

Explainer

Jammu and Kashmir Sankalp Diwas

(22 February)

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*Explainer: Jammu and Kashmir
Sankalp Divas (February 22)*

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Introduction

Every year, February 22 is commemorated as Jammu and Kashmir Sankalp Diwas, a day signifying the resolute commitment of Indian people, as articulated by its parliamentary representatives, to reclaim Indian territory that fell victim to aggression by the Islamic republic of Pakistan in 1948.¹

On the historic date of February 22, 1994, both Houses of the Indian Parliament unified in passing a unanimous resolution, resoundingly affirming that Pakistan's occupation of regions in Jammu and Kashmir is untenable. Parliamentarians from both houses of the Indian Parliament, in no uncertain terms, expressed, India's unwavering determination to regain control over these unlawfully aggressed upon and seized territories. The resolution further underscored Pakistan's exploitation of occupied areas as training grounds for terrorists, deployed to inflict harm upon India. It explicitly called upon Pakistan to cease its support for such nefarious activities.²

Central to the resolution was steadfast assertion that the State of Jammu & Kashmir constitutes an integral part of India, demanding immediate evacuation of Pakistani forces from the occupied regions. Highlighting the importance of adhering to the Shimla Agreement³ after its defeat by India in 1971, Pakistan witnessed over 92,000 of its army personnel surrendering to the Indian Army in East Bengal, leading to creation of a new nation-state, Bangladesh.⁴ The Agreement cautioned Pakistan against internationalising the Jammu and Kashmir issue, urging it to resolve all issues bilaterally. Shimla Agreement shone a spotlight on two additional disconcerting issues. First, it raised alarm about egregious human rights violations taking place in Pakistan-occupied areas of Jammu and Kashmir. Secondly, it highlighted deplorable living conditions endured by the residents of these territories.⁵

In essence, Sankalp Diwas serves as a poignant reminder of the resolute commitment expressed by the Indian Parliament to reclaim and safeguard its sovereign territories, urging Pakistan to uphold international agreements and address pressing historic⁶ and ongoing humanitarian concerns associated with its occupation of Jammu and Kashmir.⁷

¹ CHENGAPPA, B. M., and B. D. Chengappa. "WAR AS A DIMENSION IN INDIA–PAKISTAN RELATIONS." *World Affairs: The Journal of International Issues*, vol. 7, no. 3, 2003, pp. 97–108. *JSTOR*, <https://www.jstor.org/stable/48505361>. Accessed 20 Jan. 2024.

² *Parliament resolution on Jammu and Kashmir*, 22 February 1994 <https://www.satp.org/satporgtp/countries/india/document/papers/parliament_resolution_on_Jammu_and_Kashmir.htm> accessed 19 January 2024

³ *Simla Agreement | Ministry of External Affairs, Government of India (1972) Simla Agreement*. Available at: <https://www.mea.gov.in/Portal/LegalTreatiesDoc/PA72B1578.pdf> (Accessed: 20 January 2024).

⁴ Mohr, C. (1971) *Dacca captured*, *The New York Times*. Available at: <https://www.nytimes.com/1971/12/17/archives/dacca-captured-guns-quiet-in-bengali-area-but-war-goes-on-at.html> (Accessed: 20 January 2024).

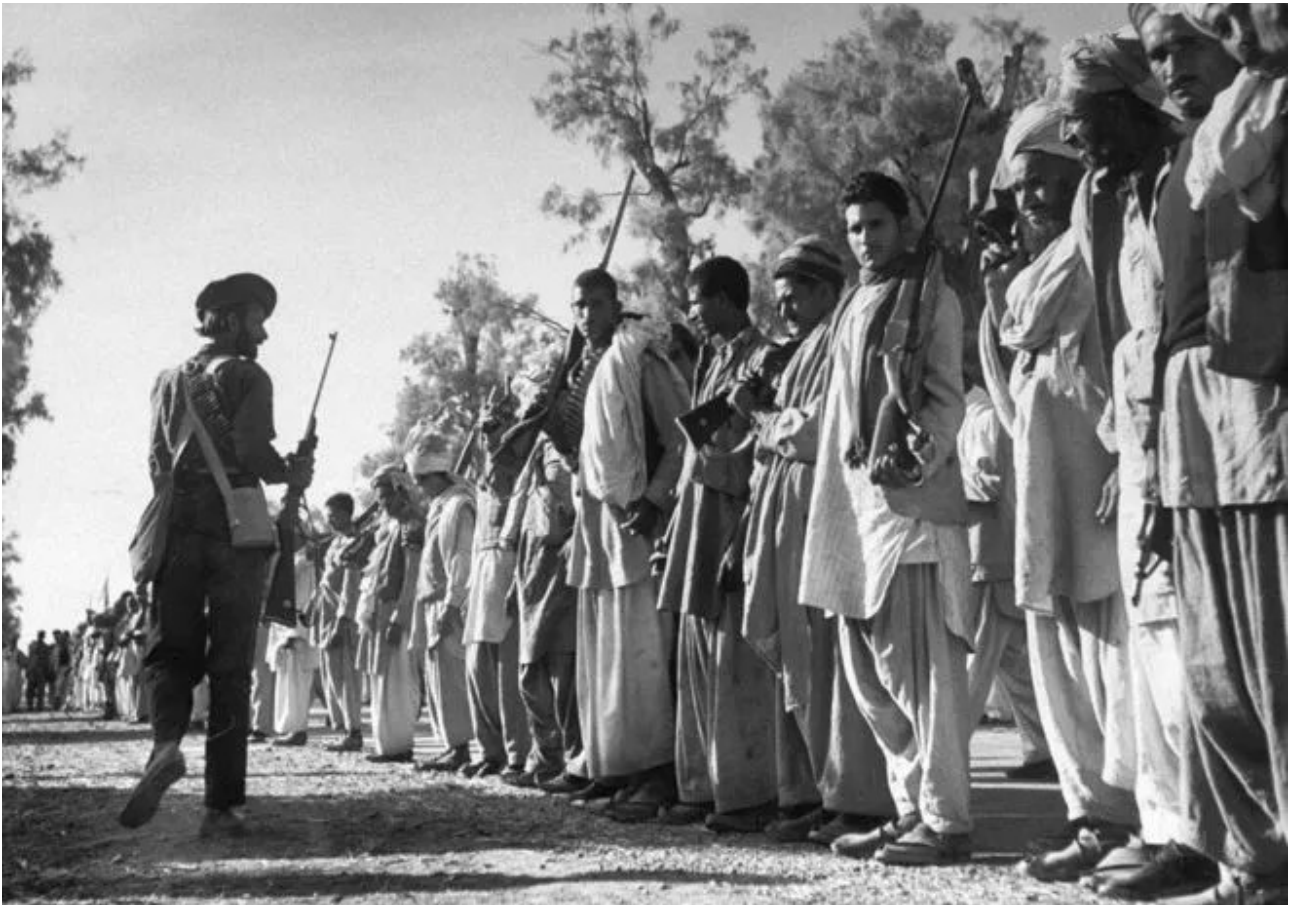
⁵ Posted (2020) *Report on comparative study of development and human rights in Jammu & Kashmir and Pakistan-occupied Kashmir & Gilgit-Baltistan*, *Law and Society Alliance*. Available at: <https://lawandsocietyalliance.in/2020/08/26/report-on-comparative-study-of-development-and-human-rights-in-jammu-kashmir-and-pakistan-occupied-kashmir-gilgit-baltistan/> (Accessed: 20 January 2024).

⁶ Asef, M. Bashir. "Azad Kashmir: A Colony of the Islamic Republic of Pakistan." *Pakistan Forum*, vol. 2, no. 2, 1971, pp. 4–15. *JSTOR*, <https://doi.org/10.2307/2568953>. Accessed 20 Jan. 2024.

⁷ JKN-Eng (2023) *As Jammu and Kashmir Prospers, people in Pakistan occupied Jammu Kashmir struggling for even basics, says a POJK activist*, *jammukashmirnow.com*. Available at: <https://www.jammukashmirnow.com/Encyc/2023/9/9/As-Jammu-and-Kashmir-prospers-people-in-Pakistan-occupied-Jammu-Kashmir-struggling-for-even-basics-says-a-Po.html> (Accessed: 20 January 2024).

Background

In aftermath of India's independence and subsequent Partition of erstwhile British occupied India, Princely States were vested with the prerogative to decide their accession to either the dominion of India or Pakistan, contingent upon geographical coherence as per Indian Independence Act of 1947.⁸ This foundational principle was disrupted on the night of October 22/23, 1947, when Pakistani army along with its rallied tribal raiders initiated a forceful assault on the Princely State of Jammu & Kashmir. Subsequently, Maharaja Hari Singh formally acceded to the dominion of India on October 26, 1947, prompting deployment of the Indian army.⁹ The then Indian Prime Minister Jawaharlal Nehru, cognisant of the gravity of Pakistani aggression, brought the matter to attention of the international community, seeking intervention through United Nations. The ensuing Kashmir war persisted until a UN-mandated ceasefire was implemented from midnight on December 31, 1948, to January 1, 1949. Regrettably, Pakistan has maintained unlawful occupation of these territories since the ceasefire, defying several UN resolutions and international laws.¹⁰



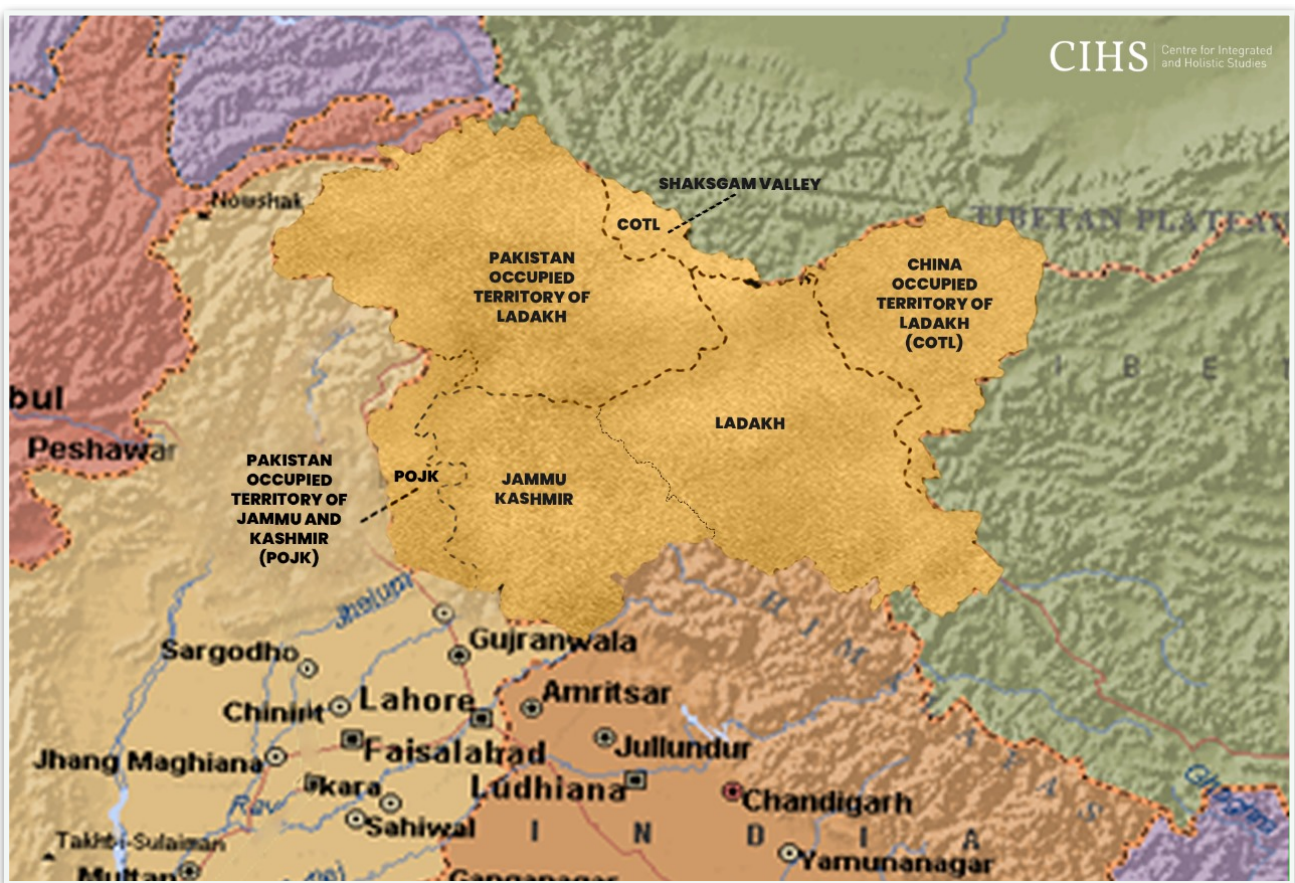
Aggressing Pakistani Army and tribal raiders awaiting military supplies from Pakistan (Source: BBC)

⁸ '1947 Indian Independence Act - UK Parliament' (*UK Parliament*) <<https://www.parliament.uk/about/living-heritage/evolutionofparliament/legislativescrutiny/parliament-and-empire/collections1/collections2/1947-indian-independence-act/>> accessed 20 January 2024

⁹ Anand, A. (2021) *How Maharaja Hari Singh warded off Pak overtures and met RSS chief before ceding J&K to India*, *ThePrint*. Available at: <https://theprint.in/india/how-maharaja-hari-singh-warded-off-pak-overtures-and-met-rss-chief-before-ceding-jk-to-india/645968/> (Accessed: 20 January 2024).

¹⁰ Frankel, F.R. (2020) *When Nehru looked east: Origins of India-US suspicion and India-China rivalry*. New York, NY: Oxford University Press.

Areas under illegal occupation, constituting the (erstwhile) State of Jammu and Kashmir, encompass Mirpur-Muzzafarabad regions, spanning approximately 14,000 Sq km—an area identified as PoJK (Pakistan-occupied Jammu and Kashmir) by India and falsely labeled 'Azad Jammu Kashmir' by Pakistan. Significantly, this territory is integral to the present-day Union Territory of Jammu and Kashmir. Furthermore, Pakistan's occupation extends to about 75,000 sq km of Gilgit and Baltistan, which currently forms part of the Union Territory of Ladakh, specifically within bounds of the Leh district.¹¹ A separate dimension of territorial issue unfolds in Eastern Ladakh, where China, following the Indo-China war from October 22 to November 21, 1962, illegally occupied approximately 35,000 sq km known as Aksai Chin. Concurrently, Pakistan, in breach of international law, ceded around 5,100 sq km of Shaksgam Valley to China in March 1963 through a Sino-Pak boundary agreement.¹² These precise coordinates and area figures underscore intricate geopolitical landscape of Indian territories currently under occupation by Pakistan and China. Highlighting India's legitimate assertion of sovereignty over these areas, and emphasizing the imperative to safeguard its territorial integrity.



Map highlighting Pakistan and Chinese Occupied territories of UT J&K and UT Ladakh

¹¹ JKN-Eng (2020) *Let's understand POJK, POTL and COTL— the illegal occupation of Pakistan and China*, [jammukashmirnow.com](https://www.jammukashmirnow.com). Available at: <https://www.jammukashmirnow.com/Encyc/2020/2/21/Let-s-understand-POJK-POTL-and-COTL-The-illegal-occupation-of-Pakistan-and-China.html> (Accessed: 20 January 2024).

¹² Alastair Lamb (1964) *The Sino-Pakistani boundary agreement of 2 March 1963*, *Australian Outlook*, 18:3, 299-312, DOI: [10.1080/10357716408444182](https://doi.org/10.1080/10357716408444182)

Context for the Resolution

The parliamentary resolution of February 22, 1994, holds profound geopolitical significance, necessitating an exploration of contextual backdrop that prompted its enactment. The roots of this resolution can be traced back to the tumultuous events unfolding in the Kashmir valley region of Jammu and Kashmir since 1984, marked by escalating terror activities and consequential exodus leading to the internal displacement of its native habitants, the Kashmiri Hindus.¹³



Camps for Internally displaced Kashmiri Hindus in Jammu, J&K, following targeted attacks by local and infiltrated terrorists from Pakistan

Against this backdrop, Pakistan emerged as a geopolitical player, strategically aligning itself as a key ally of the United States amidst unfolding dynamics in Afghanistan. Harnessing this newfound importance, Pakistan relentlessly endeavoured to internationalise the issue pertaining to Jammu and Kashmir. It fervently advocated for a plebiscite in Jammu and Kashmir, disregarding the UN resolution mandating Pakistan's withdrawal from occupied territories (Pakistan occupied Jammu and Kashmir a.k.a Azad Jammu and Kashmir and Gilgit Baltistan) as a prerequisite for any plebiscitary process.¹⁴

The year 1990 witnessed a significant development when, under leadership of Benazir Bhutto, National Assembly of Pakistan passed a resolution rejecting Jammu and Kashmir's accession to India.¹⁵ During this period, the United States adopted a pro-Pakistan stance on Jammu and Kashmir,

¹³ Pawa, R. (2022) *Brief: Seven exoduses and the ethnic cleansing of Kashmiri Hindus, CIHS*. Available at: <https://cihs.blog/2022/03/21/brief-seven-exoduses-and-the-ethnic-cleansing-of-kashmiri-hindus/> (Accessed: 20 January 2024).

¹⁴ *Resolution 47 (1948) / [adopted by the Security Council at its 286th meeting], of 21 April 1948. (1948) United Nations*. Available at: <https://digitallibrary.un.org/record/111955/?ln=en> (Accessed: 20 January 2024).

¹⁵ Pandita, K.N. (2014) *A brilliant piece of shrewd statesmanship*. Available at: <https://www.dailyexcelsior.com/a-brilliant-piece-of-shrewd-statesmanship/> (Accessed: 20 January 2024).

emboldening Pakistan in its pursuit. It is crucial to underscore that the Instrument of Accession, a legal document having its roots in the British Parliament's India Independence Act, governed Jammu and Kashmir's accession to India, and was not subject to international jurisdiction.¹⁶

Amidst these developments, United State's endorsement of Pakistan's stance escalated tensions, with Pakistan articulating its intent to table a resolution at the United Nations Human Rights conference in Geneva in March 1994. Pakistan had meticulously crafted a narrative portraying alleged 'human rights violations' by India in Jammu and Kashmir. The passage of such a resolution could have paved the way for United Nations Security Council (UNSC) sanctions against India and intervention by international community.¹⁷ However, on February 22, 1994, the Indian Parliament, through unanimous consensus, deftly responded to international lobbying orchestrated by the United States. This parliamentary resolution of February 22, 1994 effectively countered Pakistan's claims, thereby reaffirming India's legal and sovereign rights over entire Jammu and Kashmir.¹⁸ By March 7, 1994, a diplomatic triumph ensued as the Indian delegation, led by the Leader of the Opposition, Atal Bihari Vajpayee, garnered sufficient support from countries in Geneva to dissuade them from backing Pakistan's ulterior resolution. Consequently, Iran retracted its support, prompting Pakistan to withdraw its proposed resolution on March 9, 1994, to avoid loss of credibility.¹⁹



Atal Bihari Vajpayee (opposition leader) in Geneva to counter Benazir Bhutto's propaganda about Jammu and Kashmir | March 1994

¹⁶ n8

¹⁷ Research Directorate, Immigration and Refugee Board, Canada, Human Rights in Jammu and Kashmir, -, Canada: Immigration and Refugee Board of Canada, 1 March 1995, <https://www.refworld.org/reference/countryrep/irbc/1995/en/21974> [accessed 20 February 2024]

¹⁸ n2

¹⁹ *India shows the world it means business on Kashmir issue at Geneva Meet* (2013) *India Today*. Available at: <https://www.indiatoday.in/magazine/cover-story/story/19940331-india-shows-the-world-it-means-business-on-kashmir-issue-at-geneva-meet-808937-1994-03-30> (Accessed: 20 January 2024).

Current Scenario



Indian PM Narendra Modi delivering his address to the nation on August 05, 2016

On August 15, 2016, then newly elected Prime Minister, Narendra Modi redirected international attention towards the long-standing issue of Pakistan-occupied Jammu and Kashmir and Gilgit Baltistan in his address at the Red Fort.²⁰ Subsequently, on August 5, 2019, the amendment of Article 370 of the Indian constitution marked a significant turning point as the state of Jammu and Kashmir was reorganised into two Union Territories of Jammu and Kashmir, and of Ladakh.²¹ Notably, on August 6, 2019, Home Minister Amit Shah invoked the crucial Parliamentary Resolution of 1994, underscoring the integral status of Jammu-Kashmir within India and reiterating Parliament's commitment to reclaim both Pakistan-occupied territories and Aksai Chin.²²

In aftermath of 2019, the Indian Home and Defence ministries have consistently referenced the Parliamentary resolution, emphasizing that any dialogue with Pakistan hinges on unequivocal vacation of Indian territories occupied by Pakistan. On October 27, 2022, commemorating Shaurya Diwas, Indian Defence Minister Rajnath Singh reaffirmed India's unwavering commitment to reclaim Pakistan-occupied Jammu and Kashmir (PoJK) and Gilgit Baltistan, aligning with the

²⁰ *Modi stumps Pakistan, refers to Balochistan, Gilgit and pok from Red Fort* (2016) *India Today*. Available at: <https://www.indiatoday.in/india/delhi/story/modi-pakistan-balochistan-gilgit-pok-red-fort-335306-2016-08-15> (Accessed: 20 January 2024).

²¹ *The Jammu and Kashmir reorganisation act, 2019* (2019) *Jammu and Kashmir Reorganisation Act, 2019*. Available at: https://www.indiacode.nic.in/bitstream/123456789/15242/1/re-organisation_act,2019.pdf (Accessed: 20 February 2024).

²² *Article 370: Pok, Aksai Chin part of Jammu & Kashmir, says Amit Shah* (2019) *India Today*. Available at: <https://www.indiatoday.in/india/story/article-370-pakistan-occupied-kashmir-aksai-chin-j-k-amit-shah-1577739-2019-08-06> (Accessed: 20 January 2024).

principles outlined in Parliamentary Resolution of February 22, 1994.²³ Subsequently, former Indian Army Chief, Manoj Mukund Naravane reiterated military's preparedness to reclaim these territories, affirming the resolution's pivotal role in shaping India's unanimous stance.²⁴ The Parliamentary Resolution of February 22 stands as a crucial milestone in India's history. It not only laid the foundation for reclamation of occupied territories but effectively countered Pakistani propaganda concerning human rights in Jammu and Kashmir, drawing attention to dire conditions prevailing in Pakistan occupied territories of J&K and of Ladakh.

Importantly, the resolution definitively clarified doubts about legality of the Instrument of Accession while upholding Shimla Agreement clauses as the primary mechanism for resolution. Following reorganisation of Jammu and Kashmir, Indian territories occupied by Pakistan are now, for the first time, officially represented as districts of Mirpur and Muzzafarabad in the map of the Union Territory of Jammu & Kashmir. Additionally, Gilgit and Baltistan find representation as part of the Leh district within the Union Territory of Ladakh, with the boundary aligning to its pre-1901 configuration. This innovative representation marks a departure from historical practices and underscores India's commitment to addressing territories under occupation through legal and diplomatic means.

²³ *On Shaurya Diwas, Rajnath Singh hints at taking back Pakistan-occupied Kashmir* (2022) *India Today*. Available at: <https://www.indiatoday.in/india/story/rajnath-singh-kashmir-pok-jammu-srinagar-kashmir-pakistan-2290133-2022-10-27> (Accessed: 20 January 2024).

²⁴ *The Atlas and the Army chief* (2020) *Frontline*. Available at: <https://frontline.thehindu.com/the-nation/article30682288.ece> (Accessed: 20 January 2024).

Key Takeaways

As India progresses in its pursuit to reclaim occupied territories, the significance of Sankalp Diwas remains paramount. Annual revisiting of parliamentary resolution on February 22 is not merely a ceremonial gesture; it is heartfelt imperative. It encapsulates spirit of the nation, where each citizen's responsibility is enshrined in remembering, advocating, and tirelessly working towards the fulfilment of the commitment made on this day.

- Beyond diplomatic realm, annual revisit serves as a sturdy mechanism to preserving national identity. It instills a sense of collective memory, preventing territories from fading into oblivion and ensuring that they remain an indelible part of the nation's consciousness.
- The nature of February 22 as Jammu and Kashmir Sankalp Diwas embeds a sense of purpose and continuity. It aligns the nation's aspirations with a specific date, creating a tradition that transcends political cycles, reminding every generation of its commitment to rectify historical injustices.
- Ultimately, responsibility to honour the commitment made on Sankalp Diwas lies with the people. By actively engaging in annual revisit, citizens assume the role of guardians, ensuring that the flame of determination to reclaim territories occupied by the Islamic Republic of Pakistan never wanes.
- Territories, as reiterated on this solemn day, are not lost by occupation but by collective forgetfulness—a pitfall that every Indian citizen must prevent at all costs.

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