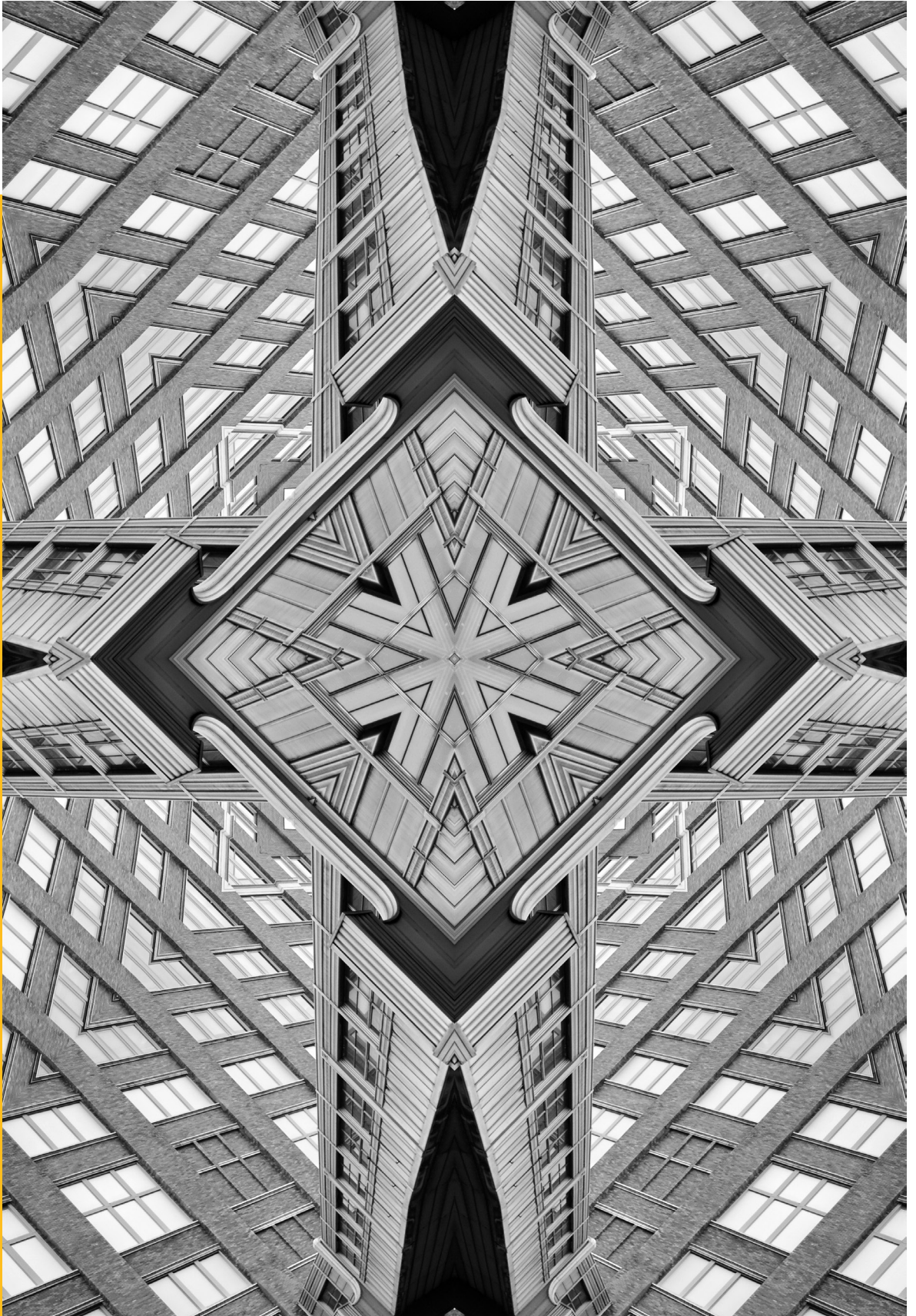


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The Kashmir that India Lost: An Analysis of India's Post-1980s Policy on Gilgit Baltistan

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Abstract

This paper dissects the history and politics of Gilgit-Baltistan, a part of Pakistan-occupied Jammu and Kashmir (PoJK), from the 1980s to the present day. It analyses the policies implemented by Pakistani leaders in the region and how successive political parties have attempted to justify Pakistan's administrative control of it while disregarding any democratic, secular or moral principles in the ruling of its supposed subjects. The paper also seeks to understand how India's policy on PoJK has evolved, and ponders what could have been done differently.

The Gilgit Baltistan region makes up the majority of territory that is considered as Pakistan-occupied Kashmir (PoK). Yet, there is little knowledge about the region even within India, whether through news reportage or scholarly research. While India has always considered this part of PoK as an integral part of Jammu and Kashmir, it has failed to raise its voice against the actions of the Pakistani state in the region, instead opting, intentionally or otherwise, for a defensive posture vis-à-vis the Kashmir that remains under its own governance. The growing footprint of China in Gilgit Baltistan in the past few years has added a new strategic dimension to India's discourse on PoK, making it a compelling area of study.¹

This paper is the second in a series of papers that seeks to study the Gilgit Baltistan region beginning from the period of Zia-ul-Haq's rule in the late 1970s to the present day. The first paper looks at the history of the region from before 1947 until the 1980s, looking at Pakistan's means of gaining control over the region as well as India's battle before the United Nations. This present analysis highlights the watershed events in the history of Gilgit Baltistan from the 1980s, and the supposed reforms that the Pakistan government has initiated in the region, along with its neglect of the people. It analyses the evolution of India's policy towards the region over the years, and explores how this policy seems to have shifted under the current Narendra Modi government.

While the paper's focus is on Gilgit Baltistan—which is one part of the entire area under Pakistan's occupation—it also refers to the so-called 'Azad Jammu and Kashmir'. The paper refers to this smaller part of the larger PoK as PoJK, and the region known as Gilgit Baltistan as Pakistan-occupied Ladakh, given that it is now part of the Union Territory of Ladakh.

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By the end of Zulfikar Ali Bhutto's rule in 1973, the Northern Areas continued to be under direct federal administration. Pakistan's third Constitution had merged the districts of Gilgit and Baltistan, creating the Federally Administered Northern Areas (FANA) and the people continued to be deprived of judicial rights and local and national political participation.² As Zia ul Haq assumed power in 1977, he focused on greater Islamisation of Pakistan's polity, moving the country towards a theocratic state. For the Northern Areas, this meant a policy of greater radicalisation and demographic change. In the so-called 'AJK' (or what this paper refers to as PoJK), Zia got rid of the elected assembly, by inserting the temporary provision, Article 53 A, in the PoJK Interim Constitution. The elected legislature of PoJK, which had come to power in 1975, were persuaded to "agree" with Zia for their dismissal and the area was brought under Zia's control.³

In 1981, the Pakistan Citizenship Act, 1951 (Adaptation) Order was made applicable to the Northern Areas. The people of the region were issued Pakistani Identity Cards and Passports, making them "citizens" of Pakistan. They were, however, denied all the rights accorded to citizens under the Constitution. In July 1982, Zia declared that while Kashmir was a disputed issue, "so far as the Northern areas are concerned, we do not accept them as disputed" but as "an integral part of Pakistan".⁴ He said the Northern Areas were not part of Jammu and Kashmir. Zia also stated that Gilgit, Hunza and Skardu—all of the Northern Areas—were not part of the areas under dispute.⁵ Zia also announced the appointment of three observers from the Northern Areas to the Federal Council or *Majlis-e-Shoora*. India protested the move, maintaining that the Northern Areas were part of the Indian state of Jammu and Kashmir and thus could not be represented in a Pakistani-nominated council.⁶ In 1985, Zia formed a committee of nine federal secretaries to examine the status of the Northern Areas; of the options suggested by the committee, Zia chose to make the region a de facto province of Pakistan, and eventually, a de jure one.⁷

Zia's Islamisation drive included suspending the 'state subject' rule, which barred outsiders from purchasing land in the region. This

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was done in order to counter the growing sectarian consciousness of Shias who comprised the majority population in Gilgit Baltistan. He supplemented this action by encouraging and facilitating the migration of Sunnis from other parts of the country to settle in the Northern Areas. Steadily, the influx of non-locals into the Northern Areas led to the destruction of the centuries-old, harmonious co-existence between the Shia and Sunni communities.⁸

By the 1980s, Sunni sectarian organisations such as Sipah-e-Sahaba Pakistan and Tehrik-e-Jaffria Pakistan began taking root in the region. Influenced by the Iranian Revolution of 1979, the Iran-Iraq war, and the Soviet invasion of Afghanistan, militant groups in Pakistan, supported by Saudi Wahhabi organisations began spreading and financing sectarian political organisations. In May 1988, groups of Sunni zealots from the North West Frontier Province (NWFP), assisted by locals pillaged Shia villages on the outskirts of Gilgit and killed many.⁹ These attacks were followed by more violent anti-Shia incidents in 1990, 1992, 1993, 2001, and 2005, all with a certain degree of state complicity.¹⁰ Such events created a sectarian divide between the small part of PoJK and Gilgit Baltistan as well, with the former having a majority-Sunni population, and the latter being largely Shia. While parties in PoJK have wanted Gilgit Baltistan to be returned or merged with them, there is less enthusiasm for such a move in Gilgit Baltistan.¹¹

In the 1990s, the conflict over Kashmir acquired a new dimension with Pakistan supporting, financing, and training militants to destabilise the Kashmir that was under Indian administration. Since then it has used terrorism as a foreign policy tool to disturb the peace in Kashmir, thereby drawing international attention to the region and India's actions in it. Pakistan has used PoK to carry out attacks and assist in infiltration of militants to India, intensifying its proxy war in J&K.

In 1993, a landmark judicial decision criticised the Pakistani state for denying the people of the Northern Areas their fundamental rights. The *Malik Muhammad Miskeen and 2 Others vs Government*

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of Pakistan was initiated by a plaintiff of the Muslim Conference and the PoJK Government. The case debated the relationship of the Northern Areas to Pakistan, with the petitioners challenging Pakistan's separation of the region from PoJK through the Karachi Agreement which was signed in secret in 1949. The case ended in a huge embarrassment for the Pakistan government as the PoJK High Court ruled in favour of the petitioners. It took serious note of the "arbitrary" and "unrepresentative" system in place and directed the 'AJK' High Court to assume charge of the region.¹² Their judgement stated that the Northern Areas were part of PoJK, and that their separation was in violation of resolutions passed by the UN Security Council over the years. It also stated that the government should establish a democratic government based on adult franchise in the region, as well as administrative bodies and courts of laws that will provide the people of the region with their fundamental rights.¹³

As Ambassador Dinakar Srivastava, author of *Forgotten Kashmir: The Other Side of the Line of Control* points out, the court judgement stated that "detachment of Northern Areas for the rest of Azad Jammu and Kashmir tantamount to violations of the resolutions of the Security Council of March 30, 1951 and January 24, 1957." This is an unfair assessment, however. After all, the Northern Areas had been separated by PoJK in 1949, before the 1951 and 1957 resolutions were passed.¹⁴ How then can the "detachment" of the Northern Areas be termed "illegal" when the resolutions did not exist at the time? By separating the Northern Areas from PoJK, Pakistan unilaterally changed the status of the territory before a plebiscite could be held, in clear violation of the UN Commission on India and Pakistan (UNCIP) resolutions of August 1948 and January 1949.

The PoJK court verdict of 1993 did not recognise or acknowledge the separation of the two parts of J&K by Pakistan. It would have meant losing all claim on the Northern Areas, given that it violated UN resolutions that called on parties to not unilaterally alter the status quo. Therefore, while Pakistan has repeatedly tried to nullify Jammu and Kashmir's accession to India, it has ignored that the Constituent

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Assembly in India reached all its decisions in a transparent process; unlike in Pakistan where agreements were signed in secret and in violation of UN resolutions.¹⁵ While the court's decision was important and historic, it was overturned by the PoJK Supreme Court soon after on procedural grounds.

The following year, the Benazir Bhutto government initiated certain rudimentary changes by introducing the Legal Framework Order of 1994. The framework created the Northern Areas Legislative Council, which worked under the Pakistan Prime Minister and the Ministry of Kashmir Affairs and the Northern Areas (MKANA). While the body gave an appearance of having legislative functions, all powers continued to be exercised by MKANA. This and other changes that Benazir made to the region were different from those that her father, Zulfikar Ali Bhutto implemented decades earlier. Benazir's council was headed by the prime minister, had both legislative and executive functions, and was advised by a council that had local representation from the region. Her father, on the other hand, marginalised the local population under the guise of "sovereignty", with areas under the legislative jurisdiction of the Council being decided by a non-elected body that was chaired by the prime minister himself. Since Benazir's order came after the secret Karachi Agreement was made public, it did not hide the fact that the local council only had an advisory role.

In 1999, in response to a petition by the Al-Jehad Trust, the Pakistan Supreme Court ruled that the people of the Northern Areas should have full political participation in the country and they be accorded the fundamental rights guaranteed under the Pakistan Constitution. The court instructed the government to take appropriate measures within six months.¹⁶ Taking note of what it called the "dictatorial and colonial system at work", the court also stated that the people should have "access to justice through an independent judiciary."¹⁷ The ruling was important as it extended the writ of the Pakistan Constitution to the Northern Areas. In response, the government replaced the Executive Council with the Northern Areas Legislative Assembly (NALC) which had little legislative role. All powers of the NALC rested with the Federal Minister of Kashmir Affairs and the

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Northern Areas, who as chief executive had absolute authority; no legislation could be passed without his prior approval.¹⁸ The historic judgement directed Islamabad to extend fundamental rights to the people of the area, thereby acknowledging that until then, the Pakistan government had denied those rights to the people.¹⁹

In 1999 Pakistan initiated the Kargil war by crossing the Line of Control.²⁰ It used the Northern Areas as launching pad for sending militants and soldiers to infiltrate India's ranks, and for conventional military attacks. During this time Islamabad, which deployed the Northern Light Infantry Division in the guise of Kashmir mujahideen, never acknowledged the deaths of their soldiers and refused to collect the bodies of the Kashmiris killed in the conflict while accepting the bodies of the Punjabi soldiers.²¹ This led to resentment in the Northern Areas as confrontation increased between the local population and the militants, and people grew bitter about the militants getting the credit for doing nothing while the NLI soldiers took heavy casualties on their side.²²

In 2004, General Pervez Musharraf announced a new set of reforms for the region: a new district (Astore) was created; the seats for women in the districts and union councils were increased by 33 percent; and an appellate court for the Northern Areas was established. These changes, however, did not appeal to the people of the region who had hoped that the government would implement the Supreme Court judgement that had directed it to provide them with self-rule and fundamental rights.²³

In 2005, following a devastating earthquake, international aid organisations and rescue groups converged in PoJK and discovered a disturbing truth. A *Humans Rights Watch* report in September 2006 observed that the earthquake put the international spotlight on 'Azad Kashmir' for the first time; until then, attention had been almost wholly on Jammu and Kashmir. It discussed how Pakistani troops in the PoJK prioritised the evacuation of their own troops rather than civilians, some even standing by and refusing to participate in rescue efforts for those trapped under the rubble, saying they had "no orders" to do so.²⁴

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A report presented to the EU parliament drew attention to the fact that Pakistan was still not implementing democracy in 'AJK' and was yet to take steps towards democracy in Gilgit and Baltistan, while India, for its part, had devolved democratic structures at all levels.²⁵ The administrative vacuum was filled by militant outfits, such as Lashkar-e-Taiba's Jammāt-al-Dawa which led the rescue and relief efforts in the critical days after the earthquake. The Pakistan army instead focused on securing strategic points along the Line of Control.²⁶

In 2009, the Pakistan People's Party (PPP) under President Asif Zardari issued the Gilgit Baltistan Order, which instructed that the region remain part of the Northern Areas as Gilgit Baltistan. The 2009 order is important to study, even though it was later repealed and replaced by the order of 2018 in what was a reflection of how the political status of Gilgit Baltistan had evolved. The order gave a territorial definition to Gilgit-Baltistan, which did not refer to areas as part of 'AJK' or the state of Jammu and Kashmir. It also lay down the definition of who was considered a 'citizen': a person who has a domicile of Gilgit-Baltistan. In other words, Pakistan effectively separated the region from its original inhabitants and made no effort to preserve the demographic composition of the region, which was a prerequisite for holding a plebiscite to determine the aspirations of those people.²⁷ Packaged as reforms that would bring about greater empowerment, the order did not give the region a well-defined political status nor any federal representation. It gave it a chief minister, who was simply a figurehead, and an 'observer' status in the federal cabinet; it made the region function as an administrative unit that was expected to generate revenue and thereby pay taxes.²⁸

In 2018, the government under Shahid Khaqan Abbasi introduced a new order that abolished the list of 61 items over which the elected assembly in Gilgit-Baltistan had been granted legislative powers. It is important to note here that although the 2009 order had granted the Gilgit Baltistan assembly certain legislative powers, most of the important issues remained with the Council or were not mentioned in either the Council's list nor that of the assembly.²⁹ The new order which came after the announcement of the China-Pakistan Economic

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Corridor (CPEC) in December 2013, reinforced the strategic importance of the territory for the economic interests of Pakistan. The 2018 order ensured that the real authority did not reside with anyone else other than the prime minister of the country. It had shed its earlier ruse that the Council—headed by the prime minister—had the main authority.³⁰ The 2018 order ensured that the region did not have control over roads or highways, given that it is the starting point of CPEC, and that highways remained under the government's exclusive jurisdiction. It also removed the taxation powers, increasing the region's dependency on Islamabad for financial support.

In September 2020, former Prime Minister Imran Khan's government passed a resolution granting Gilgit Baltistan provisional provincial status—once finalised, the order would make Gilgit Baltistan, Pakistan's fifth province. It is widely believed that the government is acting under pressure from China, which recognises the importance of Gilgit Baltistan to the CPEC corridor and wants the 'legal sanctity' to operate in the region.³¹ Pakistan made this move seven decades after capturing the region, following India's decision in August 2019 to change the status of Jammu and Kashmir. Nonetheless, even if Gilgit Baltistan were to become Pakistan's fifth state, one wonders what the nature of a provincial government would be like; after all, it abolished all the items on which the assembly could previously legislate, and it has not received royalties from China's infrastructure projects.

Constitutional Ambiguity

Gilgit Baltistan's status is not mentioned in Pakistan's Constitution. Although they are part of the larger state of J&K and the classified Karachi Agreement of 1949 recognised that the region is part of the much smaller 'AJK', the writ of Muzaffarabad has never been allowed to be implemented in the region.³² Despite numerous attempts by successive governments in Muzaffarabad to acquire administrative control over Gilgit-Baltistan, its petitions, resolutions and pleas have been ignored. It is important to remember that the Pakistan government, challenging the Supreme Court ruling in the *Al-Jehad Trust* case of 1993, stated that even the Supreme Court of Pakistan has no jurisdiction over the Northern Areas. Given its lack of constitutional status, Gilgit Baltistan does not have even a façade of self-governance. Unlike the other part of PoJK, Gilgit Baltistan continues to be governed by the federal government. The legislative reforms package of 1994 and 2004 were cosmetic; in reality, they denied the people their fundamental rights and kept the local population away from any decision-making. They provided some superficial institutions of local participation, all while Islamabad ruled over them with an iron hand.³³ The 2018 Gilgit Baltistan Reforms Order ensured that the region continued to be deprived of any control over its natural resources. Given its strategic location, Gilgit Baltistan controls the water flow from the Indus tributaries into Pakistan; this had led the Pakistan government to be stricter on matters related to hydropower and electricity generation, which fall under the exclusive jurisdiction of the prime minister.³⁴

How Gilgit Baltistan's constitutional ambiguity became a main cause for economic exploitation in the region can be understood by studying the controversy surrounding the Diamer Bhasha Dam. As the name suggests, the dam project that was designed to generate power of up to 4500 MW is located in the Diamer district of Gilgit. The power plant for the dam, however, is located in the bordering Bhasha village of Khyber Pakhtunkhwa province. As per Article 161

(2) of the Pakistan Constitution, royalties and profits earned from hydroelectric stations must go to the province where the station is located. Therefore, given that Gilgit Baltistan is not a province nor does it feature in the Constitution, the earnings from the dam will go to the Khyber Pakhtunkhwa government, even though it houses only one percent of the total dam project.³⁵

Ethnic and Sectarian Violence

The Northern Areas have historically comprised ethnic and sectarian groups who are minorities in the Pakistan state. The communities with the biggest populations were the Shia Muslims, Ismailis, and Noor Bakshis, who had until now lived in peaceful harmony for the most part. While the indigenous peoples of the region share common ethnic, linguistic, social and cultural ties with each other, the Pakistani state has over the decades provoked and fueled inter-ethnic strife to serve its own larger security interests. Indeed, sectarian consciousness in Gilgit Baltistan is a post-1947 phenomenon³⁶—a consequence of state apathy and desire to demolish the pluralistic nature of society. Furthermore, impoverished parents, having little choice because of lack of educational facilities, have often had to put their children in *madaris* where there is a possibility of them getting exposed to religious extremism.³⁷ In 2007, the International Crisis Group report on the region noted that “the absence of rule of law and the climate of impunity has empowered sectarian extremists, who are also the main beneficiaries of the democratic deficit. So long as elected institutions remain impotent and the moderate voices are silenced and marginalized, sectarian extremist are bound to flourish.”³⁸

Demographic Division

While census data is difficult to come by given that Pakistan has wanted to keep the region under an information vacuum, it is well-known that Gilgit Baltistan has undergone significant demographic changes since 1947. The abrogation of the State Subject Rule, which

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had historically protected the local demographic composition, was a deliberate effort by the government of Pakistan to settle Sunnis from other parts of the country in the region in order to dilute the Shia dominance of Gilgit Baltistan.³⁹ Sunni settlers have also been attracted by business opportunities related to the Karakoram Highway which facilitates trade between China and Pakistan. While the highway was completed by the late 1970s, certain stretches are being rebuilt under CPEC.⁴⁰ The government has also sponsored the settlement of greater number of non-locals in the areas, which has damaged the social fabric and further created religious feuds and permanent rifts between communities in the region.⁴¹ The political vacuum in the region has promoted ethnic and religious narratives against each other; in turn, this has overshadowed people's demands for genuine political and social economic rights.

There are reports that as of January 2001, the old population ratio of 1:4 (non-locals to locals) has changed to 3:4. Areas which were once dominated by Shia, such as Skardu and Gilgit, continue to witness an increase in non-Shia population. As Abdul Hamid Khan, Chairman of the Balawaristan National Front (BNF) argues: "The Pakistani administration has been involved in efforts to alter the demographic profile of Pakistan-occupied Gilgit Baltistan, reducing the indigenous people to a minority. In the Gilgit and Skardu areas, large tracts of land have been allotted to non-locals. Other outsiders have purchased substantial stretches of land since they are economically better off than the locals. The rapid induction of Punjabi and Pashtun outsiders has created a sense of acute insecurity among the locals."⁴²

Chinese 'Imperialism'

Much has been written about the relationship between China and Pakistan, ever since the first bilateral trade agreement was signed between them in 1963. United by a common adversary—i.e., India—the two nations have since rapidly developed their bilateral relationship, with their economic and military ties having strong

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political undertones. To be sure, China's calculations vis-à-vis Pakistan have always been geopolitical. Beijing has worked hard to develop Pakistan as a supposed 'counterbalance' to India, by providing it with military and nuclear aid as well as political and diplomatic support when required. In recent years, the announcement of CPEC, pledges for which have ballooned to some USD62 billion, has resulted in the further strengthening of Beijing and Islamabad's relationship.

The corridor runs from western China, through Gilgit Baltistan, Punjab and Sindh, ending in Gwadar in Balochistan, giving China its much-needed easy access to the Arabian Sea. It is therefore important to remember that there would be no CPEC without PoK.⁴³ While Chinese presence in Gwadar has attracted more media attention, there will be far greater investments in PoK, particularly Gilgit Baltistan. While Gwadar is expected to receive USD793 million under CPEC, PoK will receive USD5.94 billion, of which infrastructure projects in Gilgit Baltistan will be worth USD2 billion.⁴⁴

Chinese projects in Gilgit Baltistan are in the two main areas of hydropower and road building. Article 161 of the Pakistan Constitution states that profits from hydroelectric power generation are payable to the province where the plant is located. However, since Gilgit Baltistan is not a province, it can never hope to receive any revenue from the projects initiated in the region.⁴⁵ As for road building, the Karakoram Highway, which was completed in 1986, is the main artery facilitating trade between China and Pakistan, through Gilgit Baltistan.

All this is not to say that China's interests in Kashmir are new; indeed, they precede CPEC, with Beijing seizing Aksai Chin from India in 1962 and Pakistan willingly handing over the Shaksgam Valley in PoJK to China the follow year. Given that Gilgit Baltistan is rich in water and mineral resources, it has been an attractive region for China's growing ambitions. Not to mention that the strategic location of Gilgit Baltistan gives China an advantage vis-à-vis India,

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the Central Asian Republics, and Afghanistan. Maintaining civilian and military presence in the region gives Beijing advantage in both war and peacetime.⁴⁶

Such has been the sorry state of affairs in Gilgit Baltistan as it remains ignored by Pakistan, which decides to sacrifice the fundamental rights of the people of the region, until the Kashmir (that is under India's administration) gets its supposed fundamental rights.⁴⁷

“The abrogation of the State Subject Rule, which had historically protected the local demographic composition, was a deliberate effort by Pakistan to settle Sunnis from other parts of the country in the region in order to dilute the Shia dominance of Gilgit Baltistan.”

India Response and Strategic Re-Think

Since 1947, India's policy on PoK is to claim the entirety of the former state, and expose Pakistan's support for militants in Jammu and Kashmir while remaining on the defensive with regards to Pakistan's actions and policies in the parts of Kashmir that it has illegally occupied.

Earlier, India had proposed that the Kashmir issue be settled on the basis of the extant status quo, with some minor territorial adjustments to establish a rational border.⁴⁸ At the time, Jawaharlal Nehru saw two options for India: it could either carry the war to a "bitter end and thereby recover the lost territory," or it could halt active military operations and explore other options.⁴⁹ He believed that "the only possible way of putting an end to this conflict was by accepting, more or less, the status quo then existing."

In October 1948, on the sidelines of the Commonwealth Prime Ministers' Conference in London, Nehru briefly mentioned this personal suggestion to Liaquat Ali Khan—that the issue be settled by both countries accepting the territorial status quo with the possibility of certain areas in western Poonch and other areas in the north western part of Jammu and Kashmir, which were under Indian control, being allotted to Pakistan. However, the Pakistani prime minister refused to consider the matter.⁵⁰ A similar proposal was discussed in May 1955 in Delhi with Mohammad Ali Bogra and General Iskander Mirza, as Nehru "thought it might be possible to consider the transfer of a certain part of the Poonch area which was on the Indian side."⁵¹

Later in 1962 and 1963, during talks between Swaran Singh and Zulfikar Ali Bhutto, Singh proposed that in addition to retaining all territory it then controlled in Jammu and Kashmir, Pakistan would be allotted "small sections under Indian control to the west and north of the Valley, but nothing in the Valley itself." Bhutto's counter proposal had demanded that Pakistan acquire almost the entirety of the Kashmir Valley and Ladakh, with India retaining only small parts of Jammu—this was of course denied.⁵²

India Response and Strategic Re-Think

Today it is difficult to sift India's stance on developments in PoK in the late 1970s, following the Shimla Conference. There is also little documentation to understand how different governments viewed the changes that Pakistan made in the region.⁵³ However, that being said, after the liberation of Bangladesh in 1971, there were murmurs that a "spy" in Indira Gandhi's Cabinet had informed the US's Central Intelligence Agency of India's supposed plans to enter what was then 'West Pakistan' and liberate Pakistan-occupied Kashmir. When this intelligence reached the White House, then President Richard Nixon and his National Security Adviser Henry Kissinger were able to put the required pressure on India to not follow through with their plans to enter PoK.⁵⁴ There is no telling what the course of history would have been had this supposed intelligence not been leaked to the United States.

In 1994, as the insurgency in Kashmir peaked, India passed a resolution in parliament which remains its most significant assertion yet regarding its claim over Kashmir. The resolution, passed by both houses of parliament, condemned Pakistan's actions of supporting and encouraging terrorist activities in Jammu and Kashmir, while firmly declaring that the state of Jammu and Kashmir "has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means."⁵⁵ The resolution also demanded that "Pakistan must vacate the areas of the Indian state of Jammu and Kashmir, which they have occupied through aggression."⁵⁶ While the resolution was significant in its own right given that both houses of parliament unanimously affirmed this long-standing position, successive Indian governments have made few attempts to act on the claim. For all practical purposes, it seems like India has given up on recovering the stolen territory and have instead focused its efforts on securing Pakistan's consent to legitimise, with some modifications, the current Line of Control as the international border.⁵⁷

In the aftermath of the September 2001 attacks in the United States and the global war on terror being fought in Afghanistan, a number of back-channel negotiations between the Pervez Musharraf

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and Manmohan Singh governments ensued. The diplomatic parleys converged on a framework that held the promise of making the Line of the Control “irrelevant” as Musharraf phrased it, or “just lines of a map” as Singh referred to it. In other words, the agreement would enable both sides to claim victory, as it would involve “open borders” across the state, rather than the formal exchange of contested territory.⁵⁸ This agreement represented a change in India’s strategy: instead of asserting that the accession of the entirety of J&K to India was “final and irrevocable” and that the only thing left for discussion was “how parts of PoK could be included in India again,” India was ready to accommodate Pakistan’s interests without giving up on the legal foundations of its own claims.⁵⁹ Before anything could be finalised, Musharraf was removed from power.

In 2009, the government protested the Gilgit Baltistan Empowerment and Self Governance Order through diplomatic channels. It stated that “Pakistan has for the past six decades denied the basic democratic rights to the people in those parts of the state of Jammu and Kashmir under its illegal occupation” and that the order was “another cosmetic exercise intended to camouflage Pakistan’s illegal occupation.”⁶⁰

The coming to power of Narendra Modi in 2014, however, once again led to a shift in India’s strategy. The Modi government, while initially making overtures of peace to Pakistan, has since been more vocal and assertive of India’s sovereignty over PoK. In June 2015 the Ministry of External Affairs official spokesperson, while responding to a media question on election in Gilgit Baltistan stated that “the entire state of Jammu and Kashmir which includes the region of Gilgit and Baltistan is an integral part of India.” They added that “the election in Gilgit and Baltistan...under the so called ‘Gilgit Baltistan Empowerment and Self Government Order’ is an attempt by Pakistan to camouflage its forcible and illegal occupation of the regions” and that “the fact that a Federal Minister of Pakistan is also the ‘governor of Gilgit Baltistan’ speaks for itself.”⁶¹ Later that year, in the UN General Assembly, India made a statement regarding Pakistan’s false portrayal of the challenges that the region faced, stating that Jammu

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and Kashmir was under Pakistan's foreign occupation, not India's and that "India's reservations about the proposed China-Pakistan Economic Corridor stem from the fact that it passes through Indian territory illegally occupied by Pakistan for many years."⁶²

In August 2016, while chairing an all-party meeting on Kashmir, PM Modi stated that meetings involving all stakeholders should also "include people from PoK living in other countries or places because PoK is also a part of India."⁶³ A few days later, addressing the nation on Independence Day, Modi criticised Pakistan for supporting cross-border terrorism and for their human rights abuses in Balochistan, Gilgit and Baltistan. He added that "the people of Balochistan, the people of Gilgit and the people of Pakistan-occupied Kashmir...have heartily thanked me" and have shown goodwill towards India.⁶⁴

Since then, several senior members of the Modi government have also made references to PoK. Speaking in parliament on the government's decision to abrogate Article 370 from the Indian Constitution and change the status of Jammu and Kashmir from a state to a Union Territory, Home Minister Amit Shah stated that whenever he referred to Jammu and Kashmir it included PoK and Aksai Chin (which remains under China's occupation).⁶⁵ In August 2019, Defence Minister Rajnath Singh said that any talks with Pakistan would only be held "if it stops supporting terror" and that "if talks are held, it will now be only on PoK."⁶⁶ In September 2019, Minister of External Affairs S. Jaishankar in a press conference stated that, "PoK is part of India and we expect one day that we will have the jurisdiction, physical jurisdiction over it."⁶⁷ In June 2020, addressing a rally in Jammu via video conference, Rajnath Singh again brought up the matter of PoK, saying, "soon people of PoK will demand that they want to be with India and not under the rule of Pakistan, and the day this happens, a goal of our Parliament will also be accomplished."⁶⁸ These statements reflect the long-standing position advocated by the BJP that PoK should be regained by India.⁶⁹

India Response and Strategic Re-Think

This strategic re-think on PoK merits greater understanding and academic research. Until Modi, India has had no irredentist agenda and had only looked to legitimise the ownership of the areas that are under its governance.⁷⁰ If earlier, India's unofficial policy was to get Pakistan to agree to making the Line of Control the international boundary, does this mean that it has now changed? It is important that the government clarifies India's stance. Even if India were to cede parts of the territory under its control over to Pakistan, it remains highly unlikely that it would satisfy Pakistan, given the depth of the military establishment's resentment towards India. Indeed, it could lead to a doubling of efforts by the Pakistani state to fracture India even more, in order to bring it closer to parity with Pakistan, thereby attempting to eliminate the threat posed by New Delhi's superior power.⁷¹

“Until Modi, India had no irredentist agenda and had only looked to legitimise the ownership of the areas that are under its governance.”

The Lost Narrative: What India is Doing Wrong

A scholar Navnita Chandra Behera has found in her research on Kashmir, the mountainous regions of PoK have always been “enveloped in multiple and overwhelming silences”: “intellectual silence”, reflected in a striking absence in academic literature; the international community’s silence in selectively focusing its attention on the Kashmir Valley; the silence of the Pakistani polity, which in its yearning for Kashmir has cared little about the region’s people; and the silence of India, which seems to have turned its back on these areas since 1947-48.⁷²

Since independence, the map of Jammu and Kashmir has undergone considerable changes. The loss of parts of Jammu and Kashmir to Pakistan and China has meant that India has been left with a fragmented territory under its administration. Barring diplomatic protests and some public statements against Pakistani actions in PoK, India’s approach to developments in the region have been lukewarm. In discussions in international forums, the term “Kashmir dispute” almost always refers to Jammu and Kashmir, and Gilgit Baltistan and the so-called AJK are disregarded. It is therefore a serious matter that India has failed to convey its narrative and perceptions regarding PoK in an effective manner.

At the same time, Pakistan has been succeeding in its international propaganda campaign that disproportionately focuses on the Kashmir valley, which is 7 percent of the total area of J&K and only 15 percent of the area under Indian administration.⁷³ Apart from the Kashmir Valley, where Pakistan-sponsored and supported militancy remains the highest, the rest of Jammu and Kashmir and Ladakh receive little attention.

As for the Kashmir that is under Pakistani occupation, despite the historical legacy of state-sponsored violence, demographic change, ethnic dissent, poor education and lack of job opportunities, unaddressed grievances, and political unrest, it receives little coverage from within Pakistan and even less from the international media. The

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people of PoK have not had a legitimate way to raise their political and economic concerns; any attempt to do so could result in immediate consequences. Pakistan is intent on disallowing most information from going in or out of PoK, to ensure that the people's basic needs remain secondary to the state's military and security needs.

To be sure, India's story in Kashmir is complex and not without its own share of mistakes and wrongdoings. Pakistani media routinely report on instances of heavy-handedness on the part of Indian security forces. (Yet, they fail to cover how militants backed by Pakistan, attack children and use them as shields, prevent shopkeepers from opening business and routinely kill Indian soldiers.⁷⁴) The stories of heavy-handed military activities are regularly reported in the Indian media before they make international news—after all, the Indian state boasts a largely free press. This is the opposite of Pakistan, where forget about local media in PoK, the national media is repeatedly muzzled for questioning the military-intelligence establishment.⁷⁵ By focusing only on India's Kashmir, India along with the rest of the world seems to be lacking knowledge of the atrocities Pakistan has committed in the territory it controls.

India's official claim over Kashmir includes the entirety of the former princely state, and it makes no distinction between the two areas that Pakistan controls. In other words, India does not recognise the Pakistan government's distinction between 'AJK' and Gilgit Baltistan. Rather, it refers to the entire region under Pakistan occupation as PoK or Pakistan-occupied Kashmir. Prime Minister Modi's speech in 2016 referred to the people of Gilgit and the people of Pakistan-occupied Kashmir—two separate groups of people to distinguish between the so-called AJK and Gilgit Baltistan, as Pakistan does. However, apart from this instance and India's official claim, there is largely no unanimity in the terminology or a single point of reference as far as both these regions are concerned.⁷⁶ India has never acknowledged nor accepted the 'independent stature' of the region Pakistan refers to as 'AJK' nor does it concede that Gilgit Baltistan is part of Pakistan. At the

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UN in January 1957, V. Krishna Menon, who at the time was serving as India's Permanent Representative to the UN eloquently argued: "My government uses the words 'Azad Kashmir' without accepting the connotation of the word 'Azad' means 'free', we do not accept the term as meaning free Kashmir forces. They are enslaved Kashmir forces or whatever they are. But we have to use the language as it is given, and it should be understood that we do not regard it in its literal sense".⁷⁷

Needless to say, India does not accept Pakistan's claim of supposed 'independence' in 'AJK' nor has it never accepted or recognised Pakistan's control over the parts of Jammu and Kashmir under their illegal occupation.


“In international forums, Gilgit Baltistan and the so-called AJK are mostly disregarded. It is a serious matter that India has failed to convey its narrative and perceptions regarding PoK in an effective manner.”

India must clearly define and reiterate its aims and objectives when it comes to PoK. Apart from the 1994 parliamentary resolution on India's claim over the entirety of Jammu and Kashmir that was unanimously passed by both houses of parliament, there has hardly been any effort by India to clearly define its objectives regarding PoK, which it continues to regard as an integral part of its territory.⁷⁸ Senior government officials' statements that allude to "winning" PoK back may be mere posturing to Pakistan, using Gilgit Baltistan as a tactical device to soften up Islamabad.

While it is difficult for the public to separate political rhetoric from actual policy, it is important for the ruling party to develop a wide consensus amongst themselves, and with members of the opposition as well, to develop a consistent, negotiating position regarding PoK. Political statements regarding "reuniting" Kashmir need to be made cautiously, as India must consider its possible consequences, including the risk of war with Pakistan, and perhaps China.⁷⁹ Nonetheless, some analysts are of the view that India should systematically assist the unrest in Gilgit Baltistan as an insurgency would make it difficult for China to develop CPEC.⁸⁰

Whether India has changed, or plans to change its approach regarding PoK, it is also vital that New Delhi work to mobilise international attention towards the atrocities being committed in PoK. By highlighting the situation in Gilgit Baltistan, India will not only be giving voice to the people of the region, but it will also shed light on the larger Kashmir region that has been seemingly forgotten by all.

Conclusion

It is also important for India to engage with the people in Gilgit Baltistan and the nationalist groups that are seeking moral support from India. If India were to engage with these groups, it is likely that it would lead to more voices rising in favour of Gilgit Baltistan's reunion with India—a point of view that has failed to gain traction because of the lack of support from India.⁸¹ Wining the hearts and minds of the people that India supposedly considers its own, would help prove that although Gilgit Baltistan may have already been forgotten by the rest of the world, and ignored by Pakistan—India remembers. 

(This paper is the second in a series of ORF papers on Gilgit Baltistan. The first paper can be read here: <https://www.orfonline.org/research/the-kashmir-that-india-lost/>)

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