INTERNATIONAL DEVELOPMENT PLANNING REVIEW
ISSN:1474-6743 | E-ISSN:1478-3401

ABROGATION OF ARTICLE 370: A STUDY OF JAMMU AND KASHMIR WITH REFERENCE TO INDIA-PAKISTAN RELATIONS

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Abstract

The controversial Article 370 had given the Jammu and Kashmir (J&K) state vast autonomy, causing many problems, including a threat to the country's unity. As a result, the Indian government split the state into two successors, "Union Territories," with additional limited aboriginal administrative powers under the Central Government. Article 370 was a "temporary provision" that needed to be repealed, modified, or repealed; hence, this research attempts to analyse the Indian government's recent decision on the erstwhile state of J&K. On 5 August 2019, the Central Government agreed to remove the former State of Jammu and Kashmir's special status, and the State of J&K lost its special status. The abrogation of Articles 370 and 35A of the Indian Constitution is the subject of this research study. The people of J&K have a unique status under Articles 370 and 35A. This study examines the historical history of Articles 370 and 35-A, which define the 1947 Instrument of Accession and Jammu & Kashmir's integration. The main goal of this paper is to explore India-Pakistan ties after the repeal of Articles 370 and 35A and Pakistan's strategy. It delves into the legal nature and character of Article 370 of the Indian Constitution and the fundamental nature and meaning of Jammu and Kashmir's autonomy inside India. This paper also analyses the internationalisation of Article 370 and India's management strategy and, in the end, discusses the future of J&K in Indo-Pak relations after the abrogation of Article 370.

Keywords: Jammu and Kashmir, Article 370, Article 35-A, Abrogation of Article 370, India-Pakistan, Constituent Assembly, United Nations, China, Terrorism.

Introduction

On 5 August 2019, the Union Home Minister introduced two legislative resolutions. The first was to urge the President to make an executive order making Article 370 ineffective, and the second was to approve the J&K Reorganisation Bill. With the approval of the previous resolution, the President was allowed to declare Article 370 dormant. The Bill, which has already become law, has made J&K a Union Territory with a legislature and the Ladakh area a Union Territory without a legislature.

On 5 August 2019, President of India Ram Nath Kovind signed a presidential order under Article 370 (1) of the Constitution, allowing him to define the issues that pertain to J&K. The notification contained the phrases "with the concurrence of the Government of the State of J&K" since it could

only be issued with the approval of the J&K government.[1] This indicated that the Governor of Kashmir, who was in charge of the state after the state government was deposed in 2018, had granted his approval on behalf of the state government. The President's Order likewise replaced the Presidential Order of 1954. This effectively nullified all of the clauses that served as the foundation for a distinct "Constitution" for J&K. The Order said that J&K would henceforth be subject to all of India's constitutional requirements.[2]

However, to repeal Article 370, some particular actions were required. "Interpretations" were inserted into Article 367 of the Constitution in a few different provisions. Some constitutional provisions are read or interpreted using Article 367 as a reference. All references to the "Sadar-i-Riyasat", formerly acting on the help and advice of the Council of Ministers, will now be understood as references to the Governor of J&K, and all references to the State government shall mean "the Governor," according to the revised provisions. Article 370 (3)'s connection to the "Constituent Assembly" has been changed to "Legislative Assembly of the State. "The clause in Article 370 (3) indicates that the President can only declare Article 370 no longer if the Constituent Assembly recommends it. However, because there was no Constituent Assembly as of 5 August 2019, there was no one to "recommend" the repeal of Article 370, which is why the State Assembly had to step in because the administration had taken advantage of the fact that J&K is under President's Rule.[3]

Historical Evolution of Article 370

India may be a very ancient civilisation, but modern-day India and Pakistan are political creations of the British, created through a political agreement called the Partition Plan of 3 June 1947, which was announced by the British for partitioning the subcontinent. The political agreement above was crystallised in law, and the British Parliament amended the Government of India Act of 1935 and later enacted the Indian Independence Act of 1947. On 15 August 1947, Jammu and Kashmir (J&K) was a sovereign princely state under Hari Singh and was not part of India or Pakistan. Then, in 1947, a strategy was employed by the British and Pakistan called the tribal invasion to get J&K to accede to Pakistan, which eventually boomeranged because the ruler, Hari Singh, acceded to India on 26 October 1947.[4]

With the accession of Kashmir, the entire State of Kashmir became an integral part of India. The Accession Instrument was a model template that India gave to all the princely states to accede to

[1] Malik, A. (2020, April 15). *Kashmir Fallout: The Three Strands of India's Diplomatic Challenge.* Observer Research Foundation.

https://www.orfonline.org/research/kashmir-fallout-the-three-strands-of-indias-diplomatic-challenge-54558/.

[2] Mahajan, K. (2020). *The abrogation of Article 370 and bifurcation of Jammu and Kashmir- A Bridge Too Far.* National Academy of Legal Studies and Research.

https://ijcl.nalsar.ac.in/wp-content/uploads/2020/08/9IndianJConstL106_Mahajan.pdf.

[3] Haider, Suhasini. (2019, November 2). *The Perils of Post-370 Diplomacy.* The Hindu.

https://www.thehindu.com/opinion/lead/the-perils-of-post-370-diplomacy/article29857257.ece.

[4] Schofield, Victoria. (2010) *Kashmir in Conflict: India, Pakistan and the unending war*. I.B. Tauris.

the Union of India. It enabled India to exercise control over the princely states' external affairs, communications, defence, and ancillary matters. The princely states eventually executed supplementary instruments to the Instrument of Accession to cede further powers to the Union of India, which ultimately enabled them to adopt the future Constitution of India.[5] The princely states executed merger instruments and merged their territories with the Union of India, but the Princely State of J&K refused to do so. The Princely State of J&K sent four representatives to the Constituent Assembly of India. They stated that the Princely State of Jammu wants to limit the accession of the state to the terms Kashmir of the acquisition. This means that the four representatives said that Kashmir would be giving only external affairs, communications, and defence to the Union of India. The four also stated that if India wishes to talk about matters other than the ones mentioned above in the Instrument of Accession, then they need the consent of the State of Kashmir. This position of the four representatives was reflected in Article 370, which the Indian Constituent Assembly drafted. The provision of article 370 stated that the President of India could apply powers of the Indian Constitution to the state regarding matters mentioned in the Instrument of Accession after consulting the State of Kashmir and on issues outside the Instrument Accession, only with the consent of the state. Article 370 stated that the state Constituent Assembly would frame the Constitution of J&K.[6]

The state Constituent Assembly would further define the constitutional relationship of Kashmir with India. But, as the state Constituent Assembly was yet to be set up and the constitutional relationship was yet to be decided, Bhimrao Ambedkar agreed to keep Article 370 under the Part XXI of the Indian Constitution as "Temporary Transitional and Special Provisions". In 1951, the State Constituent Assembly of J&K was set up as an elected body. The chairperson of the State Constituent Assembly defined the constitutional relationship of Kashmir as being an autonomous republic within the Union of India. After Article 370, a need was felt for a new agreement, the Delhi Agreement of 1952. There was a need for this agreement because there had to be a transition from monarchy (of Hari Singh) to a form of government, which the state Constituent Assembly would decide.[7]

In 1952, Jawaharlal Nehru, the country's Prime Minister, and Sheikh Abdullah, the Premier of J&K, signed the Delhi Agreement, which envisioned the creation of a group of people known as "Permanent Residents" who would be entitled to "special rights and privileges" in matters such as employment in the State government and the acquisition of immovable property. The State Constituent Assembly ratified the Delhi Agreement in 1952, and then the Indian Parliament approved it in the same year.

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[5] EPW Engage. (2019, August). *Article 370: A Short History of Kashmir's Accession to India*. Economic and Political Weekly.

https://www.epw.in/engage/article/article-370-short-history-kashmirs-accession-india.

[6] Noorani, A.G. (2011). *Article 370: A Constitutional History of Jammu and Kashmir.* Oxford University Press.

[7] Assad, Bashir. (2020). *Kashmir Beyond Article 370.* Pentagon Press.

Article 35-A was an outgrowth of the Delhi Agreement, and it was enshrined in the constitution by a Presidential Order titled The Constitution (Application to J&K)Order, 1954, issued in May 1954. The clause was established to protect the rights of "sons of the soil." Article 35-A was not included in the Indian Constitution's text. Still, it only considered the J&K Constitution. While the 1954 Presidential Order served as the state's foundation legal document, Article 35A preserved the state's exclusive rules, such as prohibiting foreigners from purchasing property and preventing women from marrying non-Kashmiris from losing their property rights. On 17 November 1956, the Constituent Assembly of Kashmir enacted a Constitution for Kashmir. Kashmir was proclaimed to be an integral part of India in the constitution.[8]

Factors leading to the abrogation of Article 370

Failure of the Gupkar Model: Since 1952, Kashmir has become a victim of the Gupkar model. In Srinagar, there is a street named Gupkar road. It houses the valley's political, business and security elite and the haunted guesthouses that had become the interrogation centres. Gupkar road was the Union Government's approach to Kashmir. In Gupkar road, what had unleashed in the last seventy years was a network of patronage and power that friends and adversaries of the valley had gamed. The Gupkar model had incentivised bad politics and rent-seeking bureaucracy. Shorn of its ideological fervour, the Union government needed to bring a new plan of directly reaching out to the people of Kashmir without the mediation of separatists and mainstream politicians of the valley who had been demanding more autonomy as the only solution. This is what the Modi government wanted to achieve.[9]

Islamic Caliphate in Kashmir: Since 2016, when the Hizbul commander Burhan Wani was shot down, a new security threat was in the valley. Extremist groups widely used the Internet space to carry out large-scale radicalisation. Surprisingly, this radicalisation was not for Azadi or a merger with Pakistan but called for a Caliphate in Kashmir. The Kashmiri youth were indoctrinated with the Islamic State videos, which tried to convince the child that Azadi was overwhelmed by Jihadi. The political space in the valley was drying up because the mainstream parties still held on to the idea that engagement with the separatists was the only solution, despite the separatist model of engagement having outlived its utility. Thus, there was a space to break from the past and bring a new wave of engagement, which the abrogation of Article 370 strived to seek.[10]

Geopolitical influence of Taliban: The move to abrogate Article 370 was also based on immediate geopolitics in the region. The Americans have concluded a deal with the Taliban. Even though India has a deep relationship with the Taliban and knows that the Taliban will never target or attack India or Kashmir; India had a fear that the Taliban may not be in a position to prevent the

[8] Anand, A.S. (2016). *The constitution of Jammu and Kashmir: Its Development and Comments.* Universal Law Publishing.

[9] Malik, I. A. (2021, September 8). *Here is why Kashmir's Gupkar alliance has failed.* Deccan Herald. https://www.deccanherald.com/opinion/here-is-why-kashmirs-gupkar-alliance-has-failed-1028293.html.

[10] Johny, Stanly. (2018). *The ISIS Caliphate: From Syria to the doorsteps of India*. Bloomsbury India.

ISI of Pakistan to use Afghanistan under the Taliban to train jihadi elements for the valley, thereby necessitating the abrogation and ramp up security. Rising unilateralism in global politics, decline in multilateral arrangements, and immediate geopolitics drove Indian moves.[11]

Donald Trump's mediation factor: American President Donald Trump is non-professional in managing global affairs. Made statements that India wanted the US to mediate between Indo-Pak on Kashmir. The irony is that the Indian PM mentioned to Trump that he could help reduce tensions in the subcontinent, which Trump perceived as Indian PM, asserting the need to act as a mediator between Indo-Pak on Kashmir! The fact is that when Trump starts speaking, it's a freewheeling fact-free stream of consciousness performance where each of his sentences leads to something more fantastical until it all ends in a mind-numbing spaghetti soup.[12]

Discrimination angle: There was a widespread allegation that articles 370 and 35-A were discriminatory to women of the valley. This was so because if Kashmiri women married outside the state, they would be deprived of permanent residency rights and lose property and employment rights. In 2002, the J&K High Court gave a judgment that upheld the rights of the Kashmiri women but deprived their rights to their children. This would not be the case anymore post abrogation. Article-35- A also prevented outsiders from purchasing land property, setting up manufacturing industries, or taking government jobs. These led to shortages of qualified doctors in professional educational institutions and arrested the state's industrial growth.[13] The Dalits in the State were denied reservation and permanent residency certificates. To keep the Scheduled Castes away from political power, the state had decided not to increase political seats in the legislature till 2031. The fundamental rights of PoK refugees, Kashmiri Pandits, Sikhs, West Pakistan refugees, Valmiki members, communities displaced by firing from the Line of Control (LoC), Ladakh people, and Gorkha soldiers' descendants were denied. Prevention of national integration: Right to Information, Right to Education, and Comptroller and Auditor General did not apply to Kashmir. The root causes of youth angst and alienation of people of the valley are deep-rooted corruption embedded in the state's administrative structures. Corruption is not addressed at the fringes but has to be tackled at the core of the rotten system, and this is what probably Article 370 aims to address.[14]

The strategy of Pakistan since the abrogation of Article 370

[11] Chaudhuri, Rudra. (2020). *Dealing with the Taliban: India's Strategy in Afghanistan after US withdrawal.* Carnegie India.

https://carnegieindia.org/2020/06/02/dealing-with-taliban-india-s-strategy-in-afghanistan-after-u.s.withdrawal-pub-81951.

[12] Biberman, Yelena. (2021). *A Kashmir Peace deal Now? Ripeness, Readiness, and US Role.* Modern War Institute Report.

https://mwi.usma.edu/wp-content/uploads/2021/02/Biberman_Kashmir_Final.pdf.

[13] Balcerowicz, P., Kuszewska, A. (2021). *Human rights violations in Kashmir*. Routledge (Taylor & Francis Group).

[14] Bhatia, Mohit. (2020). *Rethinking Conflict at the Margins: Dalits and Borderland Hindus in Jammu and Kashmir*. Cambridge University Press.

Muslim Ummah support: First, it sought the help of the Muslim Ummah, namely the Gulf states led by the Kingdom of Saudi Arabia, to condemn the step of India. The Ummah pledged support for a bilateral solution than one against India. This has happened due to Indian economic diplomacy. Thus, Pakistan got deprived of the Ummah option.[15]

War against India: Second, Pakistan initiated rhetoric of an attack on India and even threatened to wage a full-fledged nuclear war. This option was ruled out as, despite all efforts of Pakistan to seek military parity with India, it had understood and internalised that conventional military war with India was not an option anymore. It also realised the futility of the nuclear rhetoric as no country even responded to such a rhetorical show of Pakistan.[16]

Eating the flesh of America: Third, Pakistan pressurises the US, knowing that the Americans were seeking the support of Pakistan to move out of the mess in Afghanistan. Pakistan tried to assert to the US that bloodletting in Kashmir and peace in Afghanistan cannot go hand in hand. But, the US dismissed the political rhetoric because Pakistan was asking for something that was of no interest to the US. It is essential to understand that the US focuses only on its national interests. The Kashmir issue has never been a national interest of the US. They have never spent diplomatic or military capital seeking any solution or "assist" in solving Kashmir. If Kashmir ever becomes a national interest, the US will invest all its might to "assist" in resolving the issue. But, that does not seem to be an option ever in the future.[17]

Revival of Jihad: The fourth option for Pakistan was to revive the jihad. It was possible as an option but very difficult to execute. In recent times, the Indian security forces have brought about a massive radical shift in their approach to tackling terrorism. Till now, if the Indian troops tried to seize the weapons of the terrorists, now they have adopted the American model. The Americans have always tackled the financing of terrorists. Thus, India has adopted the strategy to economically blacklist Pakistan at the Financial Action Task Force (FATF). Pakistan's economic, diplomatic isolation makes it very difficult for them to sustain a jihad, especially at a level they did in the 1990s.[18]

Financially viable terrorism and human rights narrative: Thus, in recent times, the strategy of Pakistan in Kashmir is that it has focused on carrying out individual targeted acts of violence. This is a financially viable low cost-terrorism approach. By individual acts of violence, we mean that since the abrogation of Article 370, the ISI of Pakistan has targeted the minorities in Kashmir. There are two minorities: the Kashmiri Pandits (as not all of them left Kashmir in 1989) and the

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[15] Connor., T.O. (2019, September 3). *Pakistan's Envoy to the U.S. Says 'World Should Take Notice' to Avoid a New Conflict with India over Kashmir.* Newsweek.
https://www.newsweek.com/pakistan-world-notice-india-conflict-kashmir-1457066.

[16] Bose, Sumantra. (2021). *Kashmir at the crossroads: Inside A 21st Century Conflict.* Yale University Press.

[17] Schafffer, H. B. (2009). *The Limits of Influence: America's role in Kashmi*r. Brookings institution.

[18] Swami, Parveen. 2007. *India, Pakistan and the Secret Jihad: The Covert War in Kashmir, 1947-2004.* Routledge (Taylor & Francis Group).

Sikhs.[19] The ISI deliberately adopted this strategy after 5 August 2019, and by targeting the minorities, the ISI tried to convey four things. First, such attacks keep the ISI in the limelight and indicate that nothing in the valley has changed, and Pakistan still retains control over the security space of the valley. Second, this strategy enables ISI to propagate that return of normalcy in the valley is a distant dream. Third, such a strategy also ensures that economic activity in the valley does not pick up while Pakistan is immunity from the charge of unleashing high terror. Fourth, such a restrained terror activity allows Pakistan the space to make a case for human rights violations in Kashmir. The abrogation of Article 370 and the subsequent security tightening in the valley has provided the security forces with a "tactical pause". This has happened because terrorist infiltration and activities have drastically declined compared to the past. India uses this tactical pause to develop strategies for neutralising Pakistan's more extensive ecosystem of state sponsorship of terrorism.[20]

Internationalisation of abrogation of Article 370 and India's management strategy

Pakistan and UN: After the abrogation of Article 370, Pakistani ISI designed an approach to internationalise the issue. The last time Kashmir was raised in the UNSC was in 1971, and after that, it is now in 2019 and 2020. The ISI got the support of Turkey, Malaysia and China. Being a permanent member of the UNSC and an ally of Pakistan, China assisted Pakistan in launching an apoplectic tirade against India at the UN General Assembly. Pakistan is nothing but a colonial outpost of China aimed at checkmating India.[21]

Pakistani Prime Minister Imran Khan wrestled with India at the UNGA meeting in 2019 to raise India's "human rights" violation in Kashmir. He went on to assert that the condition in Kashmir was such that the valley's citizens were threatened with genocide, and there was a need for Pakistan's deterrent to cover them. This statement was embedded in his habitual resort to nuclear rattling and showed the international community the gap between a sensible atomic power and the actual behaviour of Pakistan.[22]

Pakistan raises this policy of human rights violation at all other international forums, and Pakistan is also getting positive support from China in the internationalisation of this narrative. China has

[19] Hussain, Serena. (2021). *Society and Politics of Jammu and Kashmir.* Palgrave Macmillan.

[20] Malik, Ashok Malik. (2019, October 1). *Pakistan's offensive on Kashmir will persist: India must be ready.* Observer Research Foundation.

https://www.orfonline.org/research/pakistans-offensive-on-kashmir-will-persist-india-must-be-ready-56011/.

[21] Trivedi, Abhishek. (2019, July 8). *Why the 1963 Sino-Pakistan Boundary Agreement Is Unlawful in Light of the Recent ICJ Advisory Opinion on the Chagos Archipelago 2019*. Jurist.

https://www.jurist.org/commentary/2019/07/abhishek-trivedi-sino-pakistan-boundary/.

[22] Editorial Board. (2019, October 2). *The U.N. can't ignore Kashmir anymore*. The New York Times.

https://www.nytimes.com/2019/10/02/opinion/editorials/kashmir-india-pakistan-un.html.

supported resolutions against India in the UN Security Council, asserting that India's abrogation of Article 370 has altered the dynamics of the dispute and the abrogation is an illegal move.[23]

No doubt, the Chinese are working at the behest of Pakistan even while the majority of the other countries in the world believe that the 5th August decision of India was a step in their domestic affair over which the world has no interest. The duplicity of Pakistan in their narrative at the UN became more visible when Alice Wells, the US State Department Representative for South Asia, asserted that Pakistan was more concerned about the Muslims of Kashmir. They are far better off than the Uyghur Muslims of China. He also stated that Pakistan preferred to remain mum on the suppression of Uyghur Muslims, demonstrating that Pakistan had no concern for the human rights of actual sufferers but was more interested in hypocritical rhetoric over "bilateral matters".[24]

Pakistan also raised the issue at the UN that India's decision to abrogate Article 370 would endanger peace and security in the region. The peace and security in the area would not be threatened by an internal Indian decision but would be if Pakistan used Jihadi elements to create mayhem in the valley. Today, the international community knows the track record of Pakistan in orchestrating violence in Kashmir.[25]

China and UN: China has traditionally used Kashmir as a weapon against India. It began providing stapled visas to Indian residents from J&K in 2010, and it rejected a visa to the Indian army's Northern Command head for a bilateral defence conference because he controlled "a disputed territory named J&K." It also reduced the length of its shared border with India by removing the boundary separating Indian J&K from Chinese-controlled J&K. Despite the fact that J&K is split between three nations, only India has unique authorities and privileges over its half.[26]

China shelters Pakistan's terror-based proxy war against India, despite the fact that it has imprisoned over a million Muslims in the guise of purging their brains of extremist ideas. In reality, China, like Pakistan, engages in asymmetric warfare with India.[27] In Ladakh and elsewhere, this takes the shape of a "salami-slicing" tactic of covert, gradual territorial expansion. Making Ladakh

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[23] Wei, I., Chang, Jennifer. (2017, February). *China's Kashmir Policies and Crisis Management in South Asia*. United States Institute of Peace.
https://www.usip.org/publications/2017/02/chinas-kashmir-policies-and-crisis-management-south-asia.

[24] Press Trust of India. (2019, August 7), *Article 370 revoked: Pakistan expels Indian envoy, suspends bilateral trade.* Business Standard.
https://www.business-standard.com/article/pti-stories/pak-to-downgrade-diplomatic-ties-with-india-suspend-bilateral-trade-119080701537_1.html.

[25] Gupta, Shekhar (2019, September 28). *Kashmir: Internal Yet Internationalised.* Business Standard.
https://www.business-standard.com/article/opinion/kashmir-internal-yet-internationalised- 119092800014_1.html.

[26] Prahibha, M.S. (2018). *China's Rising Strategic Ambitions in Asia.* East Asia Strategic Review. Pentagon Press.
https://idsa.in/system/files/book/book_easr-china-rising.pdf

[27] Wasim, Amir. (2019, August 7). *India May Look for Excuse to Start War: PM*. DAWN.
https://www.dawn.com/news/1498543.

a Union territory will help India confront China's aggressive manoeuvring, which includes increased military ventures and intrusions.[28]

Although India now faces Chinese forces on both flanks of its share of J&K due to its Chinese military presence, the J&K constitutional reform compartmentalises India's territorial conflicts with Pakistan and China-centred in that area.[29] China had raised criticisms over the Indian decision to abrogate Article 370 because China considers itself a party in claiming Ladakh. India has categorically asserted that Ladakh was and would always be a part of India. India has also conveyed to the Chinese that the abrogation of article 370 was not about India making any territorial claims but was about promoting better governance and socio-economic development of the entire region.[30]

Britain and closed-door meeting of UNSC: In October 2019, a closed-door meeting of the UNSC was organised by China and Britain, supported by Pakistan, to discuss the Kashmir issue. The meeting resulted in no formal outcome or a formal statement.[31] 14 out of the 15 members at the UNSC in the meeting stated that the Indian decision to abrogate the article was an internal matter. This was undoubtedly a victory of India's diplomacy. Still, India should watch the changing international dynamics because economic pressures, demographic changes and parochial politics have emerged as a new diplomatic currency. These factors explain why the British supported the resolution to have this discussion. India, however, has never raised the rhetoric over Brexit and has consistently called Brexit an internal issue of Britain. However, to tackle the British tilt toward Pakistan, owing to the rising Pakistani Muslim diaspora in London, India has multiple options ranging from raising Brexit to the British occupation of Ireland and, in extremity, preventing the British from accessing Indian markets in the post Brexit period.[32]

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[28] Challaney, Brahma. (2022, March 29). *China continues its territorial advances in Asia.* Stagecraft and Statecraft. https://chellaney.net/2022/03/29/china-continues-its-territorial-advances-in-asia%ef%bf%bc/.

[29] Roche, Elizabeth. (2019, August 17). *At UNSC, China and Pakistan Fail to Censure India over Article 370.* Livemint. https://www.livemint.com/news/india/at-unsc-china-and-pakistan-fail-to-censure-india-over-article-370-1565978919225.html.

[30] Singh, A.G. (2019, August 30). *What Chinese discourse reveals about Beijing's reaction to Article 370.* South Asian Voices. https://southasianvoices.org/what-chinese-discourse-reveals-about-beijings-reaction-to-article-370/.

[31] Editorial Board. (2019, August 15). *Kashmir Issue: Pakistan gets closed-door meeting at UNSC after China steps in.* Business Today. https://www.businesstoday.in/latest/economy-politics/story/kashmir-issue-pakistan-unsc-jk-china-article-370-closed-door-meeting-india-222235-2019-08-15.

[32] Misra, J.N. (2021, June 27). *The Paradoxes of India-U.K Ties.* Observer Research Foundation. https://www.orfonline.org/expert-speak/the-paradoxes-of-india-u-k-ties/

India's strategy at the UN: Despite Malaysia, Turkey, Britain and China, no other country in the world has been supportive of Pakistan's policy on Kashmir. This proves that it is a diplomatic victory for India that most of the states in the world have branded the abrogation as "an internal affair of India". This is conceivable due to India's expanding economic clout, which provides limitless commercial prospects. India must maintain its ambitious economic growth agenda while avoiding protectionist headwinds and insular attitudes since measures that stifle economic progress may also hide diplomatic clout.[33]

Future of Kashmir and Indo-Pak relations after the abrogation of Article 370

The abrogation of article 370 is all about rectifying the unfinished colonial mess by extending effective territorial sovereignty over lands that India has claimed historically. The administration has developed a new foreign policy template by battling Pakistani terrorism and reorganising the political status of the valley. The key to its success now hinges on two reasons. First is political reconciliation in the valley, which is crucial because BJP may have decided. After all, it may have had the numbers in the Parliament. But, democracy is not about the parliamentary majority but much more than that.[34]

India's new position on Pakistan is that if a dialogue happens with Pakistan when it stops sponsoring terrorism, it will occur only on PoK. It will take a long time for Pakistan to understand that Kashmir is no longer a bilateral issue. From the Pakistani viewpoint, accepting the abnormal as the new normal would require a massive shift in the psyche of Pakistan. Pakistani army would no longer be able to claim supremacy on foreign policy anymore. It would also not garner the majority of the resources in the name of a fictional Kashmir issue.[35]

The Srinagar airport should develop capabilities that would enable Kashmir to export its products to the world, as this will also have a positive diplomatic repercussion. Similarly, the government should positively speed up the rehabilitation of Kashmiri Pandits back in the valley.[36]

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[33] Guha, R. (2019, November 2). *How the government internationalised Kashmir.* Hindustan Times. https://www.hindustantimes.com/columns/how-the-government-internationalised-kashmir/story-7y2ThMoKodeq6W6tWsLFgK.html.

[34] Editorial Board. (2019, October 13). *India's repression in Kashmir is not compatible with democracy.* The Washington Post. https://www.washingtonpost.com/opinions/global-opinions/indias-repression-in-kashmir-is-not-compatible-with-democracy/2019/10/13/31b5af60-eaba-11e9-9306-47cb0324fd44_story.html.

[35] Kumar, S., Kumari, N. (2021). *Kashmir Problem and India-Pakistan: A Study of Post Abolishing of Article 370 and 35A.* Ankit Publications.

[36] Turrey, A.A. (2021). *Immigration and Conflict: Kashmir Valley in perspective.* Lambert Academic Publishing.