

Associate Paper

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Kashmir and the Abrogation of Article 370: An Indian Perspective

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Key Points

- The BJP government's motives for its recent moves in Kashmir lie less in the reasons professed – governance and development – than they do in the ideological direction it is taking the country.
- The likelihood of war with Pakistan that is inherent in the Kashmiri situation will depend on India's response to the civil unrest that is likely to break out in Kashmir when the restrictive conditions, such as curfews, are lifted.
- The impending civilian unrest, prospects of renewed insurgency and Pakistan-sponsored asymmetrical warfare ended India's hopes of returning stability to Kashmir soon. It appears that India's constitutional initiative was based on a flawed security analysis.
- The right-wing BJP government would not be averse to a deterioration in the security situation since that would enable it to continue its hardline policies of "Othering" that are part of its wider majoritarian project of embedding Hindutva into India's polity.

Summary

Prime Minister Modi's recent decision to [scrap](#) Articles 370 and 35A of the Indian Constitution, which gave Jammu and Kashmir special status, has stirred controversy across the political spectrum. While supporters of the initiative emphasise that the move fulfils a campaign [promise](#) of the Bharatiya Janata Party, which was returned for a second term with an increased vote share of six per cent, critics see it as the prelude to a shift to

[majoritarianism](#). On the external front, the move is being commended for taking advantage of Pakistan's focus on its [western](#) flank and the end game in Afghanistan, and for changing the issue of Kashmir from being a dispute with Pakistan to an internal matter. To critics, however, the [reduction](#) of the state of Jammu and Kashmir to the status of a union territory – truncated by the slicing off of Ladakh – does [not end](#) the issue of Kashmir being the source of an international dispute and that it is only a matter of time before Pakistan makes its presence felt, possibly through renewed conflict, either directly or through proxies.



This article makes the case that Pakistan, which has [underplayed](#) the changes effected by India, will, over time, reactivate the proxy war and upset India's calculation that its move will end the problem of Kashmir. It argues that since this is a somewhat obvious conclusion, the sources of India's action are not to be found in strategic calculus as much as in the current administration's ideological underpinnings. The BJP's strategy, informed as it is by [Hindutva](#) ideology, is not about restoring stability to Kashmir as it claims, but to heighten the instability inherent in the situation, thereby inducing Pakistan into a proxy war. If that were to happen, it could pay an internal political dividend by allowing the BJP to reshape secular India into its aspirational *Hindutva*-based form and, externally, place Pakistan in a corner, forcing it, once again, to prosecute a war.

Analysis

A Situational Update

Kashmir is in [lockdown](#) at this time, with around fifty thousand additional paramilitary troops deployed to the union territory to prevent unrest. Communication networks have been disabled in order to mute anticipated adverse reactions of Kashmiris. The centrally-

appointed authorities, in office since central rule began over a [year](#) ago, have correctly assessed that some Kashmiris are liable to revolt after being deprived of the limited autonomy they enjoyed until now. This is particularly the case as they were neither consulted on nor endorsed the political re-engineering of their relationship with the rest of India. Sensibly, the authorities have taken around five hundred mainstream political leaders and separatists into preventive [custody](#), including three former chief ministers, who are being held incommunicado and without charge.

The authorities would be relieved that those measures have resulted in minor stray incidents of stone throwing after prayers on [Friday](#). That resulted in a further clamp-down during the Eid [festival](#), with the traditional prayers at the historic Jamia Mosque in Srinagar being disallowed in favour of prayers at smaller, local mosques. While information is scarce, there are reports of dozens of people being injured by pellet guns fired to put down incidents after prayers on both days.

The state has had a public [run-in](#) with international media, initially disputing its reporting on such incidents, but admitting later to one that involved around two thousand protestors at [Soura](#), Srinagar. In a video of the incident, automatic [gunfire](#) can be heard in the background, indicating ham-handed, if not high-handed, crowd control measures being enacted. The government correctly [anticipated](#) the delicate situation would last until the end of the week, with the independence days of Pakistan, which Islamabad is observing as one of [solidarity](#) with Kashmiris, and India being observed on 14 and 15 August, respectively.

India's Security Preparations

Those actions are indicative of the government's security imperatives. Clearly, the government was aware of a possible backlash within Kashmir as also of a possible response from Pakistan. The manner in which the clampdown was organised indicates the government's prior formulation of a realistic threat perception.

The government [terminated](#) a major pilgrimage, the *Amarnath Yatra*, at the beginning of August, citing the discovery of a terror plot to target Hindu pilgrims. It pointed to a burst of hostile Pakistani activity along the Line of Control (LoC), including an unsuccessful action in which five members of a Pakistani border action team were [killed](#). That resulted in pilgrims, tourists and migrant workers leaving the then-state post haste, assisted by the government. To further control the information trickling out of the union territory, India increased the number of [paramilitary](#) troops in it. An infantry [brigade](#) had already been positioned there earlier. The increased strength of the security forces was over and above that already deployed in Kashmir for overseeing the national elections in early summer and for securing the pilgrimage. The build-up would suggest that India was well aware of the potential fall-out of its then-impending action in parliament.

The government's caution is best evidenced by the fact that Mr Ajit Doval, the national security adviser, [camped](#) in Kashmir to oversee the security arrangements personally. Those arrangements have apparently succeeded, at least for the moment, since there has been no major incident with large scale loss of lives or injuries caused by pellet guns. That, however, could be the lull before the storm.

India has underlined the need for [development](#) and ending the insurgency as reason for ridding Kashmir of its special status. It holds that the special status allowed the state to be controlled by corrupt political parties, prevented its political integration with the rest of India and allowed an insurgent sentiment to proliferate in it. The special status included a separate constitution for the state, which has now been scrapped. The test of India's success in Kashmir, therefore, would be in Kashmiris forging an emotional and political bond with the rest of the country and the degree of successful development in the union territory. India is liable to be surprised on both counts.

India's Strategic Calculus

India's surprising action, it may be inferred, was its response to [regional](#) developments, principally the emerging agreement between the Taliban, with Pakistan's tacit support, and the Americans, which would enable the United States to withdraw from Afghanistan. In that event, India anticipated a strengthened Pakistan. Pakistan had been out of favour for most of the Trump presidency, with Mr Trump periodically [belabouring](#) Pakistan for its delay in implementing his Afghanistan policy. Islamabad's influence over the Taliban and its positive response to US concerns more recently has resulted in the US opening up to Pakistan yet again. This turn of events has worried India all the more, since it was not part of the decision-making process on Afghanistan. Its action appears to have been stampeded, furthermore, by President Trump offering to [mediate](#) on the Kashmir issue during Pakistani Prime Minister Imran Khan's end-July visit to the White House.

In Kashmir, India has been proactively engaged in countering the [insurgency](#) since its latest outbreak, which dates to the killing of Hizbul Mujahedeen commander, Burhan Wani, in July 2016. It has killed over seven hundred militants [since then](#), with the proportion of Pakistani proxy fighters registering a [decline](#) lately, from a full third of those killed to less than a quarter. This indicates that Pakistan has been withholding its usual military support for the insurgency, hard pressed as it is on its alleged support of terrorism. It figures on the radar of the [financial action task force](#), with a review from that body due in October. With heightened counter insurgency operations ongoing and with Pakistan on the back-foot temporarily, India perceived a window of political opportunity. The question is whether the window is wide enough for it to tide over the backlash from Pakistan and from within Kashmir.

The India-Pak Strategic Tryst

Pakistan has initiated [diplomatic](#) moves to counter India's actions. It has written to the UN Secretary- General and drawn the attention of the Security Council to the events in Kashmir. It has downgraded its diplomatic ties to India, reduced bilateral trade and terminated train and bus services between the two countries. However, [stowing](#) away its tried and tested proxy war option now would be untimely.

Its Foreign Minister, returning from his trip to China, visited Pakistan-administered Kashmir, where he [dampened](#) expectations of any more vigorous Pakistani action, thereby hinting that the international environment was averse to harsher steps by Pakistan. Since Pakistan is compelled to be restrained in its reaction, it needs to [divert](#) the energy of anti-India proxy

groups towards Kashmir. Pakistan cannot risk inaction, since the anger of the jihadi proxies, who are otherwise “good terrorists”, being anti-India, would likely be turned inwards. Pakistan would not like to reprise its [operations](#) against the “bad terrorists” since 2014. It would prefer to direct such energy outwards. While Indian troops are on the alert for now, how this situation will play out will be known by the onset of the northern winter.

Since the insurgency has been waning lately owing to India’s suppressive template, Pakistan would have to infuse it with both fighters and matériel soon if it is to be kept going. That may entail the creation of a crisis along the LoC, under cover of which Pakistan could infiltrate reinforcements. That manner of infiltration will likely prove expensive, if not altogether disastrous, since Indian counter-infiltration measures have been strengthened. The paramilitary forces that have been re-located to Kashmir have likely removed the protective tasks that were imposed on the Indian military, enabling its own redeployment forward. Therefore, an attempt to cast a lifeline to the insurgency may be in the offing.

Such a crisis could likely be created after the annual [face-off](#) between the two countries at the UN General Assembly meeting, that this year is being [addressed](#) by India’s Prime Minister. By then the financial action task force meeting would be behind it. Pakistan would also by then have the alibi of having tried the diplomatic route and found it wanting. In case the prospects of a return to peace in Afghanistan brighten, some of the jihadists released in anticipation of the return to peace could be redirected towards the worsening situation in Kashmir.

India’s Internal Security Challenge in Kashmir

The intervening period could well see outbreaks of unrest in Kashmir rival the period at the onset of the insurgency in the early 1990s. Such levels of disaffection were witnessed most recently in late 2016, when [close to](#) 100 rioters were killed. That figure was just short of the lower estimate reached in [2010](#), when Kashmiris agitated over the killings of three of their people by security forces at Machhil on the LoC. This time round the angst may be higher. The firmer the clamp-down by the state, the more anger would likely be visible on the street. The current curfews will have to be partially lifted some day and those held in preventive detention will have to be progressively released, whereupon it would be clearer as to whether India has bargained sensibly.

India has incentivised stability by promising a reversion to statehood in the future. The levels of distrust its action has generated will unlikely be placated by its promises of development and security. Although the Modi Administration was expected to [trifurcate](#) the state if it did anything at all in that regard, Kashmir has been yoked yet again with Jammu region, but without the autonomy it previously enjoyed. This has enabled the government to use the Jammu region and its Hindu majority to offset the political clout of the majority Kashmiris. The government is also looking to progress a [delimitation](#) of constituencies in order to rejig the assembly of the union territory in such a manner as to whittle the political power of the Kashmiris that derives from their numerical majority.

Anticipating the political fallout brought about by the setback to their political clout, Kashmiris are unlikely to acquiesce to New Delhi’s moves and would use agitation and

insurgency against it. India would be hard put to organise elections, as announced by the Prime Minister. The resulting assembly would be dominated by Hindus from Jammu, with Kashmiris likely boycotting the vote. It is difficult to visualise how such an outcome could be described as a ‘political solution’. In other words, the ‘permanent solution’ – as the Defence Minister [described](#) it – foisted by the Indian Government on the Kashmiri people will hardly gain traction, and any new local government would lack legitimacy. The assumption that, as a union territory, better governance could replace the will of the people is questionable.

Even so, the attractiveness of the move would depend on development being successful. An investor [summit](#) has been announced for October. India’s largest corporate house has stepped up, offering to [invest in Kashmir](#). An increase in investment in Kashmir is envisaged now that the [land ownership](#), previously restricted to state subjects, has been thrown open. This is yet again wishful thinking, since no investment is likely in an insecure setting. Besides, India’s economic climate is deteriorating. The unrest and insurgency would need to be tackled first. Absent meaningful political action, development is no substitute. What has transpired so far in Kashmir cannot constitute a political solution since it serves more to aggravate than assuage.

Searching for the Wellsprings of the Indian Surprise

From the foregoing analysis, it is clear that instability will persist. On the other hand, the government is not self-delusional. It has surely arrived at its conclusions rationally. That, if correct, begs the question, what was the government’s intent? It would be naive to unquestioningly accept its word that a speedy end to insurgency in the union territory prompted its action. Its motives are, thus, open to conjecture. Since analysis does not vindicate the government’s decision as [advertised](#), its ideology, *Hindutva*, must be its motive.

Hindutva is religious majoritarianism with “Hindi, Hindu, Hindustan” as its [motif](#). Its ascent has seen an [Othering](#) of India’s Muslims and conflating them, along with Kashmiris, with Pakistan. A continuing insurgency – as the analysis indicates – is in the interest of *Hindutva* in order to turn secular India saffron. The action in Kashmir, lacking the strategic rationale put forward by the Modi Administration, instead has ideological underpinnings. Therefore, it cannot be rationally approached through a strategic lens alone, but requires factoring in the ideological project underway in India.

By that reasoning, the government would be well-prepared to countenance a renewed, if temporary, bout of insurgency for its internal political purposes and engage in a faceoff with Pakistan. It believes it has deterred Pakistan through its surgical strikes of late 2016 and its aerial strike of February 2019. With Pakistan suitably [deterred](#), the insurgency levels in Kashmir appear to India’s security planners to be eminently manageable. The military engagement to India’s north will continue to provide domestic political dividend over the second term of this government, in which its Kashmir project is set to culminate.

Externally, unrest in Kashmir will force Pakistan’s hand, with attendant multiple benefits for India. It would enable New Delhi to corner Islamabad once again on its support for terror, provide India with a legitimate reason to involve itself in Afghanistan and strain Pakistan

economically and make it weak. A continuing proxy war would give India an excuse not to address the Kashmir issue bilaterally with Pakistan, as it is committed to do.

Prime Minister Imran Khan has [tweeted](#) his suspicions that India's motives are rooted in revivalism. He is apprehensive of the impact that a successful makeover of India in the *Hindutva* image could have for Pakistan, in particular, the implication of the doctrine of *Akhand Bharat*, which visualises a unified Indian subcontinent under a Hindu aegis. Consequently, Pakistan would be wary of India's game-changing play in Kashmir. This may impel a preventive Pakistani counter, leading to a more energetic response. Even though Pakistan has settled [for now](#) on seeing the change as irrelevant to the disputed status of Kashmir, as the situation unfolds more nuance will manifest, potentially transforming the situation rapidly and comprehensively.

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