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## Jammu-Kashmir and Ladakh: Exploring a New Paradigm

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From "A Map of the Countries between Constantinople and Calcutta: including Turkey in Asia, Persia, Afghanistan and Turkestan", 1885.  
Shows the area comprising much of Kashmir. / Source: Wikimedia Commons

### INTRODUCTION

The Bharatiya Janata Party (BJP)-led Indian government on August 5 abrogated the enforcement of Article 370 of the Constitution, which since 1950 has given near-autonomy to the state of Jammu & Kashmir (J&K). The state will be bifurcated into the Union Territories of Ladakh (without a legislature) and Jammu-Kashmir (with a legislature). The move is highly consequential in both symbolism and substance.

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To be sure, Article 370 has been diluted over the years. Eventually it had become nowhere as causative of exceptionalism as it was when Shyama Prasad Mukherjee, founder figure of the Bharatiya Jana Sangh (the predecessor of the BJP), died in 1953 while leading a protest against the special status the Article gave to Kashmir. Still, Article 370 had served as a symbol; and symbols are deeply important in the nurturing of national narratives. In the Valley, the revocation of Article 370—or Article 370 in *any* form—deals a psychological blow. The government’s decision will have ramifications not only within India, but in the region and internationally as well. It is only right for any analysis of this development to begin by revisiting history.

The Kingdom of Jammu and Kashmir that acceded to India in October 1947 was like a jigsaw puzzle. It had several sub-regions: Kashmir; Jammu, which shared greater affinity to Punjab; Ladakh, ethnically and religiously different; and the so-called “Northern Areas”, comprising Gilgit, Baltistan, Hunza and neighbouring states, with a still different ethnicity and a collective memory that was probably more Central Asian than South Asian.

This menagerie of ethnicities was created by the descendants of Gulab Singh, a Dogra Rajput general of Maharaja Ranjit Singh, the greatest of the Sikh emperors. On Ranjit Singh’s death, the Gulab Singh family betrayed the maharaja’s successors by signing a deal with the East India Company; they acquired a kingdom in return. This kingdom was never a unitary entity.<sup>1</sup>

In 1947, Hari Singh, the then Maharaja, acceded to India. At the time, he was not quite master of his full kingdom. As is well known, Pakistani troops had by then already occupied parts of Kashmir. Gilgit-Baltistan/the Northern Areas, meanwhile, were a British military frontier and watch tower in the Great Game with the Soviet Union and soon-to-be communist China.

It is worth asking what would have happened if Hari Singh had been able to deliver *all* of his kingdom to India, and if the erstwhile Kingdom of Jammu and Kashmir had become a “normal” state within the newly independent democracy. It is reasonable to reckon that by the 1950s, when the States Reorganisation Commission re-drew India’s internal map, the original state would have been broken up. Like in the case of Madras State or later the undivided Indian Punjab, sub-regional, religious-sectarian, ethnic and linguistic variations would have led to the formation of smaller, more uniform and manageable states from within Jammu and Kashmir.

Why was this not done between 1947 and 2019, at least for the truncated part of Jammu and Kashmir that was under Indian administration and free of

Pakistani control? There were two reasons. One, it was felt by the leadership of newly-independent India that such a step should follow a final resolution of the Kashmir dispute, whether it ended with a formal reincorporation of the parts of the old kingdom that were occupied by Pakistan—or, as was often proposed in later years, the recognition of the Line of Control (LoC) as a legitimate international border. The second reason was an intangible. India had accepted Partition and had come to live with it as a reality. What it has rejected is the two-nation theory that underpinned Partition and that held that people of different religions—for instance, Hindus and Muslims—could not live together in a composite nation-state. In the Indian imagination, and in the reckoning of the government in New Delhi, a trifurcation of Jammu and Kashmir into a largely Hindu Jammu, a substantially Buddhist Ladakh, and a Muslim-majority Kashmir valley, would be seen as acceptance that Kashmiri Muslims were distinct from other religious groups; in effect, this would concede a point to Pakistan.

For its part, Pakistan did not display fastidiousness with either law or pluralism. As early as 1949, it in effect separated the Northern Areas from the part of Kashmir it occupied and treated it as distinct. Now renamed Gilgit-Baltistan, this sub-region was subjected to virtual federal dictatorship, ethnic and religious cleansing, and massive demographic change. Part of it was even surrendered to China in 1963.

## II

India's decision to *not* treat Ladakh and possibly even Jammu as separate political units and so not delink them from the Valley with which they had little fraternity, carried implications. In the early years, this gave India debating points: about a state where different religions and ethnicities could live together, almost as a “mini-India”. This argument, however, was never as persuasive as it appeared. Whether international opinion on Kashmir was sympathetic or unsympathetic to India depended on the ebbs and flows of global and bilateral currents. It had little to do with India's self-image or imagined tapestry for Jammu and Kashmir.

Over the years, in Ladakh and more so in Jammu, resentment festered. It was felt in those sub-regions that a tiny geography and relatively small population in the Valley was being given a disproportionate amount of political, fiscal and public attention. This simmering discontent in Jammu was



tapped electorally by the Congress party—as recently as in the 1980s—and more recently by the BJP.<sup>2</sup> In terms of the political balance between the regions, the system was gamed to benefit the Valley.

The most pressing example is that of delimitation. Electoral constituencies—for the Lok Sabha and state assemblies—are meant to be redrawn after every decadal census. In an ideal situation, what this means is that if state X increases its population substantially in a given decade, it gets more Lok Sabha seats, and a state Y that experiences a population decline will get less.

In India, the delimitation of Lok Sabha seats and the relative number of seats allocated to each state remain pegged to the 1971 census. This was done to prevent the southern states from losing seats simply because their population control measures have been more effective compared to those of states such as Uttar Pradesh, Bihar and Bengal. However, delimitation and redistricting of electoral constituencies *within* states is permitted, with the census of 2001 as the baseline. This means that even as Uttar Pradesh’s population, for example, may have grown enormously since 1971, it continues to have 80 Lok Sabha seats, and nothing more. However, if there has been a population shift within Uttar Pradesh, then Lok Sabha and assembly constituency maps can be reconfigured as per the population distribution of 2001. To take a hypothetical instance, if western Uttar Pradesh now has more voters than eastern Uttar Pradesh, it can be allotted more Lok Sabha seats (from within the overall 80) and more assembly seats (from within the overall 403).

The one state where this internal delimitation did not happen was Jammu and Kashmir. The skew towards the Valley has remained unchanged since a delimitation exercise in the early 1990s. Population shifts in the period since then have not been accounted for: rising numbers in Jammu, declining numbers in Kashmir—for reasons including the post-1989 exodus of Hindus from a Valley that is today almost 100-percent Muslim. This imbalance had long become untenable, leading to chronic restiveness in Jammu.

### III

**T**he situation described in the preceding paragraphs is not new. Why did the Narendra Modi government act at this juncture? The easy answer would be that the abrogation of Article 370 and the integration of Jammu and Kashmir as a member of the Union of India has been a foundational principle of the BJP. This is a necessary, but insufficient answer.

Some roots of this decision lie in the 2014-16 period. When Prime Minister Modi came to office in May 2014, he appeared to be open-minded on the Kashmir question, and keen to the possibility of negotiating a lasting solution with Pakistan—of his own version of using trade and development as tools of cooperation, and moving border disputes to another time.<sup>3</sup> His invitation to Nawaz Sharif, the Prime Minister of Pakistan, for his swearing-in ceremony on May 26, 2014, was part of this attempt, even a trial balloon. Within weeks, the prime minister had a response. The Pakistan Army went on the offensive—whether to sabotage their own prime minister or to test India's new one—as they had done during the time of V.P. Singh in 1989-90 and of Atal Bihari Vajpayee in 1999. There were assaults along the LoC, and the targeted shelling of Hindu/non-Muslim villages on the Indian side.<sup>4</sup> The Modi government directed Indian security forces to hit back with disproportionate force.

In 2016, the Valley erupted following the killing of terrorist Burhan Wani in an anti-insurgency operation on July 8. Wani and the violence in the aftermath of his death represented a new phase in the Kashmir unrest, and the cries for azaadi were overwhelmed by calls for jihad. This was no longer a call for an independent Kashmir or even for merger with Pakistan; it was a call for a caliphate. The slogans, videos and imagery of the Islamic State and similar organisations began to exercise enormous influence among the young men of Kashmir.

This development gave India space. International pressure was near-absent as no serious Western government was willing to lecture New Delhi on human rights when the targets of Indian security operations were masked men in accoutrements reminiscent of the Islamic State, wielding AK-47s and advocating a pan-Islamist war. At the same time, it also posed a challenge for India. It meant that traditional politicians in the Valley have become irrelevant. This was true of not only the Abdullah (National Conference) and Sayeed (People's Democratic Party) families but also of the All-Party Hurriyat Conference, traditionally seen as pro-separatist, Pakistan-friendly and with a sense of the Kashmiri street. Having sold themselves too often to so many bidders, the political class in Srinagar was in no position to sell any idea, any compromise, any tactical advance or retreat, to the belligerent young Kashmiri. It must be clarified that there was little evidence of physical presence of the Islamic State in the Valley. This was a more a case of indoctrination by Internet-delivered propaganda.

Indeed, during that period, elements of the Hurriyat reached out to Indian intelligence agencies and political operatives in New Delhi,<sup>5</sup> urging the

government to take action against the “boys” but also engage the Hurriyat to give them (the Hurriyat leadership) a fresh lease. It was too late; the chapter was over. That is why suggestions by critics that the Union government should have taken “political leaders” in Kashmir into confidence in the days before August 5, 2019 are easily dismissed. It would have only ensured a news leak, and nothing constructive would have been achieved.

## IV

The events of 2016 had another impact—they brought the ferocity and trenchant rhetoric of Kashmiri separatism into the heart of anti-Modi demonstrations by left-liberal groups on campuses, media debates and public platforms across India. Historically, the Kashmir problem had not been an Indian Muslim dispute. The Kashmiri Muslim considered themselves distinct from all (other) Indians, whether Muslim or Hindu.

In recent years, the number of young Kashmiri Muslims studying and working in the rest of India has grown significantly. Kashmiri Muslims have become part of campus politics, being elected to student offices in Jawaharlal Nehru University and Aligarh Muslim University, for instance. They can be found working in distant Kerala and Goa. Even so, the osmosis has proved to be a mixed blessing. The Indian state may have hoped that this would introduce young Kashmiris to the diversity and economic opportunities of India and give them a greater sense of association with the country. While that has happened to some degree, it has also allowed separatist ideas to intersect with the causes being espoused by the fringe left, as well as with a small yet susceptible section of young Indian Muslims. After 2016, the thread that bound these disparate groups was a hostility to Modi and to the Indian state—in their imagination, now juxtaposed as one.

In public opinion in the rest of India, this led to a counter-reaction. It was not only because Modi was being demonised—despite the prime minister’s personal popularity it would be too simplistic to reduce this complex phenomenon to an individual. The counter-reaction occurred because public impatience with Kashmiri politicians, with Kashmiri victimhood, with Kashmiri secessionist tendencies, with violent street protests in Kashmir and with Kashmir-related terrorism had reached a historical peak. It has not been sufficiently appreciated that Kashmir as a conflict zone (and by extension, Pakistan) is no longer a discourse limited to north India, but is engaged with across the country.

There are two reasons for this:

1. Television and social media have effectively disseminated images and accounts of the Kashmir insurgency as well as anti-India sloganeering—whether in the Valley or at political events in other parts of the country—across India. This has created a revulsion and a reaction. While the expansion of separatist politics into left-liberal discourse on campuses and other platforms outside Kashmir, has given advocates of azaadi new allies, it has also exposed them to a much wider mainstream audience that does not agree with them.
2. Until the 1990s, Indian security forces encountered several live and active internal faultlines: Maoism in Andhra Pradesh, Maharashtra, Bihar/Jharkhand and other states; and separatism or insurgency in Assam, Manipur, Nagaland, Punjab, Jammu and Kashmir. Today, for the most part there is a muffled silence along these faultlines and a certain stability. The exception is Kashmir. This is reflected in the fact that almost all gallantry medals given to military or paramilitary troops by the government each year now involve action in Jammu and Kashmir and/or on the Pakistan front.

Both of these factors have made Kashmir a deeply-felt, all-India issue of unusual intensity. Anecdotal and empirical evidence bears this out.

In February 2019, Wing Commander Abhinandan Varthaman of the Indian Air Force bailed out after a dogfight over Pakistan-occupied Kashmir. Shortly afterwards, he was captured by the Pakistani military.<sup>6</sup> On March 1, he was released and crossed over to India. The Wing Commander's release, this author was told by a senior journalist from Kerala—in the far south of India—had among the highest television ratings for the fortnight in the state, trumping even soap operas.

The Pulwama car bombing provided more sombre evidence. It took place in the Valley two weeks prior to the Abhinandan Varthaman episode and saw the killing of 40 troopers of the Central Reserve Police Force. Between them, these men came from 16 of India's then 29 states. Their bodies went home to tears and emotional funerals in locations as far apart as Uttar Pradesh and Jharkhand, Assam and Karnataka.

Slowly, sedulously the hardened sentiment on Kashmir had acquired a pan-Indian footprint. An obvious upshot was and is a frustration with the status quo in Kashmir and a fatigue with what is seen as the familiar cycle of

victimhood and violence, blackmail and bluster. Politically the ground was fertile for a break from the past and for a new initiative, however audacious it may be. Perceptive to this mood, Prime Minister Modi and Home Minister Amit Shah saw their chance. In this context, the widespread though admittedly not unanimous support among political parties for the Jammu and Kashmir Reorganisation Bill, 2019, is telling.

## V

The neighbourhood dynamic—i.e., Pakistan-Afghanistan—also played its part in deciding the timing of the measures of August 5. As mentioned earlier, the 2016 unrest in the Valley, following the neutralisation of Burhan Wani, had an appreciable pan-Islamist/Islamic Statist inspiration. Pakistan exploited this upheaval and even funnelled money to stone-pelters and others resorting to direct action. When it came to Kashmir, it was apparent that the compact between nominally non-state pan-Islamist militias and extremist religious armies in Pakistan, on the one hand, and the formal Pakistani state on the other was complete.

By itself, this was scarcely new. The revelation was that the tail was wagging the dog. The abilities of those in the Pakistani state who wanted to modulate the religious armies—and so turn on and turn off the anti-India tap at will—had diminished sharply. These had been overrun by sections of the Pakistani army who saw themselves as international jihadists in uniform as well as, of course, by the growing influence and capacities of Lashkar-e-Toiba, Jaish-e-Mohammad and similar organisations. As such, while there was always a religious factor to the Kashmir secessionist project, 2016 indicated a newer and more dangerous dimension.

Two years later, as it became apparent that United States President Donald Trump was serious about withdrawing troops from Afghanistan, alarm bells rang in New Delhi. US Secretary of Defence Jim Mattis' resignation in December 2018 settled the debate within the Trump administration on the feasibility of a withdrawal;<sup>7</sup> the decision was made to leave. The clock was ticking and Pakistani and the Taliban were likely back in business.

Much of this was ominous. The explosion of terror in Kashmir in the early 1990s had followed the withdrawal from Afghanistan by another superpower, the Soviet Union.<sup>8</sup> It had made Kashmir the next “cause” of an international jihadist coalition and attracted not just Pakistani Punjabis but even Afghans



and other Central Asian nationals.<sup>9</sup> A tangential and yet direct correlation between Taliban ascendancy in Kabul and terrorism in Kashmir clearly existed. Having defeated the Russians and out-survived the Americans, the “liberation” of Kashmir would be a tempting prize for a supra-national army of the ummah.

Through 2019, as the US engaged the Taliban with Pakistani facilitation, Indian apprehensions grew. During Prime Minister Imran Khan’s visit to Washington, DC, in July, President Trump’s throwaway line, offering to “mediate” between India and Pakistan, was over-the-top but did indicate that such thinking had re-entered the ether in Washington, DC. At the very least, it confirmed that the US saw it necessary to offer a carrot to Pakistan.

As soon as Imran Khan returned from his America visit, officials in New Delhi say, the top brass in Rawalpindi began to celebrate. Jihadists who had pulled back from Pakistan-occupied Kashmir started to return and temperatures at the LoC rose. The opening lines of a familiar Pakistani ransom note to the West were being written—tell India to behave on the Kashmir front, or the effort in Afghanistan will suffer. The Modi government responded by writing an even larger ransom note of its own; it changed the script on Kashmir. Rather than wait to react to a potential comeback of the Taliban in Afghanistan—which, if Trump sticks to his timelines, is almost inevitable—the Indian government sought to anticipate the threats of the coming year and to prepare.

A Union Territory status for Jammu-Kashmir and for Ladakh gives New Delhi much greater say in the governance of those territories, and an even greater say than it has had in security, internal policing, intelligence gathering and aligned disciplines. The Union government’s involvement in these domains in Kashmir was always high; now it will be absolute. Ladakh is additionally crucial because of its proximity with Gilgit-Baltistan and with Chinese Central Asia.

## VI

**H**aving said that, the new paradigm in Kashmir is not just the product of a security mindset. That is a major parameter, but not the only one. Another motivation is to trigger a more regular process of politics and political mobilisation in the Valley. This has previously not been fostered and in fact been hindered by the traditional political leadership. Rather, this leadership has benefited by presenting itself as a shifty and shifting bridge between the separatists and the Indian state.

The removal of Article 370 makes laws of the Union of India automatically applicable in Jammu-Kashmir. Facilities provided in the rest of the country to disadvantaged communities and groups—from women to religious minorities to historically underprivileged castes—will now become relevant to Jammu-Kashmir. The removal of Article 35A, for instance, will make it possible for a permanent resident to marry an outsider and yet pass on inherited property to their children. So far, this was a right denied to women permanent residents who married non-natives.

There are other examples. Partition-era Punjabi (largely Sikh) refugees from areas now in Pakistan settled in Jammu in 1947. Today this community is over 100,000-strong. Thus far they have not been granted permanent resident status and have no domicile rights. They voted in parliamentary elections, but not assembly elections. They could not buy property or access higher education quotas. In contrast, Muslim refugees from Xinjiang and Tibet, who arrived in Srinagar in the 1950s, after the annexation of their homelands by communist China, were completely integrated into Kashmiri society.


Such discrepancies can be addressed in a post-370, post-35A scenario. Already, Home Minister Shah is speaking of routing development initiatives through panchayat-level representatives from among whom can emerge a new cadre of political leaders. This may be a fool's errand—or gradually all of it could lead to new avenues of politics and new anchor issues around which lobbies and interest groups are formed. To what degree this will dilute that hard separatist voice in Kashmir, a voice that overwhelms all other voices, is anyone's guess. Even in the best case, it will likely be a long haul of several years. The experiment might prove worthwhile, however, if only because everything else has failed.

## VII

**W**hat is the political impact of August 5 for the Modi government? The Indian prime minister has renewed his political capital fairly substantially, and only weeks after he led his party to triumph in the general election. He has also delivered a cherished promise to organisations in the RSS network that worked hard for his re-election and expected and deserved gratitude.

A piquant question follows: will Modi now use some of his fresh political capital to ask the RSS family for space to undertake economic, and particularly trade reforms? To be sure, such reforms will hurt influential sections in the

domestic economy. In the long term, of course, they are likely to be of strategic value. They could also be the opportunity and the stake in the India growth story that Modi offers global powers to leaven any assessments of the new legal architecture in Jammu-Kashmir.

It is clear that August 5 has left in its wake many possibilities, many openings and many questions. Which ones will Modi choose? As is characteristic of him, the prime minister will let it be known when he feels it right to do so.  ORF

#### ABOUT THE AUTHOR

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## ENDNOTES

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