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MANEKSHAW PAPER

Indian State's Handling of the PoJK: A Critical Analysis

Ajay K Raina

CENTRE FOR LAND WARFARE STUDIES

Field Marshal Sam Hormusji Framji Jamshedji Manekshaw, better known as Sam "Bahadur", was the 8th Chief of the Army Staff (COAS). It was under his command that the Indian forces achieved a spectacular victory in the Indo-Pakistan War of 1971. Starting from 1932, when he joined the first batch at the Indian Military Academy (IMA), his distinguished military career spanned over four decades and five wars, including World War II. He was the first of only two Field Marshals in the Indian Army. Sam Manekshaw's contributions to the Indian Army are legendary. He was a soldier's soldier and a General's General. He was outspoken and stood by his convictions. He was immensely popular within the Services and among civilians of all ages. Boyish charm, wit and humour were other notable qualities of independent India's best known soldier. Apart from hardcore military affairs, the Field Marshal took immense interest in strategic studies and national security issues. Owing to this unique blend of qualities, a grateful nation honoured him with the Padma Bhushan and Padma Vibhushan in 1968 and 1972 respectively.

Field Marshal SHFJ Manekshaw, MC
1914-2008

CLAWS Occasional Papers are dedicated to the memory of Field Marshal Sam Manekshaw

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Indian State's Handling of the PoJK: A Critical Analysis

Abstract

This paper examines Pakistan-occupied Jammu and Kashmir (PoJK) through a differentiated analytical lens, treating Azad Jammu and Kashmir (AJK) and Gilgit–Baltistan (GB) as distinct political, demographic, and strategic spaces rather than a single entity. It analyses the historical legality of India's claim, post-1947 administrative arrangements, and the long-term consequences of governance practices adopted by Pakistan. Particular attention is paid to demographic manipulation, political disenfranchisement, and radicalisation trends in AJK, in contrast to the strategic geography and externally imposed demographic changes in GB. Drawing on historical records, strategic geography, and contemporary security considerations, the paper argues that PoJK is central to India's national security calculus, regional connectivity, and future geopolitical stability in the broader Himalayan and trans-Himalayan regions.

Introduction

Pakistan-occupied Jammu and Kashmir (PoJK), which technically includes the two occupied geographies of J&K (PoJK) and Ladakh (PoL),[1] is not merely a geographic entity but a critical strategic wedge that shapes India's security environment, border management, and deterrence posture.[2] Its continued occupation enables Pakistan to sustain proxy warfare, alter ground realities,

and leverage the terrain for strategic depth,[3] while denying India full control over the Himalayan arc.[4] PoJK is thus not just a territorial issue; it is the unfinished element of India's strategic consolidation.

PoJK is also a term often lost in misleading terminology. Many continue to call it 'PoK,' even though there is virtually no part of Kashmir proper in that territory.[5] Our adversary describes it as 'Azad' or 'Free' Kashmir, despite the stark absence of real freedom, functional democracy, legislative autonomy, judicial independence, or even basic human rights protections for the people living there.[6] The constitutional framework imposed through the 1974 'Interim Constitution' of so-called Azad Jammu & Kashmir (AJK) places the region under direct oversight of Pakistan's federal institutions, especially the Ministry of Kashmir Affairs.[7] Multiple reports have shown that political dissent, press freedoms, and civil liberties are highly constrained, challenging the official narrative of "Azadi."[8] The terminology thus masks a reality marked by restricted rights, demographic manipulation, and limited self-governance."

India's Handling of the PoJK as a Strategic Pivot

PoJK constitutes one of the most important geostrategic pivot zones in Asia. Multiple scholars identify this region as the critical hinge connecting the Indian Subcontinent, Central Asia, and China.[9] Its unique geography places it at the intersection of the Karakoram, Hindu Kush, Hindu Raj, and Western Himalayas, controlling access routes between Xinjiang, Ladakh, Punjab, and Afghanistan.

Gilgit–Baltistan (GB) provides deep strategic depth to Pakistan, enabling military linkage between its northern corps and the Chinese Western Theatre Command.[10] The region also hosts the northern segment of the Karakoram Highway, which forms the

backbone of the China–Pakistan Economic Corridor (CPEC). Andrew Small argues that without GB, "the entire strategic logic of the China-Pakistan axis collapses," because Pakistan loses its overland connectivity to China and China loses access to South Asia.[11]

The area allows Pakistan to deploy, rotate, and reinforce the Northern Light Infantry and provides artillery vantage points dominating the Line of Control (LoC) sectors opposite Dras, Kargil, and Gurez. Stephen Cohen notes that Pakistan's possession of these heights gives Islamabad "outsized strategic confidence" disproportionate to its conventional military strength.[12]

PoJK is also a hydrological pivot—all major rivers of Pakistani Punjab (Indus, Jhelum, Kishanganga/ Neelum) descend from these territories. Sumit Ganguly highlights that control of these upper river basins gives Pakistan critical "strategic resource security," making PoJK indispensable to its long-term statecraft.[13] It also sources significant quantities of rare earth and other minerals.

Taken together, PoJK forms a composite geopolitical triad:

- A military buffer and launchpad,
- A corridor linking Pakistan to China, and
- A resource-rich watershed sustaining Pakistan's heartland.

Despite PoJK's centrality, India has historically failed to operationalise its inherent leverage—military, diplomatic, legal, and informational.

First, India seldom emphasised PoJK's role as a strategic sanctuary for Pakistan. Even after repeated infiltrations from Muzaffarabad, Kel, Kotli, and GB (notably 1947–48, 1965, 1999 to

date), India treated PoJK merely as a legal dispute rather than the core engine of Pakistan's military threat.[14]

Second, India hesitated to use diplomatic pressure to highlight Chinese encroachment in GB. Although scholars like Andrew Small clearly document CPEC's illegality on Indian territory, New Delhi has traditionally avoided sustained campaigning, allowing China–Pakistan entrenchment to deepen.[15]

Third, India consistently underplayed PoJK's hydrological significance. Pakistan's dependence on the Indus, Jhelum and Kishanganga flows from PoJK remains a source of leverage that India, before 2025, never strategically articulated beyond technical treaty mechanisms.[16]

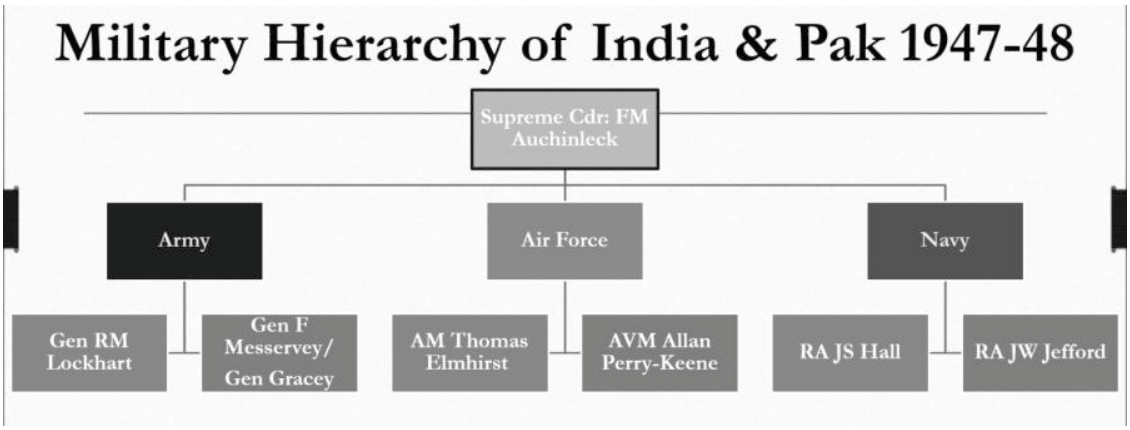
Fourth, India's decades-long unwillingness to strike across the LoC allowed Pakistan to build massive military, terror, and logistical capacities inside PoJK—capabilities that enabled Kargil, the Kashmir terrorism, and repeated terrorist attacks. India began reversing this pattern only after 2016.

Finally, India underutilised PoJK's political geography. It rarely empowered PoJK refugee communities, diaspora groups, or autonomy activists to challenge Pakistan's narrative. The absence of political representation mechanisms meant India forfeited an important soft-power front.[17]

Genesis

The genesis of Pakistan-occupied Jammu and Kashmir (PoJK) can be traced to a formative period marked by uncertainty in political decision-making, significant external influence, and an incomplete appreciation of the evolving military situation on the ground. In the immediate aftermath of Independence, senior British officers continued to occupy key positions within the Indian defence establishment, and their counsel often shaped strategic

choices in ways that did not always reflect India's long-term national-security interests.[18] This dynamic intersected with internal political currents within Jammu and Kashmir, particularly the growing authority of Sheikh Abdullah, whose articulation of a distinct sub-national identity within the state would later become a matter of major political contention.[19]



Prime Minister Jawaharlal Nehru publicly indicated his intention to seek international adjudication on the Kashmir conflict during a national radio broadcast on 2 November 1947, and this was formalised when India approached the United Nations Security Council on 1 January 1948.[20] Around this period, Nehru appointed Lord Mountbatten to chair the Emergency Committee of the Cabinet—a position Nehru himself had initially intended to occupy—thereby granting Mountbatten considerable influence over strategic deliberations at a critical juncture.[21]

A review of the military situation in November 1947 suggests that the operational balance was shifting decisively in India's favour. By 14 November, Indian forces had recaptured Uri and were preparing to advance towards Domel–Muzaffarabad, the gateway to the Jhelum Valley.[22] Operational histories indicate that Indian troops were within a day's march of these objectives, with adversary resistance rapidly collapsing.[23] Pakistani officer General Akbar Khan, who coordinated the tribal invasion under "Operation

Gulmarg," corroborates this assessment. In his memoir *Raiders in Kashmir*, he notes that the tribal lashkars were in disarray and retreating from the Valley, unable to withstand the Indian counteroffensive.[24]

It was at this point that Brigadier LP Sen received orders to halt the advance and pivot southward to relieve Poonch, then under siege. While surrounding areas had come under the control of invaders and Pakistani regulars, Poonch town—defended by approximately two battalions of State Forces—had continued to hold out for more than a month.[25] Contemporary military analyses suggest that had the advance towards Domel continued for even 24 more hours, Indian forces might have succeeded in eliminating the invading forces from that part of the state altogether.[26]

Scholarly assessments attribute this abrupt shift in military direction to multiple factors. Several historians point to the role of Lord Mountbatten and General Lockhart, whose strategic preferences were believed to be sympathetic to Pakistan's position, reflecting lingering British geopolitical interests in the region.[27] Others highlight the political influence of Sheikh Abdullah, who reportedly advised Nehru that there was limited value in reclaiming regions where he lacked political influence.[28] Whether or not this advice was decisive, the cumulative effect of these political and strategic considerations contributed to decisions that shaped the territorial status quo and, ultimately, the formation of PoJK.

With the onset of winter and the heavy snowfall that began towards the end of 1947, military operations in Jammu and Kashmir came to a temporary halt, resuming only in the early spring. By April 1948, Pakistan had significantly escalated the conflict by inducting a full infantry division supported by heavy artillery against Indian positions.[29] Poonch remained isolated and

was sustained solely through air maintenance, while Gilgit Baltistan (GB) had already been effectively handed over to Pakistan following the rebellion led by Major William Brown.[30]

The siege of Skardu, one of the most brutal episodes of the conflict, ended with extraordinary violence. According to accounts preserved in contemporary records, the final message sent to Pakistan GHQ by the Chitral Scouts and Pakistani officers overseeing the assault read: "All women raped; all Sikhs killed."[31] This occurred even as India, adhering strictly to its diplomatic commitments at the United Nations, awaited international resolution. Pakistan, meanwhile, advanced along multiple axes while denying the involvement of its regular forces—an involvement it would only acknowledge later.[32]

By this point, the Kargil–Dras sector had fallen, and enemy forces were positioned perilously close to Leh. Across the wider theatre, several factors contributed to a stalemate: the Indian Army did not receive heavier artillery support, the Indian Air Force operated under restrictive political directives, and India complied rigorously with evolving UN instructions, even as Pakistan violated them without consequence.[33]

When the ceasefire came into effect on 01 January 1949—widely regarded as premature in military assessments—Pakistan retained control over large tracts of territory south of the Pir Panjal in Jammu province, most of the Kishanganga Valley, and the whole of GB.[34] These territories came under Pakistan's occupation through force of arms and remain under its illegal control.

The First Tinkering by Pakistan

The first major reorganisation of Pakistan-occupied Jammu and Kashmir (PoJK) was carried out clandestinely by Pakistan in April 1949 through the Karachi Agreement. The agreement, signed

secretly and without public disclosure, involved three parties: Mushtaq Ahmed Gurmani (Pakistan's Minister without Portfolio), Sardar Ibrahim Khan (President of the so-called AJK), and Chaudhary Ghulam Abbas (President of the Jammu & Kashmir Muslim Conference, the political organisation that pre-dated and influenced Sheikh Abdullah's National Conference).[35]

Part III of the agreement unilaterally transferred the entire region of GB—then part of the larger PoJK territory—directly to Pakistan's federal administration.[36] This act severed GB from PoJK and effectively deprived the "AJK government" of any claim over the full territory that it ostensibly represented.[37] Contemporary accounts suggest that Sardar Ibrahim Khan was persuaded to sign the agreement by assurances that, if GB was delinked, AJK would be integrated into Pakistan as a full-fledged province with rights and privileges equal to those of the four existing provinces.[38] This promise was never fulfilled.

In practice, Pakistan retained the pre-1947 restrictions on outsiders acquiring land or domicile rights in AJK—a continuation of regulations once instituted by Maharaja Hari Singh and briefly mirrored by India through constitutional arrangements prior to Article 370.[39] However, while maintaining these restrictions in AJK, Pakistan simultaneously initiated extensive demographic engineering in GB by facilitating the influx of Sunni populations from Punjab into a historically Shia-majority region.[40]

Sardar Ibrahim Khan later claimed that he had never signed the Karachi Agreement and that his signature had been forged.[41] The document itself remained concealed for decades, surfacing only in 1990 during a legal case in the AJK courts when the Government of Pakistan presented it as evidence.[42] Despite its implications for India's territorial claims, the agreement remained unknown in New Delhi for years, and India never formally protested the transfer.

UN at Play

Efforts by the United Nations to resolve the Jammu and Kashmir dispute between 1949 and 1953 produced three major proposals—those advanced by McNaughton, Dixon, and Graham. Each attempted to operationalise earlier UN resolutions calling for demilitarisation and a plebiscite, yet each failed due to conflicting strategic objectives, structural flaws in the plans, and sharp disagreements over the sequencing of troop withdrawals.

The first major initiative, the McNaughton Proposals of December 1949, sought to establish conditions for a state-wide plebiscite through *balanced demilitarisation* of both Indian and Pakistani forces.[43] Josef Korbel, a former UNCIP member, argued that McNaughton underestimated Pakistan's unwillingness to withdraw irregular forces and overestimated the feasibility of rapid, symmetric demilitarisation.[44] India insisted Pakistan withdraw first as the aggressor, while Pakistan demanded parity, making the proposals impossible to implement.

The most detailed proposal emerged in July 1950 when Sir Owen Dixon presented what is now known as the Dixon Plan**.** Recognising the impracticality of a state-wide plebiscite, Dixon proposed a *regional settlement* assigning Ladakh and most of Jammu to India, the Northern Areas to Pakistan, and placing only the Kashmir Valley under temporary UN administration for a plebiscite.[45] Sumit Ganguly notes that Dixon's approach was analytically sophisticated because it reflected the ethnic, political, and military realities on the ground rather than abstract legal claims.[46] However, Dixon also recommended sidelining Sheikh Abdullah to reassure Pakistan—an arrangement India rejected as unacceptable interference in its domestic politics. Pakistan, meanwhile, opposed the proposed territorial division. Though widely regarded as administratively sound, the plan collapsed.

Between 1951 and 1953, Frank Graham attempted to revive UN mediation through the Graham Proposals, which built directly on McNaughton's framework.[47] These proposals concentrated on resolving disagreements over *sequencing and verification* of troop withdrawals, especially Pakistan's reluctance to withdraw all irregulars and regular troops from the territory it had occupied. The proposals avoided political questions entirely, focusing only on demilitarisation, yet disputes over troop ceilings and command structures persisted.[48] Korbel later observed that by this stage, neither side trusted the other nor the UN's ability to enforce compliance.[49]

By 1953, all three initiatives had failed, with political circumstances further complicated by the dismissal and arrest of Sheikh Abdullah, which eliminated the possibility of returning to earlier frameworks.[50] The UN's inability to secure demilitarisation entrenched the de facto ceasefire line, which later evolved into the Line of Control.

India, UN Resolutions, and the Missed Moment for a Plebiscite

Pakistan's long-standing narrative on Kashmir rests on a deliberate and systematic distortion of the United Nations Commission for India and Pakistan (UNCIP) resolutions of 1948–49. The resolutions explicitly laid down a three-stage sequence: (1) Pakistan must withdraw all its forces—regular troops, irregular fighters, tribal lashkars, and Pakistani nationals involved in the invasion—from the entire territory of Jammu & Kashmir; (2) India would then withdraw the bulk of its forces, retaining only the minimum required for law and order; and (3) only after completion of these two conditions could a plebiscite be held.[51]

Pakistan never complied with the first and foundational requirement—complete withdrawal. Instead, it entrenched its

military presence in the territories it occupied in 1947–48 (now PoJK and GB), legitimised the occupation through administrative reorganisations such as the 1949 Karachi Agreement, and continued to raise the plebiscite slogan internationally as if the withdrawal clause did not exist.[52] Scholars such as AG Noorani and Chandrashekhar Dasgupta emphasise that Pakistan's refusal to demilitarise made the plebiscite clause legally and operationally impossible.[53] Pakistan then recast the UNCIP resolutions in diplomatic forums, claiming they mandated an immediate plebiscite without referencing its own obligations.[54] By the 1950s, Pakistan had institutionalised this distortion in its foreign policy messaging, repeatedly accusing India of "avoiding the plebiscite" while concealing that Pakistan's non-withdrawal was the very reason the plebiscite could not be held.[55]

Several military historians have argued that India consistently underutilised the UN resolutions themselves to counter Pakistan's rhetoric on Kashmir. Whenever Pakistan raised the issue of a plebiscite at the UN, India rarely highlighted the foundational clause of the 1948–49 UN Commission for India and Pakistan (UNCIP) resolutions: 'Pakistan was required to withdraw all its forces—regular troops, irregulars, and tribal lashkars—before any plebiscite could take place.'[56] Lt Gen Syed Ata Hasnain similarly emphasises that Pakistan never complied with this mandatory precondition, rendering any demand for a plebiscite legally untenable.[57] Yet Pakistan weaponised the term "plebiscite" for decades, and India seldom countered with the full text of the resolutions.[58]

Over time, Pakistan used this truncated version of UNCIP to build an international narrative of Indian non-compliance, even though the UN's own documents, debates, and the Commission's 1949 reports clearly identify Pakistan as the party responsible for non-implementation.[59] The distortion has since become a central

pillar of Pakistan's Kashmir diplomacy, continuing long after the UNCIP framework itself became obsolete.

A parallel scholarly argument focuses on what many describe as India's "missed moment" to hold a plebiscite in late 1947 and early 1948. At that time, public sentiment in Jammu & Kashmir was overwhelmingly hostile to Pakistan due to the atrocities committed by the Pakistani army-led invaders—the massacres in Mirpur, Rajouri, Bhimbar, Muzaffarabad, Uri and Baramulla, the killings of minorities, and the destruction of the habitat.[60] According to archival accounts, both Mohammad Ali Jinnah and Pakistan's Prime Minister Liaquat Ali Khan were fearful they would decisively lose a plebiscite during this period.[61] Alastair Lamb and Sumit Ganguly note that Pakistan lacked both credibility and support in the Valley immediately after the invasion.[62]

Despite this advantage, India took the issue to the UN even as its military situation was improving, particularly after stabilising the Srinagar–Baramulla axis and retaking Uri.[63] Chandrashekhar Dasgupta argues that this decision unnecessarily internationalised the dispute and forfeited India's best opportunity to hold a plebiscite from a position of political and moral superiority.[64] Had India insisted upon a plebiscite in early 1948—before Pakistan's consolidation in Mirpur, Muzaffarabad, and Gilgit—the outcome, most scholars agree, would almost certainly have favoured India.[65]

Indo–Pak Negotiations of 1962–63

The Indo–Pak negotiations of 1962–63, or the Swaran Singh Talks, represent one of the rare moments when India considered territorial concessions in Jammu & Kashmir. The talks were shaped directly by the strategic vulnerability that followed India's defeat in the 1962 Sino-Indian War. Nehru, politically shaken and militarily exposed, sought large-scale Western support—especially from the United States.[66]

During this period, Nehru reached out to President John F Kennedy, requesting substantial military assistance, even exploring the possibility of India informally cooperating with American-led security frameworks such as SEATO and CENTO—arrangements he had previously rejected.[67] Kennedy, however, tied major assistance to the prior "normalisation" of Indo–Pak relations and progress on the Kashmir dispute.[68] According to Bruce Riedel and Srinath Raghavan, Washington saw the crisis as an opportunity to reshape South Asian geopolitics and believed that a Kashmir settlement would enable Pakistan to shift fully into the Western camp while allowing India to strengthen against China.[69] Both leaders died soon after, leaving this strategic opening unrealised.

In parallel, Lord Mountbatten played a behind-the-scenes role, visiting Delhi repeatedly. According to Shiv Kunal Verma and Chandrashekhar Dasgupta, Mountbatten pressed Nehru by arguing that resolving Kashmir would "seal his place in history."[70] His influence contributed to Nehru authorising a high-level delegation led by Swaran Singh to negotiate with Pakistan. The Pakistani delegation, headed by Zulfikar Ali Bhutto, was prepared to discuss a territorial adjustment along the ceasefire line—an arrangement in which India might have ceded additional territory to achieve a final settlement.[71]

During the third round of India–Pakistan talks held in Karachi on 09 February 1963, the Indian delegation advanced a proposal envisaging a territorial partition as a basis for settlement. External Affairs Minister Swaran Singh characterised the proposed alignment as a "Line of Peace and Collaboration" (LOPC). Under this framework, India was prepared to relinquish the Poonch salient and the Uri sector, and, further north, proposed ceding territory in the Gurez sector, thereby conceding the entire Kishanganga/Neelum Valley to Pakistan. In return, India sought control over key positions dominating the Kargil region, recognising their strategic importance.[72]

These proposals were handled with exceptional secrecy and were not widely circulated even within the Government of India. Contemporary accounts indicate that Pakistan's Foreign Minister, Zulfikar Ali Bhutto, also urged that the existence of these proposals—and their communication to the United States and the United Kingdom—should not be disclosed to India. The episode has remained classified in Indian official records and continues to be treated as highly sensitive. These proposals were kept secret even within the Government of India. Not just this, Bhutto also requested that India should not know that Pakistan had leaked these proposals to the Americans and British. It has been and remains treated as TOP SECRET in India to date.[73]

'The talks abruptly collapsed when Bhutto, who was already unhappy and wanted the whole of Kashmir, announced Pakistan's cession of the Shaksgam Valley to China as part of its 1963 boundary agreement.'[74] Nehru, furious at what he saw as Pakistan negotiating in bad faith while simultaneously trading away territory claimed by India, immediately recalled the delegation that had reached Pakistan for the fourth round. The breakdown ended the most serious bilateral attempt of the early Cold War period to settle Kashmir.[75]

1965 War

The period following the collapse of the 1962–63 Swaran Singh negotiations witnessed major strategic shifts in PoJK and in Pakistan's approach to Kashmir. The cession of the Shaksgam Valley to China in 1963—despite Zulfikar Ali Bhutto's initial hesitation, given the possibility of a negotiated settlement with India—reflected the deepening Pakistan–China strategic axis.[76] Chinese leaders reportedly counselled Bhutto that Kashmir could not be secured through diplomacy but through a covert, deniable military operation exploiting India's post-1962 vulnerabilities.[77]

This advice laid the conceptual foundations for what later evolved into Operation Gibraltar.

Inside PoJK, Pakistan tightened administrative and military control, keeping the so-called AJK government a nominal façade while real authority resided with the Ministry of Kashmir Affairs.[78] GB remained under direct federal management without constitutional rights, and demographic realignment in the region accelerated.[79] Under GHQ direction, PoJK became the primary base for reconnaissance, infiltration training, and staging for future operations against India.[80]

By 1964–65, Pakistan's leadership concluded that the balance of power favoured a military gamble. Bhutto and the Pakistan Army believed India was politically unsettled after Nehru's death, militarily weakened after 1962, and unlikely to escalate a conflict.[81] Pakistan thus prepared a two-step plan:

- Operation Gibraltar: Mass infiltration from PoJK into J&K to trigger an uprising; and
- Operation Grand Slam: A conventional strike toward Akhnoor to sever India's access to the Rajouri-Poonch area.[82]

When the 1965 war unfolded, Pakistan's calculations proved incorrect. India responded forcefully, opened the international border, and secured significant tactical gains, including the capture of Hajipir Pass, the principal infiltration route into the Uri–Poonch sector. The assault by 1 Para and 19 Punjab is widely regarded as one of the Indian Army's most valuable operational achievements of the war.[83]

Yet India surrendered much of its battlefield leverage at the negotiating table. During the Tashkent talks in January 1966, India agreed to return all captured territory, including the strategically

critical Hajipir Pass.[84] As several analysts note, India "won" the 1965 war tactically but "lost the peace" strategically, failing to translate battlefield success into a durable political advantage.[85]

The following actions or lack of actions stand out:

- The return of Hajipir, Bedori, and parts of the Uri–Poonch bulge in particular allowed Pakistan to reconstitute infiltration routes that would be used repeatedly in subsequent decades.
- After stabilising the Punjab front, India had the force superiority to launch limited offensives inside PoJK. Even shallow gains could have reshaped the post-war LoC.
- India entered the talks with clear battlefield dominance. It could have:
    - refused a complete return to pre-war positions,
    - insisted on the demilitarisation of key PoJK pockets, or
    - demanded explicit Pakistani guarantees against infiltration.

India had leverage but did not use it, and Pakistan gained breathing space to rebuild its covert strategy.

1971 War

From the perspective of PoJK, the 1971 war marked a decisive strategic rupture that permanently altered the J&K dispute. Although the primary theatre of the conflict was in the east—culminating in the creation of Bangladesh—the war had a profound impact on Pakistan's posture in PoJK. Pakistan's military collapse and the surrender of over 93,000 troops and officials shattered the credibility of its long-standing claim that J&K could be "liberated"

militarily or through proxy warfare.[86] Even within PoJK, the aura of Pakistani military superiority that had been carefully cultivated since 1947 diminished considerably.

On the western front, Pakistani forces in PoJK conducted largely defensive operations. India, whose strategic priority was the liberation of Bangladesh, avoided committing major formations for deep thrusts into PoJK.[87] Nevertheless, Indian forces secured localised tactical gains around areas such as Chhamb, the Poonch bulge, portions of the Tithwal–Keran axis, and Turtuk.[88] Conversely, Pakistan's limited advances in Chhamb did not translate into any strategic leverage.[89] The war demonstrated that PoJK could no longer serve as a secure staging ground for Pakistan's offensive designs, particularly after India's reassertion of military confidence following 1962 and 1965.[90]

The transformative shift, however, occurred at the negotiating table in Shimla in July 1972. The Shimla Agreement fundamentally reshaped the diplomatic architecture governing Kashmir:

- The ceasefire line was redesignated as the Line of Control (LoC)—a term implying a mutually respected and militarily held boundary, rather than a temporary UN ceasefire arrangement.[91]
- India and Pakistan agreed that all outstanding issues, including Kashmir, would be resolved bilaterally, without recourse to third-party mediation.[92]
- The agreement made no reference to the UNCIP resolutions or to the plebiscite mechanism central to those resolutions.
- By committing both sides to respect the LoC 'without prejudice to their respective positions', the agreement effectively froze the territorial status quo, rendering earlier UN frameworks operationally irrelevant.[93]

For India, Shimla achieved diplomatically what had long been legally evident: since Pakistan had never fulfilled the mandatory first step of the UNCIP resolutions—complete withdrawal of its forces—the resolutions were already defunct; Shimla now made them politically obsolete.[94]

For Pakistan, Shimla was a strategic setback. Having lost the war, Pakistan was compelled to accept bilateralism—thereby undermining its decades-long strategy of invoking the UN and the plebiscite narrative.[95] From PoJK's standpoint, Shimla marked the moment when the dispute transitioned from an international question shaped by UNCIP to a bilateral political process in which Pakistan's legal position had significantly weakened.

However, much more could have been gained. To cite a few options:

- **Linking Prisoners of War to PoJK Negotiations**. India held the largest number of PoWs taken in any post-WWII conflict outside Korea. Yet India released all Pakistani PoWs without securing concessions on PoJK, despite Pakistan's desperate need to repatriate them. India *could* have demanded in exchange:
    - recognition of the LoC as an international boundary,
    - formal abandonment of Pakistan's plebiscite rhetoric,
    - withdrawal of Pakistani forces from specific PoJK sectors,
    - or political restructuring in AJK and GB.
- Expand military operations in the western theatre
- India deliberately chose a limited approach in Kashmir

during 1971, focusing on the east. A calibrated Western offensive could have:

- captured Tithwal or parts of the Neelum Valley,
- surrounded the Kotli–Mirpur bulge,
- threatened Muzaffarabad or at least narrowed the gap around Uri and Poonch.

- **Hard bargaining at Shimla**. India did not fully leverage its negotiating advantage at Shimla. New Delhi *could* have:
  - Insisted on converting the LoC into a permanent international boundary,
  - Inserted a formal Pakistani renunciation of Kashmir as a dispute,
  - Frozen Pakistan's claim by binding it to a legally enforceable bilateral agreement with consequences for violation,
  - Secured demilitarisation of sensitive sectors in PoJK,
  - Tied Pakistan's prisoners of war to political concessions.

Instead, India accepted a return to the status quo ante on the western front, surrendering tactical gains and foregoing binding guarantees.

Period of 1971-1998

Between 1971 and 1998, the principal developments concerning PoJK were:

- Complete administrative capture of AJK by Islamabad, especially after the 1974 AJK Interim Constitution, which

placed effective authority in Pakistan's Ministry of Kashmir Affairs and prohibited any political stance inconsistent with accession to Pakistan.[96]

- Denial of constitutional rights and demographic manipulation in GB, governed directly through Legal Framework Orders and subjected to Sunni-settler influx and sectarian engineering.[97]
- Transformation of PoJK into the hub of Pakistan's proxy war against India beginning in the late 1980s, including the establishment of major insurgent training camps and ISI's 'Operation Tupac', which formalised infiltration from PoJK into the Kashmir Valley.[98]
- Sectarian attacks and forced demographic changes in GB, including the 1988 targeted massacres carried out with the involvement of Pakistan Army units and airlifted tribal militias.[99]
- Growing internal dissent within AJK, with periodic uprisings and nationalist political activity suppressed by Pakistani authorities, highlighting the façade of autonomy.[100]
- India's 1994 Parliamentary Resolution, which unanimously reaffirmed that the entire former princely state of Jammu & Kashmir is an integral part of India and demanded Pakistan vacate its illegal occupation.[101]
- PoJK's conversion into the principal staging ground for the Kargil War, as ISI and the Pakistan Army launched infiltration routes and logistics chains from Kishanganga Valley, Leepa, and GB, culminating in the 1999 conflict.[102]

India's approach to PoJK between 1971 and 1999 was largely reactive, allowing Pakistan to reshape the strategic environment. Several alternative responses could have strengthened India's long-term position. Even if Pakistan was allowed to get away cheaply in 1971, there were some very important steps that India could have taken. A summary of such steps/actions is given below:

- India could have forcefully challenged the 1974 AJK Interim Constitution and Pakistan's administrative capture of GB. Islamabad's assertion of control and demographic manipulation in PoJK were scarcely raised by India in international forums, allowing Pakistan to consolidate its position uncontested.[103] Greater diplomatic and legal activism could have exposed the façade of autonomy in AJK and highlighted the disenfranchisement of GB's population.[104]

- Further, when Pakistan transformed PoJK into the epicentre of its proxy war from the late 1980s onward, India could have more proactively internationalised Pakistan's militant infrastructure. Early dissemination of intelligence on ISI-run training camps, infiltration routes, and sectarian violence would have weakened Pakistan's diplomatic position and helped frame PoJK as a base of cross-border terrorism.[105]

- India could have highlighted political dissent and rights violations within AJK and GB, strengthening its counter-narrative against Pakistan's 'Azad Kashmir' claim.[106]

- Finally, enhanced surveillance and forward defence along the LoC could have pre-empted Pakistan's militarisation of PoJK in the run-up to the Kargil intrusion.[107]

Taken together, these missed opportunities indicate that India's

military strength was not consistently matched with diplomatic, legal, or strategic assertiveness in the PoJK domain.

1999 Kargil Conflict

The Kargil conflict marked the most serious military confrontation over PoJK since 1971 and exposed the extent to which Pakistan had transformed the region into a militarised rear sanctuary for offensive operations against India. Having already failed to detect the build-up in PoJK during 1998–99, India entered the conflict facing not only the tactical challenge of evicting intruders from dominating heights but also the strategic constraint imposed by the political directive that Indian forces must not cross the Line of Control (LoC) under any circumstances.[108]

This decision significantly shaped the character and course of the conflict. Pakistan's intrusions were launched, reinforced and sustained from positions deep inside PoJK—particularly Skardu, Gultari, Minimarg, Kel and the broader Northern Areas.[109] Because the Indian Army was prohibited from physically crossing the LoC, Pakistan retained secure logistical lines, artillery support bases, and reinforcement corridors in depth, where only cross-LoC raids, airstrikes, or deliberate attack-pursuit manoeuvres could have made the difference. This asymmetry forced Indian troops to conduct frontal, uphill assaults against well-prepared positions, resulting in steep casualties.[110] The restriction on escalation, while politically calibrated, thus created substantial operational disadvantages.

India's choice not to cross the LoC was driven by multiple strategic considerations. New Delhi sought to maintain international diplomatic credibility, uphold the spirit of the Shimla Agreement and signal responsible behaviour in contrast to Pakistan's deception—especially in the immediate aftermath of the Lahore Declaration.[111] India's restraint earned it unprecedented

support from the United States, G8 nations and key global actors, culminating in President Clinton's direct demand that Pakistan withdraw unconditionally.[112] At the same time, the fear of horizontal escalation, potential Pakistani air retaliation and nuclear signalling contributed to India's decision to limit the conflict geographically.[113]

Yet this restraint also carried costs. India could not interdict Pakistan's Skardu-based supply chain, neutralise artillery positions in Gultari and Minimarg, or apply lateral pressure along other LoC sectors to dilute Pakistan's dispositions.[114] Nor could India impose punitive costs on the Northern Light Infantry or degrade Pakistan's long-term military infrastructure in PoJK. Consequently, the Indian Army fought with one hand tied behind its back, relying on extraordinary mountain warfare skills, concentrated artillery firepower and air–ground coordination to evict intruders from Tiger Hill, Tololing, Point 4875 and surrounding features.[115]

Despite achieving complete tactical success on its own side of the LoC, India emerged with a limited strategic gain. The conflict reaffirmed the sanctity of the LoC and internationally exposed Pakistan's perfidy, but it did not alter the structural asymmetry created by Pakistan's possession of PoJK.[116] The protected rear areas in Skardu and the Northern Areas that enabled the Kargil intrusion remained intact, leaving Pakistan free to rebuild military infrastructure and infiltration routes. As several analysts have argued, India won the tactical battle in the mountains but was constrained from pursuing a decisive strategic outcome because of political choices governing the conduct of the war.[117]

In this sense, the Kargil conflict underscored a recurring pattern in India's PoJK-related history: battlefield excellence constrained by diplomatic caution, and military gains not fully leveraged to reshape the strategic environment. India prevailed militarily and

diplomatically, but without the freedom to strike PoJK-based infrastructure, it could not impose the long-term costs necessary to deter future adventurism—an issue that would only be addressed in later years through cross-LoC operations and the Balakot air strike, when, in the case of the latter, India decided to take the conflict beyond PoJK.

Period of 2000-2025

In the period following the Kargil conflict, India missed several strategic opportunities to reshape the PoJK landscape despite having gained significant diplomatic credibility and operational insight into Pakistan's methods.

In the immediate post-Kargil years (1999–2003), India enjoyed unprecedented global support after exposing Pakistan's perfidy, yet it did not consistently apply diplomatic or informational pressure on Pakistan's military infrastructure in PoJK.[118] Islamabad was able to rebuild Northern Areas logistics hubs, reinforce NLI units and restore infiltration routes without sustained international scrutiny from New Delhi.

The period after 9/11 (2001) represented another missed opening. Pakistan came under sharp global criticism for hosting extremist networks, and many groups operating from PoJK—LeT, JeM, Harkat-ul-Ansar—were formally designated as terrorist organisations.[119] However, India did not sufficiently internationalise PoJK-based camps or leverage Washington's and Europe's counter-terrorism priorities to build a sustained case for sanctions, monitoring mechanisms or UN oversight within PoJK.[120] A more assertive approach may have constrained Pakistan's proxy-war infrastructure before it fully regenerated.

The 13 December 2001 attack on the Indian Parliament marked a critical moment when India had both the justification and the

military capability to act decisively against PoJK-based terror infrastructure. The attack was carried out by *Lashkar-e-Taiba* and *Jaish-e-Mohammed* operatives trained and directed from camps in Muzaffarabad and Mansehra.[121] In response, India launched Operation Parakram, the largest military mobilisation since 1971, deploying nearly half a million troops along the western front.[122] With strike formations in position and the international community largely supportive of counter-terror action in the wake of 9/11, India possessed considerable political and operational leverage.

However, New Delhi ultimately refrained from punitive cross-LoC strikes or limited-objective offensives into PoJK, largely due to international pressure, fears of escalation and Pakistan's nuclear signalling.[123] This strategic restraint allowed Pakistan's terror infrastructure to survive intact, enabling future cycles of infiltration and violence.

Similarly, India did not make the most of the 2003 ceasefire, a period when Pakistan's military was overstretched and General Musharraf was diplomatically dependent on Western support. India could have pressed for verifiable curbs on infiltration networks in PoJK or insisted on confidence-building measures tied to demilitarisation on Pakistan's side of the LoC. Instead, the ceasefire remained largely a tactical arrangement, allowing Pakistan to consolidate its hold quietly.[124]

Internal developments within PoJK itself also presented opportunities. The 2005 earthquake exposed administrative dysfunction, corruption and neglect in both AJK and GB, generating local anger and demands for genuine autonomy.[125] India, however, did little to highlight Pakistan's governance failures or to engage with civil society groups resisting Islamabad's control. A diplomatic campaign foregrounding human rights, sectarian violence and demographic engineering in GB might have

eroded Pakistan's narrative that PoJK was "Azad" or willingly aligned with Islamabad.

The pattern repeated after the 26 November 2008 Mumbai attacks, when India again had strong legal, moral and operational grounds for targeted action against *Lashkar-e-Taiba* bases in PoJK. Intelligence traced the attack's command-and-control structure to the LeT headquarters in Muzaffarabad and operational nodes along the Kishanganga Valley.[126] Senior military leaders later confirmed that the Indian Air Force and Special Forces had actionable plans ready—including deep-penetration strikes and cross-LoC raids—but these were not approved at the political level.[127] The decision reflected concerns about escalation and a deliberate choice to prioritise diplomatic isolation of Pakistan over immediate kinetic retaliation.[128]

The cost of this restraint was significant: the PoJK-based network responsible for 26/11 remained operational, contributing to subsequent attacks in Pathankot, Uri and Pulwama until India shifted to a more assertive doctrine after 2016.

Finally, India underestimated the long-term strategic consequences of China's deepening involvement in PoJK. The China–Pakistan Economic Corridor's entry into GB in 2015 entrenched foreign military and economic presence on territory legally belonging to India.[129] New Delhi protested, but its objections were episodic rather than sustained. India did not mobilise international legal opinion or integrate PoJK more forcefully into its China diplomacy. This permissive environment enabled Pakistan to move gradually toward the "provincialisation" of GB between 2009 and 2020, a development with long-term implications for India's territorial claims.[130]

Taken together, these missed openings illustrate a broader pattern: India possessed diplomatic, informational and strategic

leverage in multiple phases after 1999 but did not consistently apply it to undermine Pakistan's control of PoJK or expose conditions within the occupied territories. This allowed Pakistan—and increasingly China—to deepen their entrenchment in regions legally belonging to India, thereby complicating the geopolitical map into the 21st century.

Operation Sindoor marked the most consequential Indian military action relating to PoJK since 1971, and arguably the most direct challenge to Pakistan's sanctuary strategy since 1947. The destruction of high-value Pakistani military infrastructure—Pakistani posts along the LoC, the disabling of airfields supporting operations in GB, and the downing of airborne early-warning assets—signifies a decisive shift in India's willingness to strike at such a scale inside territories under Pakistan's illegal occupation, while taking the conflict into the Pakistani Punjab.[131] This is the first time India has deliberately targeted deep PoJK-based capabilities rather than restricting itself to counter-infiltration measures along the LoC, and widened the geography of the conflict.

By doing so, India has dismantled the fundamental strategic assumption that has underpinned Pakistan's use of PoJK for decades: that India would not escalate across the LoC beyond a point nor out of the PoJK. Since 1947, Pakistan has treated PoJK's valleys and ridgelines—from Skardu and Minimarg to Kel, Athmuqam and Muzaffarabad—as a shielded arena for force mobilisation, infiltration support and artillery deployment.[132] Operation Sindoor shattered that calculus. The operation demonstrates that PoJK is no longer a guaranteed sanctuary and that Pakistan's military infrastructure there is now a legitimate target when used to launch or support operations against India.[133]

The ongoing operation (as of mid-November 2025) also reinforces India's sovereign claim over PoJK. India's actions are

consistent with the 1994 Parliamentary Resolution. By striking only military infrastructure while avoiding civilian targets, India underscored that its objective was not punitive action against the population but a calibrated degradation of Pakistan's occupation apparatus. This echoes the doctrine of 'continuing sovereignty', which recognises that a state may act to protect its interests in territory illegally held by another party.[134]

Operation Sindoor carries important signalling for China as well. Pakistan's military architecture in PoJK is now deeply intertwined with Chinese strategic interests—CPEC infrastructure, PLA-backed surveillance nodes, and expanded Chinese logistical presence in GB.[135] By demonstrating operational reach into these areas, India indicated that the creeping China–Pakistan entrenchment in PoJK will not go uncontested.

Finally, the operation has psychological implications within PoJK itself. For decades, residents of AJK and GB have protested against political marginalisation, resource extraction and militarisation.[136] A precise Indian strike on Pakistan's military assets—without harming civilians—differentiates the occupying apparatus from the occupied population and subtly strengthens latent pro-autonomy and anti-Islamabad sentiments.

'As part of India's post-2016 escalation ladder—which includes the surgical strikes (2016) and Balakot air strike (2019)—Operation Sindoor represents a mature doctrine of calibrated punitive action.'[137] India achieved both tactical and strategic objectives while preserving escalation control, demonstrating a new form of leverage over Pakistan's use of PoJK for offensive operations.

The long-term significance of Operation Sindoor is clear: India has decisively removed PoJK from the category of untouchable territory. A theatre Pakistan once considered a secure launching pad has now become a space where India can—and will—impose costs.

Reservation of 24 Seats for PoJK: Historical, Legal, and Comparative Analysis

The allocation of 24 seats in the Jammu & Kashmir Legislative Assembly for areas under Pakistan's illegal occupation (PoJK) originated in the first elections held in 1951 under the J&K Representation of the People Act, 1951. The Act designated these seats for the "Pakistan-occupied areas of the State," with the explicit provision that they would remain vacant until those territories were brought under Indian administration.[138] The 1957 Constitution of J&K reaffirmed the arrangement under Article 48, which allocated 24 seats to PoJK but left them unfilled, save for one (later two) seats nominated to represent displaced persons.[139]

This constitutional stance was later reaffirmed emphatically by the unanimous Resolution of the Parliament of India on 22 February 1994, which declared that the State of Jammu & Kashmir is an integral part of India and that Pakistan must vacate all areas under its illegal occupation.[140]

A legal analysis of the issue throws up the following issues:

- Constitutional Assertion of Territorial Sovereignty. The vacant seats are a constitutional declaration that the entire erstwhile princely state of J&K—including PoJK and PoL—is legally part of India.[141] Leaving the seats vacant preserves India's territorial claim and prevents any argument that India has acquiesced to partition or de facto loss of sovereignty through silence or omission.[142]

- Representation vs. Symbolism: From a representational standpoint, the provision is counterintuitive: Those pro-India residents who fled PoJK after 1947–48 now live and vote in Jammu. Those who supported Pakistan migrated across the ceasefire line.[143] Hence, no actual constituency

remains to be represented through these seats. But from a constitutional standpoint, the seats remain essential because removal or filling them differently could imply recognition of Pakistan's occupation.

- Post-2019 Legal Continuity: The J&K Reorganisation Act, 2019, passed after Article 370's abrogation, retained the 24-seat provision unchanged.[144] This continuity signals that PoJK remains an integral part of the Union of India, and any future delimitation or legislative process must account for those seats.

- International Legal Principle of Non-Acquiescence: International law recognises the doctrine of non-acquiescence—a state must consistently assert its claim over illegally occupied territory to avoid losing it through long-term inaction.[145] By maintaining the 24-seat allocation, India preserves documentary, parliamentary, and constitutional evidence of non-acquiescence over decades.

A broad glance over the comparative global examples will help understand the precedence and other perspectives. Several states maintain symbolic legislative seats or constitutional provisions for territories under foreign control, occupation, or dispute. India's practice with PoJK is thus neither unique nor unusual.

- The Republic of Korea (South Korea) has seats reserved for North Korea. South Korea's National Assembly Law formally allocates seats for provinces in North Korea. These seats remain unfilled, preserving the Republic of Korea's claim of sovereignty over the entire peninsula.[146]

- Republic of China (Taiwan) and administrative structure for mainland China: Taiwan maintains the structure of "provinces" for mainland territories it no longer controls.

Until electoral reforms in the 1990s, it even elected legislators 'representing' mainland provinces.[147] This upheld Taipei's claim to all of China.

- Israel: and its laws referring to Jerusalem and territories beyond the Green Line: Israeli Basic Law declares Jerusalem as the capital, though international recognition varies. Similarly, Knesset debates reference representation for regions under dispute, using legal language to preserve claims.[148]

- Serbia – Kosovo: Serbia's constitution continues to claim Kosovo as an autonomous province, with reserved structural positions despite Serbia not administering the region.[149]

- Cyprus and Turkish-occupied Northern Cyprus: The Republic of Cyprus constitutionally maintains districts and administrative divisions for the north, though the government has no control there.[150]

As can be seen, the 24-seat allocation for PoJK has weak demographic logic, but strong constitutional and legal purpose, preserves India's non-acquiescence and sovereign title, aligns with global state practice in contested territories, and remains a critical component of the legal architecture of India's claim over PoJK. Removing or altering it would create interpretive risks under international law and weaken India's long-standing territorial assertions.

Recommendations: Out-of-Box?

As can be seen, with many missed opportunities, a definite change in approach towards PoJK is necessitated. Since 2016, a marked change has been evident, particularly in the way the Indian government has responded militarily and taken diplomatic steps.

Op Sindoor, certainly, was an unprecedented response. Some of the radical proposals are outlined in the succeeding paragraphs.

1: Protests in Gilgit-Baltistan

The severe wheat shortages and mass protests in GB during 2023–24 raised the question of whether India, as the legal sovereign of the territory, could have undertaken a humanitarian airdrop similar to Sri Lanka's "Operation Poomalai" in 1987.[151]

In principle, India possessed a legal justification: GB is part of the former princely state of Jammu & Kashmir, and therefore Indian territory under Pakistan's illegal occupation.[152] However, practical feasibility was extremely limited. Unlike Sri Lanka in 1987, GB is one of the most militarised airspaces in the world, dominated by Pakistan Air Force bases in Skardu and Gilgit and integrated with Chinese radar coverage linked to the Karakoram axis.[153]

On the whole, such an airdrop might not have been a good option because of the following factors:

- High probability of aircraft interception or shootdown.
- Possible Chinese involvement due to CPEC stakes.

India, however, could have taken measures that impose costs on Pakistan without triggering military escalation.[154] Some of these points are enumerated below:

- Delivery through drones or high-altitude para drops.
- Humanitarian Diplomacy: Offer food assistance through WFP, Red Crescent, or UN channels.
- Publicly call for humanitarian access.
- Narrative Warfare: Release satellite imagery of shortages, protests, troop movements.

- Highlight Pakistani misgovernance and sectarian discrimination in GB.
- International Pressure: Raise GB's plight at UNHRC, EU Parliament, US Congress.
- Support diaspora mobilisation.
- Strategic Messaging: Reaffirm 1994 Parliamentary Resolution, emphasising that Pakistan and China were illegally exploiting GB.

2: Election for 24 Reserved Seats

An innovative and constitutionally sound way to operationalise the 24 seats reserved for PoJK is to create a Provisional PoJK Electoral Mechanism that enables democratic participation by communities of PoJK origin, regardless of their current location. The electorate could include displaced PoJK families residing in India, members of the extensive PoJK diaspora abroad and, where feasible, current residents of PoJK and GB through secure digital voting. Candidates may be drawn from among persons of PoJK origin—whether in India, PoJK or overseas—provided they affirm allegiance to the Constitution of India. Those elected would be sworn in as Members of the J&K Legislative Assembly for their respective PoJK constituencies and could attend sessions, participate in deliberations and articulate concerns relating to the occupied territories and their displaced populations.

The mechanism merely extends the logic already embedded in the 1951 Representation of the People Act (J&K), which allowed displaced PoJK families to vote through nomination seats.[155] Such representation does not require territorial control, as evidenced by other constitutional systems that maintain electoral structures for territories under occupation—such as South Korea, Taiwan, and Cyprus. The proposed mechanism aligns with the doctrine of

continuing sovereignty under international law, which recognises that illegal occupation cannot extinguish rightful title.[156] India's initiative would therefore sit well within established international norms.

Even if Pakistan prevents residents of PoJK from participating, the very act of India opening democratic representation would shift the narrative: it exposes Pakistan as the party denying enfranchisement while India demonstrates sovereign responsibility for the people of the occupied territories. Conversely, any level of participation within PoJK would significantly strengthen India's legal, political, and moral claims.

Finally, no international law prevents India from inviting foreign residents to legislative bodies for seats already constitutionally allocated. India's invitation of elected PoJK representatives (even if residents abroad) to attend Assembly sessions does not violate international law, as India is exercising sovereign authority over seats already allocated under its constitutional framework. This approach enhances India's non-acquiescence, strengthens documentary evidence of sovereignty, and denies Pakistan and China a monopoly over the political representation of PoJK.

In this manner, the mechanism preserves constitutional continuity, reinforces non-acquiescence and reclaims the political space that China and Pakistan have attempted to appropriate in PoJK and GB

3: PoJK (Pakistan's so-called AJK) Unrest.

In addition to the military moves, some of the practical, lawful, non-kinetic ways India could leverage unrest in AJK to advance its legal, diplomatic, and moral position and to weaken Pakistan's political monopoly there are enumerated below.

What to achieve?

- Expose Pakistan's administrative failure and human-rights abuses in AJK.
- Amplify authentic AJK voices and civil society grievances.
- Build sustained international pressure on Islamabad (diplomatic, legal, reputational).
- Protect and enfranchise displaced PoJK citizens and the diaspora.
- Reduce Pakistan's ability to use AJK as a propaganda shield.

Lawful lines of action. As under:

- Fund and support independent media, diaspora platforms and NGO reporting that surface AJK citizens' demands (legal reform, local governance, human rights).
- Activate the PoJK diaspora (UK, EU, North America) to lobby parliaments, media and political parties — get parliamentary questions, reports, and debates initiated abroad. Encourage parliamentary resolutions in friendly capitals that condemn abuses and call for independent access to AJK.
- Use India's UN/Parliamentary documentation (UNCIP history, 1994 Parliamentary Resolution, recent evidence) to make a sustained case at the UN, UNHRC and other multilateral fora. Also, push targeted diplomatic démarches across capitals (US, EU, UK, Australia, GCC) to highlight AJK repression and CPEC-related encroachments.

- Publicise links between AJK resources/CPEC projects and human-rights/land-grab allegations; encourage international investors and insurers to demand due diligence on CPEC-related projects touching AJK. Work quietly with multilateral development banks and investors to freeze or condition projects that ignore local rights.

- Launch a coordinated information campaign (briefings, white papers, op-eds, verified social media content) that contrasts India's offer of enfranchisement (24 seats) with Pakistan's denial of rights in AJK. Offer humanitarian aid via neutral multilateral channels (WFP/Red Cross) and make it conditional on Pakistan permitting independent monitoring in AJK.

- Support credible international fact-finding or commissions of inquiry into major events in AJK (use NGOs, special rapporteurs).

4: Taking Back PoJK.

Reclaiming territory from Pakistan, whether AJK or GB, is legally justifiable from India's perspective, but politically, militarily, and morally fraught. GB offers the stronger strategic case (connectivity, watershed control, CPEC chokepoints), but China's deep economic–military entrenchment there and the presence of large settler communities make any forcible "reclaim-and-deport" approach both illegal and dangerously escalatory. A far more sustainable path is long-term, multi-track statecraft: legal/ diplomatic pressure, aggressive information campaigning, rights-based exposure, economic and political outreach to local populations, and calibrated coercive options only as a last resort and in strict conformity with international law.

AJK has, since the late 1980s, been the principal zone of

Pakistan-sponsored radicalisation and militant infrastructure. Numerous scholars note that AJK hosted the earliest facilities of *JKLF, Hizb-ul-Mujahideen, Lashkar-e-Taiba, Harkat-ul-Ansar*, and *Jaish-e-Mohammed*, which shaped the ideological environment for generations of local youth.[157] Reports from the 1990s and 2000s document how terrorist groups glamorised jihad in public spaces and even displayed severed heads of Indian soldiers in areas such as Rawalakot and Bagh.[158] The region is economically underdeveloped, with more than two million out of four residents working outside PoJK as labour migrants, both in Pakistan and abroad.[159]

Re-incorporating AJK would thus mean absorbing a population that has been exposed for decades to Pakistani military, political, and militant influence, posing short- to medium-term challenges to security, integration, and political stability.

GB, by contrast, offers far greater geostrategic value. Scholars consistently describe GB as the strategic hinge of the China–Pakistan axis, linking Xinjiang to Pakistan through the Karakoram Highway. Andrew Small argues that without GB, "the entire strategic logic of the China–Pakistan partnership collapses."[160] Stephen Cohen notes that GB provides Pakistan "outsized strategic confidence," enabling rapid mobilisation of the Northern Light Infantry (NLI) and providing depth against India in the Siachen–Kargil sector.[161] GB also hosts Pakistan's critical upstream water resources, supplying the Indus basin, which sustains Punjab and Sindh.[162]

However, GB has undergone severe demographic engineering, with Sunni settlers moved in and the Shia–Ismaili–Burusho demographic structure altered significantly since the Zia years.[163] Unlike AJK, GB was historically less radicalised, but Pakistan's political manipulation and sectarian violence have damaged its social cohesion. The strategic attraction—a possible Indian land

corridor to the Wakhan strip and Central Asia—exists only on paper and depends on Afghan stability.[164]

The biggest constraint is China's entrenched role. Through CPEC, Karakoram Highway upgrades, PLA-linked communication nodes and investments in dams and tunnels, China has effectively embedded itself in GB.[165] Any Indian attempt to forcibly reclaim GB would risk a two-front confrontation, direct Chinese retaliation and escalation to nuclear thresholds.

Net assessment:

- Reabsorbing AJK = High social, political and security cost; low geostrategic benefit.
- Reclaiming GB = High geostrategic value; but extremely high military and geopolitical risk due to China.

This is why scholars judge GB to be both the pivot and the "hardest" part of the dispute for India to reclaim.[166] That, however, doesn't mean India accepting the loss of its territory and taking no action. Some of the actions recommended to be taken at different levels are noted below:

- Legal–Documentary Strategy: India should digitise and publish Maharaja-era land records, State Subject Rolls, and revenue registers to build an authoritative evidentiary archive that proves demographic manipulation and unlawful land transfers.[167]
- International Legal Pressure on CPEC: India could push for scrutiny of CPEC projects in GB on the grounds of:
    - violation of Indian sovereignty,
    - lack of free, prior, and informed consent,
    - environmental damage.

Such scrutiny has precedent in global infrastructure governance.

- Human Rights and Minority Protection Campaigns: GB's Shia and Ismaili communities have faced sectarian violence.[168] Highlighting this internationally frames GB governance as oppressive rather than "liberating," undermining the Pakistani narrative.
- Diaspora Mobilisation: GB-origin communities in the US/UK can be encouraged to push for parliamentary inquiries, hearings, and human rights debates to strengthen global awareness.
- Economic and Reputational Cost Imposition: India should target insurers, sovereign funds and contractors involved in GB projects, insisting on due diligence. Poor documentation and environmental risks make CPEC vulnerable to reputational attack.
- Political Representation Initiative: Operationalising a Provisional PoJK Electoral Mechanism would:
    - delegitimise Pakistan's claim to represent PoJK's people,
    - expose Islamabad's denial of franchise,
    - amplify pro-rights GB voices.

Calibrated Coercive Levers: Cyber, information and diplomatic instruments can selectively degrade Pakistan's terror-support infrastructure in PoJK—without crossing thresholds that provoke direct Chinese involvement.

A radical thought. With the ongoing thaw in Indo-China relations, there may be a case for offering China access through a

paid transit corridor passing through the Garhwal Himalayas to the Gujarat coast. In return, GB may be taken without firing a bullet, i.e., when Pakistan begins to balkanise, an event that looks inevitable in the medium to long run. Such a settlement, however, will remain subject to border resolution.

Conclusion

The long and complex history of Pakistan-occupied Jammu & Kashmir (PoJK) reveals a systematic pattern: Pakistan's consolidation of political control, demographic manipulation, and militarisation of the occupied territories has consistently shaped the course of the India–Pakistan conflict, while India's response has oscillated between legal assertion, military restraint and episodic coercive action. From the initial missed opportunities of 1947–48—when Indian forces were close to Muzaffarabad—to the diplomatic setbacks of 1965 and 1972, the tolerance of PoJK-based militant sanctuaries after 1990, and the political hesitation following the 2001 Parliament attack and the 2008 Mumbai carnage, India often allowed Pakistan to retain a decisive sanctuary advantage in AJK and Gilgit-Baltistan. The geostrategic significance of PoJK—its control of river headwaters, infiltration corridors, and the Karakoram gateway—was not adequately leveraged until the surgical strikes of 2016, the Balakot air strike of 2019, and, most decisively, Operation Sindoor (2025), which broke the long-standing assumption that PoJK would remain an inviolable military rear area for Pakistan. These kinetic developments, coupled with the 1994 Parliamentary Resolution and India's growing willingness to publicise human-rights abuses, resource exploitation and China–Pakistan entrenchment, mark a fundamental shift: India now treats PoJK not merely as a historical claim but as an active theatre of competition.

Looking ahead, India's challenge is to combine sovereign assertion with strategic realism, recognising the distinct political terrains of AJK and Gilgit-Baltistan while avoiding escalatory pathways that jeopardise regional stability. AJK's heavily radicalised social fabric, decades of Pakistani ideological influence and large migrant-labour population necessitate caution in imagining immediate reintegration, whereas GB's extraordinary geostrategic value is counterbalanced by entrenched Chinese presence and the region's altered demography. The most sustainable way forward lies in a multi-track approach: sustained legal and diplomatic contestation of Pakistan's and China's activities in the occupied territories; systematic exposure of human-rights violations and land alienation; strengthened engagement with PoJK's diaspora and displaced persons; representation-based initiatives such as a Provisional PoJK Electoral Mechanism; and calibrated coercive responses only when necessary and legally defensible. Rather than seeking sudden territorial shifts, India must pursue a long-horizon strategy that steadily erodes the legitimacy of Pakistan's occupation, empowers the people of PoJK, denies China uncontested strategic access through the Karakoram, and positions India as the only actor committed to a lawful, humanitarian and historically grounded resolution. This combination of realism, patience and assertive statecraft will shape the contours of the PoJK question in the years to come.

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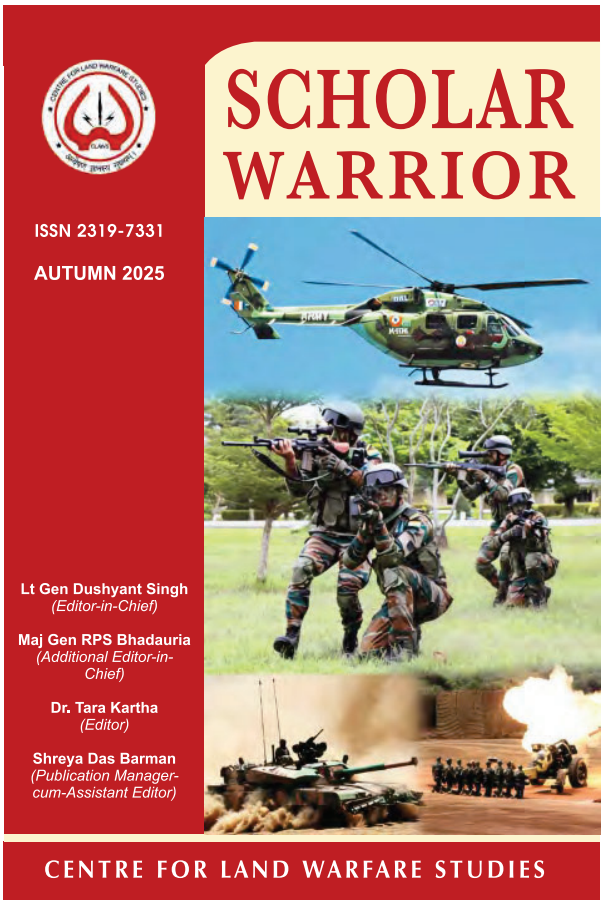

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The paper is intended as a policy-relevant academic study rather than a polemical intervention. It situates PoJK within the broader framework of Indian military history, state succession, and post-colonial geopolitics, while critically assessing Pakistan's administrative control over the territory. By disaggregating AJK and GB, the study highlights how uniform narratives obscure materially different realities on the ground. It combines historical documentation, demographic analysis, and strategic assessment to evaluate long-term implications for India's territorial claims, internal security, and regional influence. The work is particularly aimed at scholars, policymakers, and strategic practitioners seeking a structured, evidence-based understanding of PoJK beyond emotive discourse, and it contributes to a more nuanced debate on sovereignty, strategy, and regional order in South Asia.

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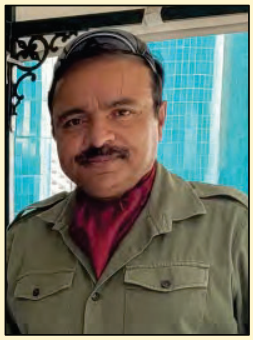

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