how the undetermined status of Kashmir means the perpetual instability in South Asia.

2.4.5 1989 Insurgency and Internal Turmoil in Indian-Administered Kashmir

The eruption of widespread insurgency in the Kashmir region in 1989 has proven to be a turning point in the Kashmir conflict and had engulfed the Indian-administered Jammu and Kashmir region and has brought a tremendous shift into the socio-political configuration of the region plus adding a new strategic danger to it that has placed the region in a very precarious position on the strategic stage. According to the various factors, the causes of the insurgency can be contributed to the set of factors which include political disillusion, Accusations of electoral fraud, especially on the arguably controversial state elections of 1987, and the increased sense of systemic disenfranchisement among the Kashmiri Muslim people.¹⁵

At the same time socio-economic inequities, largescale unemployment and feelings of under-development had thrown fuel onto the flames of public dissatisfaction so palpable in the Kashmir Valley where a spirit of alienation towards the Indian state had been developing over the decades. These complaints were further aggravated by allegations of ill human rights practices, over-zealous security strategies and insufferable political participation which gave birth to woody soil in which industrial rebellion thrived¹⁶.

The rebels who started with the influence of local, local separatist moods, soon gained foreign assistance, especially of the militants of Pakistan. The Hizbul Mujahideen and the Lashkar-e-Taiba became well-known organizations and the included cause became a political reason and a religious one; the Pakistani state was generally believed to have been involved in the logistical, financial, and ideological support of these factions.¹⁷

India reacted by sending large military contingents into the area, so that Jammu and Kashmir and above all the Kashmir Valley have become one of the most militarized areas of the world. By the end of 1990s, it was estimated that more than 500000 Indian security officers had been deployed to the region in addition to this, there were large counterinsurgency infrastructure development, checkpoints, and surveillance. Militarization of the region not only multiplied human suffering and pain but it also supported the region as a long-standing strategic hotspot in South Asia. Encroachment beyond the border, violations of ceasefire across the Line of Control (LoC) and high profile terror-attacks added more complications to the process of diplomacy in order to resolve conflicts. This history of the 1989 rebellion is pertinent in the current circumstances such as the 2019 abrogation of the Article 370 and 35(A) in India. It is these constitutional changes

that have been frequently justified by the Indian government as the vital step towards integration of the region, fight against separatism, and economic development. Nevertheless, the critics show that the termination, along with the ongoing militarism and political prohibitions, carry the risks of the further increase in the alienation, radicalization, and the heightening of tension with both Pakistan and the local communities.¹⁸

Strategically, the insurgency made Kashmir the centre of the competition between India and Pakistan, which has led to a climate of incessant tension and increased the threat of war between countries with nuclear weapons capability. It is also what raised the interest of human rights around the world about the situation in the region and put the spotlight of world powers concerning the unfixed territorial disputes on South Asia.

2.4.6 1999 Kargil Conflict – Escalation between Nuclear-Armed Rivals

The 1999 Kargil Conflict was one of the most dramatic build-ups between India and Pakistan since the revolution of their country drawing attention to the insecurity of the Kashmir conflict within a nuclearized South Asian domain. At the beginning of 1999, the Pakistani army, with the collaboration of paramilitary units and militants, secretly occupied the positions in the mountains of the Indian part of the Line of Control (LoC) in the Kargil region of Jammu and Kashmir.¹⁹

These posts missed all the important Indian supply lines to the strategically important Siachen glacier, and by that gave Pakistan a strategic advantage. The war broke out when Pakistan and India had not yet reached the first-year anniversary since conducting a nuclear test in May 1998 which made India and Pakistan dominate nuclear weapons. Kargil intrusion was a clear indication that nuclear deterrence has the potential to prevent the occurrence of full-scale wars; nonetheless that does not rule out the occurrence of small conventional conflict and more so in the disputed regions such as Kashmir.²⁰

Aggrieved by the seized mountains, India went with operation Vijay and resumed possession of the higher grounds causing flaring military tussles through weeks of battles in one of the toughest mountainous terrain in the world. Although it made initial gains the aggressive Indian military action coupled with international pressures especially of the United States compelled

Pakistan to move out its troops in July 1999 allowing the situation to settle back to the pre-conflict status along the LoC.²¹ The Kargil conflict also boosted Kashmir as the residential point of security considerations in South Asia. It revealed the latent possibilities of an increase in the region, even in the under-dog of nuclear weaponry. In addition, it pointed out how Pakistan was ready to employ asymmetric strategies and the use of irregular armies to oppose Indian rule in Jammu and Kashmir. In the case of India, the war requirement was to tighten their grip over the territory and was used to justify the subsequent policies forming the policy consideration to the constitutional modifications, such as the 2019 annulment of Article 370 and 35 (A). The Kargil incident also fixed the participation of the external players, especially the United States, in managing the crisis between the two India and Pakistan. It strengthened the argument that un-resolved issues such as Kashmir do not only pose threats to peace in the region but there are also security implications to the rest of the world.²²

2.4.7 2000 –2010 Periodic Engagements and Stalemates

In the aftermath of the Kargil conflict and amid growing international concern over South Asia's nuclear rivalry, both India and Pakistan intermittently pursued bilateral engagements aimed at de-escalating tensions and resolving core disputes, particularly Kashmir. The most structured of these efforts materialized as the **Composite Dialogue Process (CDP)**, formally initiated in 1997 and revitalized in 2004 following the India-Pakistan ceasefire agreement along the Line of Control (LoC).²³

The Composite Dialogue Process sought to comprehensively address key bilateral issues, including Kashmir, Siachen, Sir Creek, terrorism, trade, and confidence-building measures (CBMs). While the dialogue produced incremental progress in areas like cultural exchanges, cross-border bus services, and cross-LoC trade routes particularly the Srinagar-Muzaffarabad and Poonch-Rawalakot links the process repeatedly suffered setbacks due to major terror attacks linked to Pakistan-based groups.²⁴

The **2001 Indian Parliament attack**, attributed to the Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM), both based in Pakistan, brought the two countries to the brink of war, triggering massive troop mobilizations along the international border and the LoC.²⁵

Similarly, the **2008 Mumbai terror attacks**, which killed over 170 civilians and were traced to LeT operatives with alleged links to Pakistan's intelligence apparatus, derailed peace efforts and hardened Indian public and political attitudes toward dialogue.²⁶

Despite these interruptions, isolated CBMs such as cross-LoC trade in goods and limited civilian travel demonstrated the potential for economic engagement and people-to-people contacts to reduce hostility in Kashmir. However, the structural weaknesses of these initiatives, the lack of sustained political will, and the persistent security dilemma have prevented long-term normalization. The periodic collapse of dialogue in response to terror incidents reflects the entrenched mistrust between India and Pakistan and highlights how non-state actors exploit the unresolved Kashmir dispute to provoke crises. Furthermore, these cycles of dialogue and disruption underscore the complexity of South Asia's strategic environment, where Kashmir remains both a bilateral flashpoint and a focal point for regional instability.²⁷

The abrogation of Article 370 and 35(A) in 2019, framed by India as an internal administrative decision to integrate Jammu and Kashmir, has effectively frozen the Composite Dialogue framework, with Pakistan refusing to engage diplomatically until the revocation is reversed. Consequently, the strategic environment has become more fragile, with increased militarization, border skirmishes, and heightened nuclear risk.²⁸

2.4.8 2019 Abrogation of Article 370 and 35(A) – A Turning Point

On August 5, 2019, the Government of India sent a communication revoking Article 370 and Article 35(A) of Indian Constitution that divided the autonomy of Jammu and Kashmir dramatically by changing its status and laid out a completely new law. Article 370 introduced in 1949 gave enormous powers to the region and the region was given the power to have its own constitution, its own flag and control over all issues except defense, foreign affairs, and communications. A 1954 Presidential Order enacted Article 35(A) which gave the state legislature the authority to specify who can be considered permanent residents of the state and control over property ownership, employment, and other privileges in the state.²⁹

This move was executed by Presidential Order C.O. 272, and later, it was supplemented by Jammu and Kashmir Reorganization Act, 2019, which divided the region into two Union Territories: Ladakh and Jammu & Kashmir, incorporated without any intermediary. The

Ministry of Foreign Affairs of China categorically declared Kashmir issue as international dispute and emphasised on both India and Pakistan to observe maximum restraint.³⁰

The international response of the abrogation was a trenchant criticism by Pakistan that the legislature *de facto* claimed Jammu and Kashmir as an undetermined territory awaiting bilateral negotiations to be solved on the basis of United Nations Security Council (UNSC) resolutions (Ministry of Foreign Affairs, Pakistan). Pakistan complained of the decision as a unilateral act of contradiction to the Simla Agreement (1972) and UNSC Resolution 47 (1948) on the grounds that it had changed the demography and status of the region without the permission of its people (United Nations Security Council). China also protested especially on Ladakh, which shares borders with the disputed Aksai Chin area, regarding the reorganization as an unnecessary challenge to its territorial claims. Strategically the abrogation has increased stress in the most fire prone security triangle of South Asia consisting of India, Pakistan, and China. Immediately afterward, India strengthened military presence and disturbed communication in Jammu and Kashmir, along with detaining political leaders, due to concerns about the possible unrest (Human Rights Watch). Pakistan shut down consulates, asked bilateral trade be halted, took the dispute to the international level, and referred to the United Nations, saying it was an international issue that had to be dealt at the international level, and to the major world powers since they were the biggest powers in the world. The cancellation contributed to the fury of regional stability especially because there was a track of armed violence, international militancy, and nuclear brinkmanship in the region. Analysts have cautioned that the action will come at the cost of further alienation of locals in the region, radicalization, and encourage further insurgency, further complicating security equations in India. Moreover, abrogation has also strengthened the Kashmir region from a strategic perspective to the India-Pakistan-China security landscape. The situation along the LoC and the Line of Actual Control (LAC) has become increasingly volatile since 2019 with intense border violence such as the fatal 2020 Galwan Valley conflict between India and China revealing themselves as manifestations of the territorial disputes, but also due to their influence on various rivalries between or among nations.³¹

The abrogation of Article 370 and 35 (A) in the year 2019, is a turning point, which has changed the political landscape of Kashmir and intensified the security predicaments of South Asia. It has enhanced regionalization polarization, militarization, and enshrined the strategic role of Kashmir as such as a potent fault line both in the Indian and Pakistani context, besides the Chinese. The Scholar has relied on both local and international literature, Syed Rizwan Haider Bukhari in his own work sates that in the wake of India's repeal of Articles 370 and 35A in

Jammu and Kashmir, significant past events, like the demolition of the Babri Masjid and the subsequent construction of the Ram Mandir, have gained renewed importance. Under Prime Minister Modi, who promotes Hindu nationalism, these events reflect his broader agenda and influence India's foreign relations. The Babri Masjid incident, in particular, highlights this shift and affects India's international standing, threatening regional stability. Pakistan is responding by highlighting these issues to show the global impact of Modi's policies on minority rights and secularism.³²

Narendra Modi says that the repeal of Articles 370 and 35A in Indian-occupied Jammu and Kashmir has dramatically reshaped the region's international landscape and presented numerous challenges for the affected populations and neighboring countries, particularly Pakistan. The Indian government's decision to remove the special status of Jammu and Kashmir has sparked widespread debate, protests, and global scrutiny. This analysis explores the far-reaching consequences of the repeal, examining its impacts on regional relations, human rights, security dynamics, and diplomatic interactions. On August 5, 2019, Prime Minister Narendra Modi addressed the nation, announcing the revocation of these articles.

He claimed that this move would be initial step in a new era of development and prosperity for Jammu and Kashmir. Modi emphasized that the repeal aimed to better integrate the region with the rest of India and promote economic growth. He said:-

"Today, I am here to share a special news. The entire country had a wish for years, the dream of Sardar Patel, Baba Saheb Ambedkar, the brave soldiers of the country, and the ordinary citizens of India have been fulfilled today."³³

On August 20, 2019, Prime Minister Modi defended the government's decision to revoke Article 370 and 35(A) in a televised speech. He said the move would benefit the people of Jammu and Kashmir by creating new opportunities for growth, investment, and trade. He assured residents that their rights and dignity would be protected under the new system.

"The decision taken in Jammu and Kashmir is not only for the wellbeing of Jammu and Kashmir, but also for the welfare of the entire country. This decision will give a new dimension to the development of the public of Jammu and Kashmir and Ladakh".³⁴

In September 2019, Prime Minister Modi spoke to the country again, saying the government was working hard to bring stability and peace to Jammu and Kashmir after removing Article 370 and 35(A). He promised to help the region thrive and urged the people there to be involved in

making things better.

"Today, every Indian can proudly say 'One Nation, One Constitution'. I want to assure the residents of Jammu and Kashmir and Ladakh that we will rid this region of terrorism and take it to new heights of progress."³⁵

Further in the month of February 2020. In a speech, Prime Minister Modi praised the removal of Article 370 and 35(A), saying it would bring big changes to Jammu and Kashmir. He emphasized the need for quick development and better infrastructure to help the people in the region.

"The removal of Article 370 has been done by us and not you. You can bring it back if you have the courage. I dare you to bring it back. The entire nation is observing you. The BJP government has given a befitting reply to those who promoted terrorism and separatism."³⁶

These statements show Modi's view on removing Article 370 and 35(A) and how it will affect the development and integration of Jammu and Kashmir into India. The repeal has significantly increased tensions in South Asia, especially between India and Pakistan.³⁷

Pakistan views this move as a unilateral and illegal action by India, aimed at changing the established status quo in the region. Pakistan has eagerly criticized India's actions and brought the issue to various international forums, including the United Nations Security Council (UNSC). The situation in Jammu and Kashmir is complex and involves a mix of politics and history. Originally, Jammu and Kashmir covered about 138,200 square kilo meters (53,448 square miles). After the Sino-Indian conflict and the loss of land to China, it is now around 101,387 square kilo meters (39,145 square miles). The region is now controlled by three different countries.³⁸

Administratively Controlled Areas of Jammu And Kashmir

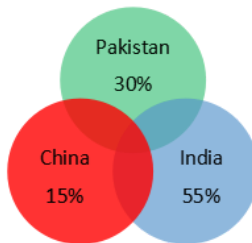
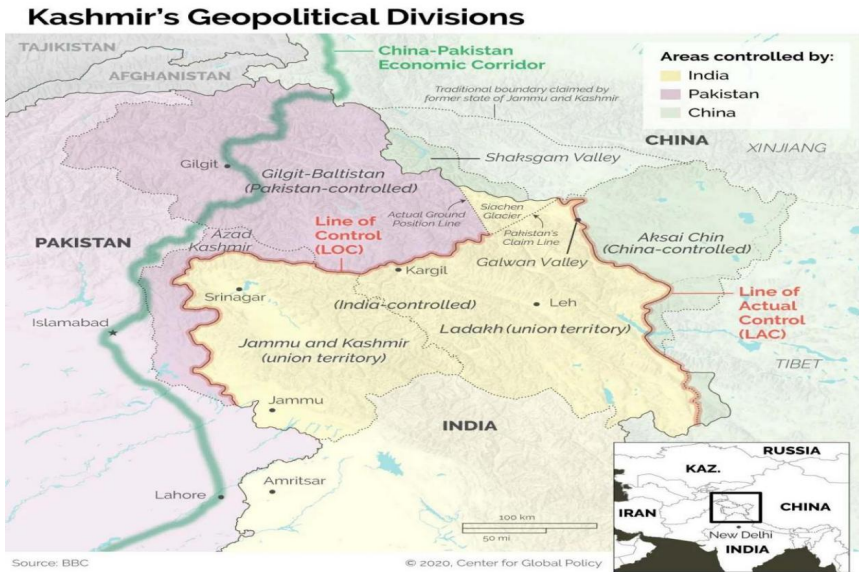


Figure-2³⁹

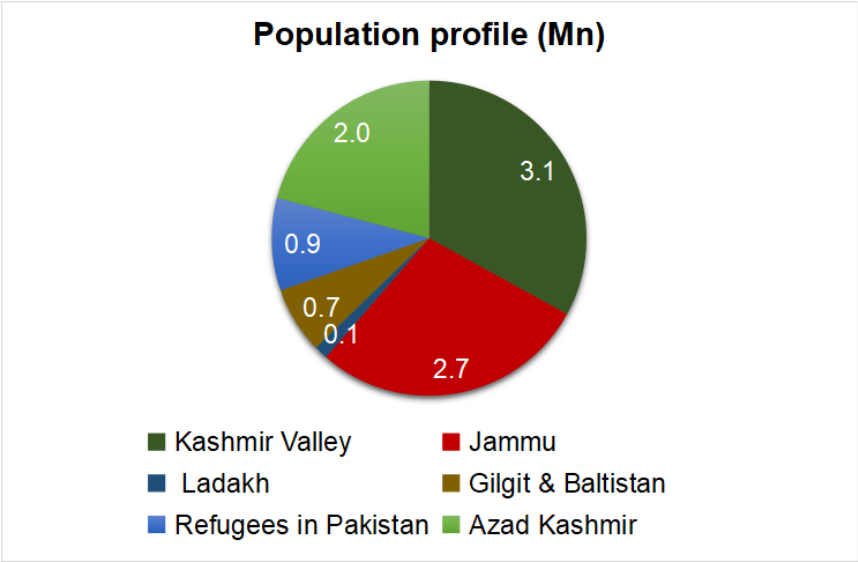
Christian Wagner views that Kashmir is a very sensitive area surrounded by several countries. To the west, Pakistan controls part of it called Azad Kashmir, divided from the rest by the Line of Control (LoC). To the east, India's part of Kashmir borders China, including a disputed area called Aksai Chin. To the north, Kashmir connects to Afghanistan through another disputed area called Gilgit-Baltistan. To the south, it borders India's Punjab and Himachal Pradesh. This makes Kashmir a key and disputed region between Pakistan and India.⁴⁰



IMG_256

Map-2⁴¹

The Jammu and Kashmir Valley, with over 12 million people, is a vibrant mix of cultures, religions, and traditions. The population is spread across various states and districts, each with its own unique history and economy. This diversity offers both opportunities and challenges for leaders trying to promote unity and progress. Additionally, the presence of refugees from both Pakistan and other countries adds complexity, bringing their own cultural backgrounds and histories. Overall, this rich mix of people highlights the need for inclusive policies and development strategies to address economic issues and promote understanding.⁴²

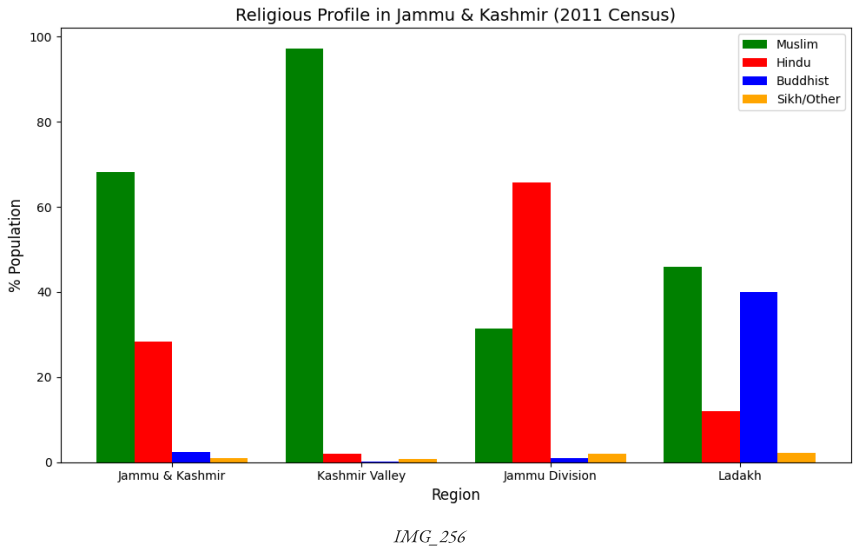


Graph - 3⁴³

Jammu and Kashmir is home to many religious and ethnic groups, including Muslims, Hindus, Sikhs, and Buddhists. This diversity makes solving political and social issues challenging. To achieve stability and growth, it's essential to address the needs of all these groups with respect and inclusive. Good management involves recognizing and valuing this diversity, promoting understanding, and fostering cooperation among different communities. This approach helps prevent conflicts and supports a peaceful society. Policymakers should create inclusive strategies that cater to the social and religious variety in the region, ensuring equal access to opportunities and resources for everyone. With diversity, the economy can grow and society can experience more social development, creating a successful society where all feel appreciated and have a role to play in the future of a successful Jammu and Kashmir. Kashmir's diversity stems from its historical role as a crossroads of various cultures and religions, including Hinduism, Buddhism, Islam, and Sikhism. This rich mix of traditions and ethnic groups creates both opportunities and challenges for effective management. To promote harmony, it is crucial to respect and address the needs of all communities, encourage dialogue, and foster understanding. Embracing this diversity can help Kashmir use its cultural heritage to drive development and social unity. Addressing the political and social issues in Jammu and Kashmir requires understanding and respecting its diverse communities. Policymakers need to create inclusive strategies that consider the region's religious and

ethnic variety. Effective management involves promoting dialogue, equal access to resources, and social cohesion. Building trust through interfaith and cultural exchanges is essential. Embracing this diversity as a strength can help achieve sustainable development and harmony in the region.⁴⁴

Understanding the religious and ethnic diversity in Jammu and Kashmir is crucial for policy-makers and stakeholders involved in peacebuilding and development. This knowledge helps in creating effective policies that address conflicts and promote lasting peace. Recognizing and respecting the area's diverse identities allows for inclusive approaches that encourage community engagement and dialogue. By identifying shared values and fostering mutual trust, efforts can be made to bridge gaps and build cohesion. Achieving sustainable peace and development requires comprehensive strategies that address grievances while respecting everyone's rights and dignity. Overall, grasping this complexity is key to fostering stability and prosperity in Jammu and Kashmir.⁴⁵



Graph - 4⁴⁶

Rising tensions between India and Pakistan over Kashmir are raising serious concerns due to their nuclear capabilities. The lack of effective dialogue and diplomatic efforts has made the situation worse, increasing mistrust and hostility. To address these issues, both countries need to focus

on meaningful talks to resolve their core problems. Regional and global players should also support these efforts to reduce tensions. Building trust and working towards lasting peace in South Asia should be a top priority to prevent further conflict.⁴⁷

The global community needs to step in to help reduce tensions and encourage talks between India and Pakistan to prevent further conflict. Given their nuclear capabilities and the complex Kashmir issue, outside help is crucial for safety and to avoid worsening the situation. Major countries like the US, China, and Russia, along with regional organizations like the UN and the EU, should push for serious discussions and address key problems. Regional groups like SAARC and the OIC can also play a role in promoting dialogue and cooperation. Working together internationally is important for calming the situation and supporting lasting peace in South Asia.⁴⁸

Given the complexity of the Kashmir issue, global intervention is essential for achieving peace and stability in the region. Both India and Pakistan have nuclear capabilities, making the risk of escalation high, which underlines the need for international involvement. Global efforts can help facilitate important talks, build trust, and mediate between the two countries. Major powers, regional organizations, and institutions like the UN have key roles in reducing tensions and promoting diplomatic solutions. Addressing human rights concerns and ensuring accountability are also crucial for a lasting peace. By working together, the international community can help ease tensions, prevent conflict, and support a peaceful resolution to the Kashmir dispute.⁴⁹

The UN and other important groups need to help India and Pakistan talk and find a fair solution to the Kashmir issue. Global mediators are essential for making peace talks work. Given the complex history and issues, outside help is needed to create a good environment for discussions. The UN should use its influence to support these talks. Also, regional groups and major countries like the US, China, and Russia should encourage both sides to work together. Mediation should focus on key issues like land disputes, human rights, and terrorism. By helping with talks and negotiations, the international community can build trust, lower tensions, and aim for lasting peace in South Asia.⁵⁰

The global community must push India to uphold human rights in Kashmir, especially after the repeal of Article 370 and 35A. There have been many reports of human rights abuses, like movement restrictions and detentions. Organizations like Amnesty International have highlighted these issues. The world should urge India to allow independent investigations and hold

those responsible accountable. Protecting human rights and addressing Kashmiri grievances are crucial for restoring peace and justice in the region. Major powers and human rights groups should keep working for a fair resolution that respects everyone's rights.⁵¹

Amnesty International says it's crucial to protect freedom of speech and movement in Jammu and Kashmir. They've criticized the use of excessive force by Indian authorities and called for independent investigations into human rights abuses. The group stresses that global attention and accountability are needed to ensure human rights and justice in the region.⁵²

The strict security measures and internet shutdowns have worsened the humanitarian crisis in Kashmir, affecting millions of people. The removal of Article 370 and 35A has increased tensions between India and Pakistan, heightening international concerns in South Asia.⁵³

Pakistan's efforts emphasize the seriousness of the Kashmir issue and its impact on regional and global stability. By raising the matter at international platforms like the UNSC, Pakistan seeks political support and aims to promote discussions to address Kashmiri grievances. The global community should focus on diplomatic efforts to ease tensions and work towards a peaceful resolution of this long-standing conflict.⁵⁴

The rising tensions between India and Pakistan over Kashmir raise serious concerns about regional stability, especially with both countries having nuclear capabilities. This increases the risk of conflict. To prevent further escalation, it is crucial to focus on political efforts to reduce tensions and promote dialogue. International intervention is essential to help manage the situation and work towards a peaceful resolution, ensuring stability in the South Asian region.⁵⁵

The lack of dialogue and diplomatic efforts worsens the situation. Major powers and regional organizations need to actively help reduce tensions and facilitate talks between India and Pakistan to prevent the situation from getting worse.⁵⁶

Kenneth Waltz's key analysis of the three levels of conflict in international relations. Our aim is to use Waltz's theoretical concepts to understand the complex dynamics of cross-border conflicts, focusing specifically on the India-Pakistan relationship and recent developments in Kashmir.⁵⁷

Our research uses Kenneth Waltz's theory, which examines conflict through three levels: individual, state, and international system. This approach helps us understand the dynamics of global conflicts and power structures. We apply this theory to the India-Pakistan relationship, focusing

on Kashmir. We use academic works, theoretical literature in international relations, and recent developments related to the Kashmir conflict. Our study addresses changes since the abrogation of Articles 370 and 35 (A) in 2019, which have impacted the regional and geo-strategic landscape. While Waltz's framework offers a structured way to analyze international conflicts, our research currently lacks detailed empirical evidence and comprehensive case studies. We also need to explore alternative theoretical perspectives to fully understand the complexities of the India-Pakistan relationship. Robert G. Wirsing's work on the Kashmir conflict, conducted in 1994, provides valuable insights into the political and diplomatic aspects of the issue. However, it does not cover the recent constitutional changes in Kashmir. Our research aims to update this analysis by examining how Pakistan's foreign policy and strategies have evolved in response to these recent developments.⁵⁸

Mona Bhan's "Routledge Handbook of Critical Kashmir Studies" uses critical theory and postcolonial studies to explore the Kashmir conflict, focusing on marginalized voices and challenging dominant views. Her research examines power dynamics and regional heritage but doesn't address the international impact of recent changes in Kashmir. Our study aims to build on Bhan's work by analyzing how recent changes have affected Pakistan's position and regional strategies.⁵⁹

Overall, the research by Waltz, Wirsing, and Bhan provides valuable insights into the Kashmir conflict. Waltz and Wirsing focus on diplomacy and global relations, while Bhan offers a critical view of regional issues. Combining these perspectives helps us understand the conflict's complexities and implications for regional stability. The growing global attention on Kashmir, especially from countries like the US, complicates the situation for India. India needs to assert its interests and handle international pressures carefully to protect its sovereignty.⁶⁰

In August 2019, President Trump's offers to mediate in Kashmir mainly aimed to please Pakistan. Countries may use the Kashmir issue to get concessions from India. For example, Sweden raised Kashmir concerns during a fighter jet deal to try to influence India. This shows the complicated global interests tied to the Kashmir conflict.⁶¹

India's move to revoke Jammu and Kashmir's special status drew global attention and reactions, especially from the US, UK, and Europe. The decision, seen as controversial, changed the legal status of the region. In the US, some policymakers worried about human rights and regional stability, while President Trump's offer to mediate was seen as a way to appease Pakistan. The UK

and European countries debated the impact on regional security and Kashmiri rights. This global reaction highlighted the complex international dynamics and the importance of political dialogue in addressing such issues.⁶²

The change in global attitudes reflects broader international concerns about India's handling of the Kashmir issue. The differing reactions show the challenges the Modi government faces in managing both domestic politics and global relations amid these controversial constitutional changes.⁶³

In the United States, the Democratic Party has become a major critic of India, strongly opposing its handling of the Kashmir situation. This shift reflects growing concerns about human rights and regional stability in Kashmir after the removal of Article 370. The Democrats' criticism underscores the complexities in US-India relations and the importance of addressing human rights and democratic values in international discussions. India faces the challenge of managing these concerns while maintaining strong ties with the US, a crucial strategic partner. Addressing these issues through diplomatic engagement is essential for India to navigate the complexities of the Kashmir conflict.⁶⁴

India faces challenges in maintaining bipartisan support in the US Congress due to shifting political dynamics. To rebuild and strengthen this support, India needs to actively engage with both parties, address concerns, and emphasize shared interests. Proactive outreach, including working with think tanks and civil society, will help improve perceptions and reinforce the strategic partnership. Additionally, India must navigate China's assertive stance on Kashmir, which reflects China's broader regional and economic ambitions. India's approach should be strategic and assertive, focusing on maintaining its regional influence and addressing emerging challenges effectively.⁶⁵

China's recent efforts to mediate in the Kashmir dispute and push for discussions at the UN Security Council mark a significant shift in international dynamics. By intervening and advocating for UNSC discussions, China challenges India's stance that Kashmir is solely an internal matter. This involvement raises questions about India's willingness to engage with external actors. India's interactions with European parliamentarians further complicate the situation, revealing the complex mix of global interests and perspectives on Kashmir. China's actions reflect its broader regional ambitions, aiming to influence South Asian affairs and establish itself as a key player. This evolving international landscape underscores the need for nuanced diplomacy and strategic engagement to address the Kashmir conflict effectively.⁶⁶

China's push to mediate in the Kashmir dispute and involve the UN Security Council marks a significant shift. By seeking UNSC discussions, China challenges India's claim that Kashmir is only an internal issue. This involvement raises questions about India's stance and its interactions with global partners. China's actions reflect its broader regional goals, aiming to influence South Asian affairs. The situation highlights the need for careful diplomacy to handle the evolving Kashmir conflict and its impact on regional and global dynamics.⁶⁷

India faces major challenges in its diplomacy over Kashmir due to competing global interests and viewpoints. The conflict draws attention from many international players. To succeed, India must be proactive and skilled in negotiations, balancing its own goals with global pressures. In a changing international environment, India needs to stay steady but adaptable to address new challenges.⁶⁸

Handling the Kashmir dispute needs careful attention to different interests. India aims for regional stability and global impact by engaging in dialogue and reducing tensions. Balancing domestic goals with international responsibilities, India must use ongoing talks and diplomacy to address the core issues effectively.⁶⁹

Pakistan views Kashmir as a disputed area with a Muslim-majority population that has the right to self-determination according to UN resolutions. This stance reflects Pakistan's commitment to global standards and the rights of Kashmiri Muslims to determine their own future.⁷⁰

From Pakistan's viewpoint, the Kashmir issue is more than a regional conflict; it represents justice and human rights. Pakistan claims that Kashmiris face human rights abuses and restrictions from Indian forces. It consistently supports the implementation of UN resolutions that promise Kashmiris the right to self-determination through a plebiscite.⁷¹

Pakistan views itself as a key player in the Kashmir conflict due to its deep historical, cultural, and strategic ties with the region. The unresolved status of Kashmir has led to ongoing tensions and conflicts with India. Pakistan's stance is influenced by shared language, religion, and cultural connections with Kashmiris. It believes that control over Kashmir is crucial for its national security and regional stability. Pakistan remains dedicated to advocating for Kashmiri rights and seeking a resolution aligned with its international interests, emphasizing its commitment to political solutions and regional peace.⁷²

Pakistan's strategy on Kashmir focuses on gaining international support and highlighting human rights abuses in Indian-administered Kashmir. It uses global forums like the United Nations to advocate for dialogue and a peaceful resolution, emphasizing the principles of self-determination and justice for Kashmiris. The repeal of Article 370 and 35(A) by India in August 2019 was a major shift in the political landscape, deeply impacting Pakistan's stance. Pakistan views this move as a violation of international norms and a threat to Kashmiri rights. It has strongly opposed India's actions on the global stage, raising tensions and influencing regional and international dynamics.⁷³

Pakistan's response to India's changes in Kashmir was multifaceted, involving diplomatic, political, and strategic actions. The repeal of Article 370 and 35(A) forced Pakistan to reassess its strategies and alliances, seeing the move as a direct threat to its security interests. Pakistan's reaction underscores its serious concern and proactive approach in addressing evolving international challenges while maintaining its commitment to protecting its national interests and regional stability.⁷⁴

Pakistan's response to the repeal of Article 370 and 35(A) underscores its strong commitment to defending Kashmiri rights and seeking a peaceful resolution. This move heightened tensions between India and Pakistan, increasing the risk of conflict and instability in the region. The situation led to more ceasefire violations and military clashes along the Line of Control (LoC), drawing significant international attention. The global community closely monitors these developments due to their potential impact on regional stability and international security. Pakistan's scholarly analysis explores the complex interplay of politics, power, and international relations, providing insights into the evolving dynamics of the Kashmir conflict and its broader implications. This highlights the need for strategic foresight and principled diplomacy in addressing the intricate issues surrounding Kashmir. Advancements in missile technology and nuclear deterrence play a crucial role in shaping Indo-Pakistani relations, especially after India's revocation of Article 370 and 35A. These developments are central to Pakistan's strategic response to India's new policies in the region. As both nations update their missile defenses and expand their nuclear arsenals, global power dynamics are shifting, affecting regional stability and strategic positioning. This intersection of technological progress and geopolitical changes underscores the complexity of security strategies and Pakistan's evolving approach to the post-revocation environment.⁷⁵

The detailed study of India, Pakistan, and global views shows how important it is to explore the effects of removing Article 370 and 35(A). This analysis will uncover how these changes impact the strategic balance and stability in South Asia.

2.5 Strategic Significance of Kashmir

Nothing about Kashmir is of strategic importance only in the short term context of the Indo-Pakistani rivalry, and Kashmir is indeed at the center-stage of the regional South Asian security configuration. Situated geographically at the convergence of South Asia, Central Asia and East Asia, Kashmir is of huge geostrategic significance with its boundaries with Pakistan, China as well as its location close to Afghanistan. Its mountainous topography, mountain passes on high altitudes and its river system made it a very important military frontier since the partition of British India in 1947. With the emerging patterns in the region, especially about the China-Pakistan Economic Corridor (CPEC), the closeness between Kashmir and China has turned out to be of importance. The CPEC is one of the major Chinese Belt and Road Initiative (BRI) and traverses in the Pakistan-administered Gilgit-Baltistan which has been claimed by Indian as part of the former state of Jammu and Kashmir in princely state. The territorial disputes have intensified strategic rivalry and sparked the increase in the India-China-Pakistan security triangle, such as the frequent conflicts along Line of Actual Control (LAC) and Line of Control (LoC). In addition to its geoeconomic meaning, Kashmir is also the source of major river systems, such as the Indus, Jhelum and Chenab that are the essentials in the water security of India and Pakistan. These rivers are covered by the Indus Waters Treaty (1960) which was brokered by the World Bank but is still susceptible to the geopolitical issues. The strategic advantage offered by the control over headwaters in Kashmir grows in the presence of water scarcity and gaps in managing climate change.⁷⁶ In a further indication of its strategic centrality, the region is also militarized. Even now Jammu and Kashmir is among the most militarized zones in the world considering the estimate of half a million Indian troops in the region, as well as the high level of Pakistani troops on the other side of the LoC. The 2019 annulment of Article 370 and the consequent breaking up of Jammu and Kashmir into Union Territories with federal status have spiked military crests, added clashing tussles along the boundaries, as well as worsened the geopolitical fissures. The strategic location of Kashmir also holds it as a possible entry point to the energy markets of Central Asia and the trade routes in case the prospects of stability in the region improve. Nevertheless, unresolved conflict and mutually competing interests have enabled lack of exploitation of its connectivity potential thus creating insecurity and underdevelopment. Overall it can be said that Kashmir is not just a

territorial issue. It cannot be de-coupled with larger strategic competitions among India, Pakistan, and China, regional connectivity schemes, as well as the governance of critical natural resources. Its position continues to be a part of central concern in terms of peace stability, and strategic competition not only in South Asia but also globally.

2.6 Geopolitical Dynamics in Post-Abrogation

It is this abrogation of Article 370 and 35(A) by the Government of India (Government of India (GOI)) on 5th August, 2019, that will always be described as defining moment in the geopolitical development of South Asia. This constitutional action abolished the special status of Jammu and Kashmir as well as divided the land into two Union Territories Jammu and Kashmir and Ladakh. The government of India is still justifying this move as inevitable act in order to serve the national unity, governance and boost development.⁷⁷

But almost half a decade later, the regional fallouts of the abrogation can be seen more clearly than ever before. Pakistan has continuously criticized the action as being against the resolutions of United Nations Security Council (UNSC) including the Resolution 47 (1948), Simla Agreement (1972) and Lahore declaration (1999). In addition to the diplomatic offensive to bring the Kashmir issue into international forums, Islamabad has also increased its participation in their advocacy and support.⁷⁸

On its part, India does not view the issue any differently as it is seen as an internal administrative reform that touches on its sovereign land. In response, the authorities have claimed that the region has undergone infrastructural development, more investment, and convincing security coordination but the reports by third parties indicate different story line that is still characterized by unrest and alienation especially in the Kashmir valley.⁷⁹

The abrogation has further increased militarization making Jammu and Kashmir one of the militarized regions in the world. Freedom of civic rights and political liberties as well as medium of communication has time and again been imposed, and this aspect continues to put the human rights watchdogs, like the Human Rights Watch and Amnesty International, on the line of criticism. According to recent reports seen as of 2025, sporadic internet blockings, surveillance and arrest of political activists are ongoing and contribute to socio-political tension.⁸⁰

The fact that China disagrees with reorganization of Ladakh is a major source of trouble and the Aksai Chin region, which is under Chinese but also claimed by India, is a hot zone. Recent skirmishes in 2020 at the Galwan Valley were followed by frequent stand-off along the Line of Actual Control (LAC) which further strengthens the building up of the trilateral strategic competition between India, Pakistan, and China.⁸¹

The abrogation has, furthermore, complicated an already strained matter of China-Pakistan Economic Corridor (CPEC) in which parts run through Pakistan-controlled Gilgit-Baltistan, claimed by India as a part of the larger Jammu and Kashmir region. The legal developments in Kashmir have intensified regional competition especially with India and United States, Japan and Australia intensifying strategic collaboration in forums such as Quad, whereas Pakistan and China are intensifying military and economic relations.⁸²

The reaction to the abrogation is divided internationally. On the one hand, western governments that show their concern regarding the human rights and communication restrictions have set a strategic view of a relation to India as their priority. In its part, the United Nations has insisted on restraint, dialogue, and the observance of human rights however, it has not done any tangible interventions. Meantime, periodic statements of the solidarity with Kashmiris are still issued periodical by Organization of Islamic Cooperation (OIC), but with little political gains.⁸³

To sum it up, the annulment of Article 370 and 35(A) has solidified its role as one of the major hand mines of South Asia and the subsequent militarization of the Kashmir area has only served to deepen this stratagem. It has worsened the India-Pakistan conflict, hindered Sino-Indian relations and has caught the international focus on the persistent conflict which shows the inextricable connection among national constitutional reform, regional instability, and international politics. The aforementioned discussion sheds light on the geography, demography and the historical development of Jammu and Kashmir that can be described as representing the core of the involved-South Asian strategic landscape. There lies the geographical location of Kashmir as the point of convergence of South Asia, Central Asia and East Asia that has put it under constant modes of competition, conflict, and center of strategic considerations in the world. Kashmir, due to its rocky mountainous geography, major river systems, critical borders with three nuclear power systems, India, Pakistan, and China, is extremely strategically salient. This state of instability has been maintained over the years because of competing interests in the region as the region has been both a military frontier and a place where trade and connectivity could have occurred. It and its water resources particularly the headwaters of the Indus River system continue to be indis-

pensable to both India and Pakistan further solidifying the role of Kashmir in the context of environment-based and resource based security inferences. Demographically, the region is a mixture of religious and ethnic backgrounds and the Muslim-dominant Kashmir valley is usually at the centre of the political conflict and claims of autonomy or self-determination. Alternatively, Jammu and Ladakh, regions of more varied socio-religious make-up tend to simplify internal power structures and become part of larger discussions of identity, governance and territorial integrity. These facts of demography are related directly to the histrionics of grievance, political movements and the contestations that have characterized the contemporary course of the region. The Kashmir dispute Traditionally, the Kashmir dispute is associated with the partition of British India and following accession between Jammu and Kashmir to the Indian Union in 1947. Important events Key events Encompassing the 1947-48 war series of UNSC resolutions the 1965 and 1971 Indo-Pak wars the 1989 insurgency the 1999 Kargil War and the diplomatic collapses following 2008 evidence this is that the Kashmir dispute has become a protracted, multi-dimensional crisis.⁸⁴

It is remarkable that the chapter has expressed what an abrogation of Article 370 and 35(A) in August 2019 has changed the political and strategic reality of the region essentially. The constitutional changes that have been advanced by India as an internal means of development and national integration have led to the aggravation of geopolitical rivalries, increased militarization, and attracted a lot of international focus on the human rights and governance issues and regional stability in the long-term perspective. According to official accounts of noteworthy bodies, such as those of the Amnesty International (2024), the abrogation has also been marked by a rise in civil liberties restrictions, extended internet blackouts, a rising number of satellites in circulation, as well as the decline of political rights in Jammu and Kashmir. The developments not only have been intensifying the existing alienation of the local population but also have elicited an issue of democratic backsliding and violation of human rights in one of the most militarized regions in the world. Moreover, the fact that the territorial pretensions of India, Pakistan, and China overlap with one another and are aggravated by the newly emerging processes like the China Pakistan economic corridor (CPEC) or the constant conflicts along the line of actual control (LAC) prove that Kashmir issue is not a bilateral issue between Pakistan and India anymore. Rather, it is included in a much larger, triangular, strategic competition, which includes great-power competition, connectivity schemes, and the securitization of critical natural resources. Overall, the South Asian geographical, demographical and historic intricacies of Kashmir are inseparable when it comes to comprehending the current-day situation of the South Asian strategic landscape. The

region continues to be a restive hot spot, the unresolved territorial wrangles, ethno-religious differences, and geo-political tussles between big powers continue to collide. The repeal of Articles 370 and 35(A) has created a rift between the regions and made Kashmir a more important issue in terms of security and strategy. It has redefined the dynamics of the military and diplomacy in South Asia posing new challenges. The following chapter is going to critically analyze these developments.⁸⁵

Abrogation of Articles 370 and 35(A) has increased strategic competition in south Asia particularly between Pakistan and India. It has triggered the contemporary modernization of the defense, strengthening of the native capabilities, and the escalation of regional competition and has founded a permanent state of conditioning of security, military preparedness, and the new balance of power in an already fragile game of geopolitics.⁸⁶

2.7 Hypothesis Testing: Analytical Response to History

What is now being envisaged is to preempt certain dynamics, legal precedents, and structural tensions that are most pertinent to explain the process of abrogation of Article 370 and the immense effect it will have on the security of South Asia. The story has now shifted to the major events and processes which contributed to the political condition of the region with more focus laid on the law that formed the basis of the special status of Kashmir to the Indian Union. Such legal base aspects as the Instrument of Accession and Article 370 are essential to understand the consequences of the abrogation in August 2019. It is through these historical strands that I am seeking to provide a more narrowed-down discussion of how the status of Kashmir has been instrumentalized in the name of national security with the passage of time.

Additionally to provide insight into the historical strains between India and Pakistan, and the structural problems that have undergone in the Kashmir dispute over time. Instead of a true historical account, this chapter now focuses on the evolution that directly influenced the aftermath of the abrogation which will serve as a basis of the consequential strategic discussion in future chapters. As an example, the historical dynamics of territorial conflicts, religion identity, and political freedom have persisted to make their own special history concerning the way the securitization of the Kashmir situation has progressed, not only within the Indian state, but also on the global front.

It is an analytical synthesis which is aimed at not letting the historical narrative read in vacuum but rather serving as part of the whole dissertation argument, which is concerned with the strategic implications of the abrogation. The revisions highlight how the historical context not only enlightens but becomes critical to the realization of regional security dynamics and securitization process that has tinted the policies of India, Pakistan and the region in general. It is through focusing these historical strands that I have sought to offer a strong framework to the more detailed theoretical and empirical analysis of the next several chapters.

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CHAPTER 3

3

IoK in Post withdrawal of Article 370 & 35 (A)

Dr. Syed Rizwan Haider Bukhari

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DR. SYED RIZWAN HAIDER BUKHARI

3.1 Introduction to IoK in Post withdrawal of Article 370 & 35 (A)

The reality that prevails in the Indian run Jammu and Kashmir (J&K) today is one of the most volatile and complicated aspects of the South Asian strategic environment. The pathway of the region since August 2019 when Article 370 and Article 35(A) has been abrogated demonstrates radical shifts in law, politics, and security along with increased domestic conflict, international observation, and diminished regional security.

3.2 Understanding Articles 370 and 35(A)

The Article 370 of Indian constitution, which was inserted in the Indian constitution in 1949 as part XXI or temporary transitional, provisions, was a special provision that gave special autonomous state status to the former state of Jammu and Kashmir (J&K). The historic background of conditional entry into India of the region due to the out-turn of events after the Partition of 1947, and the first war between Indo-Pak, was the foundation of this article. Owing to the agreement made under the Instrument of Accession signed by Maharaja Hari Singh on 26 October 1947, J&K joined India on the matters of defense, foreign affairs, and communications, keeping an eye that the internal autonomy of the state will remain un-interfered with Government of India act 1947.¹

Article 370 made these terms operational in which J&K got its own constitution, state flag (abolished in 2019), and controlled legislation in internal affairs, except defense, foreign relations, finance, and communications as they were under the jurisdiction of the Indian Union.²

To serve as an addition to Article 370, there was Article 35(A) which was implemented as a Presidential Order in 1954 on the suggestions made by the J&K Constituent Assembly. What this section did was to grant powers to the state legislature to state who was to be considered a permanent resident and to grant exclusive rights to such people in terms of owning properties, working in the public sector and enjoying the education system. It is important to note that such rights disenfranchised non-permanent residents of J&K in terms of buying land as well as enjoying certain rights in J&K under a state government.³

Advocates of such constitutional provisions contended that they showed reflection of history, cultural and political identity of Jammu and Kashmir with the Indian Union. They were perceived as a defense against population exploitation, cultural loss and economic marginalization of the indigenous populace especially in the Muslim dominated Kashmir Valley.⁴

The provisions grew to be more controversial however. Opponents especially the political right in India claimed that Article 370 and 35A had created separatism, hindered integration in India and economic growth. They also argued that these legal obstacles also discriminated against non-residents and women outsiders of J&K who got married outside of the region and further added to inter-regional inequalities and management issues.⁵

Legal and political arguments in these articles continued to be the core of the Kashmir warfare over several decades. Practically, although Article 370 was the representation of the autonomic position, subsequent Indian governments managed to undermine the conditions established by that Article over time through Presidential Orders, and apply numerous central laws to J&K, without taking the consent of the state, especially ever since the J&K Constituent Assembly was terminated in 1957.⁶

These decades-old arguments culminated on 5 August 2019 when the Government of India repealed Article 370 and annulled Article 35(A), which transformed the constitutional and administrative status of Jammu and Kashmir. It was divided into two autonomous re-

gions, or Union Territories--Jammu & Kashmir and Ladakh, that came under direct central rule and claimed the abolition of its special autonomous status. The legal background and historical development of articles covering 370 and 35(A) remain the key to unfolding of the current political situation in Kashmir, internal unrest, and its position in related strategies of the entire South-Asian region.⁷

3.3 Abrogation and its Immediate Consequences Current Legal, Political, and Strategic Implications Post-Abrogation

On August 5, 2019, the Bharatiya Janata Party-led Government of India unilaterally abrogated Article 370 and Article 35(A) of the Indian Constitution that changed the correspondence between Jammu and Kashmir (J&K) and the Indian Union constitutionally. This action took the special status of the J&K and ended its statehood and turned the region into two Indian-administered Union Territories, consisting of Jammu & Kashmir and Ladakh.⁸

The government rationalized the move by pointing out the importance of improved integration of the nation, socio-economic development and efficient counterinsurgency activities. The abrogation was also featured by security lockdowns which had never been experienced before, mass arrests of political leaders and activists, communication blackout, and a heavy restriction in the movement, especially in the Kashmir Valley.⁹

Internet services via mobile networks were blocked in more than 18 months in multiple districts, the longest in internet and longest imposed by a democratic state.¹⁰

Responses in the rest of the world were very divided. Pakistan angrily reacted to the abrogation describing them as against United Nations Security Council Resolutions (UNSCR 47, 1948) and the bilateral agreement like Simla Agreement of 1972. China has protested, especially on the new status of Ladakh as Union Territory in terms of the continuing Chinese territorial claims over Aksai Chin. In the meantime, the human rights across the globe were raising the red-flag over human right violations as well as indefinite curbing of civil liberties in Kashmir. However, major foreign powers like the United States, the European Union,

and the Gulf Countries have mostly focused on strategic alliances with India, and they simultaneously gave their limited attention to violations of human rights through the lens of the Kashmir issue as a domestic affair.

3.4 Updated Security and Militarization

Even though it is officially stated that things are normal, Jammu and Kashmir is still one of the most militarized territories in the world; there is an estimation that more than 650,000 security officers work there, among which there are Indian Army, paramilitary forces, and local police forces.¹¹

Infrastructure security has further been strengthened following abrogation in 2019 through new military positions, dams, and fortified checkpoints especially in the Kashmir valley and the Line of Control (LoC).¹²

The armed clash between militants and security forces remain common in South Kashmir regions like Pulwama, Shopian and Anantnag. As per official Indian government records, there were more than 190 violence related events in J&K in 2024 alone and increased cases of infiltration along the LoC has been recorded in the first half of 2025. Indian government has pinned this sustained trouble to the militancy across the border which it accuses Pakistan to be facilitating, whereas Pakistan dismisses the allegations and instead casts the conflict in terms of India policies in Kashmir. In the meantime, human rights groups have stated that the overly-aggressive militarization, such as counter-insurgency efforts, house raids, and civil constraints to travel, have increased tension and acted as galvanizing agents against local people. Furthermore, other legislations concerning security have been introduced that have been criticized to annihilate civil liberties, create the environment of fear especially among youth and political activists, including the saferibbing of powers under the Unlawful Activities (Prevention) Act (UAPA).¹³

3.4.1 Securitization and Regional Security Dynamics in South Asia

The repeal of Article 370 in India caused a securitization firestorm in South Asia. Chapter 3 disaggregates the case of how India, Pakistan and China turned a constitutional move into three security crises. We also analyze the speech acts by each nation, India and its unity-through-force narrative, Pakistan and its nuclear-shadow warning speech acts and China and its strategic border signaling. What emerges is a securitization triangle: aggressive integration of emotional counter-mobilization of calculated power balancing. The two forces created a perception among their audiences that they saw existential threats that led them to resort to extraordinary measures that put diplomacy on its knees and militarized Kashmir. The chapter has highlighted how securitization not only characterizes responses, but constitutes the security predicaments to ensure the South Asian region exists in an everlasting crisis mode.

3.4.1.1 Abrogation of the Abrogation, India.

The decision to repeal Articles 370 and 35(A) in India was explained as a necessary measure in national security and a move to ensure that Jammu and Kashmir would be more part of India and eliminate what is believed to have been a transient provision in the Indian Constitution. This was an act of securitization done in the home country and overseas as a move towards national unity and territorial integrity. India justified its unilateral action on the basis of sovereign right to amend its constitution by presenting the abrogation of its constitution as a matter of national security provided it believed it was a long term threat to its territorial integrity. The process of such framing can be explored in the case of the strategic communication of India within the context of the theory of Securitization. The Indian government and Prime Minister Narendra Modi employed the abrogation as a broader project to combat terrorism, and to bring sanity to the region. The securitization process was backed up by official statements, policy speeches and press releases that put Kashmir on the spot as a breeding ground of constant instability due to the fact that

Pakistan was a supporter of insurgency and terrorism. This way of putting the issue in the context of an existential threat was not only an effort on the part of India to justify its actions but also seek to enlist domestic support to what would otherwise be considered a highly controversial step. This is securitization of Kashmir which helps India to justify extraordinary action, including deployment of military forces, abolition of special status and suppression of political rights in the region. This was not just a verbal form of speech but also carried out through legislation and through military action and therefore, this reinforced the perception of the region as a security threat that must occur through extreme measures so as to protect the territorial integrity of India. This framing fits the Securitization Theory in which Barry Buzan discussed an issue as an existential threat and the audience (in this case, the domestic population of India and the international activists of the cause) thinks that the issue is an existential threat and justifies the exceptional action of the state.¹⁴

3.4.1.2 Pakistan Reaction to Securitization of Kashmir

Pakistan responded to the abrogation of Article 370 in its turn by interpreting the move as a direct existential challenge to its territorial rights to Kashmir and national security. According to Pakistani view, the repeal of the special status of Jammu and Kashmir is an aggression which is aimed at undermining its position in the territory and disrupting the balance of power in South Asia. The response of Pakistan towards the Indian action was founded on the sentiment that the sovereignty of the Kashmiri was being violated and the border problem between India and Pakistan was being altered unilaterally by India.

The concept of the Securitization Theory was employed by Pakistan to describe its diplomatic, political and military responses. Not only had Pakistan managed to have its own people enthused by the idea of protecting its territorial integrity through securitisation of the Kashmir issue, but also sought to bring the international opinion on board to support the Kashmiri cause. The Pakistani government, through its security discourse, which is chaired by Prime Minister Imran Khan, accentuated the human rights violation in Kashmir and requested the international

community to recognize the security implications of the Indian move. Pakistan contextualized the acts of India in terms of a threat to not only the people of Kashmir, but also the stability and world peace of the region particularly in a region where the two countries have access to nuclear arms.

The reality that Pakistan has portrayed the activities of India as an existential threat is what the Securitization Theory is about, which is the creation of a security threat by a political state (Pakistan) as a response to an event seen as a security crisis. Military boasting, foreign policies, and supporter of Kashmiri liberty in the global platforms like the United Nations, improved the speech act in Pakistan. The nuclear nature of the conflict in Pakistan was also a wake-up call to the existential threat of any collapse of tensions between the two states and consequently securitized the conflict at the international level.¹⁵

3.4.1.3 The Strategic Computations and Securitization of the Regional Security in China.

China has been more subtle in its reaction to the abrogation of Article 370 taking into consideration the fact that China has strategic and also economic interests in the region. Though China has been longstanding supporter of the Pakistani position on Kashmir, its reaction to the Indian move must be seen in the context of its interest in the territories of the region particularly in the Aksai Chin region. The most significant concern of China is the border regions stability and its position in the China-India borderline and strategic interests in South Asia.

With the theory of Securitization, the response of China to the abrogation can be referred to as the response to the security threat that the unilateral acts of India on Kashmir were viewed to be. Though China has raised an alarm over the violation of the rights of Kashmiris, it has also framed the move by India as a challenge to the regional status quo that would have a far-reaching implication on the interest of China in the China-Pakistan Economic Corridor (CPEC) and its contribution to the South Asian region. China has been more diplomatic and regional dialogue

based in its speech act but has been more successful in securing the issue by emphasizing that peaceful solutions to the problem are required but also reminding both India and Pakistan about the nuclear interests in the region.

The reason is that the Kashmir position, and the military readiness of China to respond to any tensions in its borders with India is a pointer to the overall South Asian security policy of China. Even though China has not been securitizing like India and Pakistan, it has, however, put the regional dynamics in perspective of the security and stability, which have shown that it is not keen on further escalation that could threaten its geopolitical and economic interests.¹⁶

3.5 Political Developments and Democratic Participation in Jammu & Kashmir

The political environment in Jammu and Kashmir has been restructured greatly following the abrogation of Article 370 and 35(A) but the freedom of democratic participation is very limited and there is extreme political repression. Since the abolishment of the J&K Legislative Assembly in 2019 and the subsequent division of this territory into two Union Territories, direct central rule has dominated both Jammu & Kashmir and Ladakh. As far as the election is concerned, the Assembly elections in J&K are continually postponed, which is criticized by other parties, civil society, and foreign supervisors on the pretext of government promises to resume democratic practices.¹⁷

The Indian government held the first-ever Urban Local Body (ULB) elections in J&K since abrogating the elections in February 2024, which despite being only a minor but symbolic step back to electoral work in Kashmir, is widely seen as a welcome one. Voter turnout was however not even the Srinagar, Pulwama and South Kashmir had the lowest ever rates indicating the more the discontent among the populace and the failure to believe in the electoral exercise.¹⁸

There has been the political marginalization of the traditional regional parties such as National Conference (NC) and People Democratic Party (PDP). The 2019 decision involved many of their senior leaders, as the former Chief Ministers Farooq Abdullah and

Mehbooba Mufti endured long periods in detention. They have been released but on strict limitation on any political organization and campaigning, they say.¹⁹

New Delhi has encouraged other political structures like the Jammu & Kashmir Apni Party and pro-Unionist outfits to emerge. The critics accuse such attempts to create a political environment favorable to them and silence the opposition to the policies of the central government.²⁰

The restructuring has also elicited arguments over the issue of representation with some citing notable changes in the delimitation exercises that culminated in 2022 to the disadvantage of Kashmir Valley. The political pundits scheduled this move as a way to over-favor the pro-BJP constituencies, thus provoking regional polarities.²¹

Five years later, process of democracy in Jammu and Kashmir is restricted, political opposition and restrained, occasional arrests of leaders, and prohibitions of meetings. On the one hand, the central government presents the administrative integration as part of the process of development and stability; on the other hand, a lack of full-scale elections to the Legislative Assembly reveals the general apprehension of democratic deficiency in the region.²²

3.6 Human Rights and Civil Liberties in Jammu & Kashmir

Even after the abrogation of Article 370 and 35(A), the erosion of civil liberties and safeguards to human rights have been very evident in the case of Jammu and Kashmir, according to several independent bodies and world organizations. Although the government portrays to have returned to normalcy and embarked on its development mission, the ground facts surrounding in 2025 tells quite differently as the country remains to suffer extensive authoritarianism on freedom of speech, assemblies, press and political opposition.

3.6.1 Communications Bans and Monitoring

After the 2019 abrogation, one of the longest internet shutdowns in the world occurred in the region, and mobile internet access and access to social media remained severely curtailing until early 2021. As services have been restored gradually, the government still regularly undergoes temporary internet outage during instances of security or political unrest, especially in the South Kashmir.²³

Furthermore, extensive network of surveillance infrastructure, such as CCTV systems and biometrics surveillance, has been implemented, which is of the utmost concern in terms of privacy and human rights. According to local journalists and activists, there are more cases of harassment and electronic surveillance used to intimidate independent reporting, the effects of which are chilling.²⁴

3.6.2 Spurious Theories and Order Investands

The scope of application of what is also known as the Public Safety Act (PSA) and the Unlawful Activities (Prevention) Act (UAPA), the laws of preventive detention, has widely grown since 2019. Under such extensive security laws, thousands of people including political leaders, journalists, academicians and activists have experienced detention without trial and fair hearings according to Human Rights Watch.²⁵

What is especially worrying is that some of the youths who have been detained in conflict prone zones, such as Pulwama and Sopore, and then accused of belonging to the alleged militant groups are kept in jail many years without trial. According to the reports, there is also the issue of transparency of legal processes, the inability to provide oneself with a lawyer, and incidents of custodial abuses.²⁶

3.6.3 The Case of Press Freedom Restrictions

The local media in Jammu and Kashmir which used to be a vibrant field had a lot of curbs put on it. The anti-terror laws accuse the journalists of intimidation, police call-ins, and arbitrary arrests when they carry human rights abuse reports or criticize government policies. Press freedom in the region has drastically fallen according to Reporters Without Borders with J&K being a high-risk zone as far as freedom of independent journalism is concerned. Anti-censorship measures in the recent history amount to raiding of newspaper offices, shutting of digital stores and seizure of the digital machines of journalists. The steps have successfully gagged the latter and restricted citizens to get access to neutral information.²⁷

3.6.4 Criticism and Rights Advocacy in the Global Scene

Human rights in J&K have become a serious cause of concern to the United Nations, Amnesty International, Human Rights Watch, and other organizations working in other parts of the world. According to the 2024 report by Amnesty International, such features as the preponderance of abuses, arbitrary detentions, limitation of movement, and lack of freedom of political speech characterized the post-abrogation reality in the region. These fears notwithstanding, the Indian state continues to insist that security high alerts are needed to combat cross border terrorism and it also tries to restore sanity in the country. Nevertheless, persisting cases of targeting the civil society, prohibiting of non-violent demonstrations, and crackdowns on political expression give the questionable reputation on whether India is following the standards of the democratic norms and the obligations of the human rights under international law.²⁸

3.7 The Security, Economic, and Demographic Consequences after Abrogation

When Article 370/35A were scrapped in August 2019, they brought huge security, economic and demographic changes to Jammu and Kashmir (J&K) with both short and developmental consequences to the region and its surroundings strategic landscape.²⁹

3.7.1 Security Environment

After abrogation, Jammu and Kashmir is one of the highly militarized areas in the world. An ever tighter security lockdown took place in the first months after the constitutional reforms and thousands of extra paramilitary forces were admitted. Although authorities stated that they needed to avert the possibility of unrest and reduce militant activities, reports show that there have been occasional violence, armed confrontations, and security campaigns and violence especially in the Kashmir Valley. Ceasefire violations have occurred periodically along the Line of Control (LoC), belonging to the borderlands, and a new ceasefire agreement between India and Pakistan at the beginning of 2021 led to the subsequent calming of hostilities, though not lasting long. However, the area has continued to suffer cross-border strains,

infiltration efforts and rebellion which makes it a challenge to have a peace and stability in the area.³⁰

3.7.2 Economic Repercussions

It was revoked alongside announcements of faster growth, investment in infrastructure and the revival of the economy. Even though some segments, especially tourism and horticulture sectors have been exhibiting growth especially in the past years, the overall economic development is mixed. The continuous internet disconnection, the lockdown on communications and the continuous security vigils have negatively affected operations of businesses, education and the job market especially to the young people. The local industries, including the handicrafts and agriculture arenas undergo operational difficulties. Besides, the high level of investor confidence has been checked by uncertainty regarding politics and security, and hence, the extent of expected economic transformation has not been much. Economic challenges were also aggravated by the COVID-19 pandemic, which increased the unemployment and poverty levels in the area. Inclusive and sustainable growth is still a work in progress despite the fact that there are announced plans regarding targeted growth packages announced by the central government.³¹

3.7.3 Demographic Considerations

The issue as to whether there will be possible demographic adjustments in Jammu and Kashmir is one of the most discussed regarding the post-abrogation era. The modification of residency and property ownership is a factor that has raised fears among sections of the local community as to the likelihood of a

demographic re-engineering. The government has taken the introduction of domicile certificates to non-residents as a measure towards integration and equal opportunities. Nonetheless, critics explain that these would jeopardize the demographic and may affect the social-cultural identity of the Kashmir valley and inflame the prevailing tensions. Although current statistics show that the delivery of domicile certificates is on the rise, the ultimate population implication is a matter of political discourse and social concern.³²

Movement of Article 370 and 35 (A) revocation in August 2019 heralded the constitutional, political, and strategic course of Jammu and Kashmir. The film transformed the entire administrative arrangement of the area since it would withdraw its special status and make it more closely connected with the federal scheme of India. This is an operation that the government of India had always defended through the argument that it is necessary to have a more national integration, to improve the governance mechanisms and facilitating the socio-economic progress on Jammu, Kashmir and Ladakh. But still, there is a great issue yet after almost six years since the abrogation. The state still faces an emergence of increased security threats, occasional instability, and political restlessness especially in the Kashmir Valley. Congregation of security forces and blockage of civil liberties have contributed to feelings that are alien amongst groups of the population. In the interim, economic restructuring programs, which were being embarked upon, have had uneven impacts/indicators as the economic and geographic areas effected have lent themselves to uneven development.

Demographically, the changes in the residency laws have brought about concerns of the possible long-standing changes that are likely to restructure the socio-cultural fabric of the region further strengthening the fault lines. On the level of geopolitics, the constitutional shifts have muddled the interaction in the region, making a further locking of the old and new rivalries with neighbor Pakistan and becoming a cog into the wider security consideration China.

What has followed, following the abrogation of its special status highlights the complexity behind the notion of peace, stability and prosperity in Jammu and Kashmir. The way to go forward should be balanced, in a sense that it not only needs to redress political grievances but also needs to respect human rights and have an inclusive economic growth and most im-

portantly a dialogue between the stakeholders. Such multilateral steps can only lead to adequate management of the long standing problems in the region in the name of broader peace and security in South Asia.³³

This paper discusses how the abrogation of Articles 370 and 35(A) could affect a South Asian strategic environment based on the Ukraine and Russia war. Similar to the weaknesses revealed in military preparation, alliance formation, and diplomacy strategy in Ukraine due to the territorial issues and identity-focused conflicts, in the case of India-Pakistan, alliance-building, and diplomacy, there are also certain weaknesses. An examination of historical, political and security factors points to the potential of Pakistan reinforcing regional strategy and improving defense preparedness as well as taking advantage of the diplomatic line to tone down risks of escalation in an attempt to provide a comparative perspective of how to manage identity based conflicts and maintain national interest in contemporary geopolitical dynamics.³⁴

NOTES

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4

Indian's Abrogation of Article 370/35(A): A Pakistan Perspective

Dr. Syed Rizwan Haider Bukhari

CHAPTER 4

Indian's Abrogation of Article 370/35(A): A Pakistan Perspective

DR. SYED RIZWAN HAIDER BUKHARI

4.1 Introduction to Indian's Abrogation of Article 370/35(A): A Pakistan Perspective

Articles 370 and 35(A) of the constitution of India were thus unilaterally abrogated by the Government of India on August 5, 2019, removing the special status of autonomous state of Jammu and Kashmir. It was later re-structured into two Union Territories the Jammu & Kashmir and Ladakh by means of introduction of additional six administrative districts.¹

Although the decision to transfer power was fully justified by New Delhi as an effort to enhance the process towards a more united nation, reform in governance and improved development, yet the move elicited quite a lot of controversy both in and outside India. from Pakistan's prespective,

the process of abrogation is a clear breach of international commitments, in particular, the resolutions of the United Nations Security Council, including Resolution 47 (1948) according to which Kashmir is a disputed territory the resolution that is to be achieved by holding a plebiscite in the future, and Simla Agreement (1972) that places importance on bilateral negotiations to resolve the conflict.²

Islamabad does not consider the move only as an administrative adjustment but as a subset of a greater ideological initiative, Hindutva, the right-wingers discourse that rules in India. Pakistan argues that the abrogation will primarily shift demographic, law, and geopolitical identity of the Indian-administered Kashmir to alter it to the style of the Israeli settlement policy of the occupied Palestinian territories.³

Human rights organisations and analysts have likened the new domicile laws in India (that may enable non-residents to purchase a house and settle in the territory) to the settler-colonial policies of Israel, which aim to alter demographic balances in order to establish a territorial hold.⁴

The chapter looks at them with a Pakistani perspective, investigating the ideological aspects of the Indian move, settlement colonies and settlement, the legal, humanitarian, and political consequences of the abrogation. It deeply evaluates the current and prospective impacts

4.2 Historical Context Of Articles

370 and 35(A)

From the Pakistan's perspective, Articles 370 and 35(A) were not a local domestic concern but included in the historic structure of the undefinable status of Jammu and Kashmir. The fact that they were included in the Indian Constitution indicated the special status of the region pending the time when the relevant resolutions of the UN Security Council regarding the plebiscite to ascertain the will of the people of Kashmir would be given a green signal. Pakistan claims that India is depriving itself of legal ground to its presence in Jammu and Kashmir and blocking the path of peaceful concluding of the conflict through unilateral abrogation of these provisions.⁵

4.3 Indian Designs Behind The

Abrogation: A Pakistani Perspective

The similarities between Hindutva and Zionism as variations of religious supremacy and the way they manifest and affect the world, particularly, South Asia, and the Middle East. It further examines the implication of the abrogation of Articles 370 and 35(A) of the Indian Constitution based on the arguments that the change affects greatly on the strategic environment in South Asia creating tension and implying on regional stability. The authors point out the role such political and ideological developments have played in creating a possibility of conflicts and how geopolitical dynamics in the region are shaped by them.⁶

4.3.1 Hindutva Ideology and National Integration: A Pakistani Perspective

From the Pakistani point of view, the rejection of Article 370 and 35(A) may be seen as an ideological belief of the Bharatiya Janata Party (BJP), in the main Hindutva framework, which views India as Hindu as a dominant first and foremost. The so-called Hindutva, being spread by the Rashtriya Swayamsevak Sangh (RSS) the ideological parent of the BJP does this at the cost of the religious minority, especially the Muslim population.⁷

According to this view, the RSS has long opposed the Muslim majority nature of Jammu and Kashmir, which it believes does not jive with their concerns of Indian integration.⁸

According to the perspective of Islamabad, the removal of the special status of the region is not a purely administrative decision but a well-planned ideological initiative to transform the demography, economy, and political spheres of the Kashmir region to undermine its Muslim identity and the desire to resolve the question of self-determination.⁹

Pakistan believes that what the BJP-led government is implementing in Kashmir is part of the larger patterns of exclusionary nationalism, where any form of dissent is classified as anti-national and policies implemented to ensure that the Hindu dominated the state. There are also the enactment of new domicilia laws, promotion of settling of non-Kashmiris, which Islamabad views as an act engineered demographic change following examples in other conflict territories in the world.¹⁰

Moreover, Pakistani authorities would argue that the annulment has two purposes, to strengthen the BJP at the home front by attracting its Hindu base with the politics of Hindu majoritarianism and at the same time to change the identity of the region in such a way that no further plebiscite and international intervention in the future of the Kashmir dispute to occur.

4.3.2 Demographic Engineering and Land Reforms

One of the core evictions of Pakistan after it scrapped articles 370 and 35(A) is the enactment of new domicile standards and possession of land laws on Indian state of Jammu and Kashmir. The Jammu and Kashmir Reorganisation Order (2020) will allow non-Kashmiri to be granted permanent residencies and buy land, effectively ending decades-long laws to protect the demographic footprint in the region. The council reactions to such changes of legislation through the prism of Pakistan are a deliberate attempt to change the Muslim majority makeup of the land, to diminish the indigenous nature of the population condition and political owner rights at the cost of the Muslim majority posed by the changes of legislation. Pakistan makes explicit comparisons between such processes and settlement growth in Israeli-occupied Palestinian territories, in which demographic engineering is used efficiently to reinforce political dominance and undermine the potential of self-determination.¹¹

Researchers point to such strategies as the legalization of outside settlements,¹² land seizure, and socio-political exclusions of indigenous groups, explaining the policies in terms of settler-colonialism.¹³

In addition to that, Islamabad states that these policies comprise the breach of the Article 49 of the Fourth Geneva Convention (1949) which stipulates that an occupying power is not supposed to transfer any of its own populations to the occupied territory.¹⁴

According to what has been stated by Pakistani officials, the new domicile of India and the land policy was seen as such a danger to the political rights and aspirations of the Kashmiri people on the other hand that this policy of domicile and land was perceived as a type of state-sponsored demographic change. These concerns have been echoed in independent human rights organizations. According to Amnesty International, there have been constitutional amendments, the curtailment of civil freedoms, and heightened militarization that have given rise to the plausible suspicion of the sinister re-shaping of population in Jammu and Kashmir with wider implication to the peace and stability in the region.

4.3.3 Strategic Motivations and Regional Control

Beyond the ideological motives, Pakistan also evaluates that the abolition of Article 370 and 35(A) serves the strategic interests that India still needs to cement its geopolitical influences, especially with regard to the situation vis-a-vis China and Pakistan. The first reason that the Pakistan government of

Islamabad upholds that by directly administering Jammu and Kashmir, especially the Union Territory of Ladakh, India increases its logistical and military reach to high-altitude locations in the border regions of the Line of Actual Control (LAC) with China. This has acquired a greater importance after the 2020 Galwan Valley skirmishes, which created weaknesses in the Sino-Indian border infrastructure.¹⁵

Pakistan holds that an integration of the Ladakh into the mainstream central Indian rule allows quick mobilization of the troops, development of the infrastructure and provision of strategic depth on the disputed frontier. Second, Pakistan is seeing the abrogation as a sneak attack on the China-Pakistan Economic Corridor (the CPEC) a showpiece of the Belt and Road Initiative (BRI) in Beijing. Routes of CPEC run through the territory of Gilgit-Baltistan which India also claims as its part, it being considered as the former princely state of Jammu and Kashmir. The reconfiguration of the constitution in New Delhi is seen by Islamabad as part of its effort to make legal and political claims over these regions, which question the sovereignty of Pakistan and upset Chinese economic interests in the region.¹⁶

Therefore, looking at it through the prism of Pakistan, the motivation behind the abrogation would be a larger Indian desire to restructure the South Asian strategic environment, secure territorial possessions, and address the Chinese leverage over the divided realms.¹⁷

4.3.4 Suppression of Dissent and Human Rights Concerns

In the wake of the unilateral abruption of Articles 370 and 35(A) since 2019, numerous reports over the halt in guaranteed human rights in the Indian-controlled Jammu and Kashmir citing extended safety lockdowns, forced discontinuation of communications, arbitrary imprisonment, and glorable deprivation rights of freedom of press. Islamabad argues that all these repression activities are strategically computed with the aim of crushing politics, weakening the Kashmiri as well as prohibiting opposition to the demographic and legal reforms in the frontier region. Pakistan government has on many occasions requested the international community to independently inquire into the alleged abuse and to compel India to reinstate the basic civil rights, such as the freedom of expression, political association, and due process to the Kashmiris. Islamabad would like to point out that any credible process towards peace in the region requires that the issues relating to people and their human rights are addressed.¹⁸

4.4 Parallels with Israeli Policies in Palestine

Pakistan and several international analysts draw parallels between India's approach in Jammu and Kashmir and Israel's policies in occupied Palestinian territories:

Table 3¹⁹

Dimension	Occupied Palestine (Israel)	Indian-administered Kashmir (India)
Demographic Changes	Israeli settlements to shift ethnic composition	Domicile laws encouraging non-Kashmiri settlement
Legal Manipulations	Israeli laws undermining Palestinian land rights	Repeal of Article 370/35(A) and altered land ownership laws
Military Occupation Framed as Internal Issue	Framing occupation as a security matter	Labeling Kashmir issue as India's internal matter
Suppression of Dissent	Crackdowns, arrests, restrictions on movement	Mass detentions, internet shutdowns, militarization
International Law Violations	Ignoring UN resolutions, settlement expansion	Rejection of UNSC resolutions, disregard for plebiscite calls

4.5 Pakistan's Official Response and Diplomatic Efforts

Pakistan responded to the Indian unilateral action of abrogating Articles 370 and 35(A) with a series of diplomatic, legal, and political maneuvers that greatly opposed the step and supported the rights of Kashmiri people.²⁰ Such undertakings have entailed:

4.5.1 Degradation of Diplomatic Relations

Islamabad removed the Indian High Commissioner, halted bilateral trade and cut down on diplomatic ties as a sign of protest.²¹

4.5.2 International Advocacy

Pakistan has been standing strong on its denunciation of Kashmir issue in UN,²² Organization of Islamic Cooperation (OIC) and other international forums by stressing on the disputed status of Jammu and Kashmir and consideration of UN Security council resolutions, especially Resolution 47 (1948).²³

4.5.3 Human Rights and Criminal Justice Organizations have Campaigned

Islamabad has pressed for independent investigations into alleged human rights abuse in the area, UN fact-finding missions, and publicity through international human rights mechanisms and reports of alleged offenses.

4.5.4 The Right to Self-Determination

Pakistan has also strengthened its position regarding the right to self-determination by the Kashmiris, which is supported by international law, and it keeps urging the UN-supervised plebiscite to end the long-lasting conflict as mandated by the UNSC resolutions. These are a component of Pakistan larger diplomatic and legal effort to internationalize the Kashmir issue in order to respond to what Islamabad sees as efforts to change the demographic and political situation in the region.²⁴

Regarding Pakistani perspective, the abolition of the Articles 370 and 35(A) is a decisive turning point in the Kashmir conflict case, or, in other words, a step towards what Islamabad considers to be a systematic attempt by India to change the political, demographic and strategic situation in Kashmir. Pakistan claims that such steps amount not only to the violation of the resolutions of the United Nations Security Council (UNSC) of which Resolution 47 (1948) is the first but a transgression of international legal principles of disputed territories and the rights of indigenous peoples.

Islamabad continues to relate Indian policies on the Jammu and Kashmir to the Israeli settler colonial process in the occupied Palestinian territories that perceive them both as models of demographic experiments to harmonize their populations to control the land. These events have also added to the upsurge Pakistan has been having over the years with regards to dilution of Kashmiri identity, alienation of the Muslim-majority population, and that of political dissent due to legitimacy. A half-decade since its abrogation, the presence of mass militarization, socio-political instability, and lack of civil freedoms continues to prevail in the region. Pakistan has therefore reiterated that the sustainable peace and stability in the region would depend on the fulfilment of the UNSC resolutions and holding a plebiscite process that would be internationally supervised so that the people of Jammu and Kashmir can be permitted to exercise their right of self-determination. Until these steps come to fruition, Islamabad can be expected to try to stamp out this issue through diplomatic, legal, and humanitarian means so that it can plead the case of Kashmir on the world platform.²⁵

4.6 Deterrence Stability, and the Abrogation of Article 370

Abrogation of Article 370 in India has upset the fragile nuclear equilibrium in South Asia. The chapter also exposes in chapter 4 the degree to which this constitutional bombshell is going to threaten the already precarious deterrence equilibrium between the nuclear-armed adversaries. Securitization Theory explains why it is risky: Framing of the threat of India as a national survival will rationalize violent control of Kashmir, disrupting the credible

minimum deterrence of Pakistan. As a retaliary element, Pakistan threatens to saber-raid using nuclear weapons to create escalation dominance. The result? A classic security dilemma: The supremacy of domination by India triggers a military-build up by Pakistan that makes the temper of India heated. It is the protection of the CPEC lifelines under the watch of China.

4.6.1 Impact on South Asian Nuclear Deterrence

The recent abrogation of Article 370 and 35(A) by India (August 5, 2019) is a contentious event that has shaken the geopolitical environment in South Asia especially the Kashmir dispute. This constitutional change has significant consequences, not just on the status of Jammu and Kashmir but also the region at large, in terms of its strategic environment. In order to adequately comprehend the implications of this act, this dissertation uses the Securitization Theory formulated by Barry Buzan and his fellows. This theoretical framework presents a new angle to look at the way the abrogation has been packaged as an existential security challenge by both India and Pakistan, responding by dissimilar, but related, security policies. To analyze the strategic consequences of this constitutional amendment, it is important to see how Securitization Theory offers some finer insight into how political events are framed in terms of a security threat and why extraordinary means are necessary to combat it. This dissertation will examine how the securitization of the Kashmir issue has turned into a bitter issue of national security to both states and how this framing has influenced their reactions to the step.²⁶

4.6.2 Securitization of the Abrogation in India

The move by India to repeal Articles 370 and 35(A) was formulated as a crucial national security solution, and was seen as a way of ensuring that Jammu and Kashmir becomes more of a part of India and that the clause is considered a temporary solution in the Indian Constitution. It was an act of securitization, which was broadcasted both locally and internationally as a move that was necessary to ensure national unity and integrity. By explaining the abrogation as a national security issue, India defended its unilateral act as its right to make amendments to its constitution due to the long held belief that the issue was a threat to its territorial integrity. Through the application of the Securitization Theory, it is possible to study the working of this process of framing in strategic communication in India. Under Prime Minister Narendra Modi, the Indian government presented the abrogation as a greater initiative to war on terrorism and restore sanity in the region. The securitization process was enforced through official statement, policy speech and the media coverage as it was in such a way that Kashmir was discussed as a source of unceasing instability because of the support of Pakistan to insurgency and terrorism. Drawing on the scenario as an existential threat, India was able to legitimize its actions as well as electrify support back home by making the otherwise highly controversial decision sound. Such securitization of Kashmir enables India to defend exceptional actions, such as the deployment of military forces, the suspension of special stature, and curtailment of political rights in the area. This speech act was not only conducted verbally but also through the enactment of Legislation and the use of Military force further enhancing the sighting of

the region as a security menace which had to be dealt with with drastic actions aimed at considered as safeguarding the territorial integrity of India. This framing corresponds with Securitization Theory of Barry Buzan, where a problem is framed as an existential threat and audience (here, domestic population, and international supporters of India) believe in this frame, which results in justifying the extraordinary measures undertaken by the state.²⁷

4.6.3 Pakistan Response to Securitisation of Kashmir

On the contrary, Pakistan announced the reaction to the abrogation of Article 370 by framing the action as a direct existential threat to its own territorial interests in Kashmir and its national security. In the mind of Pakistan, it is an aggressive move of the removal of the special status of Jammu and Kashmir which complicates its possession of that area as well as the balance of power in South Asia. The reaction in Pakistan towards the Indian move was based on the idea that the right to Kashmiri sovereignty was being offended and Bangladeshi-Indian land-dispute was being changed slyly by India. The Pakistani government used the framework of the Securitization Theory to rationalize diplomatic, political and military reactions. In the process of securitizing the Kashmir problem, Pakistan was able to not only mobilize its internal audience by advocating the notion of protecting its territorial integrity, but also garner international persona behind the Kashmiri cause. The Pakistani government and its Prime Minister, Imran Khan, highlighted the issue of human rights violation in Kashmir as

a part of its security discourse, and urged the international community to acknowledge the security consequences of the Indian action. Pakistan positioned the Indian moves as a danger to not only the Kashmiri people, but also the stability of the region and world peace, especially in a region where both the nation have nuclear arms. The fact that a portrayal of action on the part of India is seen as an existential threat by Pakistan cites the essence of the Securitization Theory: the development of a security threat by a political party (the role of Pakistan) to an event that is interpreted as a security crisis. The speech act was enhanced in Pakistan through military posturing, international diplomacies, and favoring to a greater extent the Kashmiri autonomy during international exposures such as the United Nations. The focus on the nuclear aspects of the conflict by Pakistan was also used as a reminder of the existential threat of any escalation of tensions between the two states hence securitizing the conflict on the international level.²⁸

4.6.4 Strategic Calculations and Securitization of Regional Security in China

The reaction of China towards the abrogation of Article 370 has been more subtle because it has both a strategic and an economic security interest in the region. Although China has long been expected to stand with Pakistan on Kashmir, its response to this Indian action has to be viewed through the prism of its own territorial claims in the area, specifically as far the Aksai Chin area is concerned. The main interest of China is stability of its border areas such as status concerning China-India border and its interests in

South Asia. Considering the Securitization Theory, China reaction to the abrogation may be considered to be a reaction to the perceived security threat in India unilateral actions in Kashmir. On the one hand, China has espoused an issue that the Kashmiri rights have been violated, but it has equally presented the action of India as a threat to the regional stability that might have a wider bearing on its interests in the China-Pakistan Economic Corridor (CPEC) and the role it has in South Asia. The speech act of China has been more regional dialogue oriented and has been more diplomatic, yet has certainly become securitizing by reminding India and Pakistan of the nuclear stakes in the region and by underscoring the necessity of peaceful resolutions to the issue. The way China stands on Kashmir and prepares to defend itself in the event of a conflict with India due to tension along the borders shows its strategy of maintaining regional security in South Asia. Though China has not undertaken the same securitization process, as India and Pakistan, China has at least reframed the dynamic between the region through the prism of security and stability, indicating its concern about any further escalation potentially disrupting its geopolitical and economic stakes.²⁹

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The Implications of the Abrogation of Article 370/35 (A)

Dr. Syed Rizwan Haider Bukhari

CHAPTER 5

The Implications of the Abrogation of Article 370/ 35 (A)

DR. SYED RIZWAN HAIDER BUKHARI

5.1 Introduction to The Implications of the Abrogation of Article 370/ 35 (A)

The further implication to this is that the unilateral abrogation of Articles 370 and 35(A) of India on August 5, 2019, has had a long-lasting influence on the South Asian regional strategic environment, notably affecting the aspects of regional stability, geo-politics and international diplomacy.¹

Judging by the Pakistani side, not only did the abrogation of Jammu and Kashmir special status compromise the status of the region, but also generated new security dilemmas that aggravated old influence lines across the South Asian region.²

5.1.1 International and Regional Reactions to the Abolition of Article 370

The repealing of Article 370 and 35(A) by the state of India in August 2019 has represented the critical change to not only the political arena within Jammu and Kashmir, but also the overall South Asian regional security breathing space. India has initiated a series of reactions on the part of regional and international players over the unilateral decision to revoke the special status of Jammu and Kashmir and each of them has viewed the ramifications of the decision in geostrategic interests and security perceptions. Consequently, the abrogation has not only escalated the India-Pakistan conflict, but has also attracted other prominent players like China and attracted great attention of the world powers and

international bodies. The chapter details the diplomatic, military and geostrategic reactions to the Indian actions by various actors, especially the responses of India, Pakistan and China being regional players, and the stances of the world powers like the United States, the European Union and the United Nations. Through the prism of the Securitization Theory, we can examine how these actors have positioned the abrogation as a security challenge whereby each reaction is a deeper concern relating to territorial integrity, national sovereignty and stability of the region. This chapter will give an in-depth analysis of the global and regional security implications of the abrogation and how it has changed the security discourse in South Asia by knowing the various narratives and strategic objectives involved.³

5.1.2 Why India, and why Strategic Positioning

The reaction of India to abrogation of Article 370 and 35(A) was guided more as a sovereign move according to its national interests. The argument the government used to justify the call to revoke the special status of Kashmir was that it was a necessary measure that would be taken to ensure that Jammu and Kashmir are more comprehensively incorporated into the constitutional system of India. Prime minister Narendra Modi and his government stressed that the action would not only restore normalcy, but empower development of the region but also made it a solution to perceived long-term security threat by Pakistan through its support of insurgency and militancy. When introducing the abrogation as a national security policy, India aimed to solidify its presence in Kashmir and keep foreign intrusion (especially by Pakistan and China) at bay.⁴

The versioning of the abrogation by the Indian government also saw the decision as an important diplomatic victory, to enhance the position of India in the world. The move was well-received domestically, with some quarters of the population considered to be a reaffirmation of the territorial integrity of India, as well as a rectifying measure against what seemed to them a constitutional anomaly. The international community has however reacted both favorably and unfavourably with countries such as the United States and European Union urging India to abide by human rights in the region, and yet it up-

holds the right of India to make constitutional amendments in its territory. This illustrates how India aimed at trying to strike a balance between geopolitics and the sovereign status of the disputed territory of Jammu and Kashmir. The strategic location that India has taken after the abrogation is based on the securitization of Kashmir as a facet to its national security interest. The transformation of the situation of a philosophical tussle between India and Pakistan to a matter of national security has significant repercussions on the foreign policies and defense strategies of India in South Asia. The situation as framed by India under the Securitization Theory can be used as an argument in support of more military activities and security at the Kashmir region so that, in the next few years, the region will still be one of the main priorities of the Indian national defense strategy.⁵

5.1.3 Diplomatic and Military Response of Pakistan

To Pakistan, abrogation of Article 370 is perceived as an outright attack against its control of Kashmir as a territory. Pakistan has categorically criticized the action of India, presenting the action as a violation of the international law and violation of special status of the region as per the United Nations Security Council resolutions. The reaction of Pakistan has been a compound effect of supporting the move with diplomacy and military bulking in the efforts of highlighting its displeasure to the unilateral move of India. Pakistan has diplomatically influenced international powers and international organizations, especially the United Nations to intervene and pressurize India to change the decision by citing violation of human rights in Kashmir, and the unconstitutionality of Indian moves.

The rhetoric and actions in Pakistan exemplify the security dilemma in the foundations of South Asian geopolitical actions. Pakistan perceives that the abolishment of the special status of Kashmir is a significant challenge to its sovereignty and the position it occupies in the region. The framework of the Securitization Theory leads us to the understanding of how Pakistan has packaged the issue as a security crisis that necessitated various responses such as military mobilizations along the Line of Control (LoC) and calls on an international intervention to help solve the supposed humanitarian crisis in Kashmir. Moreover, Pakistan has also tried to enhance its stand and remind the world of its nuclear

strength and how it will go out of its way to protect its interests in the region. The abrogation has resulted in a tension building up of the two nuclear armed neighbours where both India and Pakistan are involved in strategic military operations only intensifying the nuclear threat in South Asia.

It has also been a strategy by Pakistan to consolidate its partnership with China because of the strategy that is more regional to counter the activities of India. The China-Pakistan Economic Corridor (CPEC), an ambitious infrastructural project between Pakistan Gwadar port and Xinjiang province in China, is an important factor in the geopolitical calculations of Pakistan. Pakistan has tried to include China in its attempts on framing the Kashmir issue on the regional security thus trying to make it a significant ally in its deal of deterrence of any further escalation of the situation in the region by India.⁶

5.1.4 China's Geostrategic Calculations

The reaction of China towards the abrogation of Article 370 has been less aggressive but of a strategic value. Even though China has expressed its reservations regarding the human rights of the situation in Kashmir and taken sides with Pakistan in the matter, it has done so in the bigger context of its own territorial claims within the region especially with regard to the Aksai Chin region. Stability of its borders, including its stand on the China-India boundary as well as its strategic interests in South Asia, is the major issue faced by China.

Considering the response to the abrogation through the prism of the Securitization Theory, one can think of the Chinese reaction in regards to the perceived security threat of unilateral measures of India in Kashmir. Although China has expressed worry about the infringement on the rights of Kashmiris, this has been accompanied by a framing of the move by India as jeopardizing regional stability with far reaching repercussions on Chinese interests in both the China-Pakistan Economic Corridor (CPEC) and its role in South Asia. The speech act of China has been more of a diplomatic approach in which the area has been highlighted to engage in dialogue but has, however, successfully secured

the problem, by reminding both India and Pakistan of the stakes of nuclear in the area. The Chinese stand on Kashmir and its military preparedness as a result of tensions in its borders with India is an indication of their overall actions in ensuring South Asian security. Although China has been quite silent as Pakistan in terms of speaking out against the activities of India, it has at least expressed regional dynamics in terms of security and stability and this is a sign that it is interested in ensuring that no more escalation of the situation occurs which may jeopardize its geopolitical and economic interests.⁷

5.1.5 International reactions to the Abrogation

The reactions to the abrogation have been mixed internationally. United States has taken a very minimal side on the issue, further asking India and Pakistan to enter into dialogue and prevent further deterioration of the situation. As much as the U.S. has recognized that it is the constitutional authority of India to decide on any changes in its constitution, it has also been worried about the human rights situation in Kashmir. The European Union has also made its appeal to exercise restraint, and urged India to make sure that freedom of expression and political rights are respected in region.

The United Nations has taken a more proactive role to deal with the Kashmir problem, especially, through its numerous human rights organizations. The UN Secretary-General, António Guterres has urged a peaceful resolution to the tussle, which is in harmony with the UN Charter and resolutions of the Security Council. Nevertheless, the role of the UN in the Kashmir situation has been minimized and the question of politics and the veto by member states of the Security Council have been influential towards the minimal intervention of the international arena. It has brought about concern among the global powers about the possibility of instability in the region of South Asia as both India and Pakistan have nuclear weapons. The repeal of Article 370 has effectively raised a nuclear threat in the area with the international community closely observing the development to make sure that the development of conflict does not result into nuclear clash.⁸

5.2 Effects on the South Asian Strategic Environment

Abrogation of the IOK has also played a major role in escalating the geopolitical tensions between India and Pakistan and this, in its turn, has led to unrest in the region in South Asia. It has also elicited grave human rights issues because there have been limitations which include communication blockouts, curfews, detentions that have affected the normal lives of civilians. Moreover, the ruling has introduced significant constitutional and political developments, which diminished the autonomy of the region and altered its governance framework, and had far-reaching consequence on the political identity, peace, and stability in the region. The following are the implications:

5.2.1 Heightened Indo-Pakistani Tensions

The abrogation triggered the old hostilities between India and Pakistan which are nuclear-armed powers with a long history of war over Kashmir.⁹

Islamabad considers the action an act of aggression as Indian sovereignty stretches in a disputed territory flouting the UN Security Council Resolutions and bilateral agreements such as the Simla Agreement (1972).¹⁰

Pakistan in turn, escalated military alertness along the Line of Control (LoC) and called off diplomatic ties and trade. Since then, there has been more skirmishing and ceasefire violations with fears that it could escalate.

5.2.2 Impact on the China-Pakistan-India Strategic Triangle

The constitutional decision by India to revoke Article 370 and rearrange Jammu and Kashmir has redefined the strategic situation in the region especially in terms of Pakistan-India-China strategic triangle. Since the high-level status of the Ladakh as Union Territory with individual management under the immediate supervision of New Delhi, Sino-Indian tensions have escalated as Ladakh is near the contentious line of actual control (LAC) between India and China. Such happenings led to the spreading of mistrust,

and it reached its peak when the presence of armed conflict and violent clashes in the Galwan Valley in 2020 was witnessed, as it resulted in fatalities and woundings of both Indian and Chinese soldiers and was the bloodiest conflict between two governments since 1978.¹¹

Beijing feels that this move by India is an initiative to cement its strategic foothold in border regions rallying to its control, where it has worked to deny Chinese interests in places such as Aksai Chin. At the same time, Pakistani officials worry that the decision by India to consolidate Ladakh is an immediate challenge to the China-Pakistan Economic Corridor (CPEC), one of the main projects under the Belt and Road Initiative (BRI) by Beijing, passing through Gilgit-Baltistan (region claimed by India as part of Jammu and Kashmir).¹²

Therefore, the revocation of Article 370 has established new twists to the already inflammatory geopolitical games in South Asia by increasing rivalry among major powers in the region.¹³

5.2.3 Regional Militarization and Security Complexities

Since the abrogation, militarization has escalated in the Indian administered Jammu and Kashmir with massive deployments of soldiers, an influx of spying and spies, constant disruption of telecommunications, and widespread curtailments of civil liberties.¹⁴

Human rights agencies assert that the area has been facing unprecedented curfews, arrest of political leaders, and blocking of internet services that have limited the democratic space and civic activity.¹⁵

Pakistan argues that this militarization does not only enhance the instability but also weaken the confidence-building measures (CBMs) which are vital in promoting the dialogue between nuclear-armed neighbors.¹⁶

Besides, Islamabad claims that such activities undermine mutual confidence between regional players, making it more difficult to engage in diplomacy, weakening multilateral instruments of cooperation like the South Asian Association for Regional Cooperation (SAARC). This ultimately culminates to a hostile security agenda in South Asia that diminishes chances of peaceful reconciliation and increase regional tensions.¹⁷

5.3 Response of the Regional and International Community

The other states in the region like Pakistan and China were also leveling serious concerns over stability and security in the region. The world community and other international organizations such as Red Cross also supported the dialogue and referred to the issue of human rights. Global and regional countries have exuded their concerns, it is as follows:

5.3.1 Pakistan's Diplomatic and Legal Initiatives

After India had abrogated Article 370 and 35A, Pakistan has spearheaded an extensive diplomatic battle to make the Kashmir problem an international issue. Islamabad has aggressively taken the issue to several multilateral forums such as the United Nations General Assembly, United Nations Human Rights Council and Organization of Islamic Cooperation (OIC). The Pakistani leadership describes the developments as a deliberate breach to international legal responsibility especially the resolutions of the United Nations Security Council (UNSC) which state that Kashmir is a disputed territory.¹⁸

Allegations of human rights violations on a systematic scale as well as the demographic changes that would transform the Muslim-majority nature of Jammu and Kashmir and political subjugation of dissent are central to the narrative of Pakistan. In line with international law that recognizes the right of self-determination of peoples, Islamabad has time and again requested a fact-finding mission by the UN to investigate

these cases of gross human rights violations and mobilize the international community to deliver justice to the Kashmiris to be given a chance to exercise their right which is accorded to them under the international law.¹⁹

However, the reactions globally have been varied with some countries taking the events as an internal issue of India and others concerning themselves with the humanitarian and security aspects of the issue on regional peace.

5.3.3 China's Strategic and Political Stance

China has been vocal with regard to the abrogation of Article 370 especially criticizing the move to change the status of Ladakh to a Union Territory that is directly governed by New Delhi. Beijing sees these developments as one-sided that violates territories it deems to be in its possession such as regions bordering Aksai Chin. In its retaliation, China has intensified its military presence considerably on the disputed Line of Actual Control (LAC), which has also increased the tensions along the border. The recent Galwan Valley incidents that caused losses to both sides implied the worsening of Sino-Indian ties due to the constitutional reforms in Jammu and Kashmir enacted by India.²⁰

In addition, China has never failed to reaffirm its claims with Pakistan on its stand with respect to the Kashmir problem, positioning itself as a proponent of regional stability and against what it terms as attack by India on its unilateral measures. This point of convergence has even strengthened the Sino-Pakistan strategic affiliation, especially in the context of the China-Pakistan Economic Corridor (CPEC), which has sections that traverse Gilgit-Baltistan- a region, which India also claims (Gopal, 2023). Internationally, Kashmir is an issue on which Beijing has urged at different international platforms to be resolved between India and Pakistan through bilateral engagement, but that it is opposed to anything that seems to threaten the balance in the region or change its territorial realities.²¹

5.3.4 Responses from the OIC and Muslim-Majority States

*The Organization of Islamic Cooperation (OIC) with 57 member states has been on a consistent mission to come out with statements condemning India over violations of the special status of Jammu and Kashmir under Article 370.*²²

The OIC has portrayed the actions of India in terms of international law as being in violation and has repeatedly said that it stands with the Kashmiri people in condemnation that they be given the right to their human rights and the right to self determination.²³

It is worth mentioning that OIC Contact Group on Jammu and Kashmir has convened several sessions underlining the supposed human rights violations, impediments on the freedom of speech and expression, and uneasiness on the demographic modifications to modify the Muslim-majority nature of the Union Territory.²⁴

Nevertheless, in spite of this unified position, it is clear that there exist some differences in the Islamic world. The strategic and economic interests with India have been given priority by a number of individual Muslim-majority states and most especially those in the Gulf region, whose partnership with New Delhi is a more measured or neutral approach to the Kashmir conflict in bilateral engagements. Such disunity shows the intrigues of OIC in which overarching unity with Kashmir coexists with realpolitik alliances with India.²⁵

5.3.5 International Human Rights Advocacy

Since the repealing of Article 370 in 2019, global human rights organizations, in particular, Amnesty International and Human Rights Watch have repeatedly brought up the issue of human rights in Indian-administered Jammu and Kashmir. There have been reported cases of prolonged communication blackouts, arbitrary arrest of political leaders and activists, the ban on freedom of assembly as well as tactics of massive crackdown on dissent. In 2024, Amnesty International reported, five years after the abrogation, the residents are still restricted to movement, have limited access to the internet, and still being

intimidated by the security organs. Correspondingly, the trends of forced disappearance, excessive use of force, and restriction of freedom of the press in the region have also been highlighted by Human Rights Watch. These reports have stepped up the pressure on international community to demand independent investigations and accountability even though manifested interventions of global powers or multilateral community are slight given geopolitical interests and India is maintaining Kashmir is an internal issue.²⁶

5.3.6 Western Powers Cautious Diplomacy

The reaction of the Western powers, comprising United States, United Kingdom and the European Union has been largely balanced and practical. On the one hand, these actors have been criticizing the human rights situation in Jammu and Kashmir since India revoked Article 370; on the other hand, they have underlined the necessity of bilateral dialogue between India and Pakistan to resolve the conflict. To cite an example, the U.S. department of state has urged on several occasions the restoration of civil liberty and release of political leaders in detention but has not taken a stand that may hurt its strategic and economic interests with India. Likewise, discussions in the UK Parliament and comments by European Union officials have attracted the issue of a curtailment of liberties and communication lockdown in Kashmir yet, have not gone to the extent of supporting any direct international action. Analysts observe that such restrained reactions are conditioned by larger geostrategic interests, in particular Western engagement with India in economic activities in the form of trade and technology, defence and so on, which have toned down the extent of their condemnation.²⁷

5.4 SAARC, Middle East & Global Powers: Evolving Reactions

In 2019, Article 370 and Article 35A were abrogated by India, which has changed the South Asian situation in the strategic aspects of the region especially in the relations between India and Pakistan. Pakistan denounced the action and raised

the issue of demographic alteration in Kashmir but the regional bodies such as SAARC failed to come out with a common view. Saudi Arabia and UAE countries were neutral in the Middle East and managed their relations with India and Pakistan in equal measure. International super-powers were divided in their response: U.S. was concerned about their strategic relations with India and China supported Pakistan and used the problem to promote their interests in the region. By and large, the action has aggravated the situation in the region and affected international strategies of power in South Asia.

5.4.1 Pakistan

Following the Pahalgam terror attack in April 2025 which had claimed lives of at least 26 civilians, India had significantly increased its military profile in a carefully prepared and time-delimited operation dubbed Operation Sindoor. The operation, dubbed by the Indian authorities as a counter-terror operation against the so-called cross-border militant infrastructure in the Pakistani-tuned territory, was the succession of Indian gradually transforming doctrine of calibrated retaliation in a counterterrorism context. The four day aerial and drone offensive operation has been mentioned on Indian media that always carried with it precision assaults, targeting of the missiles, and aerial combat, which indicated that New Delhi tried to demonstrate deterrence even without complete escalating the situation. In the meantime, the discourse of sovereignty territorial integrity and counterterrorism was exhausted to very hardened extent and reinforced the argument by India according to which the cross-border militancy is a major security threat. Islamabad, in its turn, refuted Indian arguments as the reasons of the strikes categorically and conceptualized Operation Sindoor as the aggressive action and crime against the international law.²⁸

On top of diplomatic outcries, the Pakistani authorities sought counter-arguments that asserted that Pakistan air defense and response resulted in downing of seven Indian airplanes that New Delhi vociferously denied but gossiped in Pakistani government and media circles. This war on battlefield rivalry account portrays the relentless aspects of information warfare which has followed the traditional military signaling during

crises. Diplomatically, Pakistan adopted a multi-layered strategy comprising of de-escalatory messages along with a new internationalization of the Kashmir problem. Islamabad formally took the issue to the United Nations Security Council (UNSC), requesting implementation of the past resolutions to Kashmir by the UNSC and that the area would be destabilised by the combative positions of India. The representatives of Pakistan also emphasized the threats of miscalculation of two nuclear armed countries and placed the crisis into the very large context of the global security and peace. Meanwhile, Pakistan also deepened its engagement in the multilateral sphere and particularly Organization of Islamic Cooperation (OIC), as a means of generating momentum with the rhetoric of religion and human rights. It was followed by the OIC Contact Group on Jammu and Kashmir communique of September 2023 and September 2024 that condemned the so-called demographic reconfiguration of Article 370 and 35(A), denounced it, and demanded the rights of Kashmiris to be restored in accordance with international law. The object of the diplomatic campaign of Islamabad was, therefore, to attain a human rights and international judicial milieu within which the Kashmir problem would be deepened and this amounts to presenting India as a destabilizer that was failing to comply with the norms²⁹.

The strategies that can be used in addition to the general narrative strategy of Pakistan since 2019: integration of legal reasoning, multilateral diplomacy and appeals to humanitarian appeals that will ensure the focus on Kashmir remains internationally. There was some informal UNSC consultations but China turned in favour of Pakistan, but no resolution was made in this matter. The fact that official action of the Security council was not taken again illustrated the geopolitical incompatibility of the Council and the limitations of the outside intervention in Indo-Pak crisis. Nevertheless, situations of the aftermath crisis as specified in the article 370 are becoming increasingly entangled in thin conventional battle, nuclear communication, information warfare, and diplomatic employees competition in the weak strategic terrain of South Asia through the example of Operation Sindoor and Pakistan claiming seven Indian aircraft.³⁰

5.4.2 Maldives, Bhutan, Sri Lanka, Nepal, Bangladesh

Regional south Asian states, i.e. Maldives, Bhutan, Sri Lanka, Nepal and Bangladesh were quiet in their overtures, as they ruled regional security, economic dependence and neutrality as their most preferred aspirations. These nations widely defined the cancellation of the article 370 and the subsequent re-arrangement of Jammu and Kashmir as an internal issue that lies within the sovereign realm of India. The Maldives and Bhutan particularly recognized the development as an in-country constitutional answer, placing the stress on consideration of the Indian sovereignty. Likewise, Sri Lankan politicians emphasized that the reorganization of Jammu and Kashmir was the internal matter of India, but still, they hoped that the further peace would be ensured by the state. Nepal and Bangladesh also took a cautious rhetoric by avoiding opinions about criticism but rather expressed their opinions on the need of regional peace, dialogue, as well as stability, additionally highlighting the geopolitical calculations of the needs to preserve the positive bilateral relations with India.

5.4.3 Middle Eastern Responses

The reactions of Middle East to the abrogation of Article 370 were fairly neutral, as such countries as Saudi Arabia and the UAE struck the balance in their policy towards both India and Pakistan. As they spoke in worried tones, they did not make tough positions on the matter.

5.4.3.1 Iran

The way Iran reacted to the Indian move to revoke Article 370 changed as the country was balancing its regional interests and taking care of the Muslim world. First, Tehran spoke on behalf of dialogue between India and Pakistan in issues that promote peaceful settlement of the dispute. Nevertheless, after protracted diplomatic overtures by the Pakistani authorities, such as active liaisons between Prime Minister Imran Khan and Iranian officials, Iran became sharply critical. The Supreme Leader Ayatollah Ali

Khamenei openly called on India to take a just course of action against the Muslims of Jammu and Kashmir as he was bothered by the alleged human rights situation. Iranian Foreign Ministry echoed this sentiments on advisability to avoid precipitation measures and safeguard the rights of Muslims in Kashmir. However, Iran did not go all the way to condemn India multilaterally, and this was an indication that Iran wanted to uphold good strategic ties between itself and New Delhi as well as Pakistan. Iranian government reinstated its repeated stance that the Kashmir conflict cannot be solved through conflicts and needs to be averted through peaceful means and adhering to the rights of the concerned people.³¹

5.4.3.2 Saudi Arabia and the United Arab Emirates (UAE) Responses

When India abrogated the Article 370, Saudi Arabia took a mostly neutral position, strategically maneuvering their interest in South Asia. With regard to diplomatic attempts to mobilize support by Pakistan, Riyadh did not directly criticize New Delhi; instead, it highlighted dialogue and stability. This position indicates the closer economic and defense relations of Saudi Arabia with India such as major investments and the collaboration in the field of energy.³²

In a similar manner, the United Arab Emirates (UAE), at first, came out in support of the Indian decision by branding it as an internal issue of the state, with the Emirati leaders indicating that the action could improve the governance, socio-economic growth in the region. But under pressure of the wider regional interests and due to the Pakistani out-reaches, later the UAE published more moderate statements as well addressing both India and Pakistan not to go further into escalation in South Asia.

5.4.3.3 Bahrain and Israel

Bahrain exhibited exuberant solidarity with Indian constitutional reforms in Jammu and Kashmir when it awarded the kingly order of renaissance (King Hamad) to the Indian PM Narendra Modi soon after the annulment of Article 370. Leadership in Bahrain focused on the enhancement of bilateral relations and avoided the criticism of internal policies of India thus elucidating the fact that Bahrain cares about economic and diplomatic

cooperation with New Delhi in the first place. Israel, who has the close strategic relationship with India, termed the constitutional reorganization as an internal issue. Israeli authorities have been hopeful that India would handle the situation as per democratic principles and in compliance with the law, making an indication of how Israel was supportive of India on its sovereignty without including itself in the larger conflict on Kashmir.³³

5.4.4 Major Global Powers

The world superpowers responded ambivalently to the abrogation of Article 370. The U.S. cared about human rights but gave priority to its strategic relations with India. China took Pakistan on its side, and the situation served it in promoting its regional and geopolitical goals.

5.4.4.1 China's Position and Diplomatic Role

China raised strenuous protest over the India move to alter the administrative status of Ladakh on the grounds that it was an infringement to Chinese territorial claims. Beijing referred to the action as unacceptable, claiming that it affects the contentious border between the Line of Actual Control (LAC). In the United Nations Security Council (UNSC), China expressed the view that the Kashmir dispute should be solved bilaterally without unilateral measures being taken since they will be destabilizing. In May 2025, when tensions of a ceasefire increased between Pakistan and India, China took an important role in diplomacy: it encouraged both states to remain calm and not provoke further military action. The stakes of Beijing in South Asia are grounded on its strategic interests in South Asia, especially regarding border stability and China-Pakistan Economic Corridor (CPEC) through disputed lands.³⁴

5.4.4.2 Russia

Russia has been consistent and firm on insisting on the stand taken by India after the abrogation of Article 370 in the Indian constitution that cancelled the special status of Jammu and Kashmir. As urged by Moscow, there is nothing wrong with these develop-

ments, as India is pursuing them as an exclusively internal affair, within the framework of its Constitution. The Ministry of Foreign Affairs of Russia once again emphasized that the Kashmir conflict settlement should be done bilaterally between India and Pakistan, in accordance with certain agreements (such as the 1972 Simla Agreement), as well as opposition to third-party or multilateral intervention. More so Russia has also been very supportive in protecting India in the international circles such as preventing the internationalization of the Kashmir issue in the United Nations Security Council (UNSC). In 2019 and in subsequent years, there are UNSC consultations held behind closed doors, accompanied by the support of China, when Russia insists on the fact that no formal resolution or statements critical of India are issued. This move is in line with Russia having a bigger strategic relationship with India, which includes a defense partnership and energy partnership as well as a geopolitical affiliation, especially with organizations such as the Shanghai Cooperation Organisation (SCO) and BRICS.

The interest of Russia highlights its general foreign policy doctrine of not interfering with domestic matters of sovereign states which is the policy that Russia always pursues in any conflict world over. Nonetheless, Moscow has also shown preoccupations of general nature of stability in the region and the need to remain sober on the part of both India and Pakistan to avoid any sort of further agitation along the Line of Control (LoC).³⁵

5.4.4.3 United States

In August 2019, after India abrogated Article 370, the United States assumed a tentative and low-key approach, with the US leadership describing this issue as an internal Indian constitutional reform. The U.S. State Department urged calm and restraint on the Line of Control (LoC) the Department said the important thing is that individual rights are respected. But as the stories of immeasurable communication blockades, random arrests and limitations of civil freedoms across Jammu and Kashmir began to surface, the attitude of Washington began to change. In the course of 2019 and 2020, U.S. Congress grew bipartisan concern of the human rights situation. The House Foreign Affairs Committee and the Tom Lantos Human Rights Commission held several congressional hearings whose theme was limiting in Kashmir and political leaders detention. Moreover, impor-

tant politicians like Senator Bernie Sanders, Representative Pramila Jayapal, or others issued resolutions requiring India to stop communication blackout and guarantee the freedom of basic rights in the area. As the executive branch kept emphasizing the importance of bilateral resolution between India and Pakistan, the increased attention paid to the issue by Congress expressed wider regard of human rights. Nevertheless, calculated and financial relations between India and the United States, both in terms of defense co-operation, technology collaboration, and in anti-terrorist easily got things balanced and stopped direct American intrusion. Biden administration has strongly promoted the dialogue, protection of human rights, and regional stability without affirming external intervention and siding on the legal position of Kashmir.³⁶

5.4.4.4 European Union

The European Union (EU) was also precariously alert though cryptic about the decision taken by India to strip Article 370. The formal reaction of EU expressed the respect of the fundamental rights and demanded India to revoke communication lockdown, civil liberties, and enable service accessibility in Jammu and Kashmir. Federica Mogherini, the then High Representative of the EU in the area of foreign affairs and the security policy, detailed how crucial the dialogue between India and Pakistan was and how necessary it was not to escalate further the situation in the region. In spite of the general human rights issue, lawmakers and EU member states were split. Whereas some members of European Parliament buttressed the Indian position especially with reference to its counter-terrorism aims in the region, others accused the Indian government of what they considered an aggressive approach, particularly to curfews, arrests of large masses of people, shutting down the press. In October 2019 a delegation of 27 members of mostly far-Right European lawmakers went to Kashmir on invitation by India. Their presence in the country was regarded as an attempt at diplomacy and legitimizing the story of the government; this visit caused both criticism in the country and abroad since the politicians and press did not allow anyone independent to witness it.³⁷

In addition, EU parliamentarians also questioned the changing demographics, the arrest of local leaders and denials of dissidents. Others like Sweden, Finland and Germany demanded that the normalcy is restored immediately and reaffirmed their anxiety over the humanitarian situation. Although the EU did not support international mediation, it constantly suggested protections of human rights and the peaceful bilateral approach.³⁸

5.4.4.5 United Kingdom's Divided Political Response

The movement, in the United Kingdom, regarding the removal of Article 370 has been with great split in the political spectrum and mass action. In the beginning, the UK government insisted that the constitutional alteration in Jammu and Kashmir was an internal concern of the Indian. Nevertheless, the statement raised the bitter criticism of some parts of the British Parliament and civil society, especially British Parliament MPs of Pakistani and Kashmir origin.³⁹

Protests in London and other cities attracted the action of thousands of people, disphragmed with Indian Independence Day (August 15, 2019) and Diwali celebrations, during which people demanded the intervention of international forces and human rights violations in the Kashmir region. All this pressurized the UK government to make clear, its stand. To this end, the Foreign and Commonwealth Office stated that, although the UK was beholding the situation, it encouraged bilateral dialogue between India and Pakistan as the most appropriate course of action.⁴⁰

In September 2019, the Labour Party, with Jeremy Corbyn at the helm, adopted a resolution urging the UN-led action and the so-called humanitarian crisis in Kashmir. This position however was hastily walked back following objections on the part of British-Indian community and diplomatic objections of the Indian government. The party subsequently explained that Kashmir is a bilateral issue, which highlights the complicated nature of relations between diaspora politics, electoral issues and foreign policy. On the whole, although a considerable number of debates regarding this issue happened in the UK Parliament, some of its members were pushing towards the idea of a more rigid con-

trol on the international arena, and the official governmental stance by the end of this discussion began to shift towards the viewpoint of India, who also did not want direct action, and only hoped that the discussion would lead to actual dialogue.

5.4.4.6 Turkey and Malaysia

Turkey has become the most conspicuous to object to the Indian decision to withdraw Article 370, and has been voicing the Kashmir cause in international forums especially the United Nations. President Recep Tayyip Erdo is not the first one to make historical comparisons of the Kashmiri case and Turkey in its bid to recover its own sovereignty in the Gallipoli campaign. Erdoğan repeated such words in his 2019 and even 2025 addresses to the UN general assembly, in which he lamented the clampdown in Jammu and Kashmir and advocated a dialogue as a solution to the conflict. Turkey policy on Kashmir is closely related to its overall Muslim cause policy on the global front and also due to its increasing close alliance with Pakistan. This position has however escalated the relations between Turkey and India to the extent that the latter has raised diplomatic protests.⁴¹

The abrogation of the Article 370 by India was also condemned by Malaysia under Prime Minister Mahathir Mohamad as something illegal and against the United Nations resolution-security council resolutions. Narasimhan (2019), in his speech at the United Nations General Assembly, accused the longer lockdown in Jammu and Kashmir and demanded that the UN participate to guarantee the defense of the Kashmiri rights. Nevertheless, in spite of the economic advantage of India as a leader in the purchase of palm oil in Malaysia, Mahathir was not ready to withdraw his statements insisting on the independent foreign policy course of Malaysia. His hard-line policy has brought India volatile trade as well as long-term cementing its record in the alliance of nations that keep open the issue of human rights in India in the region of Kashmir.

5.4.4.7 Shanghai Cooperation Organization (SCO) Developments

The two most long-standing rifts existed within the region on the Kashmir issue, manifesting at the June 2025 Shanghai Cooperation Organization (SCO) Defense Ministers meeting that took place in China. The summit ended without agreeing to a joint commu-

nique following the objection by India to the non mention of the April 2025 Pahalgam terror attack which New Delhi said was committed by Pakistan-based groups. Pakistan and China, as well as other member states, interpreted the insistence of India to include the Pahalgam incident as the effort to put the Kashmir dispute in the narrow counterterrorism context and keep the questions of human rights and stabilization of the region on the backburner. The recent inability to come up with any consensus statement at the SCO testifies the widening cracks in the organization, notably in the Kashmir issue, and how it still determines the diplomatic orientations of South and Central Asia.⁴²

The revocation of the articles 370 and 35(A) last August altered significantly the South Asian strategic picture. With the dismantling of the special status of Jammu and Kashmir, India not only increased its internal powers over the region but also increased regional tensions especially with Pakistan and China. This action caused a new cycle of intrigues in the basic India/Pakistan/China geopolitical triangle, strengthening old rifts and weakening the regional institutions of cooperation like the SAARC and the SCO. Kashmir has therefore once again become a powerful hot zone with consequences not only on the regional security but also on the international members of the diplomatic order. In the period between 2023 and 2025, Pakistan was taking the diplomatic campaign to a new level bringing its narrative to the international forums like United Nations and other platforms like Organization of Islamic Cooperation (OIC) or bilateral forums.

Prime Minister Shehbaz Sharif and Foreign Minister Bilawal Bhutto Zardari maintained Pakistan has been emphasising its stand by describing the abrogation as a contravention of international law and rights of the Kashmiri people. The Contact Group on the Kashmir of OIC issued multiple statements (2023, 2024) denouncing the actions of India and demanded the unilateral actions be rescinded. Although Turkey, Iran or Malaysia remained vocally critical and Kashmir was one of the symptoms of Islamic solidarity and enforcement of a humanitarian standard, the majority of the Gulf Cooperation Council (GCC) states (including Saudi Arabia, UAE, and Bahrain) assumed a neutral or pro-India stance because of the developing economic and energy rela-

tions. Just like this, SAARC members such as the Maldives, Nepal, Bangladesh, and Bhutan echoed the Indian position as they described it as an internal affair to maintain regional diplomatic peace.⁴³

China who was severely against the re-organization of Ladakh also increased its posture on its border and it gave further support to Pakistan in international forums. China Pakistan communiques of 2024 renewed calls of a peaceful settlement on the basis of UN Security Council resolutions. On the contrary, Russia continued to support India, legitimizing the problem on the national constitutional level; therefore, according to its position, there should have been no multilateral approach.

The crowning in regional discord became symbolic in June 2025 when the Shanghai Cooperation Organization (SCO) Defense Ministers meeting in China, did not reach a joint communique. India remained adamant on the topic of including the references to the April 2025 Pahalgam terror attack which caused an impasse as Pakistan and China among the members felt that adopting such an approach would give India the scope to bring the Kashmir issue in the clearer picture of counterterrorism issue.

The reactions to the abrogation of Articles 370 and 35A on the global front highlight the fact that global affairs are made up of a multipolar diplomacy where the presence of strategic interests, regional alliances, interdependencies of the economies and global power politics come into play.

Big powers in the world took middle stands. The European Union, United Kingdom and the United States were concerned about the pro-longed communication shutdowns, political arrests and constraint on civil liberties. However, these countries did not go to the extent of condemnation stating that there should be bilateral resolution and strategic interests with India were prioritized. Political developments Human rights issues were indicated in congressional hearings and resolutions in the United States , but were not reflected in more practical policymaking.⁴⁴

Although not many countries supported the Indian claims on its sovereignty to Jammu and Kashmir, the fact that the world continues to pay much attention to human rights and peace in the region suggests that the Kashmir struggle is not yet dead and

buried. It is known that new geopolitics in the world implies the role of Kashmir as the root of balance relations of the South Asian region in the context of security.

5.5 Developing Coherence and Analytical Depth

To have a more aided and more precise study of what the implications of the abrogation of Article 370 are. This chapter covers the former sub-section comprehensively examines the regional reactions, especially those of the SAARC nations, China, and the immediate neighbours of India describing the impact of abrogating Article 370 on the regional security. The second sub-section deals with the extra-regional responses of international super powers like the United States, the European Union and Russia taking the way the abrogation is interpreted in the context of the wider global geopolitics. This reorganization is such that the sections are analytically accurate, offering a targeted analysis of both regional and global interests of the actors in terms of strategic interests and security issues. The distinct sub-sections enable easier flow between the topics, making the analysis more flowing. This tune-up of the structure has enhanced the contribution of the chapter in the larger argument of the dissertation, making sure that the implications of the abrogation are discussed with the profundity and structure demanded of a doctoral thesis.

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6

Elite Perceptions on the Geopolitical Implications of the Abrogation of Article 370 and 35A: A Pakistani Strategic Perspective

Dr. Syed Rizwan Haider Bukhari

6.1 Introduction to Elite Perceptions on the Geopolitical Implications of the Abrogation of Article 370 and 35A: A Pakistani Strategic Perspective

In a more critical synthesis of these elite level interviews (senior diplomats, retired generals, senior bureaucrats and even political leaders), this chapter is an attempt to take a closer look at the institutional assessment of strategic, legal and security issues that have surfaced out of this development in Pakistan. It puts the institutional perceptions into perspective within a strict based ethical research environment and breaks it down into accepted theories of international relations. In its use of multiple combinations of empirical testimony of senior policymakers and conceptual analysis, the chapter transcends the narration and offers a formalized assessment of how the strategic community in Pakistan is thinking about and responding to the constitutional reconfiguration of Jammu and Kashmir by India. Further this chapter summarizes the highlights of the main findings in this dissertation which was informed by qualitative and quantitative data collections to unravel the impacts of Article 370 as well as Article 35(A) abrogation on the South Asian regional security environment. The study embraced the approach of the Securitization Theory that informed the study of how the decision to abrogate the special status of Jammu and Kashmir in India was portrayed as a national security concern and how this portrayal affected the strategic actions of the other actors in the region who included Pakistan and China.

The report is conducted on the elimination of a mixture of elite surveys, interviews, and analysis of secondary data. The individuals that were interviewed in the survey were major decision-makers and experts in the context of foreign policy, defense, and regional security in India, Pakistan, and China. The responses given by the respondents connected to the elite of these countries reveal the opinions of the strategic elites in these nations about the abrogation and the effect of the same in the stability of the region. Qualitative interview information on the real stories behind the status of Kashmir and the changing activities of security dilemmas in South Asia are also entrenched in this chapter.

The results are organized in various thematic sections, each of which has a critical component of the research questions. These parts will touch upon securitization of Kashmir, the Indian and Pakistani strategic reactions, role played by China as a regional actor, and the rest of the implications of the abrogation on the nuclear deterrence and security dilemma in South Asia.

6.1.1 Elite Survey Data Synthesis

The elite survey given to this study was created to get the perceptions of the strategic elites in India, Pakistan, and China about the abrogation of Article 370 and 35(A) and whether it had consequences on regional security. The survey was sent to the sampled group of choice to decision-makers, policy-makers, military gurus, and scholars who have considerable experience in

the field of politics and security in South Asia. This part provides an overview of the main results of the survey, a comparative analysis of the answers of these three countries.

6.1.2 India's Strategic Response

The reactions of India towards the poll indicated a formidable discourse of national security towards the abrogation. Most Indian interviewees especially those in the government and the military justified the move as a valid claim to sovereignty and a necessary measure towards the assimilation of Jammu and Kashmir into the greater Indian constitutional system. Most of the respondents explained that the move was based on the fact that Pakistan had continued to promote militancy within the area and the necessity to focus on internal security issues. Much of Indian elites showed the opinion that the abrogation would help consolidate territorial integrity of India and reestablish sovereignty over Kashmir and this would signal change in posture strategy. This framing is consistent with the theory of Securitization because the problem was not only framed in terms of a domestic policy choice but it was instead a security concern that needed exceptional attention, whether it be legal action or military response to perceived threats by Pakistan and other foreign forces.

The stability of the region and safeguarding it against foreign influence, especially Chinese and Pakistani, was also highlighted by the Indian respondents. The general feeling of the Indian elites was that the abrogation was

an essential measure to counteract the increasing menace of militancy and terrorism in Kashmir and the move held far reaching geostrategic consequences of the Indian role in the South Asian region.¹

6.1.3 Pakistan's Strategic Response

By contrast, the responses of Pakistan were by far dramatized due to a national security and territorial sovereignty aspect. Pakistani survey respondents saw the abrogation as a living threat not only to the controversial status of Kashmir but also, indirectly, to the territorial rights of Pakistan. Military, political, and diplomatic respondents pointed out that the acts by India contravened the international law and the resolutions of the UN Security Council that demanded the plebiscite in the state of Kashmir. In the eyes of Pakistan the abrogation marked a unilateral change of an ancient territorial conflict that had a lot of consequences to the peace and stability of the region.

A survey too provided a significant role of the nuclear deterrence posture of Pakistan as many people perceived the activities of India as an effort to weaken the strategic stance of Pakistan in the region. Pakistani elites felt firmly that the deeds of India could lead to the military build-up and could possibly jeopardize the nuclear deterrence ability of Pakistan. Here the Securitization Theory framework is relevant: Pakistan securitized the problem of Kashmir where the abrogation was defined as a security threat that warranted various reactions including military mobilizations, diplomatic activities and restating its nuclear potential.²

6.1.4 China's Strategic Response

The reaction of China to the abrogation was less dramatic, yet not insignificant. The Chinese elites, especially foreign policy and government elites felt concerned at the possibility of instability in the region and the effect of the move on the strategic interests of China. Though China has been enthusiastic about the Pakistani stance with regards to the Kashmir issue, it was more cautious because of its regional strategic interests which include its territorial claims at the Aksai Chin region as well as increasing its economic involvement with Pakistan through initiatives such as the China-Pakistan Economic Corridor (CPEC).

The perception of the abrogation by many Chinese respondents was that it was a possible source of unstable conditions that may influence power equilibrium in South Asia. It was a major worry that there could be a risk of escalation between India and Pakistan which may compromise the strategic investments and influence of China in the region. The reaction of China was, however, mainly based on the principles of the regional security and necessity of peaceful negotiations. The strategy of China can be tied to the theory of the Securitization since it focused on the necessity to treat the problem of Kashmir as a security threat that can affect the stability of the region and the interests of China in South Asia, especially its economic projects.³

6.2 Elite Strategic Perceptions, Ethical Framework, and Theoretical Orientation

In August 2019, India declared that it would change the geopolitical positioning of South Asia when India determined to repeal the Articles 370 and 35A. It is not only a constitutional repositioning endeavor in the Pakistani mindset but a lone initiative aimed at repositioning a territory that is perceived as a controversial one in the international system. The restructuring of Jammu and Kashmir has immense implications of the stability in the region, deterrence balance between two nuclear powered nations, sovereignty sets, and the entire international law. As the discussions concerning national security are sensitive issues and official secrets act restricts them, some of the persons concerned wished their discussions to stay secret. Arguments of defense readiness, numerical calculation of deterrence, diplomacy and crisis management are all within the areas that the institutions continue to safeguard. Where it is essential, anonymity has been preserved regarding aspects that are required in accordance to ethics and confidence principles of the research. The highest ranking military personnel and some of the main respondents in the strategy are not referred by their real names, instead they have coded names such as Mr. W, Mr. X, Mr. Y, and Mr. Z. This anonymization is a safeguarding strategy and this is aimed at establishing a relaxed strategy towards strategic analysis without exposing the participants to institutional or professional danger. In the meantime, a few ranks of

high-ranking bureaucrats and political chiefs continued to agree to attribution, or at least by informed consent. This biased approach gives some balance between disclosures and discretion whereby methodological integrity is maintained without exposing sensitive strategic discourse.

The discussion of these elite perceptions is founded on multi theoretical approach that includes Realism, Security Dilemma theory and Constructivism. Realism would assist to interpret the abrogation as the act of consolidation of territories to increase the states dominance and the restructuring of the regional power balance. In this regard, constitutional realignment in a controversial region is reflective of strategic calculability and rather than normative reconciliation. Security Dilemma theory explains the internal interpretation of such consolidation of one country as sovereign claim can be perceived by Pakistan as strategic escalation. It may even serve as a suspect that may be hard to eliminate in terms of time when it comes to administration steps to make the crisis decisions in the setting where the historical rivalry and the nuclear deterrence live. Constructivism is also useful in illuminating the ideational dimension of the conflict. That Kashmir is an internal administrative matter is an Indian effort to rebrand international recognition but the elite consensus in Pakistan makes no difference as Kashmir remains an unsolved international conflict rooted in self-determination. Competing assertions of legitimacy and sovereignty, hence, blend with material power to trigger policy responses and results in the region. A combination of these theoretical perspectives could help in a holistic view of constitutional action, strategic calculating, dichotomy between deterrence sensitivity and narrative building in shifting the south Asian geopolitics. The elite interpretations accomplished at this chapter can thus be

termed as an instinctive national security view- the view which perceives the abrogation as a proportionate geo-political move which possesses enduring strategic effects on the stability of this region as well as national interests of Pakistan.

6.2.1 Constitutional Legitimacy and Strategic Consolidation: Elite Assessment

The issue of constitutional legitimacy conceals the heart of the issue of the Article 370 and Article 35A abrogation by India, as explained by the Pakistani elite. To the strategic community surveyed in this paper, the problem is not necessarily limited to the domestic constitutional powers in India; to the legal as well as geopolitical repercussions of the unilateral change of status of a territory a disputed territory which the international community recognizes. Elite respondents repeatedly highlighted that any constitutional power exercised in-house cannot have an implication over external legal obligations written in international resolutions and bilateral frameworks.

6.2.2 Foreign Policy Perspective: International Law and Narrative Contestation

Senior diplomats interviewed in this paper explained the abrogation as an intention to rebrand the Kashmir tussle as an internationally recognized conflict to what they referred to as an issue of internal governance. Under their eyes, this is a strategic storytelling act as opposed to a law change one.

According to Mr. X, who used to be one of the senior ambassadors, it is the case that:

Meanwhile, domestic constitutional amendments do not make international commitments invalid. The conflict is still characterized by UN resolutions. Legality It is an attempt to modify perception rather than legality.⁴

Diplomatic elites argued that the goal of India seems to be long term normalization by repetition. Provided that the internalization narrative will be accepted gradually by the actors of the world, the diplomatic leverage of Pakistan may be undermined. Hence, long-term diplomatic experience is considered to be a necessity to avoid what one respondent has called narrative fatigue in international arenas.⁵

In Realist terms, this could be taken to refer to a move to unify the claims of the territory using domestic institutional tools. States tend to use internal legal means to support external strategic agendas. The Pakistani diplomatic elite, however, hold that sovereignty in the disputed regions cannot be arbitrarily redefined without the effect of international law.

6.2.3 Military Perspective: Territorial Consolidation as Strategic Signaling

Senior generals who were retired took the abrogation to mean more than constitutional reformation. In their judgment, it is a means of calculated territory consolidation which is irreversible. Having eliminated the autonomous and making the region direct to the federal control, India has been able to exercise greater administrative and security freedom within the territory.

Mr. W, who is a retired Corps Commander, remarked:

Take autonomy away, put authority in one place within a disputed territory, and you are not merely changing the way things are done, you are marking to permanence. It can be said that there is a strategic implication to that signal".⁶

In terms of the theory of Security Dilemma, internally defined acts may appear to be externally defined actions of strategic escalation. Former army leaders maintained that, constitutional integration enhances the ability of India to use its forces and modify land ownership policies and expedite infrastructural integration without hindrance in the domestic legislation process. These measures are seen not as defensive governance reforms but as long term strategic positioning.

Some of the respondents also stressed that non-military structural shifts can affect the calculations of deterrence even in a nuclearized rivalry. The military elite does not read the abrogation as instant conditioning to war;

but as preconditioning the establishment of a variety of lines, which reduce the area of negotiation in the future.

6.2.4 Bureaucratic Perspective: Institutional Implications and Policy Continuity

As the senior bureaucrats viewed the situation, they did it regarding the institutional coherence and administrative result. They emphasized that the abrogation disrupts a humanitarian coordination system and a well established system of cross border coordination e.g. the humanitarian coordination system and ceasefire management system. Although, these mechanisms have already been vulnerable on the first place, the restructuring brings further uncertainty.

One of the older civil servants, said:

The responses that the policy takes should be long term and structured. This is the weakness of credibility due to emotional response. It is entrenched by the institutional continuity.⁷

Governance outlook The bureaucratic elite emphasized on how much inter-ministerial coordination there ought to be. The mechanisms of the ministry of foreign affairs, ministry of defence and the internal policy should cooperate harmoniously so that Pakistan reacts in a well-strategically oriented manner and not as a politically reactive one.

This opinion cannot be restricted to a childish notion of the geopolitical confrontation which will have to be handled by institutions the management of which is a long-term but not short-term rhetoric.

6.2.5 Political Perspective: Sovereignty, Legitimacy, and National Consensus

Politicians who responded to the questions in this research mirrored abrogation in the wider context of sovereignty and self-determination. Cross party, the claim about Kashmir being the centre of the Pakistani national identity and foreign policy doctrine was loud.

One of the older members of parliament said:

By praying that such unilateral change of disputed status is not contested, we not only dilute our claim to Kashmir, but we dilute our respect to the international justice, too!.⁸

Political elites stressed the need to hold national unity over Kashmir on policy matters. They expressed their claim that the partisan fragmentation would render the Pakistani diplomatic credibility ineffective and its strategic post undermined in the international arena.

In Constructivist perspective, this is a manifestation of identity and legitimacy narratives on state behavior. Kashmir issue is not handled as a usual territory politics but rather as an ideological and moral obligation within the national story of Pakistan.

6.2.6 Theoretical Synthesis: Power, Perception, and Legitimacy

Elite unanimity expressed in this part is more so in line with the Realist views of power centralization. The abrogation can be seen as an effort to control territories to the maximum and minimize strategic ambiguity. Simultaneously, the Dilemma of Security describes why this kind of consolidation exacerbates the level of suspicion and redefines deterrence calculations.

Constructivism goes a deeper to the battle of meaning. It is not just a battle of territory but what the nature of the dispute is. The ways in which Kashmir is described as internal or an international conflict that cannot be resolved influence international reactions and bargaining options in the future. Ultimately, the views of elites point in one essential direction: the re-organization of the constitution in a conflicted territory cannot eliminate conflict. It can simply modify administrative processes but not suggest competitive claims. In its place, it adds another level of strategic complexity to a volatile regional situation.

6.3 Strategic Consequences for Pakistan's Sovereignty and Deterrence Posture

The abrogation of Article 370 and 35A is understood not only by the elite of Pakistan not so much as a constitutional act but also a structural reorganization of strategic space. The core issue that comes out of interviews is that constitutional incorporation of Jammu and Kashmir fortifies the administrative, military, and demographic strength of the Indian in a contentious region, which influences the provision of long-term stability in deterrence. Although the legal conflict is of international fame, the international strategy has certainly changed.

6.3.1 Foreign Policy Perspective: Sovereignty and Strategic Signaling

Diplomatic elites would always state that sovereignty on disputed territories could never be consolidated unilaterally at the expense of the region. They explain the abrogation as an indicator of military aggressiveness as opposed to internal change.

Mr. Y, one of the high level serving diplomats, noted:

The aim of the move of India is to communicate permanence - to indicate that the matter is closed. But declared permanence is no permanence achieved.⁹

In the Realist perspective, this is an act of power maximization. States unify control over territory to augment comparative advantage. According to the Pakistani diplomats, however, strategic signaling is a two-sided street. The tried unification can make diplomatic flexibility less flexible in the future because the ability to negotiate settlement has less room. The diplomatic elites also stressed that Pakistan should avoid progressive adoption of the new status quo in international forums. In matters of geopolitical conflict, the concept of silence can be taken as acquiescence.

6.3.2 Military Perspective: Deterrence, Escalation Thresholds, and Structural Entrenchment

There was a more granular security analysis provided by retired generals. It believes that the abrogation gives a structural benefit to India in three aspects:

- There is less internal legislative constraint with administrative centralization.
- The flexibility of land and demographic policies augments long term stratification.
- Integration of military logistics and infrastructural arrangements can enhance mobilization ability of the force.

Mr. Z, a retired army general, commented:

Territorial integration permits flexibility of operation. A balance in perception is always changed even when intentions are defensive, capabilities alter the perception balance.¹⁰

This phenomenon is quite in line with the theory of Security Dilemma. The perceptions of adversary threat change with change in potential, even without specific intent to attack, in high-mistrust settings. Generals who had retired emphasized that deterrence stability is not based on intentions that have been declared, but observed structural advantages. Notably, not a single military respondent understood the abrogation as direct training to go to war. Rather, it is regarded as a long-term strategic entrenchment aimed at gradually transforming the bargaining power.

6.3.3 Bureaucratic Perspective: Policy Synchronization and Strategic Continuity

The elderly bureaucrats stressed that then sovereignty issues demand disciplined policy actions. Strategic credibility is uprooted by emotional or episodic reactions.

According to one elderly civil servant:

Strategic patience is as great as strategic firmness. Policy outlived a political cycle, it needs to endure, and it has to last.¹¹

The bureaucratic elite emphasized the need to integrate planning efforts relating to foreign affairs, foreign military forces, economic planners, and information ministries. Their argument is that sovereignty conflicts demand whole-of-government solutions and not a siloed approach. This school of thought enhances the institutional maturity of the Pakistan strategic apparatus.

6.3.4 Political Perspective: Sovereignty and National Cohesion

Political respondents stressed that Kashmir is the core to the national doctrine of Pakistan. Interpretation of the abrogation provides the interpretation of the necessity of political cohesion.

One of the senators remarked:

In the case of one side absorbing a disputed territory unilaterally, the reaction to it should be institutional, and not partisan.¹²

The constructivist theory assists in explaining this reaction. Political behavior is defined by national identity and historical narrative. To the political elite of Pakistan, Kashmir is not an external concern, but a state identity and discourse of legitimacy.

6.3.5 Analytical Synthesis

In cross-institutional category, there is an elite consensus that draws to three conclusions:

- The legal case stands on its own.
- There are changes in strategic balance perceptions.
- The credibility of deterrence should also be maintained without instigation.

In terms of a Realist perspective, the act of India was tantamount to behavior of consolidations in terms of territory. In Security dilemma terms, it deepens the level of mistrust and renews deterrence calculations. In the Constructivist approach, it strengthens conflicting identity discourses of sovereignty and legitimacy. This abrogation therefore does not stop contestation; it simply institutionalizes it into a more fixed strategic framework.

6.4 The Security Dilemma and Escalation Risk in a Nuclearized Rivalry

The revocation of Article 370 and 35A cannot be studied in a vacuum without the wider structural context of India-Pakistan rivalry that is under the veil of the nuclear deterrence. Elite interviewees kept stressing the fact that constitutional restructuring in a militarized and contentious territory

can only be expected to interact with deterrence psychology. The act is a legal-institutional one, but the implications are both strategic and security-related. Even administrative consolidation attains escalatory meaning in a nuclearized dyad where there is profound historical mistrust.

6.4.1 Theoretical Framing: Security Dilemma in Practice

Security Dilemma theory describes the potential possibility of actions of one state to improve security to be viewed as harmful by another state that can initiate countermeasures that undermine the stability. Here, Indian claim of centralized control can be resorted to within the country as governance reformation, but the strategic community in Pakistan feels that this amounts to consolidation in disputed space. It all comes down to perception, not stated purpose.

In low stakes competition, the threat computing may change faster in cases where there is a perception of capacity expansion, as opposed to open military aggression. The abrogation is thus perceived to be a structural change which influences long run levels of escalation.

6.4.2 Military Perspective: Crisis Instability and Escalation Compression

The retired generals underlined that the nuclear deterrence between India and Pakistan is based on weak crisis management paraphernalia. The Line of Control (LoC) has always worked simultaneously as a parting line and a release valve. Any kind of policy that enhances force density, surveillance, and administrative inflexibility in that area adds more volatility.

Mr. W observed:

In a traditional contest, changes in administration are administrative. In a nuclear rivalry, each structural change is checked in terms of military outcome of this action.¹³

Some of the respondents emphasized the idea of escalation compression the reducing time of making decisions when faced with a crisis. Reaction windows can be minimized by using increased troop presence, technological surveillance, and high mobilization capacity. When this happens in a place, miscalculation is more likely.

Notably the military elite did not cite the abrogation as imminent preparation of war. Instead, they tried to explain it as cumulative strategic entrenchment. It is not the threat of an imminent fight but the heightened rigidity in future crises..

6.4.3 Foreign Policy Perspective: Diplomatic Space and Crisis Management

Another aspect of the Security Dilemma pointed out by diplomatic elites was diminished diplomatic manoeuvrability. Political compromises across the board may be economically prohibitive when constitutional integration is proclaimed permanent.

Mr. Ammar Khan:

The stiffer a job position is at home, the smaller the diplomatic option will be abroad.¹⁴

Flexibility is a stabilizing variable as far as crisis diplomacy is concerned. Elpxite diplomats complained that declaratory finality -words saying there will be no pivot-back compromise in future crises -emporises less space upon pivotal back compromise at the negotiating table.

6.4.4 Bureaucratic Perspective: Institutional Preparedness and Risk Mitigation

Depending on the continuity of the administration, senior civil servants interpreted the escalation risk. They stressed the need to have crisis simulation works, communicating hotlines, and inter-ministerial alignment. The change of structures in Kashmir needs new contingency planning.

This was the comment of one bureaucratic respondent:

"Preparedness reduces panic. Panic adds escalation".¹⁵

According to the bureaucratic lens, institutional maturity and not rhetorical escalation maintains stability.

6.4.5 Political Perspective: Rhetoric and Responsibility

Political leaders admitted facing the necessity to take a strong reaction to unilateral actions. Yet, they also realized that they had the role of not being inflammatory in terms of language that would increase the dynamics of crisis.

One of the senior political figures remarked:

The message about strength should be conveyed hesitantly. Deterrence must be much garnered by credibility rather than by theatric.¹⁶

This dimension is interpreted with the help of constructivism. The narratives providing the political influence at the home influence the expectations. Provided leaders formulate disagreements using absolutist terms, the cost of retreat becomes politically high, risking escalation.

6.4.6 Analytical Synthesis

Security Dilemma here works under three levels, which work inter-dependently:

- Structural Level- The constitutions are consolidated changing the perceived balance.
- Perceptual Level which is the actions that are interpreted to be strategic entrenchment initiate counter-calculations.
- Narrative Level- Public discourse affects the flexibility of crisis decisions making.

Unofficial opinion holds that deterrence is still present but more delicate. Stability is assured not the absence of tension but due to the presence of escalation control systems. But the latitude of error has been reduced.

According to the view of Realists, behavior is motivated by a centralization of power. Through Security Dilemma, perception increases the interpretation of a threat. In Constructivist perspective, narrative rigidity produces political constraint.

It is, therefore, true that abrogation has not caused instant war, yet it has realigned psychological and strategic canvas of deterrence in South Asia.

6.5 Regional Security Architecture and Shifting Geopolitical Alignments

The revocation of Article 370 and 35A was not brought into existence in a geopolitical vacuum. The same, too, was reiterated by the elite respondents that the move has to be interpreted in the broader context of the security stills of South Asia and of dynamic power patterns in Asia. To the group of strategists in Pakistan, the constitutional rebalance coincides with the geographical conflicts, the great power politics and the rebalancing of alliances. Not the abrogation just is seen as an irritant bilaterally but a variable in a broader geopolitical equation.

6.5.1 Theoretical Framing: Regional Power Politics and Strategic Balancing

According to a Realist school of thought, the distribution of power and alliances determine the regional security structures. The Pakistani elites perceive Indian unification of Jammu and Kashmir as domination in the region that seeks to secure its position of strategic primacy in South Asian territories. These activities will automatically interact with the balancing mechanisms - internal (military preparedness) and external (alliances) balancing mechanisms.

Meanwhile, Constructivist analysis indicates that the regional discourses of legitimacy and sovereignty affect the reactions of third-party actors. The attitude of world perception of abrogation as internal reform or a

territorial coercion influences alignment behavior.

6.5.2 Foreign Policy Perspective: Strategic Environment and Diplomatic Calibration

Senior diplomats have insisted that the constitutional move made by India should be placed in the wider context of its vision of becoming a world power. They maintain that the New Delhi wants to demonstrate internal stabilizations and territorial closure to reinforce its qualification as an emerging power which supports the Western essential strategic interests.

Mr. Y observed:

India knows that international power politics is very comfortable operating in strategic alliance rather than in the area of law. It estimates that normative objections can be ignored due to geopolitical weight.¹⁷

Diplomatic elites stressed that this means that Pakistan has to operate in a complicated external environment. India-Pacific policy of the United States, Belt and Road of China, and the economic interests in the Gulf all overlap with the Kashmir geopolitics.

The diplomatic approach of Pakistan, as per the respondents, should not be isolative, but principled opposition must be observed. The elite approach proposes a middle ground: another party must be aggressive enough to maintain their legal position but not overly so, as to avoid pushing off strategic allies.

6.5.3 China Factor: Strategic Convergence and Boundary Sensitivity

The strategic place of China was often emphasized by the elite respondents. The abrogation has a wider implication outside of the India-Pakistan conflict, considering that China has a vested interest in Aksai Chin as territorial, as well as investments in the China-Pakistan Economic Corridor (CPEC).

Retired generals noted that:

Any change of territorial status along the Chinese-administered regions is bound to draw the eye of Beijing. The area is strategically connected with each other.¹⁸

In the sense of Realist balancing, Pakistani relationship to China represents external balancing in the context of the increasing conventional and economic strength of India. Nevertheless, there were warnings by the elite respondents that Pakistan should not be over-dependent but rather seek diversified diplomatic activities.

6.5.4 Military Perspective: Power Asymmetry and Strategic Depth

Retired generals saw the abrogation as an augmentation of the long-term Indian goal of source of power asymmetry. Structural integration will augment the India administrative capabilities and could also improve military mobility.

Nevertheless, they pointed out that the deterrence equilibrium is not disrupted by the fact that there is nuclear parity. In this regard, strategic depth is not building an expanded territory but maintaining resilience in alliances and preserving their ability.

Mr. W stated:

Even when the deterrence levels are plausible, power asymmetry does not necessarily lead to coercive advantage (Interview, Mr. W, 2024).

This is an advanced Realist judgment: material strength is important, yet nuclear deterrence limits the coercive value of its power.

6.5.5 Bureaucratic Perspective: Regional Institutional Decline and Policy Recalibration

The lack of progress of regional organizations like SAARC was pointed out by senior bureaucrats. The abrogation also makes regional cooperation rather problematic. Administrative elites contended that Pakistan should enhance the existence of alternative diplomatic platforms such as the OIC and bilateral economic diplomacy with the Gulf states.

One senior bureaucrat noted:

The regional paralysis should not translate to strategic paralysis. Policy needs to adjust to the institutional decay”.¹⁹

This highlights an instrumental institutional perspective.

6.5.6 Political Perspective: Domestic Messaging and Regional Identity

According to the political elites, the abrogation strengthened ideological struggle in South Asia. According to them, the unilateralism narrative empowers the diplomatic stance of Pakistan in the forums of Muslims majority and human rights gatherings.

Nevertheless, they did not dismiss a favorable attitude towards geopolitical realism: participants of the global market prioritize their economic and security interests. Hence, the message of Pakistan needs to be moral, at the same time strategic.

6.5.7 Analytical Synthesis

The elite files indicate a stratified comprehension of the geopolitics of the region:

- India aims to have regional primacy through consolidation.
- The balancing done through China externally is still central but should be adjusted.
- The atomic deterrence limits conventional asymmetry.
- Weak institutions of the region need deviant tact.

In a Realist perspective, the abrogation is symbolic of power concentration. Regarding balancing, it causes recalculation of alignments. Through a Constructivist perspective, it enhances identity-based diplomatic rivalry.

The pruder generalization is the fact that not only bilateral relations have been redefined by the abrogation, but the very strategic environment under which Pakistan is operating. It forces starting afresh without inducing alarm on the part of the latter, a fine balance that the elite level respondents endured in their remarks several times..

6.6 Identity, Legitimacy, and Narrative Contestation: A Constructivist Dimension

Although the abrogation of Article 370 and 35A has obvious material and strategic implications, the line of thinking, elites again and again chanted the more profound implications, which are found in the area of identity and legitimacy. It is not only a reorganization of the system of government with the constitutional act: but it is an effort to redefine the purpose of the Kashmir problem. Constructivist theory proves to be very instructive in this respect. The policies of states are not merely determined by material powers but identities, narrative and socially constructed conceptions of legitimacy.

To the elite strategic community in Pakistan, the abrogation was an exercise by India to turn Kashmir into a political issue internationally disputable to the domestic administrative issue. This is seen as a conscious narrative change - an effort to transform the discourse of the world and a move to normalize unilateralism.

6.6.1 Foreign Policy Perspective: International Narrative and Discursive Strategy

According to senior diplomats, the abrogation was a wider discursive approach. India wanted to convey the impression of finality through repealing the special status and transitioning into federally controlled regions.

Mr. Sharaz stated:

The relocation is as great as illusion as land. This would put the diplomatic landscape in a different place as the legal terrain would not have shifted, should the world start to treat Kashmir as administratively resolved.²⁰

In Constructivist perspective, this can be seen as an expression of the socially constructed aspect of international legitimacy based on repetitions and normalization. In the event that world players slowly borrow the frame used by India, the diplomatic advantage enjoyed by Pakistan may ultimately be lost.

Pre-eminent diplomats thus placed a strong value on the continuity of the story. They should not just exist, but International law should be invoked and strengthened.

6.6.2 Military Perspective: Identity and Resolve

Interestingly, even the retired generals got to admit the importance of identity in the creation of strategic resilience. They maintained that credibility of deterrence is material and non material only in three ways: (material ability and perceive see resilience) and (identity and resolve).

Mr. W observed:

National conviction is associated with a strategic endurance. When a problem is embedded into identity, it forms a long term posture.²¹

This implies that the Kashmir problem in the strategic consciousness of Pakistan is not a purely territorial problem, but an existential one. Identity supports deterrence as it enhances political will. Nevertheless, the elites of the army became wary of excessive ideologizing. It should be accompanied by disciplined strategic planning..

6.6.3 Bureaucratic Perspective: Institutional Legitimacy and Policy Continuity

The interpretation of the narrative dimension by senior bureaucrats was in the light of policy sustainability. They claimed that consistency is what international legitimacy needs. When the Pakistani position changes as a result of domestic political change, the narrative becomes unconvincing. A former senior civil servant described:

Policy continuity is a source of narrative strength. When the outer listener tends to switch tones often, the outside world will doubt our sincerity.²²

This stems out of the knowledge that predictable behavior strengthens legitimacy..

6.6.4 Political Perspective: National Identity and Moral Framing

The political authorities focused on the ethical aspect of the conflict. They also casted Kashmir as a problem of personal determination, justice as well as a territory.

One of the parliamentarians said:

To us Kashmir is not a strategic rhetoric. It is connected to our core values. Such degree of identity cannot be bargained out of it.²³

Constructivism describes how these narratives influence the policies. Political compromise becomes even tighter when realms of trouble become nationalized. It helps to increase internal cohesion but reduces the room of diplomatic maneuvering..

6.6.5 Analytical Synthesis: Narrative as Strategic Terrain

Elite views indicate that the Kashmir debate is being fought on three levels concurrently:

- Material Plane -Territorial unification and prevention.
- Institutional Plane- Legal system and foreign relations.
- Ideational Plane- competing claim to legitimacy and sovereignty.

The constitutional move in India aims at redefining the ideational plane through normalization of unilateral integration. The elite agreement in Pakistan is trying to oppose such a redefinition by strengthening international legal talk and identity-based legitimacy.

Constructivist theory can be used to explain why the conflict is not wavering under material restrictions. Contesting identities create sustainable conflict patterns. Realism describes the process of power consolidation; Security Dilemma describes the process of mistrust; Constructivism describes the process of endurance.

Elite strategic perspective thus realizes that geopolitical war is not waged alone by territories and soldiers, but by discourse and legitimacy. Control of narrative affects future negotiations structures.

6.7 Long-Term Strategic Implications and Policy Trajectories

When responding to the question, elite respondents always packaged the abrogation as not a singular occurrence but as a structural point of deviation that will define how the India-Pakistan relationship looks over the decades. The direct diplomatic outcries and the security re-calibration are considered to be the surface aspect of reaction. The more profound problem is an evolving strategic environment, whether through strategic deterrence, a prolonged competition, or an organized diplomatic re-engagement. At this, the elite consensus shows the timid realism: a new more rigorous stage of the dispute has arrived, but not the one that can be never retrieved.

6.7.1 Foreign Policy Perspective: Strategic Patience and Sustained Advocacy

The diplomat leaders pointed out that Pakistan had to assume a long-term diplomatic stance based on strategic patience, as opposed to reactive escalation. They claim that constitutional consolidation by India is not the end of the dispute; it is a complication. The correct reaction is either long-term commitment and not outbursts therefore.

Mr. Sunny Shah noted:

The time may bring positions together, but time may also reveal their weakness. The concept of strategic patience avoids artificial extension and maintains the leverage.²⁴

The diplomatic elites are of the opinion that Kashmir being an internationally recognized issue needs constant legal, moral, and political expression. There should be regular contact with the multilateral institutions and human rights bodies and strategic partners. They however warn that diplomacy should not be used to indulge in rhetorical maximalism that ends future consultations.

When viewed through a Realist perspective, this is a long-term positioning: states tend to fight over territorial claims by persisting and not reversing..

6.7.2 Military Perspective: Deterrence Sustainability and Escalation Management

Retired generals expressed that deterrence stability still bears its position but is becoming very sensitive. This presence of the abrogation has not significantly changed nuclear equilibrium, but abrogation has limited the diplomatic flexibility and increased the risk of perceptions.

Mr. W observed:

It is not the immediate risk of war, but the ex post facto duty of rigidity. It is necessary to manage stability, and not to assume it.²⁵

Three long-term agendas of military elites were identified:

- Sustaining plausible traditional and nuclear deterrence.
- Not being reactive military adventurism.
- Maintaining the control mechanisms during the crisis.

The theory of Security Dilemma comes into especially play here. Even defensive modernization can be misunderstood once the levels of mistrust rise. Consequently, signaling discipline is important. The people of the military emphasized restricting the firmness and restraint to bring about strategic maturity.

6.7.3 Bureaucratic Perspective: Institutionalization of Response

The long-term strategy was presented by the senior bureaucrats on administrative terms. They opined that the abrogation implied the need to maintain continuity in foreign policy doctrines. Domestically motivated policy inconsistency may undermine strategic credibility of Pakistan.

One of the senior civil servants commented:

Institutional memory is required in strategic disputes. Continuity breaks strength in reaction without continuity".²⁶

Administrative elites suggested the reinforcement of research units, crisis response systems and inter-agency coordination systems. The conflict has to be handled with systematic policy and not with responsive politics.

6.7.4 Political Perspective: Balancing Assertion with Governance Priorities

Political leaders also accepted that Kashmir was at the centre of national identity, but understood the needs of governance. External positioning is enhanced by the economic strength or resilience, credibility in the diplomacy, and internal stability.

As one of the senior parliamentarians remarked:

A strong state will negotiate with strength. The internal unification improves the external determination".²⁷

The constructivist insights are brought to bear here, in that; identity based-commitment perpetuates political-will, whilst the performance aspect of governance perpetuates strategic capacity.

6.7.5 Prospects for Conflict Resolution: Conditions and Constraints

Elite respondents did not have an optimistic response that a solution could be arrived at promptly. However, they did not rule out long-term negotiation. They rather establish a group of conditions where a dialogue may re-communicate:

- The acknowledgement that unilateralism is no longer an option of solution to settlement through negotiations.
- Revival of foreign relations.
- Masculinization of persuasion.
- LoC stabilization policies with the construction of confidence.

At the theoretical level, Realism suggests that the permanent resolution can be achieved in case of mutual appreciation of costs. According to the logic of security Dilemma, the misperception is mitigated through confident-building. Constructivism means that the coherent reorganizing of the discourses based on coexistence can soften the opposing identities.

6.7.6 Analytical Synthesis : Managed Rivalry, Not Immediate Resolution

There is a strategic base perceptions of the elite are about:

- The conflict has taken on a more structurally inflexible stage.
- Deterrence is constant and vulnerable.
- Waiting out the long strategic plan is better than acting on the spur of the moment.
- Diplomacy should not be abandoned even when chances seem minimal.

The recalibration has been achieved thus, the dispute has not been settled; it has been re-fixed. It has displaced the landscape of constitutional arrangement determined by autonomy to the centralized territorial consolidation, thus reducing the boundaries of the negotiation, but not discounting contestation. The elite strategic cutting-edge in Pakistan seems to be in agreement with a disciplined reaction: resolute opposition to the unilateral change of status, maintenance of the balance of deterrence, continued diplomatic lobbying, and evading the adventurist destabilization. The long term path is best characterized as directed competition - organized struggle on the basis of nuclear deterrence and international relationship.

6.8 Concluding Strategic Synthesis : Power, Perception, and Persistence

The Indian abrogation of Article 370, Article 35A is not simply a constitutional option of the Indian government, but a pro-active intervention in one of the longest ever geopolitical struggles in South Asia. The elite pictures presented in this chapter show a coherent and compound strategic evaluation within the policymaking society within Pakistan. Each institu-

tional actor may differ in the extent of these concentrations: diplomatic, military, bureaucratic and political but the point is the same: unilateral amendment of the constitution in a disputed country does not eliminate contestation but rearranges it.

The abrogation was an archetypal policy of territorial consolidation according to the Realist opinion. States are focused on dominating as much as possible, restraining grey areas and striving to dominating controversial areas. This consolidation of power and Jammu and Kashmir administrative amalgamation have been one of the efforts of India to enhance permanency and reduce future another form of elasticity on negotiations. Realism however does not overlook the reality that there exists counterbalancing due to concentration of power. The strategic reaction of the Pakistan in the shape of the activist diplomacy, maintenance of deterrence and policy coordination is a more measured balancing rather than responsive escalation.

Security Dilemma theory expounds on this. Even non-military structural changes can help improve threat perception in a nuclearized dyad containing some historical mistrust. Centralization of administration, enhances the agility of the forces as well as finality of decision actualization bridges the decision making period in the aftermath of crises. Elite military respondents repeated numerous times that stability was not an automatic thing but something that has to be actively regulated. A balance of deterrence remains the same and it is weaker. The threat of escalation is lesser in comparison to direct confrontation, but it is the form of rigidity as time goes on.

Constructivism goes further to deconstruct the analysis to give some insight into the struggle of meaning. Abrogation is the material action of discourse and the discursive action. The resistance of India to re-format Kashmir into an administrative problem within the republic of India is a narrative strategy that aims at normalizing unilateral acculturation. Comparatively the other identity of Kashmir under the self-determination and historical obligation remains in the hands of the elite opinion of Pakistan. The fight does not therefore exist on the oneness of the territory and the deployment of troops alone, but in their legitimacy in their claims. There is a high-level of strategic persistence via the narrative endurance.

The interviews conducted to conduct this chapter have shown that the elite strategic community of Pakistan is characterised by strong institutional fit. Diplomats emphasize on long-term relations between nations to prevent normalization of unilateralism. These retired generals focus on credibility on deterrence and discipline on escalation. Bureaucrats declare a policy planning and institutional permanence. It is characterized by a focus on national unity and ethicized position of political leaders. But, as constituted by different institutional vantage points, all the respondents reject the idea of constitutional absorption terminating the conflict.

6.9 Results of the Analysis are Three General Findings:

Firstly, the global foundation of resolving the statute of Jammu and Kashmir as a disputable territory is invariable to the constitutional change in the nation. Always there is the gap between the internal legislative power and the external legal force as is elaborated in elite respondents.

Second, it has dealt with rigidity in the strategic environment. Abrogation has constrained the latitude of negotiation and increased sensitivity among the deterrence relations, but not de-escalated nuclear balances.

Third, the plan must be long term and devoid of impulsive growth. The refined society would not like an unchecked aggression, but would like to have moderated competition. Much is done squarely, and temperately; much is claimed, but checked in.

This chapter therefore argues that the abrogation is not in any way considered to have halted the Kashmir dispute- it merely has acquired another shape. The fighting has this time shifted to consolidation, but against making the head against centralization, rather than against fighting based on autonomy. Topography of conflict becomes central now to constitutional law, population policy, call signs in the military, diplomatic language, and definition of identity. Yet the great problem of political status goes unanswered.

In theory, the case shows how the material power (Realism), increasing perceptions (Security Dilemma), and identity-based legitimacy (Constructivism) interact to create a scenario. It also depicts how constitutional action is susceptible to be the instrument in both territorial conflict and how conflicting states weaponize it in broader and more distant scare tactics and national security.

In the end, the elite strategic perceiving in this chapter is indicative of a trained will but not an outraged reactive will. The abrogation is not the goal to the strategic community in Pakistan, but a phase in a long-standing geopolitical struggle. Power is reversible, discourses are re-configurable, alliances can be re-assessed--but the issues of sovereignty, nationality and responsibility cannot be sorted out at government dictates.

Rather the intractability of the question of Kashmir in itself is not rhetoric but structural reality. There is an absolute impossibility of the constitutional consolidation becoming an alternative to a negotiated resolution, as long as rival claims to legitimacy are present. The abrogation has had the edge in remaking the strategy of South Asia--but not its plane of fault.

6.9.1 Strategy Analysis of Pakistan and Indian Reactions

The repeal of Article 370 as well as 35(A) has radically changed the geopolitical game in South Asia, further escalating the security dilemma between India and Pakistan and affecting their military positions and nuclear deterrence policies. India and Pakistan both view the problem of Kashmir to be not an issue of territory alone, but of their national security, which characterizes the survival and survival strategies of each nation. The framing of the abrogation as an issue of sovereignty and the national integrity has established India as the rightful sovereign authority in Kashmir, whereas it has been perceived as an existential threat to its sovereignty interests, by the Pakistani government in the region.

6.9.2 Nuclear Deterrence and Risks of Nuclear Escalation

The change in the security discourse since the abrogation has grave consequences on the nuclear deterrence in the region. Both India and Pakistan have traditionally been in a nuclear stalemate where both sides acknowledged that the price of a nuclear war was too high and therefore did not engage in direct military confrontation particularly during any nuclear war. Nevertheless, securitization of Kashmir has established a paradigm in which

the perceived dangers to territorial integrity are no longer to be confined to traditional deterrence measures, but are rather making immigrants that are increasingly being viewed in existential terms.²⁸

Since India is a country, its nuclear policy has been based on the concept of deterrence through punishment whereby having the capability to strike back and cause carnage upon any attack. Nonetheless, the abrogation of Article 370 adds a new twist to the nuclear posture of India in that it strengthens the Indian decision to safeguard its sovereignty over the Jammu and Kashmir at all costs. This move of rescinding the special status of Kashmir in the name of national security that India articulated might increase the possibility of India being involved in low-intensity military action with Pakistan, with the fear of major international or nuclear repercussions. This situation may make the classical approach of nuclear deterrence null and put more brinkmanship across nuclear front. In retaliation, Pakistan has attempted to reassert its capability to counter the eventuality of nuclear deterrence as it reiterated its entitlement to safeguard its territorial purpose in Kashmir. The fact that India is increasing the risk of nuclear escalation was of concern to many Pakistani echoing in the elite survey. Since South Asia is already under nuclear overhang, the action of Indian nuclear deterrence in Pakistan is seen as a possible obstacle to its nuclear deterrence as it will force it into a more reactive position and less diplomacy will be available. The concept of full spectrum deterrence contained in the Pakistani nuclear doctrine enables it to retain the low-intensity conflict and moves on to a strategic deployment of nuclear weapons in case there is a need.

Escalation of dominance by Indians might cause fear in Pakistan, and the nuclear alert state by Pakistan would be the response to any perceived danger to its sovereignty.

The cancellation of Article 370 has therefore augmented the nuclear arms race since both nations now tend to perceive the other as an existential danger, leading to defence mechanisms that can comprise restricted conventional attacks, missile assaults, or some sort of military web. Such a nuclear dynamic has rendered the region more volatile bearing in mind that proxy conflicts are present, that miscalculations are likely to happen and that it is not known where nuclear deterrence will be effective in such a charged environment.²⁹

6.9.3 Security dilemma in South Asia

The security dilemma between India and Pakistan has also been worsened by the abrogation. Since the two states package the problem of Kashmir in an existential manner, any moves made by one state will be perceived as a threat by the other, despite the fact that neither party probably aims at escalating the situation to a full-scale conflict. The nuclear aspect also adds complexity to this security dilemma as both India and Pakistan depend on the deterrence to inhibit intensification of military conflict. Nonetheless, as both states continue to be more threatened by the strategic stance of the other, both parties can resort to military posturing or arms races; and since this might oxidize the wrong interpretation, it may in the end fuel the tensions even more. Strategic reaction of India towards the denunciation of

the abrogation by the Pakistani as well as its invitations of international intervention has been that Pakistan has no entitlement on how its internal affairs should be. Using the domestic politics-related paradigm to frame the issue, India has completely disregarded the security concerns raised by Pakistan as the overreaction. But such a reaction can further fuel the security dilemma because Pakistan sees any measure by India as an affront to its own territorial jurisdiction and regional security. Both groups find themselves in a vicious circle where the behaviour of one section to make their security certain will only lead to the other feeling more insecure therefore creating a military build up and distrust with each other strategies.

The role of China in the security dilemma is also very important. Although China has always favored the Pakistani stand on Kashmir, the country has territorial interests in the area as well especially the Aksai Chin region. China has therefore articulated the abrogation into an aspect of stability in the region, threatening both India and Pakistan of the dangers of escalation. The major concerns of China have been on the threat of nuclear escalation and how it would affect its national strategic interests in South Asia (as it concerns the China-Pakistan Economic Corridor) (CPEC) as well as its overall geopolitical leverage. Being one of the biggest powers within the region, China has advocated peaceful solution to the Kashmir problem, but its Indian inclination to support Pakistan has complicated the security situation in the region, as the entry of this country will only compound security crisis between India and Pakistan. The whole world has been reserved in its reaction to the abrogation with nations such as the United States and European Union nations encouraging both parties to act in a moderate manner. These international actors have accepted the sover-

eign rights of India to make constitutional changes however, they have also stressed the need to dialogue and peaceful settlement to avert escalation. The availability of nuclear weapons by both India and Pakistan has rendered the global community to be so sensitive to the dangers that any form of escalation may bring because the region is a hotbed of world security issues.³⁰

NOTES

1. Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998). ↑
2. Hijab Shah and Melissa Dalton, “Indian Revocation of Kashmir’s Special Status,” Center for Strategic and International Studies, August 12, 2019, <https://www.csis.org/analysis/indian-revocation-kashmirs-special-status> ↑
3. Syed Rizwan Haider Bukhari, “Navigating the Digital Divide: The Strategic Implications of Social Media in Future Conflicts Between India and Pakistan,” *Spry Contemporary Educational Practices* 3, no. 1 (2024): 521–41, <https://www.sprypublishers.com/admin/uploads/article/664b96ee75986.pdf> ↑
4. Interview with Mr. X, senior ambassador, December 5, 2024. ↑
5. Interview with Senior Diplomat, December 12, 2024 ↑
6. Interview with Mr. W, retired corps commander, July 12, 2024. ↑
7. Interview with senior bureaucrat, May 17, 2024. ↑
8. Interview with senior parliamentarian, February 24, 2025. ↑
9. Interview with high-level serving diplomat, June 7, 2024. ↑
10. Interview with retired army general, January 4, 2025. ↑
11. Interview with elderly civil servant, August 27, 2024. ↑
12. Interview with elderly civil servant, August 2, 2024. ↑
13. Interview with Mr. W, senior retired intelligence officer, September 14, 2024. ↑

14. Interview with Ammar Khan, Ministry of Foreign Affairs, January 2, 2026 ↑
15. Interview with senior bureaucrat, January 6, 2026. ↑
16. Interview with senior parliamentarian, June 13, 2025. ↑
17. Interview with Mr. Y, February 7, 2026. ↑
18. Interview with Mr. Z, retired general, September 14, 2024. ↑
19. Interview with senior bureaucrat, July 30, 2025. ↑
20. Interview with Mr. Sheraz, Ministry of Foreign Affairs, February 10, 2026. ↑
21. Interview with retired brigadier, December 25, 2025. ↑
22. Interview with senior retired bureaucrat, November 10, 2025. ↑
23. Interview with senior parliamentarian, September 15, 2025. ↑
24. Interview with Sunny Shah, senior parliamentarian, December 5, 2025. ↑
25. Interview with Senior Military Officer Mr. X, October 1, 2025. ↑
26. Interview with senior bureaucrat, October 4, 2025. ↑
27. Interview with senior parliamentarian, December 25, 2024. ↑
28. Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998). ↑
29. Hijab Shah and Melissa Dalton, “Indian Revocation of Kashmir’s Special Status,” Center for Strategic and International Studies, August 12, 2019, <https://www.csis.org/analysis/indian-revocation-kashmirs-special-status> ↑
30. Syed Rizwan Haider Bukhari, “Navigating the Digital Divide: The Strategic Implications of Social Media in Future Conflicts Between India and Pakistan,” *Spry Contemporary Educational Practices* 3, no. 1 (2024): 521–41, <https://www.sprypublishers.com/admin/uploads/article/664b96ee75986.pdf> ↑

CHAPTER 7

7

Indian Held Kashmir: A Way Forward

Dr. Syed Rizwan Haider Bukhari

Indian Held Kashmir: A Way forward

DR. SYED RIZWAN HAIDER BUKHARI

7.1 Introduction to Indian Held Kashmir: A Way forward

The abrogation in August 2019 of Articles 370 and 35A by the Government of India changed a major spot during the long-standing dispute on the territory of Jammu and Kashmir. Withdrawing, the special constitutional status granted to the area and incorporating that territory more closely into the direct control of central Indian government New Delhi outlined the basic modifications of the legal, political and strategies of the conflict. Not only did this one-sided step cause no fewer tensions between India and Pakistan, but it also created new twists in the security architecture of South Asia, especially since these territories have other issues with China to consider. The post-abrogation has shown the aggravation of militarization, polarization of diplomacy, and break of cross-border levels of confidence measures. In spite of such developments, Kashmir conflict has not been resolved yet and this has serious consequences towards regional peace, human security and the values of global stability. The chapter critically analyses the conflicting factors of the main stake holders namely- Pakistan, India, China and the multilateral organizations and gives a possibility of the resolutions to the conflict. Moreover, it evaluates the existing diplomatic situation and provides workable policy advice to Pakistan to keep it abreast of this changing geopolitical issue.¹

7.2 Resolution Strategies

Even after the increased tension between India and Pakistan after the 2019 abrogation of Articles 370 and 35A by India, bilateral diplomatic relations between the latter and India have experienced occasional diplomatic openings, or a window to dialogue especially under the principles of the Shimla Agreement (1972) and the Lahore Declaration (1999). The both agreements also focus on solving the disputes peacefully by using bilateral negotiations, observing the Line of Control (LoC), and interfering in the internal affairs of each other. The two sides reconnected through backchannel in early 2025 through the services of third-party interlocutors such as the United Arab Emirates and Oman in efforts to deescalate the military tensions and seek avenues towards structured dialogue. Feb, 2021 renewal of LoC ceasefire, Track-II dialogues, small-trade projects, and cultural exchanges are viewed as potential confidence-building measures, the instruments that may facilitate de-escalation and the establishment of the atmosphere favorable to formal talks. But critical and lasting development still

depends on viable political efforts, resolution of fundamental grievance-enshrined human rights in Jammu and Kashmir as well as protection of the diplomatic mechanisms against internal political rhythm and acts of militancy.

7.2.1 Multilateral Diplomacy

The resurgence of multilateral efforts at the diplomatic level has also been a fundamental aspect of Pakistan policy towards the Kashmir issue but its material manifestation has been limited due to power balance and bilateral alliance of India. Pakistan now uses the United Nations (UN), the Organization of Islamic Cooperation (OIC), and other human rights formats to push the agenda of the alleged violations of human rights, demographical alterations and right to self-determination by Kashmiris. The OIC Contact Group on Jammu and Kashmir has produced a series of communiques in which it condemned actions by India and demanded respect of human rights. The latest consensus was in the 2024 OIC Council of Foreign Ministers meeting in Banjul, where member states once again pledged support to the Kashmiri cause, but the once-unified pressures of Muslim nations remain marred by differences between and among many Muslim nations with an economical stake in India. The outcomes in the UN have seen Pakistan win recurrent debates in the informal tribunals, although formal decisions or sanctions are never achieved since apart from the resistance by the major delegates in the Security Council some of these countries, there is the fact that India, unlike in the case of Kashmir issue, opposed third party intervention. However, the UN Special Procedures and international rights bodies have also raised issues regarding curbs in Jammu and Kashmir such as communication locks, unlawful internment and political expression restraint. Nevertheless, despite said challenges, multilateral platforms ensure that the Kashmir dispute has visibility, subject the country to diplomatic pressure and provide material to international human rights discussions on the Kashmir region.

7.2.2 Track II - Diplomacy

Since there are no official talks to solve the issue of Kashmir and the tensions between India and Pakistan, there is the possibility of taking the issue under informal discussions using the track II diplomacy where retired officials, academicians, policy experts, journalists and leaders of civil societies can make their input. Although these informal dialogues are not official, they assist in decreasing misperceptions, in making each other understandable, in identifying new solutions based on consensus and not on rigid governmental structures.

Following 2019, hardline political discourses and minimal cross-border interactions have been major challenges to Track II efforts, and the populace has lost trust in them. Nevertheless, a few dialogue forums that are funded by international think tanks and peacebuilding institutions are still active in a very covert manner. It is worth mentioning that there are initiatives including the South Asia Peace Dialogues as initiated by third-party mediators which have opened intellectual space in Jammu and Kashmir as regards human rights, demilitarization and confidence building measures. Although Track II results are non-binding in nature, it has been the

case in the past that they have helped shape policy debates, issued early warnings of the crises getting out of hand, and paved the way of Track I (serious) negotiations as was the case with previous peace overtures in the early 2000s. Restructuring and reforming these informal conversations, particularly Kashmiri ones on both sides of the Line of Control (LoC) is necessary in reconstructing trust and finding practical solutions to rebuilding peaceful interactions and full-length tempering.

7.2.3 Human Rights Advocacy and International Mobilization

As a fall out of the abrogation of Article 370 and 35A, the organization of the worldwide human rights bodies in support has become a crucial phenomenon in keeping the issue of Kashmir on the global agenda. Declining human rights situation in Jammu and Kashmir has been sustained due to reports and investigations undertaken by various human rights groups such as Amnesty International and Human Rights Watch. According to records of these organizations, such issues as communication blackouts lasting over a year, politically motivated arrests of political leaders and activists that often occur in an arbitrary fashion, inhibition of civil liberties, and even claims of demographic engineering to change the population of the region comprise multiple concerns. These are the independent and evidence-based reports which are invaluable to diplomatic advocacy and law-suits. They present a basis on which governments, multilateral as well as human rights advocates require accountability and adherence to international conventions. Although many states are unwilling to speak up against India because of their strategic and vested economic interests, principled records of documentation through global rights groups, however, ensure that the challenges remain in the purview of the policymakers and mass media. In addition, such reports contribute to the public debates, particularly in democratic countries in which the issue of human rights can play a role in shaping the decisions related to the foreign policies. In this respect, it is crucial to cooperate with the global communities of human rights protection, to disseminate their reports, and make sure that the destiny of Kashmiris occupies the central place in the world discourse. Geopolitical mandates may force inaction in most cases where corporate profits seem justified, but through continual monitoring the perpetrators can be held at bay to allow time to deal with them in a more diplomatic and less confrontational manner later.

7.2.4 Economic Leverage and Regional Stability

Economic Interdependence is also a very important tool that has been promoted to prolong South Asia peace stability that has hardly been utilized. The regional connectivity projects especially the China-Pakistan Economic Corridor (CPEC) are among the broader courses aimed at improving trade, development of infrastructure and energy cooperation in the region. Pakistan considers the CPEC not only as a life support system to the economy but also as a strategic instrument that enhances the interest in sustaining regional peace.²

Advocates of economic connectivity hold that the resulting mutual dependencies create incentives because it becomes more expensive to wage conflict and more inviting to work in cooperation. As an example, the establishment of cross-border trade regimes, transportation corridors, and energy interconnections between the states of South Asia can establish common economic interests that will promote the de-escalation process and dialogue solutions to disputed matters, such as Kashmir.³

These dynamics have been complicated though by the fact that India has raised concerns about whether CPEC should be passing through the region of Gilgit-Baltistan (which it says is part of its disputed territory of Jammu and Kashmir). What is possible, though, is wider trade and infrastructure collaboration through schemes like South Asian Free Trade Area (SAFTA) or regional transport agreement as mediators or confidence building measures (CBMs), increasing economic interests in peacebuilding but enabling the state of affairs to slowly become more accommodating. Therefore, using the economic projects as a ground of cooperation is an alternative route to the all-security approaches, provided that it is accompanied by the respective political support, stability and inclusive dialogue.

7.3 Strategic Environment and Constraints

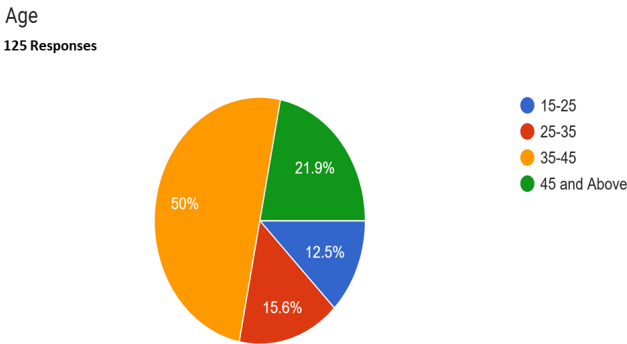
The tactical ambient in the South Asian zone has increasingly deteriorated and gotten grandiose with the abrogation of Article 370 and 35A by India in August 2019, which deprived Jammu and Kashmir of its particular constitutional wretchedness. On the domestic front, India has justified these actions as pertinent to integration, development and fighting of terrorism in its region. The change in the policy, however, has contributed to an escalated form of nationalism and tough security stances, which have enhanced divisions in the country and at the global stage. Relations between India and Pakistan have nosedived and witnessed wrecking of diplomatic status, cancellation of a formal dialogue and heightened militarization of the Line of Control (LoC). These are complicated by the wider China Pakistan India strategic triangle. China has been vehement about the reorganization of Ladakh by India, denouncing this as an act done unilaterally on disputed territories of the border. The Galwan Valley confrontations between India and Chinese forces in 2020 have highlighted the escalating security predicament and escalation danger.⁴

The increasing strategic relation of the United States with India especially under the pretext of the Quad and other Indo-Pacific partnerships has promoted the Indian image of the world standing yet further reduced the possibility of the neutral intercessions. This millennial relationship has strengthened Pakistani strategic dependence on China as a diplomatic and security counter balance. In the interim, global market economies, including Gulf energy collaboration, regional trade initiatives, and other strategic structural projects, such as the China-Pakistan Economic Corridor (CPEC) have established some mutual interests, which in turn both incentivizes stability and makes them susceptible to geopolitical shocks. In Indian-controlled Jammu and Kashmir, the post-2019 situation is represented by suppression of civil rights and liberties, limited political freedom, and years of continuous security forces action. Cases of indiscriminate arrests, media blockade, and curb of any form of political expression has diminished the expression of grassroots politics and aggravated alienation of the residents.

Taken together, such trends have limited the space of diplomatic maneuvers, have locked the zero-sum discourse of security, and increased the scarcity channels of non-violent resolutions. South Asia, therefore, is highly volatile nuclear flashpoint in the world, and the problems are all encompassing, and the interests of great powers are clashing, as well as very few avenues of de-escalators.

7.4 Recommendations and Way Forward for Pakistan

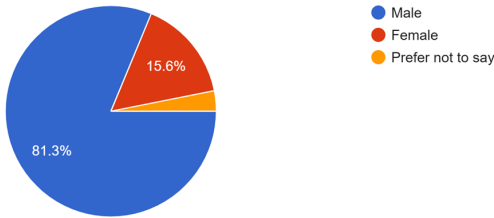
The graph below shows the age groups of the respondents who participated in this research. This disaggregation will give useful information concerning the composition of the sample, which will give us an idea about the generational diversity of the group. The diversification of the age groups and genders that allows grasping better the ways in which different age groups interpret the main provisions of Article 370 and Article 35(A), and how their attitudes towards Kashmiri autonomy and identity might vary according to the generational experience and historical background.



In-depth analysis and finalization of the recommendations were performed with the help of the comprehensive data collected among a diverse sample of participants, whose numbers totaled 125 participants, which represents a large variety of sectors. It has a population of 20 Ambassadors, 40 Senior Military Officers (serving and retired), 20 Technocrats, 20 Bureaucrats, 20 Politicians, and a few senior colleagues, all adding up to 128 individuals.

Gender

125 Responses

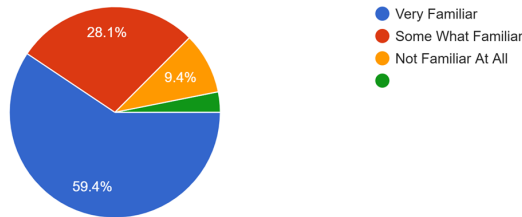


This sample is meticulously chosen and is a valuable cross-sectional sample, covering a wide range of opinions and knowledge. In order to provide a more refined interpretation of the results, the following graph shows the familiarity index in these categories. The procedure of the disaggregation (large scale data collection) of the profiles of the participants, along with their respective contributions, is presented in the attached Excel sheet to provide more references. Such information is the basis of the following recommendations, which means that they will rely on empirical knowledge and the experience of many professionals operating in different fields. Familiarity was better in the Senior Military Officer and Bureaucrats. To answer the question about the principal provisions of Article 370 and Article 35A that play a significant part in deciphering Kashmir dispute, the participants were requested to evaluate their awareness about the following provisions:

- Article 370: Jammu and Kashmir was accorded the special status of autonomy, whereby the region was free to exercise their own constitution, flag, and a lot of freedom in other areas though defense, foreign affairs, finance, and communications were exempted.
- Article 35A: This article gave the Jammu and Kashmir assembly the powers to determine the reference to permanent residents and also to confer certain rights and privileges to them, that established a unique legal position of people living in the area.

The charts offered below will demonstrate the degrees of acquaintance with these provisions among the respondents. Such pictorial depictions are essential to the realization of the communal sense of these paramount constitutional provisions and the deductions made will be used to advance the analysis and recommendations of this research study.

How familiar are you with "Kashmir's Dilemma: Geopolitical Implications and National Security Challenges Confronting Pakistan Post-Abrogation ... and 35A in Indian Occupied Jammu and Kashmir"
125 Responses



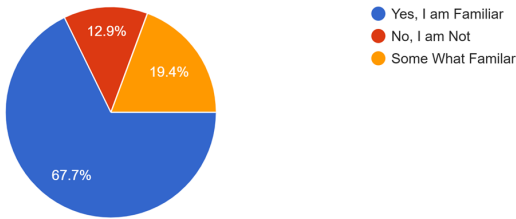
The history of the Articles 370 and 35A in the development of the Kashmi identity and autonomy is closely linked with the political and cultural history of the region. The participants made to consider the following:

- **Vocation in Kashmiri Identity:** The purpose of these provisions was not just a legal tool but symbolic images to Kashmiri identity. They mirrored the political set up peculiar to the region of the Indian Union and acted as a center of the unique cultural and political being of the region. These provisions were important because they gave Kashmir autonomy so that it stood alone as a political unit outside the rest of the Indian political system.
- **The Functions of Article 370 in the Self-Governance:** Article 370 had significant functions in structuring Jammu and Kashmir with a legal foundation on its unique status within India. It gave the state a large extent of autonomy, which gave the region its own constitution and authority in legislative powers, thus creating a feeling of political independence. The fact that the state did not have jurisdiction in such areas as defense, foreign affairs, finance, and communications highlighted the exceptional feature of this political system.

An examination of the answers given by the respondents as shown in the relevant graphs also throws more light on the differing perceptions on how these provisions added to the autonomy and identity of the region. Such observations prove important when we examine the greater concerns of what these legal provisions mean to the socio-political composition of Jammu and Kashmir.

Key provisions of Article 370 and 35A are Article 370 granted special autonomous status to Jammu and Kashmir, allowing the state to have its o...tate and grant them special rights and privileges.

125 Responses



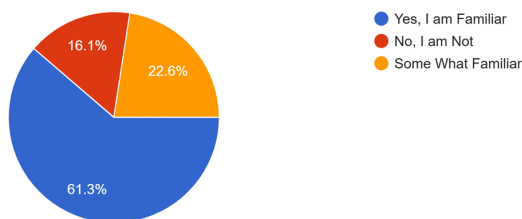
The next graph clearly shows the versatility of perspectives held by different respondents about the role of Article 370 and Article 35A in the development of Kashmiri identity and autonomy. These two stipulations form the basic building blocks in interpreting the unique political and cultural structure in the Indian Union of the region. Two critical perspectives are noted by the graph:

- **The key message of Kashmiri Identity:** The vision of Article 370 and Article 35A as a vital attribute of Kashmiri identity becomes central to most participants and was the main element of special political relations between the region and India. These were not just the legal measures but strong manifestation of the unique Kashmir culture and political autonomy. They were very instrumental in establishing uniqueness of the region in the wider national picture.
- **The Role of Article 370 in Self-Governance:** Another influential perspective highlights that Article 370 gave Jammu and Kashmir region strong legal basis to have self-government that grants that region great level of self-rule. This independence allowed the state to take local decisions yet maintain their own unique legal, social and cultural structure. Nevertheless, this independent power was limited in main fields such as defence, international relations, finances, and communications.

This graph is a graphical display of how respondents see these provisions as applied to the autonomy and identity of Jammu and Kashmir. The conclusions made based on this information highlight the extent to which these articles appeal to the representatives of various spheres, a commonality of view regarding the distinct status of the region in the Indian Union.

Role of Article 370 and 35A in Kashmiri autonomy and identity are These provisions were central to Kashmiri identity, symbolizing the region's unique ...tatus and allowed for a degree of self-governance.

124 Responses



The main reasons, which led to the abrogation of Article 370 and Article 35A, lie within a complex of political, security and development aspects, and ideology related to national unification and rule. Although there might be other motives, the following major motives are possible to be recognized:

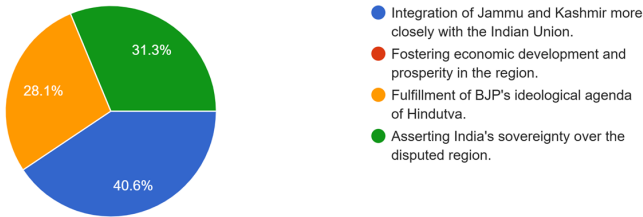
- National Integration:** One of the main driving forces of the abrogation is the thinking that the special status of Jammu and Kashmir by Article 370 was a hindrance to the total integration of the area into the Indian Union. The Indian government has stated that the provision created the feeling of being separate and provided the state the ability to maintain a unique political identity which many considered not to be compatible with the vision of one country India.
- Security Concerns:** Some individuals viewed the special status that Article 370 derived and the privileges that Article 35A offered as having separated feelings and militancy in the region. The Indian government persistently has referred to security issues in Jammu and Kashmir, especially the infiltration of cross-border terrorism, and the continuity of insurgency. The abrogation set this way was therefore seen as a needed move to improve the security of the state and help deal with these historical problems better.
- Economic Development:** The other motivator is the need to foster economic growth and development in Jammu and Kashmir. The special provisions were seen to curtail external investments and economic prospects because of prohibitory laws on the ownership of land and residential rights, under Article 35A. Through the removal, the government sought to establish a more conducive investment, infrastructure and job creation environment, hence, leading to a more prosperous region.
- Political and Ideological Vision:** Ideologically, those, who had advocated the abrogation theory, felt that the special status of the region contradicted the principle of equality under the Indian Constitution. Abolition of Article 370 became an act under the guise of equality in granting all states in India an equal share without exception and privileges.
- Legal and Constitutional Clarity:** Some believed that the provision of Article 370 was a temporary action that had expired. It was argued that with time, the special status had become something

contentious and its abolition would provide a legal clarity and strengthen the perception that Jammu and Kashmir was just like any other state and would abide by the same constitution.

Such motives can be characterized as an amalgam of long-standing strategic, economic and ideological agendas which were desired to solve long-standing problems of the region, but also to proclaim a desire to join the country together under the Indian Constitution. Nevertheless, the move to repeal these provisions has remained a highly controversial one, with criticism intensified by many political and social quarters in Jammu and Kashmir and even by some quarters of the greater Indian population at large. The participants response is graphed below.

In Your Opinion What is Primary Motivations for Abrogation of Article 370 and 35A

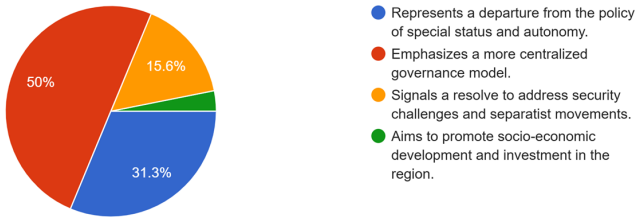
126 Responses



The change in the Indian behavior towards Jammu and Kashmir after the abrogation is complex and is still undergoing change. Although it promises greater unity, enhanced security and economical prosperity to the region, it also presents issues associated with political representation, identity and regional stability. This transformation will not manifest additional benefits any time soon since the government decisions are yet to be carried out, and the region will need to become accustomed to its new political situation. Although the shift can be viewed as a chance by many, it is highly divisive and will probably generate the discussion over Kashmir decades into the future. The graph above reflects the general opinion of the participants regarding the long-term effects of the abrogation, pointing out the optimism and worry about the future of Jammu and Kashmir.

What Do You Think About Shift in India's Approach towards Jammu and Kashmir Post-Abrogation

120 Responses

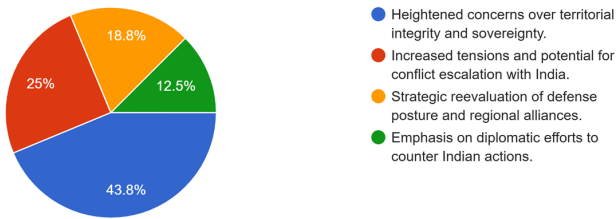


Changes in the attitude of India towards Jammu and Kashmir after the abrogation are a complicated and transforming process that still unfolds and has a great impact. Although it opens opportunities of a more integrated, secure and economically successful future of the region, it equally brings forth important issues pertaining to political representation, identity and stability of the region. Whether the success of this radical move becomes evident or not is yet to be experienced as policies will be enacted and the region gets to adjust to its new political reality. This shift is considered by many as a step towards progress, but it is highly divisive, and will most probably inform the discussion about Kashmir in the years ahead.

The graph below displays the insights given by participants in relation to the effects of the revocation on the national security paradigm in Pakistan, representing the variety of views of how it would affect the regional stability and security.

What You Say About Impact of Revocation on Pakistan's National Security Paradigm

120 Responses



The research question presented to the participants was: How do the move have escalated tensions between India and Pakistan? This question aimed at having an understanding on the different sides of the issues surrounding the possibility of how the abrogation of Article 370 and Article 35A could have heated up the already

fragile relations between India and Pakistan especially in the Kashmir issue. The graph below has indicated the responses of the participants, noting the various ways in which the move has been felt to have fueled the tensions between the two countries.

What are the Ways in which the Move has Heightened Tensions Between India and Pakistan
126 Responses

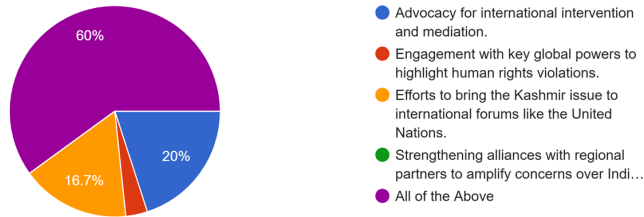


The Indian change of attitude towards Jammu and Kashmir after the abrogation of the law is a complicated and transformative shift that has an enormous impact on the region and the whole geopolitical situation. Although this action provides us with the possibility of a more united, safer and economically well-off future of Jammu and Kashmir, it also presents us with a plethora of challenges most especially with regard to political representation, cultural identity and regional stability. The actual effect of these changes will remain visible only in the long run, when policies adopted by the government will be completely put into effect, and the region will adapt to the new political and administrative realities. Although some consider this change to be a critically important necessary step towards modernizing the region and making it a better part of the Indian Union, this question remains highly divisive and is almost certain to continue informing the discourse and policy around Kashmir in the coming years.

The Graph below shows the answers to the question, "What diplomatic approaches are to be adopted by Pakistan in reaction, by your evaluations? It emphasizes some of the main approaches that have been suggested by the participants, including advocacy of international intervention and mediation, contacting powerful world powers in an effort to put human rights issues into the spotlight, as well as enlisting alliances in the region to further raise concerns about the activities of India. These answers indicate a subtle knowledge of diplomatic lines that could be taken by Pakistan upon the abrogation.

What Diplomatic Strategies be Pursued by Pakistan in response as per Your Assessments

120 Responses

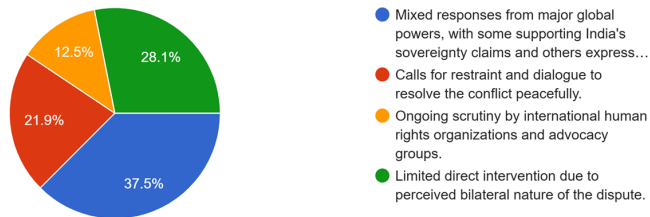


The change in the Indian attitude towards Jammu and Kashmir since the time of abrogation is a complicated and transforming process and has undergone great implications to the governance and unity in the nations besides the region dynamics. Though this transformation has the promise of a more united, safer, and financially dynamic future in the region, it also comes at the cost of political representation, identity, and the sustainability of the future. The actual results of these changes will be seen as time passes, as the policies come into effect, and the region comes to terms with its new political and administrative realities. Though the shift is viewed as the possibility to make a step forward, it is still a highly controversial question and is probably going to affect the discussion of Kashmir in the years to come.

The graph below shows the answers to the question about the wider international response to the Indian actions in Jammu and Kashmir that has uneasy positions of the global powers, the demand to negotiate the conflict peacefully, and further monitoring of the situation by human rights organizations.

Broader International Reaction to India's Actions in Jammu and Kashmir, Your Take

126 Responses

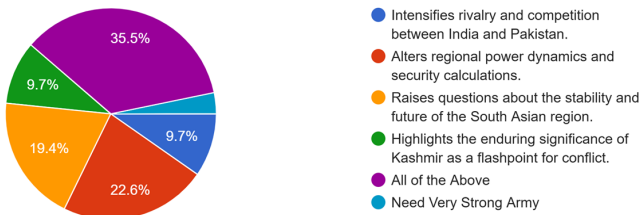


Abrogation of Article 370 and Article 35A is an important turning point in the Indian policy towards Jammu and Kashmir and it has brought a new era in the political life of the region. Although this change promises more unity, security, and economic growth, it also introduces a plethora of issues that are concerned with political representation, identity and regional stability. The entire effect of these changes will become fully mani-

fested only after the implementation of the policies of the government and some sort of adaptation of the region to its new political order. The shift though viewed by some as a positive move is highly controversial and will further appear to dominate the discussions about Kashmir in the coming years.

The graph below shows the nature of answers given by the respondents about how the abrogation remakes the South Asian geopolitics in the Pakistan lens. It points out significant elements which include the heightening of the competition, the changing regional power dynamics and issues of stability of the region and the long-term relevance of the Kashmir flashpoint of conflict.

What Ways in which the Abrogation Reshapes South Asian Geopolitics (Pakistan Perspective)
124 Responses

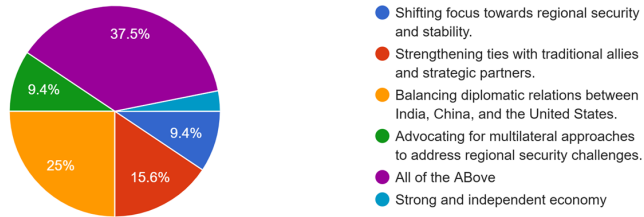


Although it holds promise of making the region more unified, secure and economically prosperous, the challenges associated with it are the political representation and identity and stability of the region. Only with time, the effects of this transformation will become properly manifested as policies of the government are under enforcement and the region gets used to its new political reality. Although this change can be taken as an opportunity by a number of people, it is still highly contentious and is likely to continue influencing the discussion on Kashmir in years yet to come.

The graph presented below illustrates the answers to the question of the influence of the Kashmir issue on the foreign policy priorities of Pakistan and reveals the critical points concerning the issue, including the influence on the security of the region, the promotion of alliances, the regulation of diplomatic relationships, and the promotion of multilateral strategies.

What is the Impact of Kashmir Issue on Pakistan's Foreign Policy Priorities

126 Responses



A detailed examination of all the provided responses resulted in the creation of several major recommendations that can be deemed essential in the context of defining the future course that Jammu and Kashmir is likely to take and its implications on the stability in the region and the process of policy-making. Given that the subjects were participants, who represented various fields, there were insights that were of significant importance to the political, security, and economic aspects of the Kashmir issue, which resulted in a multitude of actionable recommendations that seek to deal with the complexities of the region.

7.4.1 Sustained Diplomatic Engagement

The first fundamental step, then, Pakistan is obliged to take up is an active diplomatic policy of sustained internationalization of the Kashmir issue in the face of post-abrogation of Articles 370 and 35A by India. What this strategy does not allow is to negate the possibilities of using multilateral platforms, such as the United Nations (UN), the Organization of Islamic Cooperation (OIC), and other regional forums, to create awareness about human rights issues, international legal norms violation, and loss of the rights to self-determination of the Kashmiris. It is, nonetheless, important to remain actively engaged in the UN Human Rights Council, to regularly submit evidence-based reports about the situation in Jammu and Kashmir, as well as to advocate appointment of special rapporteurs or independent fact-finding missions. The Pakistani leadership must also use its diplomatic resources with powers to create balanced international dialogue so that Kashmir does not fade away as a conflict issue in the global arena of human rights and conflict resolution policy and programs. Meanwhile, constant lobbying at the OIC level should also be pursued with the focus of Muslim unity, defense of the minority rights, and urging India to follow through with its world policies. This will involve the deployment of the OIC Contact Group on Jammu and Kashmir to make regular communiques, initiate special sessions and align humanitarian advocates. More importantly, the foreign policy discourse of Pakistan needs to be kept on course with the principles of international law, decisions of the United Nations Security Council (UNSC), and methods of resolving conflict without using violence, thus enhancing its international reputation and the esteem occurring to the country.⁵

7.4.2 Strengthening Alliances

Pakistan should employ an equilibrium approach in its alliance formation to create balance in its regional politics and consolidate its ability to get influence on Kashmir. It is important to strengthen strategic ties with China, Turkey, Iran, and Malaysia and maintain a delicate relationship with Gulf Cooperation Council (GCC) countries to maintain a balance between economic factors and promotion of the rights of Kashmiris. China has been the biggest strategic ally to Pakistan in terms of the China-Pakistan Economic Corridor (CPEC) and the shared hostility towards India put forward as unilateral decision on the border case of Ladakh. The diplomatic posture of China with Pakistan on regional security and the Kashmir issue has become visible in the UN deliberations and bilateral platforms. Turkey has also been professing Pakistan stand on Kashmir especially when President Erdoğan is in power. Having a broader geopolitical and ideological position in relation to Pakistan, Ankara has brought the Kashmir question to the international arena, in particular, the UN General Assembly.

In the case of Iran, Pakistan has to juggle complicated bilateral relations with a mutual interest of regional stability and non-militarization of conflicts. The role and attitude of Iran to the issue of Kashmir are more subtle, characterizing the behavior of Iran as a state of strategic self-sufficiency along with concern about Muslim communities. The earlier regime in Malaysia led by former Prime Minister Mahathir Mohamad spoke publicly against the Indian withdrawal of Article 370 in Kashmir. Although the present Malaysian strategy is more restrained, Islamabad can make use of economic and cultural diplomacy to renew the assistance of the Kuala Lumpur on the issue of human rights in Kashmir. At the same time Muslims Pakistan has to explore working with GCC states Saudi Arabia and the United Arab Emirates with their common security issue and Islamic solidarity even though these states are more interested in enhancing their economic relations with India. Low-key diplomacy and multilateral initiatives, such as through the OIC, should be part of keeping the Kashmir issue on their schedules without risks to needed economic engagement.⁶

7.4.3 Human Rights Centered Narrative

A human rights-based discourse is what Pakistan needs to maintain the Kashmir issue in the international agenda. The long-term pressure that should be done should be based on the credible, objective findings of international human rights monitors and UN agencies to highlight the reported violations and therefore strengthen the demand of accountability.

Since August 2019, Amnesty International 2022, and Human Rights Watch 2023, have reported the curtailment of civil liberties, arbitrary arrests, communications blockages as well as the excessive force used in Indian-administered Jammu and Kashmir. These accounts have enhanced the global care over the undermining of worldwide rights, the right of expression and political involvement of the Kashmiri people. Moreover, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has released several official statements pointing to the necessity of independent inquiries, the need to provide a free observation environment, and the reinstatement of civil freedoms in the remit.

Through continuous use of such authoritative sources in diplomatic practice, in international forums, and media campaigns, Pakistan will be able to keep the world on their toes to track the happening in Kashmir. This should all be supplemented by the larger diplomatic measures and not as a security-based rhetoric but in terms of universally accepted the concepts of human rights.⁷

7.4.4 Conflict De-Escalation Initiatives

To avoid the further escalation of the conflict and make space to dialogue, Pakistan should engage in active efforts related to the reduction of tensions with India, especially in the Line of Control (LoC). Confidence-Building Measures (CBMs), combined monitoring tools, and strengthened ceasefire agreements are critical in diminishing hostilities and establishing stability in the area. The renewed ceasefire at the LoC between India and Pakistan in February 2021, mediated by non-public channels, has led to a sharp decline in cross-border aggressions and the death of civilians. This is one aspect which demonstrated that the possibility of orderly rapid growth can be achieved when neither party is keen on attacking the other.⁸

Unintended escalation can be avoided in sustainability and increase of such measures such as the hotlines, the exchanges between people and between military. In addition, the existing regional forums, i.e., Shanghai Cooperation Organization (SCO) may be used to foster discussions on border management and cooperation in security fields, since regional stability supports wider multilateral interests⁹.

Even though the long-term effects of mistrust are entrenched and serve to act as a blockade, gradual CBMs offer a realistic basis of bettering ties and decreasing the chances of miscalculation.

7.4.5 Empowering Kashmiri Voices

The peaceful solution to the Jammu and Kashmir conflict must be sustainable and it must entail adequate representation of the Kashmiri people in the peace and negotiations. Pakistan ought to lobby and open avenues that will allow various political leaders of Kashmir, civil society members, women and youth to be involved in regional talks as well as attending international platforms. Enhancing Kashmiris is a means of validating policies that encompass peace with the interest of the parties most concerned to the conflict. Inclusive, locally-driven peace processes form a critical aspect of resolving conflict-related situations, and the United Nations has accentuated it on several occasions even regarding Jammu and Kashmir.¹⁰

Further restrictions to the political activity, media freedom, and the activities of the civil society on Indian-administered Jammu and Kashmir have been introduced over the past years, which has placed the local voices even further at the periphery. In daily life, the oppressed nature of the Kashmiri people can be mitigated by defining space where diaspora rights can be promoted, the exchange of youth between the two nations can be encouraged, and grass roots activities can be allowed so as to create avenues through which Kashmiri voices can

be brought to the international world polices. The legitimacy and viability of any negotiated settlements improves with ensuring the incorporation of Kashmiri stakeholders in it, being an international best practice in conflict resolution.¹¹

7.4.6 Economic Diplomacy

To foster such conditions as positive towards peace, Pakland should apply economic programs, especially the China-Pakistan Economic Corridor (CPEC) and the greater links programs with regions, in order to increase their strategies power and consequently as a result, create conditions that would be supportive towards survival of peace. CPEC is an iconic project of Chinese Belt and Road Initiative (BRI) that is taking its path across Gilgit-Baltistan, whose status lies at the centre stage of Kashmir dispute. Even though this seems to be geopolitically sensitive it is also an avenue whereby economic development can be linked to de-escalation of conflict. By encouraging trade, construction of infrastructure, and energy ties, Pakistan would be developing a situation of dependency of all the players involved in their regions, which would prompt moderation and stability among regional actors. The confidence-building measures and the zero-sum competitions could be removed with the help of interconnectivity projects on the regional level, such as the potential trade routes to cross the borders or energy transport agreements. However, India is also yet to make its mind up on CPEC claiming it is a matter of concern to its own sovereignty. Pakistan will need to enable multilateral economic systems, third Party efforts as well as emphasis on economic returns of peace in the region. Economic diplomacy is put into practice in ensuring stability of some regions that have conflict as we can see in other regions of conflict and to achieve peace full of baby steps that would make the problem gradually get a stop.¹²

7.4.7 International Legal Recourse

Pakistan is still acting to use international legal means to solve the issue with Jammu and Kashmir after India struck articles 370 and 35A. Even though International Court of Justice (ICJ) usually requires the agreement of both parties in the controversial seventh cases, Pakistan has engaged other means of allowing the unresolved Kashmir issue to remain under international legal courts. One of them is the communication with the United Nations Human Rights Council (UNHRC) that has already released several reports that address the circumstances in Kashmir. As an example, the Office of the UN High Commissioner for Human Rights (OHCHR) released reports in 2018 and 2019 on human rights issues, such as arbitrary detention, excessive force, as well as restrictions on freedom in the area. Besides, Pakistan has additional options under which it can refer to the submission of evidence to the UN Special Procedures Mandates especially in the area of minority rights, freedom of articulation as well as counter-terrorism activities in war zones. It has been stressed that despite the fact that the legal obligations of these mechanisms are scarce, they are instrumental in norm development and international awareness.¹³ Moreover, Islamabad has promoted a legal review of demographic alterations in Jammu and Kashmir by the international community as the changes would have violated the international humanitarian

law, in particular, the clauses of the Fourth Geneva Convention advocating against forced population movements in occupied territories. Although international legal options have limitations considering geopolitical considerations, they are also important options to keep the international attention, strengthen human rights obligations, and promote the right of self-determination by the Kashmiri people in legally acceptable spaces that are recognized internationally.

The cancellation of Articles 370 and 35A has codified polarization in South Asia that has intensified India-Pakistan-China tension and non-cooperation within the region. There have been higher militarization in the region, nationalism, as well as entrenched diplomatic stands reducing the room to have constructive talks. The same has not ended as improvements in bilateral strains but have also undermined multilateral forums like SAARC and gutted out trust between major players in the region. Nevertheless, despite these issues, there still exist pathways to the resolution of the conflict, albeit quite slim. Pakistan will have to move towards a pledged and multifarious model that would strike a balance between active diplomacy and practical engagement. These consist of long-term work on the international forums to bring attention to the issue of human rights, creation of strategic alliance with other states with similar views, using the mechanisms of law, and promoting Track II diplomacy and confidence-building mechanisms to alleviate tensions. It is also important to empower Kashmir people, include them in peace talks, and encourage socio-economic projects to redress their grievances. The initiatives of regional connectivity, including CPEC and economic collaboration at large, may be used as means to reward stability and prosperity among the nations. To conclude, the status quo of the troubled region is an obstinate stance and geopolitical competition, and lasting peace in Kashmir depends on the willingness of authentic political process, admiration to human rights, and creation of regional collaboration. This vision is difficult to achieve and would require patience, strategic perseverance, and long-term determination of Pakistan and all stakeholders to focus on diplomacy, de-escalation and consultative dialog instead of confrontation.¹⁴

7.5 Summary of Key Findings

The dissertation has discussed the South Asian local security relations during the post-abrogation of Article 370 and 35(A) by India. Using the Securitization Theory, this paper examined the ways in which India and Pakistan presented Kashmir issue as an existential need, given that there were both profound implications on their military decisions, foreign policies, and stability in the region.

7.5.1 Key Findings

The main results are as follows:

7.5.1.1 Securitization of Kashmir India

When India decided to take away the status of Jammu and Kashmir as a Special territory, it presented the need to be a country, and a country with territorial integrity. The narrative by India explained that the abrogation is not only an internal issue, but a national security issue, which should be addressed through military intervention and changes to the law in order to protect its sovereignty. By painting the picture of Kashmir as a threat to its security by between 20 years of Pakistan-sponsored militancy, India has virtually sanctioned the use of extraordinary measures such as military build up, crackdown of political freedom and curfews in the name of national security. Such framing resonates with the central ideas of the theory of Securitization since the threat was designed so as to justify extraordinary actions.

7.5.1.2 Response and Securitization of Pakistan

To Pakistan, the abrogation was perceived as existential threat to its claim over Kashmir territories. Pakistan considered the revocation to be a unilateral act aimed at altering the status quo in terms of territory which was safeguarded by the international law as well as various resolutions of the United Nations Security Council. The Pakistani reaction was multi-faceted, as it consisted of military preparedness, diplomatic lobbying and the revival of its nuclear deterrence policy. By posing the question of Kashmir as a security crisis, Pakistani made Kashmir securitized, and it rationalized its diplomatic isolation of India and demands the international intervention. This reaction underlines the role of nuclear deterrence as a means of imposing territorial claims and preventing possible escalation to the full military conflict.

7.5.1.3 Chinese Strategic Position

China was more strategic and diplomatic in its reaction in that it demonstrated its territorial claims in the Aksai Chin and the greater interests in the stability in the region. Although China was worried about a possible destabilizing influence of the abrogation on South Asia, it was cautious and more concerned about its own economic and strategic interests. The Chinese has supported Pakistani stand on Kashmir and its stand has also drawn attention to peaceful dialogue between India and Pakistan. The economic investments of China in CPEC and its expansion into the region highlight the interest that China shows in ensuring that the security in the region is stable, which in its turn will enable it to gain its own strategic stake in South Asia. The intervention of China sheds more light on the geostrategic relevance of the region Kashmir, to India and Pakistan, as well as to universal power structures in the area. Nuclear Deterrence and Regional Stability: The most significant dribble is that the abrogation has reshaped the nuclear deterrence environment in South Asia. Nuclear stalemate between Pakistan and India has been one of the pillars of their strategic stability. But the abrogation has put Kashmir in the midst of the security dilemma and as far as the two countries are concerned, this has been an existential threat to each other. The further involvement of the Indian forces in the Kashmir region and its representation of the situation as a national security interest lower the odds of the diplomatic solutions. To

Pakistan, this has increased the antecedent especially threatening its territorial rights over Kashmir, and threatening its nuclear deterrence strength. In this way, the security of the region has become more vulnerable, and the risks of nuclear escalation are a more significant concern of the international community.

7.5.2 Theoretical Implications

This dissertation has made a great contribution in application of the securitization Theory in South Asian studies of security especially in nuclear deterrence. Through the analysis of the development of the Kashmir dispute as a securitized problem, this research has given an understanding of the role of narratives of security in the development of military policies and foreign policy.

Securitization Theory application has demonstrated the key attributes of discourse in construction of security weavers, both India and Pakistan are redefining Kashmir to be a struggle of existence. Securitizing Kashmir has been the reason supporting military interventions, they possess territorial claims, and they apply nuclear threats in the overall strategies. The theoretical approach also contributed to examining the place of international law and international norms, as the actions of India were put in a much bigger context of sovereignty whilst the reaction of Pakistan was put within the context of international norms legitimacy and human rights advocacy.

The results also indicate that nuclear deterrence is fragile in South Asia whereby miscalculations and over-escalation can cause nuclear war despite the deterrent effect. This realization gives the nuclear deterrence theory a significant angle, where the significance of security narratives is relevant when developing the postulates of deterrence in conflict zones.

7.5.3 Policy Recommendations

Resting on the results of the present research, a number of policy suggestions are being offered as the solution to the strategic risks of the abrogation of Article 370 and 35(A) and as the encouragement to promote the regional security:

7.5.3.1 Recommendations for India

- Enter into a positive dialogue with Pakistan to deal with the Kashmir issue peacefully. Creating an autonomous system in Jammu and Kashmir would be a confidence measure and alleviate the humanitarian issues in the area.
- Enhance nuclear risk reduction practices by establishing confidence-building efforts, and transparency of the military to ensure that its nuclear war does not lead to an open nuclear war.

- Also, respect the political and cultural autonomy of Kashmiris but guarantee their most basic rights thus lowering the level of tensions and enhancing Indian diplomatic positions.

7.5.3.2 Recommendations for Pakistan

- Continue pressure on India on the global front by utilizing the United Nations, OIC and other regional entities in addition to emphasizing the necessity of dialogue and reinstatement of Kashmir to its special status.
- Enhance its nuclear deterrent stance as a method of ensuring their own security, and of deterring any future unilateralism by India regarding Kashmir.
- Improve diplomatic relations with China especially in CPEC, making sure that economic and strategic cooperation does not contribute to the tensions but goes to further stability instead, in the regions.

7.5.3.3 Recommendations for China

- Keep supporting Pakistan on the issue of Kashmir but become more diplomatic in order to promote dialogue between India and Pakistan especially in line with the greater geostrategic interests in South Asia.
- Propagate regional stability by making economic investments and security collaboration with India and Pakistan with emphasis made on peaceful resolution of conflicts.

7.5.4 International Community Recommendations

- Support the need to encourage India and Pakistan to revive their talks and explore third party intervention to Kashmir to avert the escalation and the need to work at a regional level.
- Fund nuclear risk reduction efforts, such as setting up confidence building mechanisms and communication lines between India and Pakistan so as to avoid any unintentional escalation which would lead to nuclear war.

7.6 Future Research Directions

Although the strategic implications of the abrogation of Article 370 and 35(A) discussed in this dissertation are immediately strategic, several aspects remain unexplored and could be subject to study further:

- Long-term effect to the autonomy of Kashmir: The socio-political ensuing effects that the revocation could have on Kashmir and its population can be analyzed in the future, determining the role of the revocation in terms of human rights, regional performance and ethno-political relations.

- The impact of the emergent forces such as Russia and Middle Eastern state in the South Asian security environment and their involvement in the Kashmir issue.
- Further exploration of nuclear deterrence principles in India and Pakistan concerning new trends in the regional security.

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Instrument of Accession

INSTRUMENT OF ACCESSION OF... JAMMU AND KASHMIR STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I *Shriman Jagan Lal Bahadur Shastri* *Pradhan Mantri* *Shri Hari Singh*
Ruler of..... JAMMU AND KASHMIR STATE..... *Jammu Kashmir*
in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of JAMMU AND KASHMIR (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

2

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....2.6.47.....day of August,
Nineteen hundred and forty seven. OCTOBER



Harinder Singh
Ruler of the State of Jammu and Kashmir
His

I do hereby accept this Instrument of Accession.

Dated this 2.6.47 day of August, Nineteen hundred and forty seven.



Maun Bhatia of Burma
(Governor-General of India)



Constitution One Hundred and Fourth Amendment Act 2019

1. An Act Further To Amend The Constitution Of India (Article 334). Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-
 - a. This Act may be called the Constitution (One Hundred and Fourth Amendment) Act, 2019.
 - b. It shall come into force on the 25th day of Jan, 2020.
2. In article 334 of the Constitution:-
 - a. For the marginal heading, the following marginal heading shall be substituted, namely:- **“Reservation of seats and special representation to cease after certain period”**
 - b. In the long line, after clauses (a) and (b), for the words "seventy years", the words "eighty years in respect of clause (a) and seventy years in respect of clause (b)" shall be substituted.

APPENDIX C

States and Union Territories

There are 8 UTs and 28 Indian States as follows.

States and Their Capitals		
States Name	Capital	Founded Date
Andhra Pradesh	Amaravati	1 Nov 1956
Arunachal Pradesh	Itanagar	20 Feb 1987
Assam	Dispur	26 Jan 1950
Bihar	Patna	26 Jan 1950
Chhattisgarh	Raipur	1 Nov 2000
Goa	Panaji	30 May 1987
Gujarat	Gandhinagar	1 May 1960
Haryana	Chandigarh	1 Nov 1966
Himachal Pradesh	Shimla	25 Jan 1971
Jharkhand	Ranchi	15 Nov 2000
Karnataka	Bengaluru	1 Nov 1956
Kerala	Thiruvananthapuram	1 Nov 1956
Madhya Pradesh	Bhopal	1 Nov 1956
Maharashtra	Mumbai	1 May 1960
Manipur	Imphal	21 Jan 1972
Meghalaya	Shillong	21 Jan 1972

States and Their Capitals		
States Name	Capital	Founded Date
Mizoram	Aizawl	20 Feb 1987
Nagaland	Kohima	1 Dec 1963
Odisha	Bhubaneswar	26 Jan 1950
Punjab	Chandigarh	1 Nov 1956
Rajasthan	Jaipur	1 Nov 1956
Sikkim	Gangtok	16 May 1975
Tamil Nadu	Chennai	26 Jan 1950
Telangana	Hyderabad	2 June 2014
Tripura	Agartala	21 Jan 1972
Uttar Pradesh	Lucknow	26 Jan 1950
Uttarakhand	Dehradun (Winter) Gairsain (Summer)	9 Nov 2000
West Bengal	Kolkata	1 Nov 1956

UT's Names	Capital	Founded on
Andaman and Nicobar Islands	Port Blair	1 Nov, 1956
Chandigarh	Chandigarh	1 Nov, 1966
Dadra & Nagar Haveli and Daman & Diu	Daman	26 Jan, 2020
Delhi	New Delhi	9 May, 1905
J&K	Srinagar (Summer) Jammu (Winter)	31 Oct 2019

UT's Names	Capital	Founded on
Lakshadweep	Kavaratti	1 Nov, 1956
Puducherry	Pondicherry	1 Nov, 1954
Ladakh	Leh	31 Oct 2019

Hereditary State Subject Notification of 20 April 1927

1. The term State Subject means and incl -
 - a. Class I. All persons born and residing within the State before the commencement of the reign of His Highness the late Maharaja Ghulab Singh Sahib Bahadur and also persons who settled the rein before the commencement of samvat year 1942 and have since been perm residing therein.
 - b. Class II. All persons other than those belonging to Class I who settled within the State before the close of samvat year 1968, and have since perm resided and acquired immovable property therein.
 - c. Class III. All persons, other than those belonging to Classes I and II perm residing within the State, who have acquired under a rayatnama any immovable property therein or WIZO may hereafter acquire such property under an ijazatnama and may exec a rayatnama after ten years continuous residence therein.
 - d. Class IV. Companies which have been regd as such within the State and which, being companies in which the Govt are fin interested or as to the eco benefit to the State or to the fin stability of which the Govt are satisfied, have by a special order of His Highness been declared to be State subj.
 - e. Note I. In matters of grants of the State scholarships State lands for agricultural and house building purposes and recruitment to State service, State subjects of Class 1 should receive preference over other cls and those of Class II, over Class III, subject, however, to the order dated 31 Jan, 1927 of his Highness the Maharaja Bahadur regarding employment of hereditary State Subjects in Government service.
 - f. Note II. The descendants of the persons who have secured the status of any cl of the State Subjects will be entitled to become the State Subject

of the same cl. For example, if A is declared a State Subject of Class II his sons and grandsons will ipso facto acquire the status of the same Class (II) and not of Class I.

- g. Note III. The wife or a widow of a State Subject of any cl shall acquire the status of her husband as State Subject of the same cl as her husband, so long as she resides in the State and does not leave the State for perm residence out-side the State.
- h. Note IV. For the purpose of the interpretation of the term 'State Subject' either with ref to any law for the time being in force or otherwise, the definition given in this Notification as mended up to date shall be read as if such amended definition existed in this Notification as originally issued.

Article 370

Temporary Provisions with Respect to the State of Jammu and Kashmir

1. Notwithstanding anything in this Constitution,
 - a. The provn of article 238 shall not apply in relation to the State of J&K
 - b. The power of Parliament to make laws for the said State shall be ltd to
 - (1) Those matters in the Union List and the Concurrent List which, in consultation with the Govt of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State.
 - (2) Such other matters in the said Lists as, with the concurrence of the Govt of the State, the President may by order specify.
 - (a) Explanation.- For the purposes of this article, the Govt of the State means the person for the time being recognized by the President 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 dated the fifth day of March, 1948.
 - c. The provn of article 1 and of this article shall apply in relation to that State;
 - d. Such of the other provn of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order

- (a) Specify: Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Govt of the State: Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Govt.
- 2. If the concurrence of the Govt of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.
- 3. Notwithstanding anything in the foregoing provn of this article, the President may, by public notification, 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
- (a) Specify: Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

Delhi Agreement 1952

1. The representatives of Kashmir Govt conferred with the representatives of Indian Govt and arrived at an agreement in order to endorse the main decisions of the Constituent Assembly of the State of J&K. This arrangement was later on known as the "Delhi Agreement, 1952". The main features of this agreement were:
 - a. In view of the uniform and consistent stand taken up by the J&K Constituent Assembly that sovereignty in all matters other than those specified in the **Instrument of Accession** continues to reside in the State, the Govt of India agreed that, while the residuary powers of legislature vested in the Centre in respect of all states other than J&K, in the case of the latter they vested in the State itself.
 - b. It was agreed between the two Govt that in accordance with Article 5 of the Indian Constitution, persons who have their domicile in J&K shall be regarded as citizens of India, but the State legislature was given power to make laws for conferring special rights and privileges on the 'state subjects' in view of the 'State Subject Notifications of 1927 and 1932, the State legislature was also empowered to make laws for the 'State Subjects' who had gone to Pak on account of the communal disturbances of 1947, in the event of their return to Kashmir.
 - c. As the President of India commands the same respect in the State as he does in other Units of India, Articles 52 to 62 of the Constitution relating to him should be applicable to the State. It was further agreed that the power to grant reprieves, pardons and remission of sentences etc would also vest in the President of India.
 - d. The Union Govt agreed that the State should have its own flag in addition to the Union flag, but it was agreed by the State Govt that the State flag would not be a rival of the Union flag. It was also recognized that the Union flag should have the same status and position in J&K as in the rest of India but for hist reasons connected

with the freedom struggle in the State, the need for continuance of the State flag was recognized.

e. There was complete agreement with regard to the position of the Sadar-i-Riyasat, though the Sadar-i-Riyasat was to be elected by the State Legislature, he had to be recognized by the President of India before his installation as such, in other Indian States the Head of the State was appointed by the President and was as such his nominee but the person to be appointed as the Head, had to be a person acceptable to the Govt. of that State, no person who is not acceptable to the State Govt can be thrust on the State as the Head. The difference in the case of Kashmir lies only in the fact that Sadar-i-Riyasat will in the first place be elected by the State legislature itself instead of being a nominee of the Govt and the President of India. With regard to the powers and functions of the Sadar-i-Riyasat the following argument was mutually agreed upon:

- (1) The Head of the State shall be a person recognized by the President of the Union on the recommendations of the Legislature of the State.
- (2) He shall hold office during the pleasure of the President.
- (3) He may, by writing under his hand addressed to the President, resign his office.
- (4) Subject to the foregoing provn, the Head of the State shall hold office for a term of five years from the date he enters upon his office.
- (5) Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office"

f. With regard to the jurisdiction of the Supreme Court of India, it was accepted that for the time being, owing to the existence of the Board of Judicial Advisers in the State, which was the highest judicial authority in the State, the Supreme Court should have only appellate jurisdiction;

g. There was a great deal of discussion with regard to the "Emergency Powers"; the Govt. of India insisted on the application of Article 352, empowering the President to proclaim a general emergency in the State; the State Govt. argued that in the exercise of its powers over def

(Item 1 on the Union List), in the event of war or external aggression, the Govt. of India would have full authority to take steps and proclaim emergency but the State delegation was, however, averse to the President exercising the power to proclaim a general emergency on account of internal disturbance.

- h. In order to meet the viewpoint of the State's delegation, the Govt. of India agreed to the modification of Article 352 in its application to Kashmir by the addition of the following words: "**but in regard to internal disturbance at the request or with the concurrence of the Govt of the State.**" at the end of clause (1). Both the parties agreed that the application of Article 356, dealing with suspension of the State Constitution and 360, dealing with financial emergency, was not necessary.

The Constitution Application to Jammu and Kashmir Order 1954

1. In ex of the powers conferred by clause (1) of article 370 of the Constitution, the President, with the concurrence of the Govt. of the State of J&K, is pleased to make the following Order:-
 - a. This Order may be called the Constitution (Appl to J&K) Order, 1954.
 - b. It shall come into force on the fourteenth day of May, 1954, and shall there-upon supersede the Constitution (Appl to J&K) Order, 1950.
2. The provn of the Constitution which, in addn to Article 1 and Article 370, shall apply in relation to the State of J&K and the exceptions and modifications subj to which they shall so apply.

PART II

- a. This Part shall be deemed to have been applicable in relation to the, State of J&K as from the 26th day of Jan.
 - b. To Article 7, there shall be added the following further proviso, namely:-
 - (1) "Provided further that nothing in this article shall apply to a perm resident of the State of J&K who, after having so migrated to the territory now included in Pakistan returns to the territory of that State under a permit for resettlement in that State or perm return issued by
- Or
- (2) Under the auth of any law made by the Legislature of that State, and every such person shall be deemed to be a citizen of India."

PART III

a. In article 35:-

(1) Refs to the commencement of the Constitution shall be construed as refs to the commencement of this Order;

(a) In clause (a) (i), the words, figures and brackets "clause (3) of article 16, clause (3) of article 32" shall be omitted; and

(b) After clause (b), the following clause shall be added, namely:-

"No law with respect to preventive detention made by the Legislature of the State of J&K, whether before or after the commencement of the Constitution (App to J&K) Order, 1954, shall be void on the ground that it is inconsistent with any of the provn of this Part, but any such law shall, to the extent of such inconsistency, cease to have effect on the expiration of five yrs from the commencement of the said Order, except as respects things done or omitted to be done before the expiration thereof".

b. After article 35, the following new article shall be added, namely:-

"35A. saving of laws with respect to perm residents and their rights. Notwithstanding anything contained in this Constitution, no existing law in force in the State of J&K, and no law hereafter enacted by the Legislature of the State"

(1) Defining the classes of persons who are, or shall be, perm residents of the State of J&K.

(2) Conferring on such perm residents any special rights and privileges or imposing upon other persons any restrictions as respects:-

(a) Employment under the State Govt.;

(b) Acquisition of immovable property in the State;

(c) Settlement in the State;

(d) Right to scholarships and such other forms of aid as the State govt. may provide, shall be void on the gr that it is inconsistent with or away or abridges any rights conferred on the other citizens of India by any provision of this Part.

The Constitution Application to Jammu and Kashmir Order 2019

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

NOTIFICATION

New Delhi, the 5th August, 2019

G.S.R. 551(E).—the following Order made by the President is published for general information:-

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER, 2019

C.O. 272

In exercise of the powers conferred by clause (1) of article 370 of the Constitution, the President, with the concurrence of the Government of State of Jammu and Kashmir, is pleased to make the following Order:—

1. (1) This Order may be called the Constitution (Application to Jammu and Kashmir) Order, 2019.

(2) It shall come into force at once, and shall thereupon supersede the Constitution (Application to Jammu and Kashmir) Order, 1954 as amended from time to time.

2. All the provisions of the Constitution, as amended from time to time, shall apply in relation to the State of Jammu and Kashmir and the exceptions and modifications subject to which they shall so apply shall be as follows:—

To article 367, there shall be added the following clause, namely:—

“(f) For the purposes of this Constitution as it applies in relation to the State of Jammu and Kashmir—

(a) references to this Constitution or to the provisions thereof shall be construed as references to the Constitution or the provisions thereof as applied in relation to the said State;

(b) references to the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State as the *Sadar-i-Riyasat* of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office, shall be construed as references to the Governor of Jammu and Kashmir;

(c) references to the Government of the said State shall be construed as including references to the Governor of Jammu and Kashmir acting on the advice of his Council of Ministers; and

(d) in proviso to clause (3) of article 370 of this Constitution, the expression “Constituent Assembly of the State referred to in clause (2)” shall read “Legislative Assembly of the State”.”

RAM NATH KOVIND,
President.

The Jammu and Kashmir Reorganisation Act 2019

1. An Act to provide for the reorg of the existing State of J&K and for matters connected therewith or incidental thereto.

Part II Of Reorg Act

- a. On and from the appointed day, there shall be formed a new UT to be known as the UT of Ladakh comprising the following territories of the existing State of J&K, namely: "Kargil and Leh dists", and thereupon the said territories shall cease to form part of the existing State of J&K.
- b. On and from the appointed day, there shall be formed a new UT to be known as the UT of J&K comprising the territories of the existing State of J&K.
- c. On and from the appointed day, the Governor of the existing State of J&K shall be the Lt Governor for the UT of J&K, and UT of Ladakh for such period as may be determined by the President
- d. On and from the appointed day, in the First Schedule to the Constitution, under the heading, "**THE STATES**":
 - (1) Entry 15 shall be deleted.
 - (2) Entries from 16 to 29 shall be renumbered as 15 to 28.
 - (3) Under the heading —"II. UNION TERRITORIES", after entry 7, the following entries shall be inserted, namely:-
 - (a) "J&K: The territories specified in section 4 of the J&K Reorganization Act, 2019". "
 - (b) Ladakh: The territories specified in section 3 of the J&K Reorg Act, 2019".
- e. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Govt of successor UT of J&K to alter, after the

appointed day, the name, area or boundaries of any Dist or other territorial division in that UT.

PART III: Representation In The Legislatures The Council Of States

- a. On and from the appointed day, there shall be allocated five seats to the successor UT of J&K and one seat to UT of Ladakh, in Lok Sabha, and the First Schedule to the Representation of the People Act, 1950 (43 of 1950) shall be deemed to be amended accordingly.
- b. On and from the appointed day, the Delimitation of Parliamentary Constituencies Order, 1976 shall stand amended as directed in the Second Schedule of this Act.
- c. The Election Commission may conduct the elections of Lok Sabha for the UT of J&K and UT of Ladakh as per the allocation of seats specified in the Delimitation of Parliamentary Constituencies Order, 1976 as amended by this Act.
- d. Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor UT of J&K or UT of Ladakh, as the case may be, shall be deemed to have been elected to the Lok Sabha by that constituency as so allotted.

The Lt Governor And The Legislative Assembly Of UT Of J&K

- a. On and from the appointed day, the provisions contained in article 239A, which are applicable to “UT of Puducherry”, shall also apply to the “UT of J&K”.
- (1) There shall be an Administrator appointed under article 239 of the Constitution of India for the UT of J&K and shall be designated as Lieutenant Governor of the said UT.
 - (2) There shall be a Legislative Assembly for the UT of J&K.

- (3) The total number of seats in the Legislative Assembly of the UT of J&K to be filled by persons chosen by direct election shall be 107.
 - (4) Notwithstanding anything contained in sub-section (3), until the area of the UT of J&K under the occupation of Pakistan ceases to be so occupied and the people residing in that area elect their representatives. (a) twenty four seats in the Legislative AssY of UT of J&K shall remain vacant and shall not be taken into account for reckoning the total membership of the Assy; and (b) the said area and seats shall be excluded in delimiting the territorial constituencies as provided under PART V of this Act.
 - (5) On and from the appointed day, the Delimitation of Assy Constituencies Order, 1995, as applicable to UT of J&K, shall stand amended as directed in the Third Schedule of this act.
 - (6) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assy of the UT of J&K.
- b. The Legislative Assy, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Legislative Assy: Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.
5. The Lt Governor shall, from time to time, summon the Legislative
 6. Assy to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. The Lt Governor may, from time to time:-
 - a. Prorogue the House
 - b. Dissolve the Legislative Assy

Legislative Council

- a. Notwithstanding anything to the contrary contained in any law, document, judgment, order, rule, regulation or notification, on and from the appointed day, the Legislative Council of the existing State of J&K shall stand abolished.
- b. On the abolition of the Legislative Council, every member thereof shall cease to be such member.
- c. All Bills pending in the Legislative Council immediately before the appointed day shall lapse on the abolition of the Council.

PART IV Administration of UT of Ladakh

- a. The UT of Ladakh will be administered by the President acting, to such extent as he thinks fit, through a Lt Governor to be appointed by him under article 239.
- b. The President may make regulations for the peace, progress and good Government of UT of Ladakh under article 240 of the Constitution of India.
- c. Any regulation so made may repeal or amend any Act made by Parliament or any other law which is for the time being applicable to the UT of Ladakh and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to the UT of Ladakh.
- d. The Lt Governor shall be assisted by advisors to be appointed by the Central Government

ARTICLE 239 (ADMINISTRATION OF UTs)

1. Save as otherwise provided by Parliament by law, every UT shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.
2. Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining UT, and where a Governor is so appointed, he shall exercise his functions as such administrator independent of his Council of Ministers.

ARTICLE 241 (HIGH COURTS FOR UTs)

3. Parliament may by law constitute a High Court for a UT or declare any court in any such territory to be a High Court for all or any of the purposes of this Constitution.
4. The provisions of Chapter V of Part VI shall apply in relation to every High Court referred to in clause (1) as they apply in relation to a High Court referred to in article 214 subject to such modifications or exceptions as Parliament may by law provide.
5. Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, in relation to any UT shall continue to exercise such jurisdiction in relation to that territory after such commencement.
6. Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any UT or part thereof.

Questionnaire for Study Participants

Introduction:

This questionnaire is designed as part of a PhD study on the geopolitical implications and national security challenges faced by Pakistan following the abrogation of Article 370 and 35A in Indian-administered Jammu and Kashmir. Your responses will provide valuable insights into the perceptions and implications of these constitutional changes on the regional and global strategic environment, particularly in the context of South Asia. The questionnaire explores issues of sovereignty, security, and diplomacy, and aims to assess both domestic and international responses to these developments.

Instructions For the Participants:

We sincerely appreciate your participation in this study, which aims to explore critical aspects of South Asian geopolitics. Please read the instructions carefully before proceeding.

- Kindly answer all questions thoughtfully and to the best of your knowledge.
- For multiple-choice questions, select all options that apply or the single option that best reflects your viewpoint.
- If you select "Other," please provide specific details in the space provided to ensure your response is accurately captured.
- Your participation is entirely voluntary. If any question feels uncomfortable or irrelevant, you may choose to skip it without any penalty.
- All responses will remain strictly confidential and anonymous. The data will be used exclusively for academic research purposes in this PhD study.

- The estimated time to complete the questionnaire is approximately 10-15 minutes.

Thank you for your valuable contribution to this important research on the geopolitical implications of the abrogation of Article 370 and 35A in South Asia. Your insights will play a key role in advancing the understanding of this complex issue.

Section 1: Familiarity and Understanding of Key Provisions

How familiar are you with the geopolitical implications of the abrogation of Article 370 and 35A in Indian-administered Jammu and Kashmir, as discussed in the context of "Kashmir's Dilemma: Geopolitical Implications and National Security Challenges Confronting Pakistan Post-Abrogation"?

- Very Familiar
- Somewhat Familiar
- Not Familiar At All
- Other (Please specify): _____

Key provisions of Article 370 and 35A are fundamental to understanding the Kashmir dispute. How familiar are you with the following key provisions?

- Article 370: Granted special autonomous status to Jammu and Kashmir, allowing the state to have its own constitution, flag, and autonomy over certain matters, excluding defense, foreign affairs, finance, and communications.
- Article 35A: Empowered the Jammu and Kashmir legislature to define "permanent residents" and grant them special rights and privileges.
- Yes, I am Familiar
- No, I am Not Familiar
- Somewhat Familiar
- Other (Please specify): _____

How would you describe the role of Article 370 and 35A in Kashmiri autonomy and identity?

- These provisions were central to Kashmiri identity, symbolizing the region's unique political arrangement within the Indian Union.
- Article 370 provided a legal basis for Jammu and Kashmir's distinct status and allowed for a degree of self-governance.
- Yes, I am Familiar
- No, I am Not Familiar
- Somewhat Familiar
- Other (Please specify): _____

Section 2: Motivations and Implications of Abrogation

In your opinion, what were the primary motivations for the abrogation of Article 370 and 35A? Please select all that apply:

- Integration of Jammu and Kashmir more closely with the Indian Union.
- Fostering economic development and prosperity in the region.
- Fulfillment of BJP's ideological agenda of Hindutva.
- Asserting India's sovereignty over the disputed region.
- Other (Please specify): _____

What is your assessment of India's shift in approach towards Jammu and Kashmir post-abrogation?

- Represents a departure from the policy of special status and autonomy.
- Emphasizes a more centralized governance model.
- Signals a resolve to address security challenges and separatist movements.
- Aims to promote socio-economic development and investment in the region.
- Other (Please specify): _____

Section 3: National Security and Regional Implications

In your view, what is the impact of the abrogation on Pakistan's national security paradigm?

- Heightened concerns over territorial integrity and sovereignty.
- Increased tensions and potential for conflict escalation with India.
- Strategic reevaluation of defense posture and regional alliances.
- Emphasis on diplomatic efforts to counter Indian actions.
- Other (Please specify): _____

How has the move heightened tensions between India and Pakistan, in your opinion?

- Military mobilization along the Line of Control (LoC).
- Accusations of cross-border terrorism and infiltration.
- Escalation in diplomatic rhetoric and exchanges.
- Deployment of international pressure to address Kashmir issue.
- All of the Above
- Other (Please specify): _____

Section 4: Diplomatic and International Response

Which diplomatic strategies should Pakistan pursue in response to the abrogation of Article 370 and 35A, based on your assessments?

- Advocacy for international intervention and mediation.
- Engagement with key global powers to highlight human rights violations.
- Efforts to bring the Kashmir issue to international forums like the United Nations.
- Strengthening alliances with regional partners to amplify concerns over Indian actions.
- All of the Above
- Other (Please specify): _____

How would you describe the broader international reaction to India's actions in Jammu and Kashmir?

- Mixed responses from major global powers, with some supporting India's sovereignty claims and others expressing concerns over human rights.
- Calls for restraint and dialogue to resolve the conflict peacefully.
- Ongoing scrutiny by international human rights organizations and advocacy groups.
- Limited direct intervention due to the perceived bilateral nature of the dispute.

Section 5: Geopolitical Repercussions and Regional Security

How do you think the abrogation of Article 370 and 35A reshapes South Asian geopolitics from Pakistan's perspective?

- Intensifies rivalry and competition between India and Pakistan.
- Alters regional power dynamics and security calculations.
- Raises questions about the stability and future of the South Asian region.
- Highlights the enduring significance of Kashmir as a flashpoint for conflict.
- All of the Above
- Other (Please specify): _____

What do you perceive as the impact of the Kashmir issue on Pakistan's foreign policy priorities?

- Shifting focus towards regional security and stability.
- Strengthening ties with traditional allies and strategic partners.
- Balancing diplomatic relations between India, China, and the United States.
- Advocating for multilateral approaches to address regional security challenges.
- All of the Above
- Other (Please specify): _____

Publications from the Dissertation

Bukhari, S. R. H., Khan, A. U., Noreen, S., Khan, T. U., Khan, N., & Haq, I. U. (2024). Ukraine and Russia: A historical analysis of geopolitical dynamics, national identity, and conflict escalation leading to the present-day crisis. *Kurdish Studies*, 12(2), 5803–5824, <https://kurdishstudies.net/menuscrypt/index.php/KS/article/view/2760> (**W Category- 2024) - Reference no 170 of this Article.**

Bukhari, S. R. H., Iqbal, N., Mumtaz, A., Khan, A. U., & Haq, I. U. (2024). Redefining boundaries: A critical examination of Article 370 and 35(A) and their impact on South Asia's strategic landscape. *Remittances Review*, 9(3), 1158–1172. <https://remittancesreview.com/menu-script/index.php/remittances/article/view/2306>, (**X- Category) - Reference no 40, 51, 146 of this Article**

Bukhari, S. R. H. (2024). Navigating the digital divide: The strategic implications of social media in future conflicts between India and Pakistan. *Spry Contemporary Educational Practices*, 3(1), 521–541. <https://doi.org/10.62681/sprypublishers.scep/3/1/28> (**Y Category) - Reference no 2 of this Article**

Bukhari, S. R. H., Khan, A. U., & Haq, I. U. (2024). Babari Masjid chronicles: Modi's ideology not embracing Ayodhya spirit and India's future. *Spry Contemporary Educational Practices*, 3(1), 67–82. <https://doi.org/10.62681/sprypublishers.scep/3/1/4> (**Y Category) - Reference no 85 of this Article**

About the Author



Dr. Syed Rizwan Haider Bukhari is a distinguished scholar and researcher in the field of social sciences, with specialization in Political Science and Strategic Studies. He holds a PhD in Political Science with specialization in Strategic Studies and has made significant academic contributions through his research on strategic analysis, international relations, South Asian security, constitutional politics, regional conflict, policy research, and emerging geopolitical issues.

Dr. Bukhari is the author of more than 120 research papers and 5 books, reflecting his strong commitment to academic inquiry and scholarly excellence. His work demonstrates a deep understanding of regional and global affairs, particularly issues related to the Muslim world, South Asian strategic environment, Kashmir studies, national integration, security policy, and the changing dynamics of the global order. Through his intellectual contributions, he continues to represent an important academic voice in contemporary political and strategic discourse.

His research has received more than 300 citations and over 1.8 million global reads, showing the wide relevance, accessibility, and scholarly impact of his work. He also serves as a reviewer for **50 Plus** Papers of 20 international journals, where he actively contributes to academic quality, peer review, and the advancement of research standards in the international scholarly community.

Dr. Bukhari maintains an active academic presence on major research and professional platforms, including ORCID, Google Scholar, LinkedIn, Academia.edu, Web of Science, Scopus, and ResearchGate. He has a Research Interest Score of 1930 plus on ResearchGate and more than 16,000 followers across academic and professional platforms. His academic profile reflects dedication to innovation, research leadership, interdisciplinary scholarship, and meaningful contributions to global discourse in the social sciences.

