



Indian Government New North—East Policy In Present Era

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Abstract :

Resolving the situation in Kashmir through diplomacy and dialogue is a valid solution and an effective long-term strategy. However, the alarming human rights situation of the region, the nuclear character that the conflict could take on, and the irreversible position of the three committed actors demand urgent intervention from the international community. In the name of Article 24 of the UNSC Charter, it is vital to maintain peace and security in a region where the multitude of ethnic groups is under the Indo-Pakistani-Chinese politico-security stranglehold. To start, I will draw up a quick picture of the major problem in resolving the conflict, and then explain why the current solutions do not work. I will then propose concrete alternatives and recommendations.

Kashmir is located at the junction of Pakistan, India, Afghanistan and China in the Himalayan mountains. India's Mughal emperors by the beauty of its surroundings called Kashmir paradise. The total area of state of Kashmir that is a former princely state of British India was 86,023 square miles. In the last seven decades Kashmir became a paradise lost. Its people were trapped in the current of a bitter dispute between India and Pakistan. It became a focal point of inter-state conflict in the first and second India-Pakistan wars, in 1947-1948 and 1965, started on the dispute over Kashmir, and the territory also saw heavy fighting in the third war in 1971.

At the time of partition of Indian Jammu and Kashmir including Aksai Chin, had an area of 222,236 square kilometers. Out of this area Kashmir had 10 percent, Jammu 14.4 percent, and the frontier districts 75.6 percent. According to the census of 1941 population of Kashmir was 4.02 millions, 77 percent were Muslims and 20 percent were Hindus. Today 45.62 percent of the original state territory is with India, 35.15 percent with Pakistan and 19.23 percent with China. The Line of Control (LOC) divides Jammu and Kashmir to 778 KM long area and there is an uncontested border of 198 km between the part of state with India and Pakistani Punjab. In the Siachen area there is an undefined line about 150 km separating India and Pakistan.

Historical Background Kashmir :

The sub conflict over Jammu and Kashmir is the nucleus of all problems between India and Pakistan. It has troubled the relations between the two countries since their independence from the British rule in 1947. The origin of this sub-conflict lies in the

reality that when the British India was partitioned in 1947, Muslim majority areas were to be given to Pakistan while Hindu majority areas were to be given to India. The state of Jammu and Kashmir was one of 562 princely states of the British India. It had Muslim majority and it was ruled over by a Hindu maharaja who concluded a standstill agreement with Pakistan and started atrocities against the Muslim population of the state. In reaction the population revolted.

Indian leaders view that in October 1947 a force of Pushtun Afridi tribesmen invaded Kashmir. The tribesmen had come to help their Kashmiri brethren who were concerned that the Maharajah of Kashmir was going to hand over Kashmir to India. Kashmiri forces with the help of the tribesmen proclaimed a war of liberation against maharaja and advanced on the capital, Srinagar. Hari Singh fled to Delhi and directly appealed to the Indian government for military assistance. Mountbatten, the last British viceroy and at the rise of the situation in Kashmir the Governor-General of India, accepted Hari Singh's plea with the condition that the Kashmiri people would be offered a referendum to decide their future. Indian Prime Minister Nehru, however, himself a Kashmiri Hindu, flew troops to the state.

During the final months of 1947, while high level Indo-Pakistani talks failed to resolve the crisis in Kashmir, Indian troops succeeded in breaking the back of the tribal offensive and securing their own hold over Srinagar. At the same time the Gilgit region on 3 November 1947, under the leadership of the commander of the Gilgit Scouts, Major W. Brown, threw off all vestige of Dogra rule and declared for Pakistan on the following day. Already, with the onset of the winter of 1947-8 the military situation in Jammu and Kashmir was fast approaching a stalemate, the State being effectively cut in two by an elastic but impenetrable battle-front. During the course of 1948 fighting in Kashmir went on between the Indian Army and the forces of the Government of Azad Kashmir, which formally declared its independence from Maharaja's government on 24th October 1947 just before the Indian airlift in Srinagar.

This led to a brief armed conflict between Pakistan and India in 1948. It was India, which referred the dispute to the UNSC. On first January 1948 the Indian representative to the UNSC, P. P. Pillai, transmitted to the President of the UNSC the case from India. It was in the form of a complaint against Pakistan and it requested the UNSC to stop Pakistan from meddling in Kashmir. The argument of India was based on the validity of Maharaja's association to India (Lamb, 1992).

United Nation's Commission on India and Pakistan UNCIP was formed to enquire the issue of Kashmir and help the conflicting parties so that they might reach a settlement. The result of the considerations of the Commission was two resolutions of the UNSC, which were passed on 13th August 1948 and 5th January 1949. The first called upon both governments of both conflicting parties to "reaffirm their wish that the future status of Jammu and Kashmir shall be determined in accordance with the will of the people". The second resolution resolved that both governments had accepted principles that the

question of accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.

After the deployment of Indian forces in Jammu and Kashmir on 26th August 1947 the Indian government adopted a policy with double standards. The Indian government, on one hand, expressed the intention for resolving the dispute in the light of the aspirations of the people of the state but on the contrary, practically the Indian leaders, especially Nehru, the Prime Minister of India, took steps to incorporate the state in the Indian Union.

One of the first efforts of the resolution of the Kashmir issue by international peace brokers took place during October 1948. Prime Minister of Pakistan, Liaquat Ali Khan told that he held two secret talks with the British Prime Minister Clement Attlee, British Foreign Secretary Ernest Bevin and Indian Prime Minister Jawaharlal Nehru. The talks did not bring a solution to the issue very neater (Dawn, 1984-Oct 25). Instead of an escalation of the war in the last days of 1948 there were negotiations leading to a cease-fire which took effect on 1st January 1949 and on 27 July 1949 Indian and Pakistani military representatives signed at Karachi an agreement defining a cease-fire line in Kashmir which, until the 1965 was to mark the limit of the two states.

Apparently both parties agreed that India and Pakistan each might administer a part of Kashmir until a plebiscite could be held. Pakistan had controlled the Gilgit Agency, Baltistan, and the western edge of the valley of Kashmir, with a population of about 3 million, whilst India had held the rest of Kashmir, Ladakh and Jammu, administering nine million.

The cause of this quick, unexpected and temporary settlement of the Kashmir conflict was that at that time the Commanders of the Armies of both states were still British, General Gracey for Pakistan and General Bucher for India. They remained in close touch during the critical days and their presence decreased the possibilities of long conflict. Secondly the Prime Ministers of the both countries. Jawaharlal Nehru of India and Liaquat Ali Khan of Pakistan, did not want to shatter their newly found states in the very start.

On 22nd August 1949 Dawn reported that UN might name Admiral Chester Nimitz as mediator in the Kashmir dispute. Meanwhile the UN Central Headquarters in Rawalpindi declared that the demarcation of the cease-fire line

Indian Point of View :

India regards Kashmir sub-conflict as a territorial issue. She claims that Jammu and Kashmir is her integral part and Pakistan is interfering in the affairs of the state by supporting the Mujahideen. The sub-conflict over Kashmir put into question. When it emerged, the largely publicized and often declared belief that India's identity was able to absorb as well as accommodate various kinds of social groups. Kashmir was significant

for highlighting this self-image specifically because its majority population was Muslim, and the struggle to hold on to it against Pakistan's claims gave India's early political life a strong point of reference.

The Muslim majority status of Kashmir was significant for India due to its importance in the context of Indian secularism. Indian Union did not comprise any other majority Muslim state. Therefore Kashmir provided ideology of Indian secularism. Kashmir also provided India a safeguard in contrast to the demands for India to leave behind her officially declared ideology of secularism and become a Hindu state. The second feature of this external orientation of India's identity was the fear, though over time these anxieties have been dissipated through continuous hard struggle and actions of Indian leadership that the loss of Kashmir would set a precedent for other regions in Indian Union to break apart.

It is an accepted reality that Indian society is largely segmented. India's population is over a billion and it is divided into various types of innumerable languages and dialects, 6 major religions, some 6400 castes and sub-castes, and 52 major tribes. Sixty-five percent of communities are either bilingual or trilingual. Identities go beyond seemingly separate Hindu or Muslim religious types. There are more than 1000 communities under the influence of the religious leaders in dual religious systems. In this situation creating a unified identity of India is difficult, also because the inter-group violence occurs often. In India, state building through the democracy has often been marred by regular and serious distortions in the form of violence in the name of religion, caste, and tribe as well as economic exploitation and economic or political neglect. This has forced India to have a strong grip as well as built a strong occupation over Kashmir.

Another significance of Kashmir for India lies in the fact that it was the ancestral homeland of Nehru, the first Indian Prime Minister and one of the founding fathers of India. He used his influence to ensure India's commitment to retaining Kashmir (Malik, 2002). Successive Indian governments and various Indian writers put forward another symbolic reason for Indian determination to occupy Jammu and Kashmir is that its secession might set a dangerous example for other states of Indian Union who are disillusioned with India.

The practical reason for the significance of Kashmir for India can be divided into security and economic needs of India. Post 1947, Kashmir's strategic significance increased due to the creation of the rival Pakistan. Both India and Pakistan were involved in hostilities with each other as well as with other countries of the area. The location of Kashmir was such that whichever country would control it would have been in strong strategic military position to attack other. Indian hostility with China increased this phenomenon the more. Economically, as a state rich in the production of timber with the headwaters of three major rivers of Indus Basin Kashmir could be very beneficial to India despite the fact that in 1947 the economic links of Kashmir with the areas which later

became the parts of Pakistan were far greater than with the areas which became the part of India after partition.

Pakistan's Point of View :

The perceptions of Pakistan and India about the constituents of the sub-conflict are altogether different. Pakistan considers it as an unfinished agenda of the division of India in 1947. Pakistan regards it as an issue of giving the right of self determination to the Kashmiris, a principle also accepted by the UN Security Council Resolution.

Original importance of Kashmir for Pakistan lies in the two-nation theory upon which All India Muslim League based its demand for a separate Muslim homeland. The theory mentions that the Hindus and Muslims are two separate nations who cannot live together and that the Muslims of the subcontinent cannot lead their lives in full accordance with their beliefs under Hindu domination. Indian control over Kashmir was problematic because it was the sole Muslim majority region that was not given to Pakistan. In contrast, the Hindu majority state of Junagadh, whose Muslim ruler preferred to join Pakistan, was incorporated by India in 1948 at the time of independence. It became a useful issue for Pakistani rules to gain political support because it raises 'deep passions and emotions' that touch the heart of Pakistani identity. For the majority of Pakistanis, Kashmir is so central to their national identity that without it, partition of India and liberation of Pakistan still remains 'fundamentally incomplete'.

Kashmir was significant for Pakistan practically in the strategic and economic fields. The strategic importance of Kashmir was the same as to India mentioned above. In a cable to Nehru, on 16th December 1947, Prime Minister of Pakistan Liaquat Ali Khan stated, "the security of Pakistan is bound up with that of Kashmir". Pakistan was as much concerned about the effects of leaving Kashmir because threats were there from India and Russia. Liaquat Ali made this clear in a 1951 interview: The very position of Kashmir is such that without it Pakistan cannot defend itself against an unscrupulous government that might come in India'.

Kashmir's river links with Pakistan were also vital. The waters of the Indus, Jhelum and Chenab rivers all flowed through Kashmir before they reached Pakistan. The agriculture of the Punjab and Sindh that is the backbone of Pakistan's economy depended on the water of these rivers to a large extent. Pakistan had the fear of permanent switching off the water supply on behalf of India. This fear of Pakistan was expressed by Pakistan's first Foreign Minister Zafarullah Khan: If Kashmir should accede to India, Pakistan might as well, from both economic and strategic points of view, become a feudatory of India or cease to exist as an independent sovereign state".

The Pakistani concerns on the water issue that increases the significance of Kashmir issue for Pakistan is still present. Asif Ali Zardari, the President of Pakistan, was also anxious in 2008 just like first Foreign Minister of Pakistan, over the stoppage of water on behalf of India. Zardari, pointing to the ramifications of the violation of the Indus

Water Treaty, said the Indian move to stop the water by building dams on the rivers flowing towards Pakistan would damage the bilateral ties, which the two countries had built over the years.

In the UNSC Pakistan denied all Indian allegations of illegal action in assisting the tribesmen in Kashmir. It represented the situation in Kashmir in the start of the issue as essentially one of the popular revolt against the oppressive regime of Maharaja (Lamb, 1992). Pakistan maintained that a standstill agreement was reached between Pakistan and the State of Kashmir in 1947.

August Abrogation of Article 370 and J&K Reorganization :

In late July and during the first days of August, India moved an additional 45,000 troops into the Kashmir region in apparent preparation for announcing Article 370's repeal. On August 2, the J&K government issued an unprecedented order cancelling a major annual religious pilgrimage in the state and requiring tourists to leave the region, purportedly due to "intelligence inputs of terror threats." The developments reportedly elicited panic among those Kashmiris fearful that their state's constitutional protections would soon be removed. Two days later, the state's senior political leaders including former chief ministers Omar Abdullah (2009-2015) and Mehbooba Mufti (2016-2018) were placed under house arrest, schools were closed, and all telecommunications, including internet and landline telephone service, were curtailed. Internet shutdowns are common in Kashmir-one press report said there had been 52 earlier in 2019 alone but this appears to have been the first-ever shutdown of landline phone networks there. Pakistan's government denounced these actions as "destabilizing."

On August 5, with J&K in "lockdown," Indian Home Minister Amit Shah introduced in Parliament legislation to abrogate Article 370 and reorganize the J&K state by bifurcating it into two Union Territories, Jammu & Kashmir and Ladakh, with only the former having a legislative assembly. In a brief floor speech, Shah called Article 370 "discriminatory on the basis of gender, class, caste, and place or origin," and contended that its repeal would spark investment and job creation in J&K.

Table 1. Militancy-related casualties in Jammu and Kashmir (2000-2008)

Year	Civilians	Security Force Personnel	Terrorists	Total
2000	842	638	1808	3288
2001	1067	590	2850	4507
2002	839	469	1714	3022
2003	658	338	1546	2542
2004	534	325	951	1810
2005	557	189	917	1663
2006	389	151	591	1131
2007	158	110	472	740

2008	91	75	339	505
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On August 6, after the key legislation had passed both of Parliament's chambers by large majorities and with limited debate, Prime Minister Modi lauded the legislation's passage, declaring, "J&K is now free from their shackles," and predicting that the changes "will ensure integration and empowerment." All of his party's National Democratic Alliance coalition partners supported the legislation, as did many opposition parties (the main opposition Congress Party was opposed). The move also appears to be popular among the Indian public, possibly in part due to a post-Pulwama, post-election wave of nationalism that has been amplified by the country's mainstream media. Proponents view the move as a long overdue, "master stroke" righting of a historic wrong that left J&K underdeveloped and contributed to conflict there.

The Mumbai terrorist attacks of November 2008 put an end to this newfound peace, and the global focus shifted back to Pakistan's use of cross-border terrorism. The international community, particularly the West, sought to end Pakistan's state sponsorship of terrorism and favoured India's position strongly.¹⁸ By 2016, under the Modi government, India had managed near-total diplomatic isolation of Pakistan, with no major international power entertaining Islamabad's stance on Kashmir. The same year, Kashmir witnessed one of the worst unrests in its history, in the aftermath of the killing of militant commander Burhan Wani. Pakistan used this opportunity to bring the matter to the UN in an attempt to turn the international community against India; it failed.¹⁹ Islamic nations, including Saudi Arabia and the United Arab Emirates (UAE), refrained from commenting on the turmoil in J&K. This was possible in part due to Modi's outreach to several South and West Asian countries, strengthening India's international economic influence. The absence of global criticism regarding Kashmir was seen as a manifestation of effective Indian diplomacy. The global discourse on Kashmir now focused mainly on Pakistan's sponsorship of terrorism in Indian territory.

Developments in 2019

The February Pulwama Crisis

On February 14, 2019, an explosives-laden SUV rammed into a convoy carrying paramilitary police in the Kashmir Valley city of Pulwama. At least 40 personnel were killed in the explosion. The suicide attacker was a local youth said to be a member of Jaish-e-Mohammad (JeM), a Pakistan-based, U.S.-designated terrorist group that claimed responsibility for the bombing. On February 26, Indian jets reportedly bombed a JeM facility in Balakot, Pakistan, the first such Indian attack on Pakistan proper since 1971 (see inset Figure 1). Pakistan launched its own air strike in response, and aerial combat led to the downing of an Indian jet. When Pakistan repatriated the captured pilot on March 1, the crisis subsided, but tensions remain high. The crisis thus renewed fears of war between South Asia's two nuclear-armed powers and put a damper on prospects for

renewed of dialogue between New Delhi and Islamabad, or between New Delhi and the J&K government.

A White House statement on the day of the Pulwama bombing called on Pakistan to “end immediately the support and safe haven provided to all terrorist groups operating on its soil” and indicated that the incident “only strengthens our resolve” to bolster U.S.-India counterterrorism.

Due to this, Indians from other states were not allowed to buy land or settle in this state. Additionally, if a woman marries someone from an outside state, she loses her property rights.

The Modi government argued that this was intended to be a temporary provision and that it has been seven decades since. They also claimed that the article is discriminatory in nature and that it hindered development. Consequently, after

Conclusion :

India has little reason to withdraw from this conflict. Kashmir is very valuable to India. Future plans of channeling hydroelectricity and the abundance of natural resources make it so. Additionally, with nationalist and anti -Pakistan sentiments rising in India, a majority of the people would not want to lose Kashmir. The Modi nationalist government's persona of being hard negotiators and tough and decisive on foreign matters was a significant factor in them winning the elections. In fact, Modi's overwhelming victory.

In fact, Modi's overwhelming victory for his second term is credited by many to his swift and decisive retaliation on the terrorist camps in Pakistan. To add to this, India has not faced severe economic or political repercussions due to the Kashmiri conflict. Hence, in the coming future, given the current events, it is extremely unlikely that India will change its stance on Kashmir. On the contrary, India seems to be moving towards completely integrating Kashmir into itself.

However, the plight of the Kashmiris is heard more than ever now. In both countries, there is a rising demographic that wants to end the loss of lives and sorrow that Kashmir has become synonymous with. As the world is increasing the measures taken against terrorism, we can hope that Kashmir too can one day be free of it. The global stage is keeping a close watch on Kashmir and many organizations are going in to better the situation. Some are calling to make the line of control the official border.

Reference :

1. Korbel, Josef. "Danger in Kashmir." *Foreign Affairs*, vol. 32, no. 3, 1954, p. 482., doi:10.2307/20031046.
2. K. Venkataramanan (5 August 2019), "How the status of Jammu and Kashmir is being changed", *The Hindu*

3. "Lok Sabha Election results 2019: EC declares results of all 542 seats, BJP wins 303". Zee News. 25 May 2019.
4. Akhtar, Rais; Kirk, William, Jammu and Kashmir, State, India, Encyclopaedia Britannica
5. "Article 370: What Happened with Kashmir and Why It Matters." BBC News, BBC, 6 Aug. 2019, www.bbc.com/news/world-asia-india 49234708.
6. Al Jazeera. "Kashmir under Lockdown: All the Latest Updates." India News | Al Jazeera, Al Jazeera, 27 Oct. 2019,
7. Ali, Chaudhry Muhammad. (1973). The Emergence of Pakistan. Pakistan Historical Society.
8. Barua, Pradeep P. (2005). The State at War in South Asia. London. University of Nebraska Press.
9. Basrur, Rajesh M. (2008). South Asia's Cold War: Nuclear Weapons and Conflict in Comparative Perspective (Asian Security Studies). New York. Routledge.
10. Behera, N.C. (May 2007). Demystifying Kashmir. Washington D.C. Brookings Institution Press.
11. Choudhry, G.W. (1968). Pakistan's Relations with India, 1947-1966. London. Pall Mall Press.
12. Das, N.K. (2006). People of India and Indian Anthropology. Economic and Political Weekly. 3156-59.
13. Bose, S. and Jalal, A. Modern South Asia: History, Culture, Political Economy, 2nd ed. New York and London: Routledge. Burke, S.M. (1975). Mainsprings of Indian and Pakistani Foreign Policies. Paperback.
14. Choudhry, G.W. (1968). Pakistan's Relations with India, 1947-1966. London. Pall Mall Press.
15. Das, N.K. (2006). People of India and Indian Anthropology. Economic and Political Weekly. 3156-59.