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INTENSIONS OF BJP GOVERNMENT IN ABROGATING ARTICLE 370 IN JAMMU & KASHMIR

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Abstract

Bhartia Janta Party's decision of 5 August, 2019 to abrogate Article 370 in Jammu and Kashmir can be discussed and understood through different perspectives. There may be a number of objectives, motivations and intentions behind such a decision. Modi Government did not take this decision abruptly. There is a long term planning behind such a decision. One of the core motivations behind this move as claimed by BJP government was to ensure the full integration of Jammu & Kashmir into the Indian Union. Indian government further clarified that by removing the special status of Jammu and Kashmir, they aimed to strengthen its control over this region and bring it under the same legal framework as the rest of the country and to address the issue of separatism and terrorism. This is Indian justification to satisfy the international community. It is just one sided picture painted by Modi sarkar. There is a lot more than what has been presented before the world. This paper has focused on what is the actual situation behind the scene. What were the real intentions of BJP government in abrogating Article 370 in Jammu and Kashmir? In the current research work it is also noted that to what extent the objectives and targets including peace & stability, economic development and social justice in the region have been achieved.

Keywords: *Abrogation, Integration, Abolition, Annulling, Modi Sarkaar, Think Tank, Revocation.*

Introduction

The hilly area of Kashmir enjoys a crucial geopolitical location. It is located in a significant geographic area. China borders it on the east and Pakistan

on the west. The southern Indian provinces are Punjab and Himachal Pradesh. Afghanistan is also touched by its northern borders. The region is well-known for its exceptional natural riches and beauty. Currently, India controls the southern and eastern portions of the region, while Pakistan occupies the northern and western parts. Conflicts between the two nations have wreaked havoc on the region for more than 80 years. Since both India and Pakistan possess nuclear weapons, the entire subcontinent, including Kashmir, might be annihilated in the event of another shooting conflict between them. The bilateral ties between the two adjacent countries are currently at their diplomatic zenith. An eye bird view of the history of this region shows that from 1339 to 1846 it was ruled by different dynasties including shmir dynasty, Mughal Empire, Afghan Durrani Empire and Raja Ranjeet Singh. Treaty of Lahore was signed after defeat in anglo-sikh war and finally Gulab Singh was made ruler after the treaty of Amritsar and the last maharaja of this dynasty was Maharaja Harri Singh who ruled till 1947.

India and Pakistan fought each other in the 1947–1948 Indo-Pakistan War over the princely state of Jammu and Kashmir. Between the two recently independent countries, it was the first of four Indo-Pak conflicts. In an attempt to seize Kashmir and prevent its ruler from joining India, Pakistan sent tribal lashkars (militias) from Waziristan, sparking the war a few weeks after gaining independence. According to neutral evaluations, India prevailed since it was able to seize most of the disputed land.

The Indian government abruptly said on August 5, 2019, that Article 370 of the Constitution, which gives the state of Jammu and Kashmir significant political autonomy, will be repealed. The Indian government claims that by completely merging the state into India, this long-overdue action will assist to calm the situation. However, this action has simply fueled the fires.

In 1949, Article 370 was incorporated into the Indian Constitution. With the exception of foreign policy, defense, and communications, it permits Jammu and Kashmir to have its own constitution, flag, and sovereignty. In recent decades, this autonomy has been significantly undermined in practice. Article 35A, a significant provision added under Article 370, is also revoked. Permanent residents are granted particular privileges as a result, such as employment with the state government and the sole ability to purchase real estate in Jammu and Kashmir. Its goal is to preserve the state's unique demographic makeup as India's only Muslim-majority state (John, 2019).

Following its 1947 independence from British colonial authority and subsequent division into Muslim-majority Pakistan and Hindu-majority

India, Kashmir status became a source of contention between the two countries, who both want to keep Kashmir inside their newly delineated borders. After first declaring Kashmir an independent princely state, the governing Hindu maharaja of the Muslim-majority territory later agreed to join India under specific autonomy conditions after fearing a Pakistani takeover. These requirements were converted into Articles 370 and 35 A, which were subsequently added to the Constitution of India. With regard to Indian law, these provisions established a considerable degree of autonomy for Jammu and Kashmir. Articles 370 and 35 A have permitted Jammu & Kashmir to establish their own constituent assembly and enact their own laws, even though the central government in New Delhi still has authority over matters like military and foreign policy. Most significantly, the regulations give Kashmiri citizens some degree of authority and security in a hotly contested area by limiting land ownership and permanent residency in the area to indigenous Kashmiris. The approximately 8 million people who live in Jammu and Kashmir lose their autonomy when Articles 370 and 35-A are repealed, giving the national government control instead. The BJP's main goal in permitting non-Muslims to reside and own property in Kashmir is to alter the region's predominantly Muslim population. (Hijab & Melissa 2019)

While commenting over the ground situation of Jammu and Kashmir after revocation of its special status Hijab Shand & Melissa Dalton in their article titled Indian Revocation of Kashmir's Special Status dated August 12, 2019 say that there is an almost complete communication blackout, with no access to the internet, cell phones, or landlines, and that limitations on journalists have caused information from Jammu and Kashmir to be dispersed. Days before it revoked its special status, New Delhi dispatched 35,000 troops to the affected area. The government of India claims that the situation in Jammu and Kashmir is peaceful., but there have been sporadic reports of over 300 leaders being arrested, curfews and strict security limiting travel in the area, massive protests and protester crackdowns (which the Indian government denied but which BBC documented in a released video that caused some controversy, and deficiency of money and basic necessities in the region. Although restrictions were apparently somewhat loosened for Sunday's Eid holiday, Indian security forces nonetheless maintain strong control over the area. The removal of Articles 370 and 35-A is being criticized by the Indian civil society as unconstitutional, despite the fact that Congress Party which is in opposition, has not publicly condemned the BJP's actions. Critics claim that without discussion in the Indian Parliament or the necessary consent from

the state assembly of Jammu and Kashmir, the administration nullified a whole part of the constitution. In June 2018, New Delhi imposed federal administration through its own nominated governor as the regional authority after the Kashmiri alliance that led the state legislature lost its majority. With the governor's approval, the revocation was justified. The central government took advantage of this vulnerability.

Rationale of the study

In conducting a research it's very important for a researcher to define the dimension of the research because one topic could be analyzed from different perspectives, so it's important for the researcher to focus on one dimension. In the current research, intentions of BJP government in abrogating article 370 in Jammu & Kashmir has been analyzed and highlighted.

Hypothesis

The intentions of Bahartiya Janta Party (BJP) in strategically abrogating Article 370 in Jammu and Kashmir are not to fulfill its political agenda and ensure extension of legal rights to the people of Kashmir which are being enjoyed by rest of the citizens of India (as claimed by Modi Sarkaar) but there is a hidden / undeclared agenda which led BJP to annulling Article 370 in Jammu and Kashmir. The same hidden intentions of BJP government have been discussed and analyzed here in this research paper.

Research Questions

What is Article 370 and 35 A in Indian Constitution and has its abrogation helped to promote peace and stability in Jammu & Kashmir or it led to increase violence and instability?

What was the primary motive of BJP government in abrogating article 370 in Jammu and Kashmir?

What were the hidden intentions of BJP government in abrogating article 370 in Jammu and Kashmir?

Literature Review

Annuling article 370 in Indian constitution is not an ordinary incident. It is one of the major events occurred in Kashmir history. That's why an abundance of literature is available which is written by the researchers from within the country as well as abroad. This literature has been divided into three categories titled Brief Historical Background, Track Record & Intentions of BJP and Aftermath of Abrogating Article 370. The detail of each category is mentioned as under:

Brief Historical Background

In October 1947 when Muslim supporters including Afridies and Mehsood tribe fighters entered into Kashmir who took control of a numbers of

districts of Kashmir and started their journey towards Srinagar. Keeping in view the sensitivity of the situation, Maharaja of Kashmir got terrified and sought for help from Indian Government where Lord Mountbatten was Governor General. He accepted the request with the condition that Maharaja will be given military support only after accession of Kashmir with India which he accepted and signed accession declaration with India. India sent Indian troops to Kashmir. When Mr. Muhammad Ali Jinnah came to know about Indian troops in Kashmir, he ordered Pakistani acting chief of army staff General Douglas D. Gracy to send Pakistani troops in Kashmir. Keeping in view expected bloodshed in Kashmir General Gracy asked Marshal Claude Auchinleck to intervene and persuade Mr. Jinnah to reconsider his orders which Mr. Jinnah cancelled and invited Lord Mountbatten along with Prime Minister Nehru to Lahore for finding the solution of Kashmir issue. The author further stated that Mountbatten came to Lahore but Nehru could not come due to health issues. Muhammad Ali Jinnah formally presented a three-point proposal embodying a cease fire, a mutual withdrawal of all "alien" troops, and a plebiscite (Josef Korbel, 1954).

Both Dominion Governments should grant the two Governors-General complete Campbell-Johnson powers to make a proclamation immediately providing the two opposing troops 48 hours' notice to cease fire in order to immediately end the combat. Although we have no authority over the tribesmen fighting or the forces of the Provisional [Azad] Government of Kashmir, we will make it very evident to them that the forces of both Dominions will wage war on them if they do not promptly comply with the cease-fire order.

The Indian Dominion forces and the tribesmen should both leave the region of Jammu and Kashmir State simultaneously and as thoroughly as possible. The two Governors-General will be granted complete authority to bring about peace, manage Jammu and Kashmir State, and promptly call a plebiscite under their joint direction and control, with the approval of both Dominion Governments.

Mountbatten rejected Jinnah's proposal, pointing out he is constitutionally unable to act without the advice of his government. In turn he suggested a plebiscite under the supervision of United Nations resolution, but this Jinnah would not agree to, insisting that the two Governor Generals should organize it. Josef Korbel mentioned in the same book "Dangers in Kashmir" (P - 88) that "this was probably the final opportunity to bring about a quick and peaceful solution of the Kashmir conflict. Perhaps, even at this point, Jinnah, Nehru, and Mountbatten could have solved at the

council table” but this opportunity was also wasted by Mountbatten pretending that he is not fully authorized as Mr. Jinnah to have a joint proclamation in this regard.

Track Record and Intentions of BJP

The process of creating a "Hindu" identity was started by a group of Hindus from the upper caste who were middle class. They desired to preserve the Brahminical customs that represented their social standing in addition to taking part in the new political and economic systems. This party traces its roots with Rashtriya Swayamsevak Sangh (RSS) Muhammad Mujeeb Afzal (2014). The author's description of the Hindu nationalist concept of the "other" is intriguing. This concept serves two purposes: first, it asserts the religious and cultural aspects of the Hindu "in-group," and second, it accuses them of contaminating and distorting religious and cultural traditions. As a result, the Muslim community was seen as having a single interest that was constantly at odds with Hindus' values, beliefs, and customs. According to the author, Muslims pose a major challenge to the development of the Hindu nation because they are a sizable minority.

Adam Augustyn (2011) editor encyclopedia Britannica, has also shared his similar views about the mentality and ideology of BJP. He says that Bahratia Janta Party has inherited its flesh and blood from Rashtriya Swayamsevak Sangh (RSS). He elaborated that under the guise of hindutva, or "Hindu-ness," the RSS promotes a Hindu nationalistic goal while presenting itself as a cultural organization rather than a political one. Under the direction of a national leader, the organization is hierarchically organized, with regional leaders in charge of managing the local chapters. In order to reestablish strength, bravery, and courage in Hindu youth and to promote unity among Hindus of all castes and classes, a great deal of stress is placed on mental and physical discipline and dedication. This discipline includes daily exercises and drills as well as paramilitary training. While exposing the mindset and mentality of BJP leaders Vidya Sabrahmanian in her article titled 'Babri Masjid's Destruction Laid the Foundation of Modi's new India of Today' says that top leaders of BJP including L K Advani, Amit Shah and Narendra Modi incited the extremist Hindus for demolition of Babri Masjid in 1992 (Vidya Sabrahmaniam 2018). While commenting over instigating Hindus over communal riots the author says that Advani's Ram Rath Yatra approved of a new level of linguistic laxity. Advani's supporters adopted terms like "pseudo-secularism" and "minority-appeasement," which were derogatory to Muslims and were meant to be so. These terms have subsequently become deeply ingrained in Hindu culture. It seemed as though collective hatred

had been unleashed. The suppressed Hindu who had been silent was suddenly free to express his deepest, darkest grievances. In Gujarat, Modi had made fun of Muslims following the Godhra massacre in 2002.

BBC documentary (2023) titled 'India' accused Indian Prime Minister Narendra Modi of being "directly responsible for the 2002 massacre of Muslims in the Indian state of Gujarat". At the time of the riots that killed over 1,000 people, the majority of whom were Muslims, Modi was the chief minister of Gujarat, a state in western India. After a train carrying Hindu pilgrims caught fire and killed 59 people, the violence broke out. According to the documentary, it caused hundreds of mosques to be destroyed and hundreds of Muslims to be displaced. Accused of not intervening to prevent the rioting, the BBC report went on to say that without the atmosphere of impunity fostered by the state administration, so much harm could not have been done. The report said that Muslim women were routinely raped in order to drive Muslims out of Hindu communities, and it added that the "systematic campaign of violence has all the hallmarks of ethnic cleansing." BBC documentary (2023)

India's current leader, Narendra Modi of the ruling Bharatiya Janata Party (BJP), promotes a drastically different perspective from the country's previous secular democracy. Modi wants India to become a Hindu nation where Muslims, who make up around 14% of the population, are forced to put up with rising majoritarian violence and religious minorities, who make up 20% of the population, are treated as second-class citizens. In fact, reports of harassing Muslims in India under Modi have grown sadly prevalent, with human rights organizations reporting an increase in violence every year. (Audry Truschke, 2023). The article also revealed that Modi and his BJP have long seen Muslims as less Indian than Hindus. The Rashtriya Swayamsevak Sangh (RSS), an all-male paramilitary force established in 1925 and based on Italian fascist organizations like Mussolini's Black shirts, gave rise to the political party in 1980. Both the RSS and the BJP perceive India as a country for and by Hindus, and they aim to unite and promote a historically diverse and porous Hindu identity. BJP's election manifesto clearly indicates that Bhartiya Janata Party had made their mind from the day first for abrogating Article 370 and 35 A in Jammu and Kashmir. They promised their nation in the election manifesto regarding abolishing article 370 in the following words that they have made all necessary efforts in the last five days to ensure peace in Jammu and Kashmir through firm policies. They said that they are committed to cross all hindrances in the way of development and provide enough financial resources to all the regions of state. They restate their stance on the repeal

of Article 370, which they have held since the Jan Sangh. Since Articles 370 and 35A of the Indian Constitution discriminate against women and non-permanent residents of Jammu & Kashmir, they are determined to have them repealed. They further say that we think that Article 35A is a roadblock to the state's progress. We'll do everything we can to make sure everyone in the state lives in a secure and tranquil environment. We'll do everything we can to make sure Kashmiri pandits return safely, and we'll give money to help relocate refugees from West Pakistan, Pakistan-occupied Jammu and Kashmir (POJK), and Chamb (BJP Election Manifesto 2019).

Aftermath of Abrogating Article 370

John Lunn (2019) in his article 'The Effects of Revoking Article 370 in Jammu and Kashmir', has tried to explain what actually is article 370 and after its abrogation and introduction of Article 35 A what has happened in Jammu and Kashmir. What do constitutional experts as well as Indian constitution say on it and what was Pakistan and foreign power's reaction on it. Following Article 370's repeal on August 5, 2019, the state was split into Jammu and Kashmir and Ladakh, two distinct union territories. By this action, the region's unique status was revoked, and the Indian central government now has direct authority over it. Concerns were made on the possible effects of Article 370's withdrawal on the region's demographic makeup (Nirma Javed 2023).

The severe injustice that New Delhi inflicted on the people of Held Kashmir in August 2019 has been upheld by the Indian Supreme Court. The court, which heard several petitions contesting the repeal of Article 370 of the Indian constitution more than four years ago, declared on Monday that the disputed territory's limited autonomy was the "culmination of the process of integration" and that the disputed article "was an interim arrangement" (Dawn 2023) According to (Times of India December 11 2023) Article 370 of the Constitution is a clause that can be revoked by the President, according to Chief Justice of India D Y Chandrachud, who wrote the ruling on behalf of himself and Justices Gavai and Surya Kant. Additionally, the Supreme Court maintained the legality of the August 5, 2019, decision to separate Jammu and Kashmir from the union territory of Ladakh. The government split the state into two union territories, Jammu and Kashmir and Ladakh, and repealed Article 370 on that day. The princely state was now a vital component of India.

Methodology

The qualitative research approach is the main foundation of this study. Various parts of the subject have been investigated and elaborated using

both primary and secondary data. In-depth interviews with retired military officers, diplomats, and scholars from various academic institutions and think tanks involved in international relations and Kashmir issues are part of the study's approach. These interviews have helped to clarify the strategic challenges and debate around the topic that falls inside the literature gap, as well as to comprehend underlying problems and important concepts. Background history of BJP helped understanding their mentality towards Muslims of India in general and Kashmiri Muslims in particular. In order to get more data, the researcher has also employed the snowball technique. Finding subject-matter experts was made easier by the snowball sampling technique. Official documents and other published works, such as books, research articles, and reports, are examples of secondary data.

Sampling

The researcher used snow-ball sampling to gather data for this study. Only highly qualified, relevant, and professional individuals have been chosen to participate in this study. As a result, the snowball sampling technique was applied. The intended audience has been reached using this method.

Data Collection and Analysis

In order to answer the questions raised in the beginning of the current research project, the researcher has tried to approach a number of personalities belonging to different fields including top academicians of international relation & foreign policy experts, retired military personals and politicians. Comprehensive interviews of these personalities have been conducted to find out what will be the impact of abrogating article 370 in Indian constitution in Kashmir and what were real and intrinsic intensions of BJP government in abrogating it? The researcher has employed the snowball sampling technique to get the access to the targeted personalities. Total five persons were selected for interview keeping in mind that these people are very relevant and are directly linked with Kashmir cause. They all had a deep insight into Indian recent move of abrogating article 370 in its constitution due to which Kashmir's special status has greatly been eroded. Out of these five persons two were academicians one of which was an indigenous person belonging to Jammu, two retired military officers who had remained in the think tank of Pakistan's Kashmir policy and one expert in foreign affairs. Although comprehensive semi structured interviews of all these experts have been conducted but the researcher has focused here on the responses and feedback of these peoples on the questions raised in the beginning of this research work. They were asked that what was the primary motive of BJP Government in abrogating article 370 in Jammu and Kashmir and what were the real / hidden intensions of BJP in abrogating

article 370 in Jammu and Kashmir? Except one, all the responses were to some extent similar with just change of words and situation etc. Mostly there was unanimity in their views and responses. The essence of their responses to the questions mentioned above is as under:

The narrative of BJP which is brought in front of media and parliament to satisfy the world is fraudulent, misleading and quite contrary to the facts. India has been trying to paint a positive picture by saying that as a result of abrogating article 370 they have given the opportunity to Kashmiri as well to enjoy those perks and privileges which are available to other Indian citizens. They are of the view that this article was a major hindrance in way of progress and prosperity of the people of this region and after its abrogation a new wave of development will come which will bring ease and comfort in the lives of local communities due to economic boom. BJP government also claims that as a result of abolishing article 370, they have succeeded in eradicating terrorism and unrest in the valley and stability and peace has been ensured after a long time. The timing of Indian move in Kashmir is very important. It is the time when Prime Minister Imran Khan had an official visit to Washington on the invitation of US president Donald Trump in August 2019. During the meeting of Pakistani Prime Minister with US president, Mr. Donald Trump extended his support in resolving Kashmir issue if all the stakeholders are on the same page. India who has been reluctant from the day first in accepting any solution of Kashmir issue played the tactics of abrogating article 370 to give the message to the international community to stay away in this regard.

On the question that has the situation improved in Kashmir after abrogation of article 370 as claimed by BJP government? The answer of one of the guest was that since August 2019 there is the worse curfew imposed in Kashmir. Communication lines are shut down. There is no telephone or internet facility. All the major political leaders, journalists, lawyers and opposition activists have been held in military clump down without being formally charged. There are strict restrictions on movement. If everything is ok, situation has been improved and all the restless elements have solaced so what is the need of all these measure. Actually all these measures aim to discourage protests against New Delhi's decision. So the positive picture being painted by BJP Government in this regard is nothing but throwing the dust in the eyes of international community.

In response to the question what were the real and hidden intentions of BJP government in abolishing article 370 in Jammu and Kashmir, one speaker said that BJP is a political wing of RSS. These people do not bear Muslims in India. They have the ideology that Hindustan is for Hindus which should

be purged from Muslims. They say that Kashmir is there “Atoot Ang” (an inseparable part). As a result of this move they want to change the demography of Kashmir and want to turn Hindu minority into majority so that the Pakistan and Muslim’s claim on Kashmir may be weakened. Another reply disclosed the fact that BJP wants to give a message to the international community that Kashmir is the state where Indian constitution is implemented so it is part of India rather than a disputed territory. Another comment in this regard says that BJP wants to cash this movement in their forthcoming elections as they have fulfilled the promise made in the manifesto of previous elections and the result of the general elections proved it. Previously the citizens other than the Kashmiris could not buy the land but after the abrogation of article 370 this hurdle has been removed so there is no doubt in the fact that the real purpose of BJP in abrogating Article 370, was to Change Muslim majority into minority.

Conclusion

After in depth study of the topic under research and analysis of the data, it is deduced that article 370 and 35 (A) in Indian constitution guaranteed special status to Jammu and Kashmir. As a result of it, Jammu and Kashmir had autonomy and independence over all matters except foreign affairs, defense and communications. Kashmir enjoyed special privilege and it had its separate flag as well. But its autonomy and special status which was protected by constitution, has been greatly eroded as a result of abrogating article 370 by BJP government on August 5, 2019. Now the same rule will be applicable on Jammu and Kashmir which is already applied on the rest of whole Indian state. This move is not an abrupt one. It is the result of a systematic and long term planning by Modi sarkar. The data collected through primary and secondary sources helped in understanding underlying intentions and objectives of BJP government. Official reports, articles, journals, historical books and the interviews of technical experts revealed that the objectives of abrogation article 370 by BJP government are not those which the India is showing to international community. Their hidden intentions are other than those which are being highlighted by BJP government. Actually BJP is an extremist political wing of RSS and it has inherited enmity against Muslims from them. Modi’s track record (Gujrat massacre, Demolition of Babri mosque & construction of temple at its place, train fire incident, RSS volunteer’s attempts to force the minorities especially Muslims to leave India and BJP election manifesto 2019 etc.) are the evidences that BJP wanted to change demographic facts in Kashmir so that its status from Muslim majority state be changed to Hindu majority region and abrogation of article 370 is the result of one such desire. It is

worth mentioning that the current research is not sufficient to expose hidden intentions and underlying mentality of BJP government however this attempt will definitely prove a step forward to investigate and explore this dimension further.

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