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The 5 August Debacle – Can India right the wrong?

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The Nation

HISTORY

[Aizaz Ahmad Chaudhry \(https://nation.com.pk/contributor/6850\)](https://nation.com.pk/contributor/6850)

August 05, 2021

[\(https://nation.com.pk/contributor/6850\)](https://nation.com.pk/contributor/6850)

Two years ago, on 5 August 2019, India revoked Article 370 and Article 35A of the Indian constitution relating to the Indian occupied Jammu and Kashmir, effectively dividing the state into two Union territories. Two years later, a barrage of questions still lurks and await answers. Why would India make such a move when it knew that this would evoke an across-the-board resistance by the Kashmiris? What good could possibly come out of assaulting the very identity of Kashmiris? How would the Modi government extricate itself from this messy situation that it brought upon itself? So many questions, yet so few answers. We need to address these troubling questions for the larger interest of peace in South Asia.

Let us first try to understand the motives behind India's 5 August 2019 actions. Ideologically, this move was aligned with the goal of the Modi-led BJP government to create a Hindu Rashtra, which by definition has little space for minorities. Jammu and Kashmir being a Muslim majority state was viewed as an obstacle to the BJP ambition, and was thus annexed as two Union territories. The RSS philosophy, which drives the politics of BJP, is an exclusionary ideology, and has posed a direct challenge to those Indians who want to see India identified with secularism and pluralism. That means the Indian polity is now poised for a commotion that could threaten its internal peace and harmony.

[Power tariff likely to increase by up to 95 paisa per unit \(https://nation.com.pk/23-Jan-2022/power-tariff-likely-to-increase-by-up-to-95-paisa-per-unit\)](https://nation.com.pk/23-Jan-2022/power-tariff-likely-to-increase-by-up-to-95-paisa-per-unit)

The humanitarian consequences of this development also cannot be underestimated. As was expected, the Kashmiris resisted the annexation of their state and in reaction, the Modi government used excessive force to suppress the voices of Kashmiris. With nearly 900,000 troops stationed in the valley, prolonged curfews were imposed, and a blackout of communications was enforced. The onset of the COVID-19 pandemic brought in what is termed as the "double-lockdown" for ordinary Kashmiris. Severe shortages of food and medicine coupled with restrictions of movement, arbitrary arrests of individuals as young as nine years old, custodial killings, and blinding of Kashmir youth with pellet guns, all exacerbated the untold misery of the Kashmiri masses. It is not surprising that the entirety of the Kashmiri polity opposed the 5 August 2019 measures. The international community, too, has expressed anguish and concern over the gross human rights violations in Indian-occupied Kashmir.

[Mawra Hocane opens up about her marriage plans \(https://nation.com.pk/23-Jan-2022/mawra-hocane-opens-up-about-her-marriage-plans\)](https://nation.com.pk/23-Jan-2022/mawra-hocane-opens-up-about-her-marriage-plans)

Apart from the ideological and humanitarian dimensions, the legality of the move, too, has come under question. The 5 August 2019 decisions have violated both the UN Security Council resolutions as well as the Simla Agreement between India and Pakistan because India was under legal obligation not to bring in material change in the disputed territory. The UNSC Resolution 38 of 17 January 1948 bound the Indian government to inform the UN of the material change and consult the Security Council on that. Further, UNSC resolution 47 of 21 April 1948 obligated the Indian government to cooperate with the UN for holding a plebiscite to ascertain the wishes of the Kashmiri people. Under the Simla Agreement of 1972, India had given an undertaking to abide by the UN Charter principles, and not to unilaterally alter the situations.

So, how does the Modi government exonerate itself from such a complicated situation, which has severe legal and humanitarian consequences for India? The Modi government did try to entice some Kashmiri leaders to accept the new situation. On 29 June 2021, Prime Minister Modi met with members of the Gupkar alliance, a grouping of pro-India Kashmiri leaders, to find a way out. The initiative could not result in a solution because there was not a single Kashmiri of any political shade that was ready to accept such a blatant assault on the very identity of Kashmir. The spokesperson of the Gupkar alliance expressed disappointment at the absence of any necessary steps to end the "siege and atmosphere of repression" that has choked Jammu and Kashmir. The Hurriyat leaders, who stand for the

right of Kashmiris for self-determination, had already made it clear that they would not succumb to this heavy-handed approach. It is increasingly becoming evident to the Modi regime that there is no alternative to restoring the statehood of Kashmiris.

[I consider Shahbaz Sharif not a leader of opposition but a national criminal: PM \(https://nation.com.pk/23-Jan-2022/i-consider-shahbaz-sharif-not-a-leader-of-opposition-but-a-national-criminal-pm\)](https://nation.com.pk/23-Jan-2022/i-consider-shahbaz-sharif-not-a-leader-of-opposition-but-a-national-criminal-pm)

Connected to the issue of statehood, is the question of demographic engineering that the Modi government has embarked upon in Jammu and Kashmir to convert the Muslim majority into a minority. Pursuant to the “Jammu and Kashmir Reorganisation Order 2020” on 31 March 2020, a domicile law had been introduced to open the doors for non-Kashmiris to settle down in the occupied state. Kashmiris are obviously resenting this attack on their demographic profile.

So, if the Kashmiris of all shade continue to resist the 5 August 2019 decisions, and the use of excessive force also fails to subdue the Kashmiri resistance, then what options does the Modi government hold? Three options can be chalked down. One obvious choice India has is to restore the statehood of Jammu and Kashmir altogether by reverting to the pre-5 August 2019 situation. The Modi regime would obviously not be keen on this option. The second option could be to engage with Pakistan in finding a solution to the longstanding Kashmir dispute. For its part, Pakistani leadership has made it clear that there would be no dialogue with the Indian government until the statehood is returned, and then steps are taken to resolve the Kashmir dispute. Some informal contacts between the two sides have been reported, which can provide a basis for forward movement provided the Indian government rescinds its 5 August 2019 decisions. If it does not, the 5 August debacle alone could become an albatross around the neck of the Modi government.

[‘Good Chance’ of Rajab moon sighting on Feb 02 eve \(https://nation.com.pk/23-Jan-2022/good-chance-of-rajab-moon-sighting-on-feb-02-eve\)](https://nation.com.pk/23-Jan-2022/good-chance-of-rajab-moon-sighting-on-feb-02-eve)

A third option, and a more worrisome scenario, is if India would opt for creating a distraction as has happened in the past. It is in this context, that there is a chatter of India conducting false-flag operations to depict the Kashmiri resistance as Pakistan-sponsored terrorism and to that end, reimpose lockdowns. This would be a high-risk move by Indian strategists because this could plunge the region into a kinetic confrontation. It would be important for Indian decision-makers to remember the lessons from the failed surgical strikes of 26-27 February 2019 that it carried out against Pakistan, and earned the disrepute of becoming an irresponsible state.

The geopolitical dynamics arising out of US competition with China are also complicating matters. The US tilt towards India to bolster it as a counter-weight to China has emboldened the Modi regime to pursue hegemonic ambitions in South Asia, which in turn has pitched India into a conflictual relationship with all its neighbours. The US needs to bring back balance in its South Asia policy to save the region from further escalation of tensions. A related aspect is the growing Indian tendency to sponsor terrorism in Pakistan, obliging Pakistan to take the position that unless India gives up its attempts to instigate terrorism in Pakistan, there can be no meaningful dialogue.

[IIOJ&K: Indian troops martyr two more Kashmiri youth in Shopian \(https://nation.com.pk/23-Jan-2022/iioj-k-indian-troops-martyr-two-more-kashmiri-youth-in-shopian\)](https://nation.com.pk/23-Jan-2022/iioj-k-indian-troops-martyr-two-more-kashmiri-youth-in-shopian)

With such an uncertain future facing Indian polity, will the Modi regime muster the courage to right the wrong it has committed? Only time will tell. However, if India fails to see the writing on the Kashmiri wall, it should be prepared for a more turbulent time ahead.

Aizaz Ahmad Chaudhry is a former Foreign Secretary. Currently, he is serving as the Director-General of the Institute of Strategic Studies Islamabad.