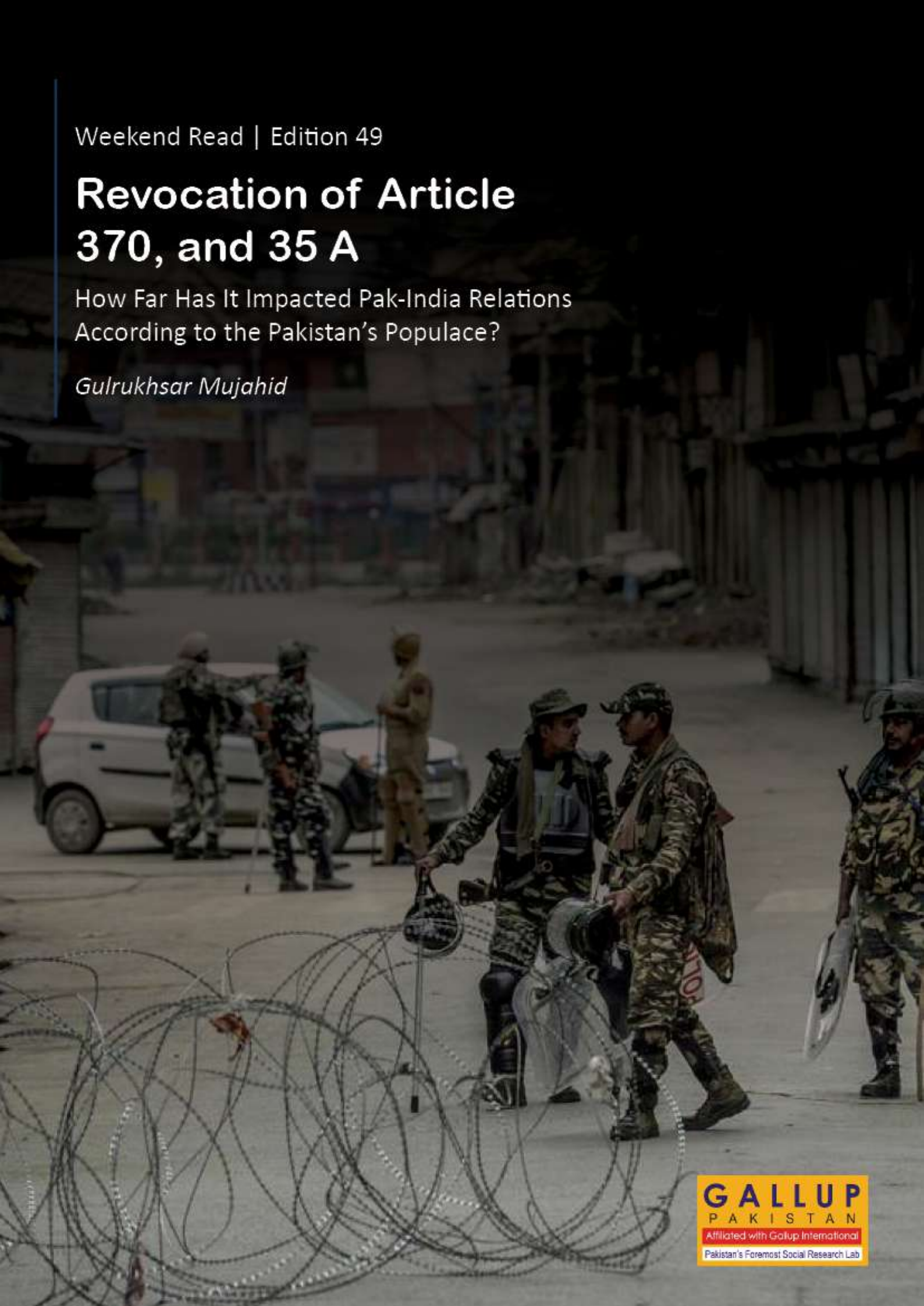


Weekend Read | Edition 49

Revocation of Article 370, and 35 A

How Far Has It Impacted Pak-India Relations According to the Pakistan's Populace?

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India-Pakistan relations have remained fraught or gone back and forth since their inception after the 1947 partition of the subcontinent, the primal reason being the Kashmir issue. However, they have reached an all-time low after the abrogation of Article 370 and 35 A with an indefinite lockdown and massive troop deployment with the fear of a reaction from the Muslim majority region. All phones, internet services and cable networks were cut off on Sunday night and pro-India leaders placed under house arrest following days of soaring tensions.

Article 370 was the basis of Jammu and Kashmir's accession to the Indian union at a time when erstwhile princely states had the choice to join either India or Pakistan after their independence from the British rule in 1947. The article, which came into effect in 1949, exempted Jammu and Kashmir state from the Indian constitution. It allowed the Indian-administered region jurisdiction to make its own laws in all matters except for finance, defense, foreign affairs, and communications.

It established a separate constitution and a separate flag and denied property rights in the region to the outsiders. That means the residents of the Kashmir region, the majority being Muslims forming around 80% of the population, lived under different laws from the rest of the country in matters such as property ownership and citizenship. Jammu region has a Hindu majority.

As mentioned above, Article 35 A has also been revoked which was introduced through a presidential order in 1954 to continue the old provisions of the territory regulations under Article 370 of the Indian constitution. The article permits the local legislature in Indian-administered Kashmir to define permanent residents of the region. The Indian government seeks to change the Muslim demographic through settlement after the abrogation.

It forbids outsiders from permanently settling, buying land, holding local government jobs or winning education scholarships in the region. This is to make sure that the Muslim majority is not under threat from outsiders that could breach upon their privacy, or cause disharmony as is the current situation being observed in India.

At the same time, a senior BJP leader hinted that the government was planning to form exclusive Hindu settlements in the region (known by all) as India seeks to form a Hindutva government concerned with forming a 'Hindu Rashtra' and the elements of secularism set asunder. The signs are also seen in present day India with Hindu-Muslim communalism on the rise.

Prime Minister Modi led his BJP to a landslide win in May on the back of a divisive campaign that ostensibly targeted Muslims, vowing to remove Article 370 and its 35A provision. Therefore, it became important to carry forward with the revocation with the intention of turning the Muslim majority Kashmir, a minority.

For Islamabad, this move which has long claimed the India-administered region, represented a unilateral act to irrevocably change the status of a disputed territory. Former Jammu and Kashmir Chief Minister Mehbooba Mufti saw the court's decision as a death sentence for the region, lamenting the defeat of an inclusive vision that brought together people of various faiths. The AJK legislative assembly condemned the verdict, asserting the territory's status should be determined by its inhabitants through a UN-sponsored plebiscite.

The Foreign Minister of Pakistan has penned letters to leaders of international organisations, drawing their attention to the illegality of the Indian Supreme Court's judgement on the state of the Indian-administered Jammu and Kashmir (IOJK). He has stressed that according to international law, the final status of an internationally recognised disputed territory could not be determined by domestic legislation or judicial verdicts.

Going back in history, it is important to bring forth the figure of Sheikh Abdullah and his stature in Kashmir who was the first Prime Minister of the erstwhile Princely State of Jammu and Kashmir from 1951-1953 even though it was considered a disputed territory between Pakistan and India under international law at the UN. He was taken off his seat in 1953 after being accused of colluding with the insurgents against what was perceived as Indian occupation by the Muslim majority in Kashmir.

In his autobiography, *Flames of Chinari*, Sheikh Abdullah has shed light on the recently abrogated Article 370 where as a reader one sees his position as one of being compromised or at most conflicted. Having close ties with Jawaharlal Nehru, he received a warm welcome at the Parliament of India in 1948. He demanded special status for Jammu and Kashmir as had been his position since the partition which was responded with the condition that it would be considered and will need the final approval from the Indian state. As today Article 370 along with 35 A stand abrogated some may claim that the non-seriousness by the Indian state was could have been perceived even back then; more than 70 years from today. Some however may state that Sheikh Abdullah's rather soft approach at the time can be blamed for it.

Therefore, it was ominous that article 370 that came to the fore in 1949 was in peril.

Even apart from and before Article 370 and 35 A's abrogation, relations between India and Pakistan have remained strained over the Kashmir issue. Therefore, this can be considered the tipping point between the two states.

Gallup Pakistan's 40 Years of Polling on Perceptions on Indo-Pak Relations (1990-2020): Views of the Public on the India Pakistan Relations & Kashmir Issue, report will put into context the relations with India before the abrogation of the said constitutional articles. In that light we may know what the people thought about negotiations with India and war-aspect over Kashmir issue, specifically.

When the Gallup Survey 2018 investigated whether people thought Pakistan has more right over Kashmir as compared to India. 32 % thought that Kashmir should be independent. 58% thought Pakistan has more right than India, 18% came with no response.

58% seems festering due to disappointment from negotiations between India and Pakistan because the Pakistan based parties went to Azad Kashmir and their interest was more with Islamabad than with the people of independent Kashmir. 32% Pakistanis felt that Kashmir should be independent due to terrorism-related matters in the Indian-administered Kashmir with many believing that Pakistan sponsors terrorism and political help to the insurgents there. The pacifists it seems, still persist.

Another Gallup Survey done in 2018 asked that in people's view, could Kashmir issue be resolved in their life time. 45% responded with a no, 35% with a yes and, 20% with a don't know. This displays the dissatisfaction with diplomatic channels of both the countries as even as far back as 2003, nearly 7 in 10 Pakistanis considered negotiations with India regarding Kashmir beneficial. This is another portrayal of optimism from talks and sitting with each other on the table instead to war-hawkish foreign policy. Again another similar Survey's question read: Do you think whether the negotiations on Kashmir discord between Pakistan and India will be beneficial or not? 68% responded with a yes, 23 % with a no and 9% gave no response.

Among Pakistanis, negotiation with India is the most popular solution to the Kashmir issue as mentioned in one of the survey question: In your view how can Kashmir issue be solved?

This survey was done in 2007 and 22% responded through war only, 24% stated through acting upon UNO resolutions, 13% said with the help of US, while 38% claimed the resolution coming through negotiations with India. This shows that in the decade long situation Islamabad stakeholders and the non-state actors have played a detrimental role in solving the Kashmir issue. Therefore, the difference of 16% don't think that liberation of Kashmir can come through the barrel of the gun.

Then the questions arises what kind of solution do the people of Pakistan expect? That remains unanswered. Today while specifically discussing Azad Kashmir the political pundits of Muzaffarabad claim during last five years a lot has gone down the drain where protests for electricity and wheat are taking place today for the first time and the whole of Kashmir was shut down for a week. This is the extent of current confrontation between Islamabad establishment and the common Kashmiris. So, if a survey takes place over there now the results may not come out as favourable as those in 2018 and before.

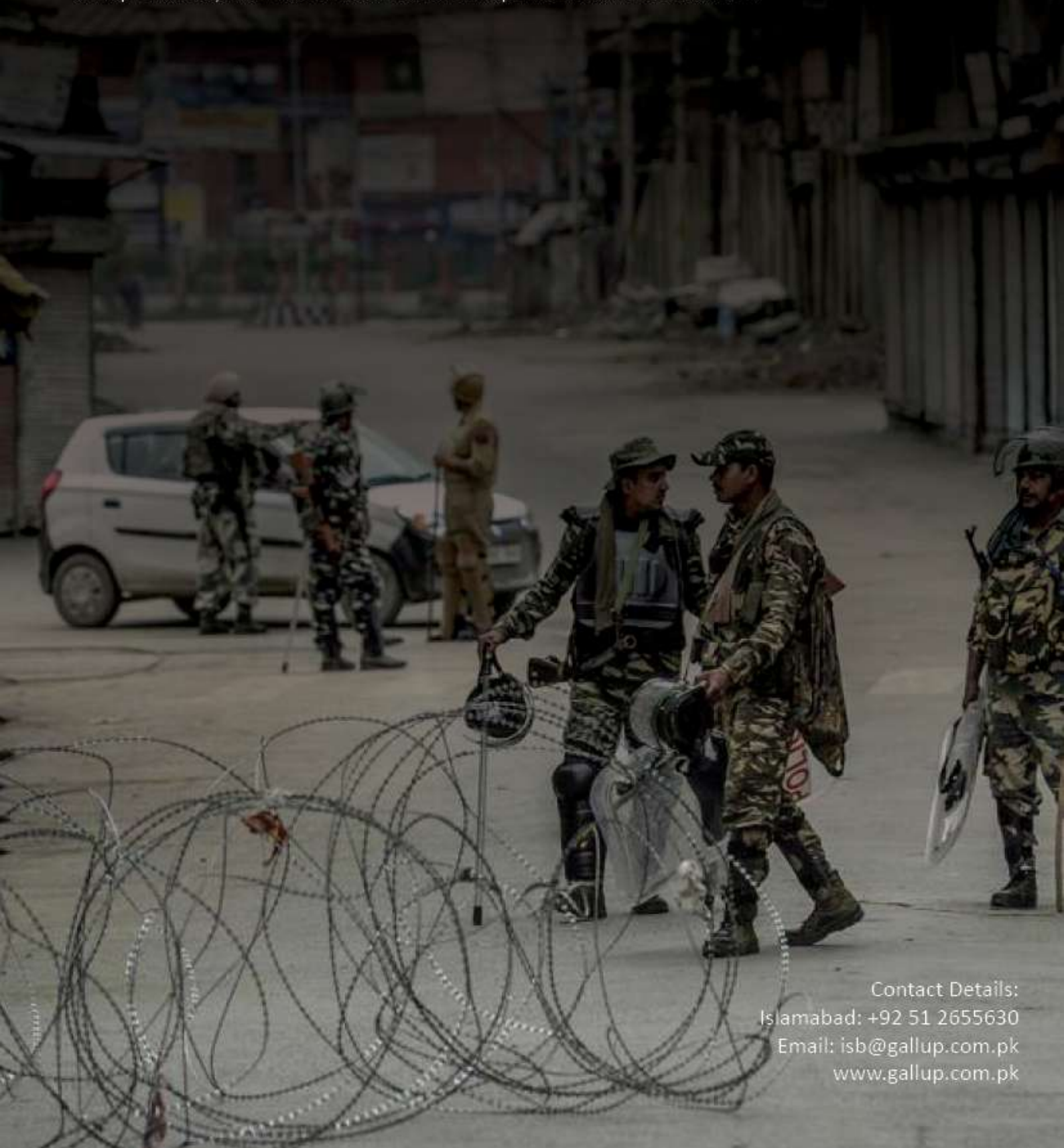
India-Pakistan relations stand at a point now where Track 2 diplomacy has come to a halt, including intellectual and media interactions taking a back step. Even cricket diplomacy along with bilateral issues such as water dispute and official trade of all sorts has been completely shut down.

On every international forum, even traditional arch rivals would shake hands and administer photo sessions. For India-Pakistan even that did not remain the case. The example of which is last year's Shanghai Conference held in Goa where our Foreign Minister Bilawal Bhutto was not met with a warm welcome from his counterpart. The host showed signs of reserved predomination. This can be seen as the height of cold and confrontational relations between the two neighbouring countries.

In the last leg of elections, Modi stated with pride that the policy of revocation of Article 370 and 35 A has been so successful that Kashmir is quiet and calm. But this is a smokescreen because no one from BJP is standing in elections in Jammu and Kashmir. This is being seen as a victory of Article 370's abrogation. Only time will prove his claims as well as how India and Pakistan move forward.



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