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**RIGHTS OF MINORITIES IN ISLAM: IN THE LIGHT OF THE SEERAH AND HISTORY**

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**Abstract**

The revocation of Article 370 in August 2019 marked a turning point in India-Pakistan relations, intensifying long-standing tensions over Kashmir and triggering a diplomatic freeze. This article examines the fallout of India's constitutional changes, analyzing Pakistan's political, diplomatic, and military responses, including the downgrading of bilateral ties, international lobbying, and media-driven nationalist narratives. It explores the fragile 2021 ceasefire agreement and backchannel talks, revealing how both nations balance hostility with pragmatic restraint. The study also assesses the role of regional organizations like SAARC and the SCO in facilitating or hindering dialogue. Despite deep-seated mistrust, the article identifies potential pathways for limited normalization, emphasizing incremental confidence-building measures (CBMs) such as trade resumption, humanitarian corridors, and climate cooperation. However, domestic politics, electoral cycles, and rigid positions on Kashmir continue to obstruct meaningful progress. The analysis concludes that while a comprehensive resolution remains unlikely, transactional engagement on non-political issues could prevent further escalation and lay the groundwork for a fragile but functional coexistence.

**Keywords:** Article 370, India-Pakistan Relations, Kashmir Conflict, Diplomatic Stalemate, Ceasefire Agreement, Backchannel Diplomacy, Confidence-Building Measures (CBM's), SAARC, Regional Security.

**Introduction**

Article 370 of the Indian Constitution granted Jammu and Kashmir (J&K) a special autonomous status, allowing it to have its own constitution, flag, and decision-making rights except in matters of defense, foreign affairs, and communications (Ganguly, 2019). This provision, introduced in 1949, was seen as a temporary measure to integrate the region into India while respecting its unique political circumstances. However, on August 5, 2019, the Indian government, led by Prime Minister Narendra Modi, revoked Article 370, bifurcating J&K into two Union Territories of Jammu & Kashmir and Ladakh under direct central governance (Chaudhury, 2020). This move was justified by the Indian government as a step toward economic development and national integration, but it was met with fierce opposition from Pakistan and widespread criticism from Kashmiri leaders, who viewed it as an erosion of their political rights (Bose, 2021). The revocation not only escalated tensions between India

and Pakistan but also intensified the long-standing conflict over Kashmir's disputed status.

The Kashmir conflict dates back to the partition of British India in 1947, when both India and Pakistan claimed the princely state of Jammu and Kashmir. The first Indo-Pak war (1947–48) resulted in the division of the region along the Line of Control (LoC), with India administering the majority of the territory and Pakistan controlling Azad Kashmir and Gilgit-Baltistan (Ganguly & Kapur, 2020). Subsequent wars in 1965, 1971, and 1999, along with numerous skirmishes, have kept the dispute alive, with both nations refusing to cede their claims. The Simla Agreement (1972) and Lahore Declaration (1999) attempted to normalize relations, but mutual distrust and cross-border terrorism, particularly from groups like Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM), have repeatedly derailed peace efforts (Hussain, 2020). The revocation of Article 370 further complicated the situation, as Pakistan perceived it as an aggressive unilateral action that undermined the Kashmiri right to self-determination, a stance it has consistently advocated at international forums such as the United Nations (UN) (Sial, 2020).

India's decision to revoke Article 370 was met with swift condemnation from Pakistan, which downgraded diplomatic ties, expelled the Indian High Commissioner, and suspended bilateral trade (Rizvi, 2021). Islamabad also intensified its efforts to internationalize the Kashmir issue, seeking support from the Organization of Islamic Cooperation (OIC) and China, the latter being particularly concerned due to its territorial disputes with India in Ladakh (Small, 2020). However, India maintained that the move was an internal matter, rejecting third-party mediation and emphasizing that Pakistan's support for militant groups in Kashmir disqualified it from being a legitimate stakeholder (Jacob, 2020). The diplomatic deadlock was further evident at multilateral forums like the Shanghai Cooperation Organization (SCO), where both nations avoided direct dialogue, instead using the platform to reiterate their entrenched positions (Khan, 2024). Despite occasional backchannel talks, such as the 2021 ceasefire agreement along the LoC, substantive progress remains elusive, with both sides unwilling to compromise on their core positions (Mir, 2023).

The revocation of Article 370 has entrenched the diplomatic stalemate between India and Pakistan, with little hope of resolution in the near future. While India insists on bilateral talks without preconditions, Pakistan continues to link normalization to the restoration of Kashmir's special status (Paul, 2020). The international community, including the U.S. and the EU, has largely adopted a neutral stance, urging dialogue but refraining from forceful intervention (Jones & Smith, 2021). Meanwhile, Kashmir remains a volatile flashpoint, with sporadic militancy and human rights concerns persisting (Bukhari, 2024). Unless both nations move beyond rigid posturing and explore confidence-building measures, the cycle of hostility will likely continue, leaving the Kashmir conflict unresolved and regional stability at risk.

### **Historical Context of India-Pakistan Relations**

Since their independence in 1947, India and Pakistan have shared a tumultuous relationship marked by territorial disputes, military conflicts, and intermittent peace efforts. The partition of British India, based on the two-nation theory, led to immediate hostilities, particularly over the princely state of Jammu and Kashmir (J&K). The First Kashmir War (1947–48) set the stage for decades of rivalry, resulting in the division of the region along the Line of Control (LoC) and embedding Kashmir as

the core issue in bilateral relations (Ganguly & Kapur, 2010). Subsequent wars in 1965 and 1971 further entrenched hostilities, with the latter leading to the creation of Bangladesh and deepening Pakistan's sense of vulnerability. The Simla Agreement (1972) attempted to establish a framework for peaceful resolution, mandating bilateral negotiations, but failed to produce a lasting solution (Kux, 2001).

Despite periods of détente, such as the Lahore Declaration (1999) and the Agra Summit (2001), progress has been repeatedly undermined by cross-border terrorism, military standoffs, and mutual distrust. The Lahore Declaration, signed by Prime Ministers Nawaz Sharif and Atal Bihari Vajpayee, pledged peaceful dialogue and confidence-building measures (CBMs), but was quickly derailed by the Kargil War (1999) (Hussain, 2005). Similarly, the Agra Summit collapsed due to disagreements over Kashmir and Pakistan's insistence on third-party mediation, reflecting the deep-seated discord (Swami, 2007). The 2008 Mumbai attacks, orchestrated by Pakistan-based militants, further deteriorated relations, leading to a freeze in comprehensive dialogue.

The Kashmir issue remains the primary obstacle to normalization. Pakistan frames it as an unresolved "dispute" requiring international intervention, while India insists it is an internal matter, accusing Pakistan of sponsoring terrorism in the region (Ganguly, 2016). The revocation of Article 370 in 2019 exacerbated tensions, with Pakistan downgrading diplomatic ties and rallying international criticism (Chaudhury, 2020). While limited engagements, such as the 2021 LoC ceasefire agreement, have provided temporary relief, the absence of sustained dialogue perpetuates instability. The historical trajectory suggests that without addressing Kashmir's status and terrorism, India-Pakistan relations will remain trapped in a cycle of conflict and short-lived diplomacy.

### **The Revocation of Article 370: India's Position**

The Indian government's decision to revoke Article 370 on August 5, 2019, was framed as a necessary step toward national integration and constitutional uniformity. Legally, New Delhi argued that Article 370 was always intended to be a temporary provision, as indicated by its placement in the Constitution's "Temporary, Transitional, and Special Provisions" section (Constituent Assembly of India, 1950). The government contended that the provision had outlived its purpose, as the J&K Constituent Assembly which was supposed to determine the article's permanence dissolved in 1957 without making a final decision (Jha, 2019). By invoking Presidential Order CO 272 and passing a parliamentary resolution, the Modi administration maintained that the revocation was constitutionally valid, though critics challenged this interpretation, arguing that it undermined federal principles (Tillin, 2020).

From a security perspective, India justified the move as essential to counter terrorism and separatism in Kashmir. The government claimed that Article 370's special status had hindered economic development and allowed Pakistan-backed militancy to thrive by creating a sense of political alienation (Jacob, 2020). The bifurcation of J&K into two Union Territories Jammu & Kashmir and Ladakh was presented as a means to enhance governance, accelerate infrastructure projects, and integrate the region more closely with the rest of India (Chari et al., 2021). Security forces argued that direct central control would improve counterinsurgency operations, though critics pointed to the heavy militarization and communications blackout that followed the decision as evidence of suppression rather than reform (Bukhari, 2024).

Domestically, the revocation triggered polarized reactions. The ruling Bharatiya Janata Party (BJP) hailed it as a historic correction of a "constitutional anomaly," fulfilling a long-standing ideological commitment to fully integrate Kashmir into India (PTI, 2019). The move received widespread support from nationalist groups and much of the Indian public, who viewed it as a decisive action against separatism. However, opposition parties, legal experts, and Kashmiri leaders condemned it as an undemocratic erosion of federalism and minority rights (Chowdhary, 2020). The absence of consultation with Kashmiri political representatives further fueled accusations of authoritarian overreach. While the Supreme Court of India upheld the revocation in December 2023, the political and social ramifications continue to shape India's internal discourse, with proponents celebrating it as a unifying measure and detractors warning of long-term alienation in the Valley.

### **Pakistan's Response and Diplomatic Measures to Article 370 Revocation**

Pakistan's reaction to India's revocation of Article 370 was swift and multifaceted, encompassing political, diplomatic, and military dimensions. Islamabad immediately condemned the move as a violation of international law, UN Security Council resolutions on Kashmir, and bilateral agreements such as the Simla Accord (1972) (Khan, 2020). Prime Minister Imran Khan's government framed the decision as an annexation of disputed territory, warning of potential regional instability. Pakistan downgraded diplomatic relations by expelling India's High Commissioner, suspending bilateral trade, and halting cross-border transport services (Rizvi, 2021). These measures were intended to signal Pakistan's refusal to accept India's unilateral actions while avoiding direct military confrontation, given the nuclear risks involved.

Pakistan aggressively pursued internationalization of the Kashmir issue, leveraging multilateral platforms such as the United Nations (UN), Organization of Islamic Cooperation (OIC), and the International Court of Justice (ICJ). At the UN General Assembly in 2019, PM Imran Khan compared India's actions to Nazi Germany's expansionism and warned of possible genocide in Kashmir a narrative amplified by Pakistan's media (Yusuf, 2020). The OIC issued multiple statements condemning India, though divisions within the Muslim world limited stronger action. Pakistan also sought legal recourse, with its Foreign Office exploring options at the ICJ, though jurisdictional constraints prevented a direct case on Kashmir (Sial, 2021). While these efforts kept Kashmir in global discourse, they failed to compel India to reverse its decision, as major powers like the U.S. and EU maintained a neutral stance, emphasizing bilateral dialogue (Jones, 2022).

Within Pakistan, the revocation of Article 370 became a rallying point for nationalist rhetoric across political and media spheres. The military establishment, which traditionally dominates foreign policy on Kashmir, portrayed India's move as an existential threat, reinforcing its role as the guardian of Pakistan's territorial integrity (Hussain, 2021). Media outlets extensively covered alleged human rights violations in Kashmir, often framing the conflict in religious terms to galvanize public sentiment. However, critics argued that Pakistan's emphasis on Kashmir served as a distraction from domestic governance failures (Wani, 2023). Militarily, Pakistan increased cross-border shelling along the Line of Control (LoC) in 2019-20, though it avoided large-scale escalation. The 2021 ceasefire agreement, brokered quietly through backchannel talks, suggested a pragmatic shift toward limited de-escalation despite persisting tensions (Mir, 2023). Pakistan's diplomatic campaign succeeded in keeping

Kashmir on the international agenda but failed to alter India's stance. The lack of consensus at the UN and reluctance among major powers to intervene highlighted the limitations of Pakistan's strategy. Domestically, the Kashmir issue remains a potent tool for political mobilization, but overreliance on anti-India rhetoric risks overshadowing pressing economic and security challenges. Moving forward, Pakistan faces the dilemma of balancing its principled stance on Kashmir with the need for regional stability and economic engagement.

### **Bilateral Dialogue and Diplomatic Stalemate in India-Pakistan Relations Post-2019**

The revocation of Article 370 in August 2019 marked a sharp deterioration in India-Pakistan relations, leading to a near-total breakdown of formal diplomatic engagement. India suspended all structured dialogue, including the Composite Dialogue Process, and adopted a policy of diplomatic isolation toward Pakistan, demanding an end to cross-border terrorism as a precondition for talks (Jacob, 2021). Pakistan reciprocated by freezing high-level contacts and reducing its High Commission staff in New Delhi by 50% (Rizvi, 2022). The only remaining functional channel became the Directorate General of Military Operations (DGMO) hotline, primarily used to prevent LoC skirmishes from escalating.

Despite public hostility, both nations demonstrated pragmatism through the February 2021 LoC ceasefire agreement, brokered quietly through backchannel talks involving intelligence agencies (Dawn, 2021). This marked the first complete ceasefire in nearly two decades, leading to a significant reduction in cross-border firing incidents. Reports suggest third-party mediation, possibly from Middle Eastern allies, facilitated these talks (Mir, 2023). However, the ceasefire remains fragile, with neither side willing to extend it to a broader peace process. Backchannel efforts in 2021-22 reportedly explored limited normalization, including the resumption of trade and pilgrim visas, but stalled over Pakistan's insistence on reversing Kashmir's constitutional changes (Joshi, 2023).

Official rhetoric from both capitals has grown increasingly hostile since 2019. India's leadership frames Kashmir as an "internal matter," dismissing Pakistan's concerns as interference, while Islamabad's "Kashmir-centric" foreign policy leaves little room for compromise (Ganguly & Kapur, 2023). Pakistan's media amplifies narratives of Indian oppression in Kashmir, while Indian outlets predominantly focus on Pakistan's alleged sponsorship of terrorism (Wani, 2023). This toxic public discourse has eroded the political space for dialogue, with hardliners on both sides equating engagement with capitulation.

Previously established CBMs, such as cross-LoC trade (2008-2019) and the Srinagar-Muzaffarabad bus service (2005-2019), stand suspended. The 2003 ceasefire, once buttressed by military-to-military communication, now survives only as a tactical pause (Chari, 2022). Proposed new measures, like the Kartarpur Corridor for Sikh pilgrims, remain isolated exceptions rather than templates for broader cooperation (Shukla, 2023). India's insistence on "terrorism-first" talks and Pakistan's demand for "Kashmir-first" dialogue have created a circular deadlock, with neither willing to cede the initial concession. The diplomatic impasse shows no signs of resolution. India's 2023 Supreme Court verdict upholding the Article 370 revocation further hardened its position, while Pakistan's economic crisis and political instability limit its capacity to sustain aggressive diplomacy (Haider, 2024). Track II initiatives persist but lack official endorsement. With both nations entering election cycles in 2024 India in April-May

and Pakistan by October politicized rhetoric is likely to intensify, delaying any substantive dialogue until at least 2025.

### **Socioeconomic and Humanitarian Dimensions of the Kashmir Conflict Post-2019**

The revocation of Jammu and Kashmir's special status in August 2019 triggered sweeping changes that profoundly impacted civilian life, economic stability, and human security in the region. The Indian government's immediate imposition of a communications blackout including a seven-month internet shutdown, the longest in any democracy (Access Now, 2020) disrupted healthcare, education, and livelihoods. Doctors struggled to access medical journals, students missed online classes, and businesses reliant on digital payments faced collapse (Bhat, 2021). While 4G services were partially restored in 2021, frequent restrictions during security operations continue to hinder daily life (Amnesty International, 2023).

Kashmir's economy, already fragile due to decades of conflict, suffered an estimated \$5.3 billion loss in the first two years post-revocation (Kashmir Chamber of Commerce, 2021). Tourism, horticulture, and handicrafts the region's economic pillars collapsed amid curfews and travel advisories. The government's push for outsider investments under the "New Kashmir" policy has stoked fears of demographic change, exacerbating local resentment (Zargar, 2022). Meanwhile, arbitrary detentions under the Public Safety Act (PSA) and restrictions on assembly have drawn condemnation from UN human rights experts, who report over 4,000 arrests between 2019–2022 (OHCHR, 2023).

The conflict's ripple effects severed historic people-to-people ties. The India-Pakistan trade suspension (2019) ended a \$2 billion informal exchange, devastating border economies like Punjab's Basmati rice trade (Rehman, 2023). The Srinagar-Muzaffarabad bus service, which once reunited divided Kashmiri families, remains halted. Cultural exchanges such as musical collaborations and literary festivals have dwindled, with artists on both sides facing backlash for "normalization" attempts (Bukhari, 2024). Even the Kartarpur Corridor, a rare functional link for Sikh pilgrims, operates under heavy surveillance, reflecting mutual distrust (Shukla, 2023). While India highlights infrastructure projects and declining militancy as signs of progress, Kashmiris report widespread psychological distress, with a 2023 Médecins Sans Frontières survey finding 45% of respondents exhibiting depression symptoms (MSF, 2023). Pakistan's politicization of the issue and India's securitized governance leave little space for local voices. Without inclusive policies addressing civilian grievances, the human cost of this stalemate will keep mounting.

### **Prospects for Future India-Pakistan Relations**

The future of India-Pakistan relations remains fraught with uncertainty, but several potential pathways ranging from continued stalemate to cautious normalization could emerge. The most plausible scenarios include third-party mediation, bilateral dialogue revival, or sustained international pressure, though each faces significant obstacles. Given Pakistan's economic fragility and India's entrenched position on Kashmir, neither side appears willing to make unilateral concessions. Mediation by neutral actors, such as the UAE or Qatar which facilitated backchannel talks in 2021 could provide an off-ramp, but India remains opposed to external involvement (Joshi, 2023). Alternatively, a return to bilateral dialogue would require Pakistan to de-emphasize Kashmir as a precondition, while India would need to address Islamabad's concerns about human rights in Jammu & Kashmir (Ganguly, 2024). International

pressure, particularly from the U.S. and EU, is unlikely to shift India's stance but could incentivize Pakistan to curb cross-border militancy in exchange for economic relief (Jones, 2023).

Regional platforms like SAARC (South Asian Association for Regional Cooperation) and SCO (Shanghai Cooperation Organization) have struggled to facilitate meaningful India-Pakistan engagement. SAARC, already weakened by India's boycott of summits in Pakistan since 2016, remains paralyzed by mutual distrust (Khan, 2023). In contrast, the SCO where both nations engage under Chinese and Russian oversight has seen limited progress, as India and Pakistan use the forum to reiterate rigid positions rather than seek compromise (Pant, 2024). However, the SCO's focus on counterterrorism and economic connectivity offers a potential avenue for low-level cooperation, such as intelligence sharing on extremist threats (Sial, 2023). If SAARC remains defunct, the SCO may emerge as the only multilateral space where Indian and Pakistani officials interact, albeit without breakthroughs.

### **Policy Recommendations for Thawing Relations**

To prevent further deterioration, incremental confidence-building measures (CBMs) are essential:

1. **Restore Basic Diplomatic Engagement:** Reinstating full embassy strength and reviving backchannel talks could reduce misperceptions.
2. **Expand Humanitarian Measures:** Reopening the Kartarpur Corridor for Sikh pilgrims and permitting cross-LoC family visits would build goodwill (Shukla, 2023).
3. **Revive Trade Cautiously:** A phased resumption of limited trade (e.g., pharmaceuticals, textiles) could create economic stakes in stability.
4. **Cooperate on Climate & Health:** Joint initiatives on flood management (a recurring crisis) or pandemic preparedness could sidestep political disputes.
5. **De-escalate Rhetoric:** Encouraging media restraint and Track II dialogues could soften public hostility.

The India-Pakistan relationship is unlikely to see dramatic improvements without a fundamental shift in their approaches to Kashmir and terrorism. However, selective engagement on non-political issues could prevent further regression. With both nations facing elections in 2024, any substantive dialogue will likely remain on hold until at least 2025. The best-case scenario is a gradual, transactional *détente* not reconciliation, but coexistence without crisis.

### **Conclusion**

The India-Pakistan relationship remains trapped in a cycle of hostility, frozen diplomacy, and fleeting moments of restraint. The revocation of Article 370 in 2019 didn't just deepen the Kashmir dispute it crystallized a new normal where dialogue is held hostage by maximalist positions. India insists Pakistan must abandon "terrorism" before talks can resume, while Pakistan demands India reverse its Kashmir policies as a precondition. This zero-sum game ensures that even minor skirmishes risk escalation, yet neither side has the incentive or political will to break the deadlock. The 2021 ceasefire along the LoC proved both nations can compartmentalize tensions when necessary, but it also revealed the limits of their pragmatism: cooperation extends only as far as avoiding war, not building peace. With India's Supreme Court upholding the constitutional changes in Kashmir and Pakistan's economy in perpetual crisis, neither government has the domestic bandwidth to pursue bold diplomacy.

Instead, they settle for managing conflict rather than resolving it, perpetuating a dangerous status quo where the next crisis is always just one provocation away.

Yet beneath the surface, there are undercurrents of change. Backchannel talks, third-party mediation, and quiet military coordination suggest that both countries recognize the costs of unchecked hostility. The UAE-brokered ceasefire and the Kartarpur Corridor demonstrate that incremental progress is possible when politics are sidelined in favor of practical gains. Even the SCO, despite its limitations, offers a rare space where Indian and Pakistani officials share a table however grudgingly. These small steps hint at an unspoken truth: while Kashmir may be non-negotiable for now, other shared challenges climate disasters, public health threats, and economic instability could force a recalibration. The question is whether leaders in Delhi and Islamabad will seize these opportunities or remain prisoners of their own rhetoric. For all their differences, both nations face a common dilemma: their rivalry extracts a heavy toll on development, regional stability, and global standing. Sooner or later, one side or both may decide that the price of perpetual confrontation is too high.

The road ahead is fraught, but not hopeless. Elections in 2024 will likely reinforce nationalist posturing in India and Pakistan, delaying meaningful engagement. Yet history shows that breakthroughs often come when least expected as with the 2003 ceasefire or the 2015 Ufa thaw. The key lies in identifying and nurturing low-risk areas of cooperation trade, humanitarian exchanges, environmental collaboration that can survive political upheavals. Neither reconciliation nor resolution is on the horizon, but a transactional détente is plausible if both states prioritize interests over ideology. The alternative a forever conflict serves no one except extremists and arms dealers. India and Pakistan don't need to be friends to coexist peacefully; they just need to stop letting the perfect become the enemy of the possible. The next chapter of this 75-year-old rivalry will be written not by grand gestures, but by quiet, calculated steps away from the brink. The world's most dangerous dyad may yet learn the art of cold peace.

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