

Explainer

# Pakistan Occupied Jammu, Kashmir and Ladakh

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More than half of the former princely State of Jammu and Kashmir has, since 1947, been occupied by countries other than the one it joined. Of its 222,236 square kilometres, India governs roughly 101,000; Pakistan occupies about 78,000 and China about 43,000. This note explains how that came about, how the occupied territories are governed today, and why their status remains contested, from the standpoint that the accession of 1947 was lawful and that the western and northern portions of the State are under foreign occupation.

A note on terms used throughout: A princely state was a semi-autonomous kingdom under British rule, governed by its own hereditary ruler but subject to overall British authority; there were more than 500 of them across India. When the British were outed in 1947, the subcontinent was partitioned into two independent dominions, India and Pakistan, and each princely ruler had to accede to one of them. The Instrument of Accession was the short legal document by which a ruler transferred his state to India or to Pakistan. The Line of Control is the de facto military boundary that has divided the Indian and Pakistani occupied sides of Jammu and Kashmir since the first war between them in 1947. Pakistan Occupied Jammu Kashmir (POJK), Pakistan occupied Territories of Ladakh (POTL) and China Occupied Territories of Ladakh (COTL), are terms used for the occupied lands, are defined in the second section.

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# Summary

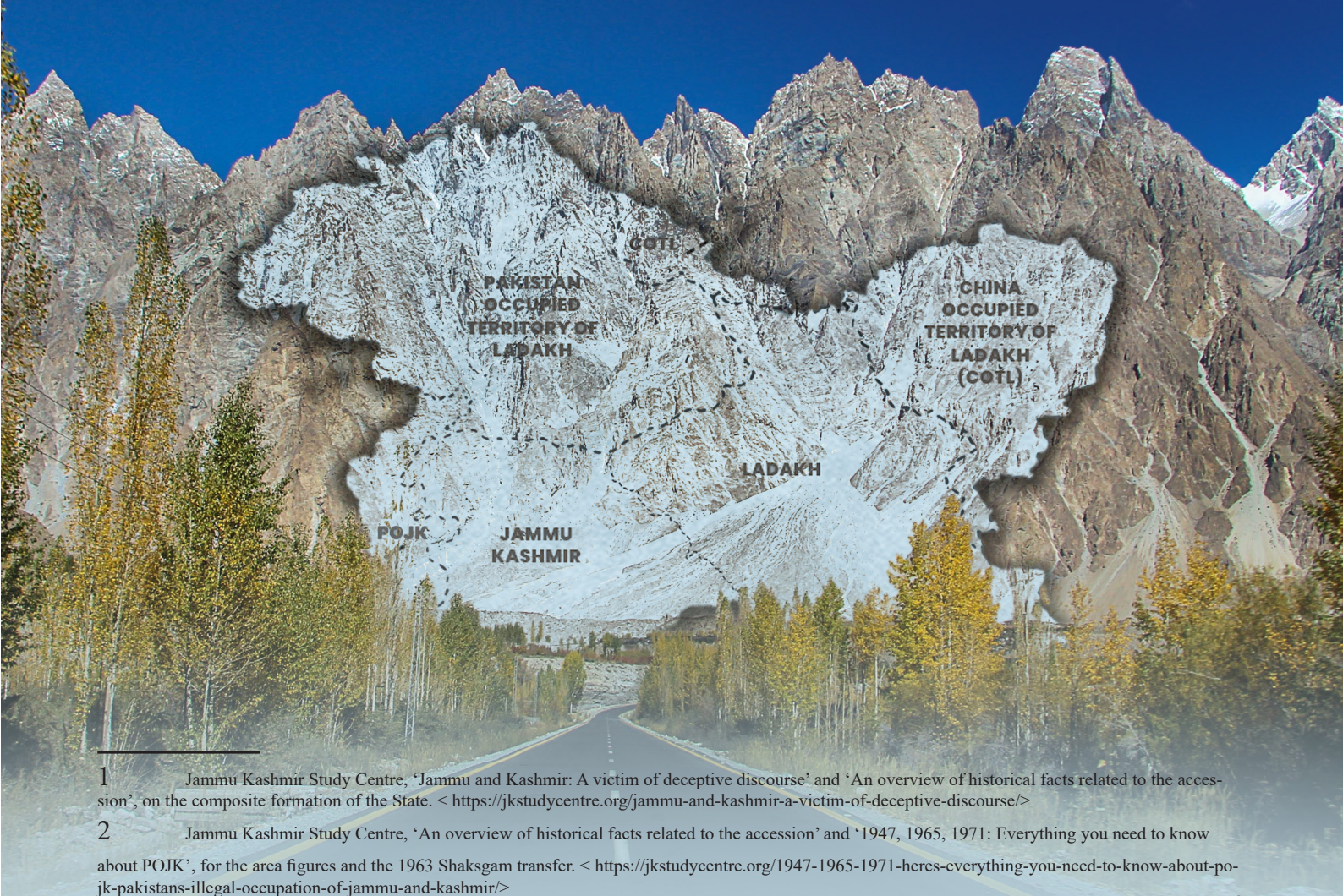
- Jammu and Kashmir acceded to India on 26 October 1947, when its ruler, Maharaja Hari Singh, signed the Instrument of Accession, the same document every acceding princely state used. Under the Indian Independence Act 1947 the decision lay with the ruler alone, with no requirement to consult the population, so the accession was full, final and legally complete.
- India's sovereignty is entrenched in law twice over. Article 1 of the Constitution of India lists Jammu and Kashmir as a State of the Union, and Section 3 of the State's own constitution declared it "an integral part of the Union of India," a clause that Section 147 barred the State legislature from amending. The changes to Article 370, the provision that had given the State temporary special arrangements, made in 2019, left Article 1 and Section 3 untouched.
- The accession was ratified, not imposed. The State's elected Constituent Assembly, the body that drafted its constitution, endorsed the accession on 6 February 1954, and India's representative at the United Nations, V. K. Krishna Menon, told the Security Council on 23 January 1957 that the whole State, including the occupied areas, is Indian.
- The scale of the occupation is a matter of figures, not opinion. Of the State's 222,236 sq km, India governs about 101,387; Pakistan occupies roughly 78,114; China occupies about 42,735. More than half of a lawfully Indian State is under foreign occupation.
- Pakistan occupies its share as two units: the Mirpur-to-Muzaffarabad belt (about 13,297 sq km), which it calls "Azad Jammu and Kashmir," meaning "Free" Jammu and Kashmir, and Gilgit-Baltistan (about 64,817 sq km), which it renamed the "Northern Areas" to separate it from Jammu and Kashmir. Experts call the northern lands the Pakistan-Occupied Territories of Ladakh (POTL).
- Pakistan's own Constitution undercuts its claim. Article 257 declines to absorb the territory as a province of Pakistan and defers its status to the future wishes of the Kashmiri people "when" they accede to Pakistan, an admission that Pakistan does not hold the land as sovereign.
- China occupies two portions of the State's Ladakh region: Aksai Chin (about 37,555 sq km), a high desert plateau it seized after the 1962 war between India and China, and the Shaksgam Valley (about 5,180 sq km), which Pakistan transferred to China under a 1963 boundary agreement, a transfer India treats as void because Pakistan could not give away land it did not lawfully own. India calls these the China-Occupied Territories of Ladakh (COTL).
- The occupation was taken by force and held by force. Pakistan invaded in October 1947 before the accession was signed, and its attempts to enlarge the occupation in the wars of 1965, 1971 and 1999 all failed. The Line of Control today runs close to the ceasefire line of 1949, formalised by the Simla Agreement, the peace accord India and Pakistan signed in 1972.
- The human cost is unrepressed. Survivor accounts describe massacres in the invaded belt in 1947 and the flight of an estimated one million people; the families displaced in 1947 and other affected groups remained without full rights for three generations, an inequity the constitutional changes of 2019, which replaced an order first made on 14 May 1954, were meant to correct.
- India's mandate to reclaim is on the record. On 22 February 1994 both houses of India's Parliament resolved unanimously that Jammu and Kashmir "has been, is and shall be an integral part of India" and demanded that Pakistan vacate the areas it occupies, a demand still unfulfilled.
- The occupied territory is governed as neither province nor free state. In 2026, protests across the Pakistan-occupied belt, triggered by a seat-reservation system in the "Azad Jammu and Kashmir" assembly (12 of about 53 seats held for "refugees" who live outside the territory), were directed against Pakistan itself, exposing the gap between Pakistan's claim to represent its people and those people's own demands.

# I. Background and Context

The land in question is the western and northern third of the former princely State of Jammu and Kashmir. That State was not an ancient, unified country but a nineteenth-century construction, assembled under the Dogra dynasty, the Hindu family that ruled the region, by joining five areas with distinct histories: the Kashmir Valley, Jammu, Ladakh, and the northern territories of Gilgit and Baltistan. Its founder, Gulab Singh, consolidated these lands into a single kingdom in the mid-1800s. This composite character is the first thing lost when the whole is casually called “Kashmir,” because the Kashmir Valley, the part usually meant by that name, is only one region of five, and the smallest in area of the major ones.<sup>1</sup>

The occupied third divides into specific, named parts. The Pakistan-Occupied Territories of Jammu and Kashmir, POJK, are two administrative inventions. The first is the Mirpur-to-Muzaffarabad belt, roughly 13,297 square kilometres, which Pakistan presents as “Azad Jammu and Kashmir,” or “Free” Jammu and Kashmir. The second is the northern expanse of Gilgit and Baltistan, roughly 64,817 square kilometres, which Pakistan renamed the “Northern Areas” and now runs as Gilgit-Baltistan. Because Gilgit and Baltistan formed the northern frontier of the State’s Ladakh region, the part Pakistan holds is described as the Pakistan-Occupied Territories of Ladakh, POTL. The China-Occupied Territories of Ladakh, COTL, are Aksai Chin, taken in 1962, and the Shaksgam Valley, transferred by Pakistan to China in 1963.<sup>2</sup>

The arithmetic fixes the scale. The whole State measured 222,236 square kilometres. India governs 101,387; Pakistan occupies about 78,114; China about 42,735. A lawfully constituted Indian State lost the majority of its land to two neighbours through invasion, war and a transfer between the occupiers. India resists the word “dispute,” which implies that ownership is genuinely open. In India’s account, and in the legal record set out below, the ownership is settled and the possession is not.



1 Jammu Kashmir Study Centre, ‘Jammu and Kashmir: A victim of deceptive discourse’ and ‘An overview of historical facts related to the accession’, on the composite formation of the State. < <https://jkstudycentre.org/jammu-and-kashmir-a-victim-of-deceptive-discourse/> >

2 Jammu Kashmir Study Centre, ‘An overview of historical facts related to the accession’ and ‘1947, 1965, 1971: Everything you need to know about POJK’, for the area figures and the 1963 Shaksgam transfer. < <https://jkstudycentre.org/1947-1965-1971-heres-everything-you-need-to-know-about-pojk-pakistans-illegal-occupation-of-jammu-and-kashmir/> >

INSTRUMENT OF ACCESSION OF... JAMMU AND KASHMIR STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I, Maharaja Hari Singh, Maharaja of Jammu and Kashmir, in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and

I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion exercise in relation to the State of Jammu and Kashmir

# I.I Lawful accession to India

Domion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to

India's title to Jammu and Kashmir rests on the settled law of 1947. As British rule ended, each princely ruler was free to accede to either of the two new dominions, India or Pakistan, by signing an Instrument of Accession, and the decision belonged to the ruler alone. The Indian Independence Act 1947, the British law that created the two dominions, imposed no requirement that a ruler consult his subjects first.<sup>3</sup>

This point is the foundation of everything that follows, because the most persistent objection to the accession, that the population was never asked, invents a legal condition that existed nowhere. No princely state's accession turned on a public vote. Hyderabad, Junagadh and hundreds of others were joined to one dominion or the other on the ruler's decision alone. To demand for Jammu and Kashmir alone a referendum that was required nowhere else is a standard applied to one State and no other. The ruler of Jammu and Kashmir, Maharaja Hari Singh, the legitimate monarch was the sole recognised and legally competent authority to decide, and he decided for India.<sup>4</sup>

The two dominions became independent on 15 August 1947. The border between them, drawn hurriedly by a British commission under Cyril Radcliffe and known as the Radcliffe Award, was published only afterwards, so the State's road and communication links remained unresolved, and Hari Singh worked in the interval to protect his kingdom's interests. Pakistan read the delay as an opening and invaded. On 26 October 1947, as he had always intended, the Maharaja signed the Accession to India and at once requested military help. The accession was a lawful and deliberate act, not a casual preference. Pakistan's aggression created no flaw in the title; it merely hastened the lawful exercise of a right the ruler already held and willingly used.

The accession was also not the isolated act of one ruler against his people, the version Pakistan has worked hardest to spread. It was ratified by the State's own elected Constituent Assembly, the body that later drafted the State's constitution, on 6 February 1954. Leaders from all three regions, the Kashmir Valley, Jammu and Ladakh, resisted the invaders rather than the accession, and the political leadership that emerged in the Valley defended the accession to India, both at the United Nations and in the State's own Constituent Assembly. India's representative at the United Nations, V. K. Krishna Menon, told the Security Council on 23 January 1957 that the whole of Jammu and Kashmir, the occupied areas included, belongs to India.<sup>5</sup>

Pakistan's own law completes the picture. Pakistan has never absorbed the territory it occupies as a province. Its Constitution, at Article 257, declines to do so and defers the region's status to the future wishes of the people of Jammu and Kashmir "when" they accede to Pakistan. This is a striking thing for an occupying power to have written into its founding document. On India's reading, Pakistan's own drafters conceded what its diplomats deny: that Pakistan does not hold Jammu and Kashmir as sovereign, but as a claimant awaiting an accession that has never happened.<sup>6</sup>

3 Indian Independence Act <[https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga\\_19470030\\_en.pdf](https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga_19470030_en.pdf)>

4 Jammu Kashmir Study Centre, '12 facts which summarise the accession of J&K to India' <<https://jkstudycentre.org/12-facts-which-summarise-the-accession-of-jk-to-india/>>

5 Ibid.

6 Constitution of the Islamic Republic of Pakistan 1973, art 257

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of August, Nineteen hundred and forty seven. OCTOBER

*Handwritten signature and text: Maharaja Hari Singh, Jammu and Kashmir State*

I do hereby accept this Instrument of Accession.

Dated this 26th day of August, Nineteen hundred and forty seven.

*Handwritten signature and text: Jammu and Kashmir State*

Formalising non-state  
actors Brig Akbar Khan  
and Pakistan PM  
Liaquat Ali Khan

Brigadier Akbar Khan  
with Tribal Lashkars

## *I.II. Aggression seizure and occupation of 1947*

The invasion of October 1947 was not the spontaneous tribal uprising it is sometimes called. It was a planned Pakistani military operation, code-named Operation Gulmarg, organised from Abbottabad, a garrison town in northern Pakistan, and directed by Major General Akbar Khan, a serving officer of the Pakistan Army who took the field under the false name “General Tariq.” Several thousand Pashtun tribal fighters, armed and transported with the support of Pakistan Army regulars, crossed the western frontier and fell on Bhimber, Mirpur, Kotli, Muzaffarabad, Deva Batala, Poonch and the Gilgit-Baltistan belt.

What followed was aggression and plunder. The raiders killed, looted and abducted as they advanced, and the violence fell heaviest on the Hindu and Sikh inhabitants of the invaded districts. The Mirpur massacre of late November 1947 is remembered as among the worst: as the town fell, thousands of Hindus and Sikhs were killed or died in captivity, and women were abducted, over the days that followed. These figures rest on survivor testimony rather than any independent count and should be read as such, but the pattern, the deliberate targeting of religious minorities, is not in doubt. By one estimate more than a million people were driven from their homes during the invasion. That mass flight is the clearest expression of popular sentiment the region produced in that period: hundreds of thousands of ordinary people fled the raiders and looked to India, whose troops were flown into Srinagar, the State’s capital, on 27 October 1947 and were received as protectors. The terror of those weeks is still recounted by the survivors and their descendants.

The Indian Army cleared much of the Kashmir Valley before a ceasefire, brokered through the United Nations, took effect on 1 January 1949. By then Pakistan had seized roughly a third of the State, including the entire Mirpur-to-Muzaffarabad belt and all of Gilgit-Baltistan. The legal character of what Pakistan held was never ambiguous: it was territory taken by armed aggression from a State that had lawfully acceded to India, and aggression confers no title in law. Everything Pakistan has built there since rests on that original act of force.<sup>7</sup>

### *I.III. Wars of 1965, 1971 and 1999*

Pakistan tried three more times to turn its 1947 aggression and seizure into permanent possession, or to widen it, and failed each time on the ground. In 1965 it launched Operation Gibraltar, sending armed infiltrators into the Kashmir Valley in the expectation that the muslim population would rise in revolt. It did not. The war that followed ended inconclusively and was settled at Tashkent in 1966, with the pre-war positions substantially restored. The episode carried a lesson Pakistan has never accepted: the people of the Valley would not take up arms for Pakistan even when invited to.

In 1971 Pakistan was defeated in the east, and the nature of that defeat undercut its Jammu and Kashmir claim at the root. The war produced the independent country of Bangladesh, formed out of what had been East Pakistan, a Muslim-majority population that chose to break away. A state that could not hold its own co-religionists together on the strength of shared faith had little ground to insist that Kashmiri Muslims must belong to it for the same reason. On the western front, the fighting led to the Simla Agreement of 1972, which turned the old ceasefire line into the Line of Control and committed both countries to settle their differences directly with each other and by peaceful means.<sup>8</sup> That commitment matters, because Pakistan agreed by treaty to keep the matter bilateral and has since spent decades trying to raise it in international forums such as the United Nations and the Organisation of Islamic Cooperation, a bloc of Muslim-majority states.

In 1999 Pakistani soldiers, disguised as irregular fighters, crossed the Line of Control to occupy the mountain heights above Kargil, in Indian territory, and did so even as the two countries' prime ministers were exchanging peace declarations at Lahore. India recaptured the heights at heavy cost and restored the line. Kargil showed the occupation's logic in modern form: Pakistan will cross recognised lines and break its own agreements when it sees an advantage, which is why India argues the occupation should not be allowed to harden into legitimacy simply because time has passed.<sup>9</sup>



8 Shimla Agreement, Ministry of External Affairs, Government of India < <https://www.mea.gov.in/Portal/LegalTreatiesDoc/PA72B1578.pdf> >

9 Kargil: Dynamics of a Limited War Against a Nuclear Backdrop Limited War in the First Nuclear Age, GD Bakshi < [https://archive.claws.co.in/images/journals\\_doc/1400824769GD Bakshii CJ SSummer 2009.pdf](https://archive.claws.co.in/images/journals_doc/1400824769GD%20Bakshi%20CJ%20SSummer%202009.pdf) >

## *I.IV. POJK: Occupation in the name of autonomy*

Pakistan governs the Mirpur-to-Muzaffarabad belt not as the steward of a people awaiting self-determination but as territory managed for its own strategic and economic ends, presented in the language of autonomy. The belt is styled “Azad Jammu and Kashmir,” a self-governing entity with a president, a prime minister and a legislative assembly. The institutions exist; the autonomy does not. It is neither a province of Pakistan nor a sovereign state, but sits in a deliberate limbo in which real authority is retained by Islamabad, exercised through federal bodies, while the local institutions perform the outward forms of self-rule.<sup>10</sup>

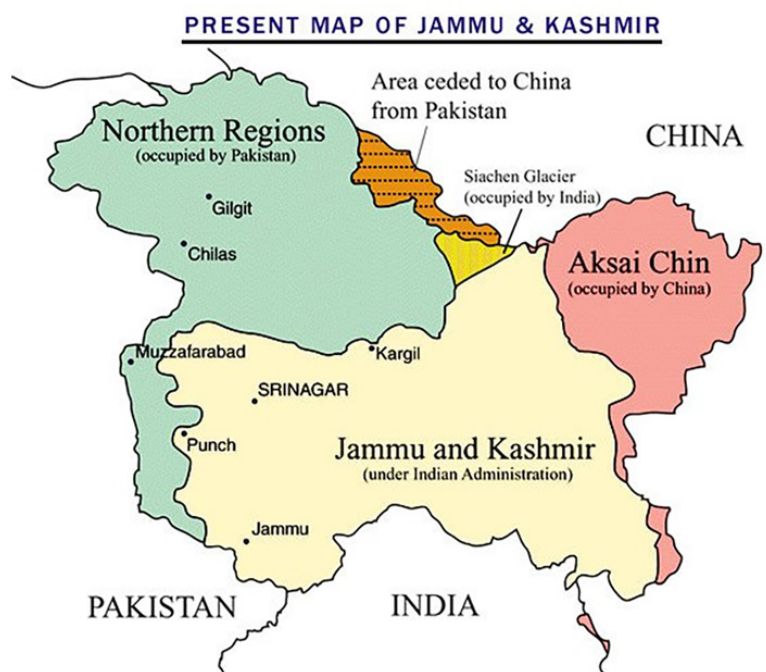
The mechanism by which Islamabad keeps its hand on the region is precise and revealing, and it became the trigger of the 2026 unrest. The assembly, of roughly fifty-three seats, reserves twelve for “refugees” said to live not in the territory itself but scattered across Pakistan proper. These voters are few, dispersed and easily managed, and the seats they return deliver a dependable bloc, close to a quarter of the house, to whichever party governs in Islamabad. The practical effect is that the government of “Free” Kashmir is chosen in the Pakistani capital. No territory whose rulers are effectively selected by the occupying capital, through a reservation that dilutes the votes of the people who actually live there, can meaningfully be called free. The reserved-seats system is the concealed engine of the occupation.

## *I.V. Gilgit-Baltistan and the China dimension*

Gilgit-Baltistan is the larger and more strategically important part of the Pakistan-occupied lands, greater in area than the Kashmir Valley and Jammu combined. It was an integral part of the princely State, yet Pakistan renamed it the “Northern Areas” precisely to detach it, in law and in perception, from Jammu and Kashmir. The renaming was strategy, not housekeeping. Severing Gilgit-Baltistan from J&K placed it beyond even the limited protections Pakistan concedes to “Azad Jammu and Kashmir,” and kept it available for purposes that would be harder to justify if its status as occupied Indian territory were openly acknowledged.<sup>[^9]</sup>

Gilgit-Baltistan is occupied and run by a governor appointed from Islamabad and a chief minister with limited powers, under a rolling series of “orders” and “reforms” that grant the appearance of self-government while withholding its substance. Its people have no representation in Pakistan’s national parliament, no secure constitutional status, and no real command over the resources drawn from their land. That a region of this size and strategic weight has been held for three-quarters of a century in a status that is neither province nor state, neither integrated nor free, is itself evidence that Pakistan holds it as a possession rather than a homeland kept in trust.

The chief purpose it now serves is the China-Pakistan Economic Corridor, a network of roads, railways and energy projects that links western China to the Arabian Sea and runs directly through Gilgit-Baltistan. Pakistan’s grip on the region is what makes the corridor possible, and it draws China deep into occupied Indian territory, binding



the Pakistani and Chinese occupations into a single problem. It is in this same region that China already holds Aksai Chin, seized in 1962, and the Shaksgam Valley, handed over by Pakistan in 1963. The two occupations are not separate disputes but adjoining halves of the same loss.

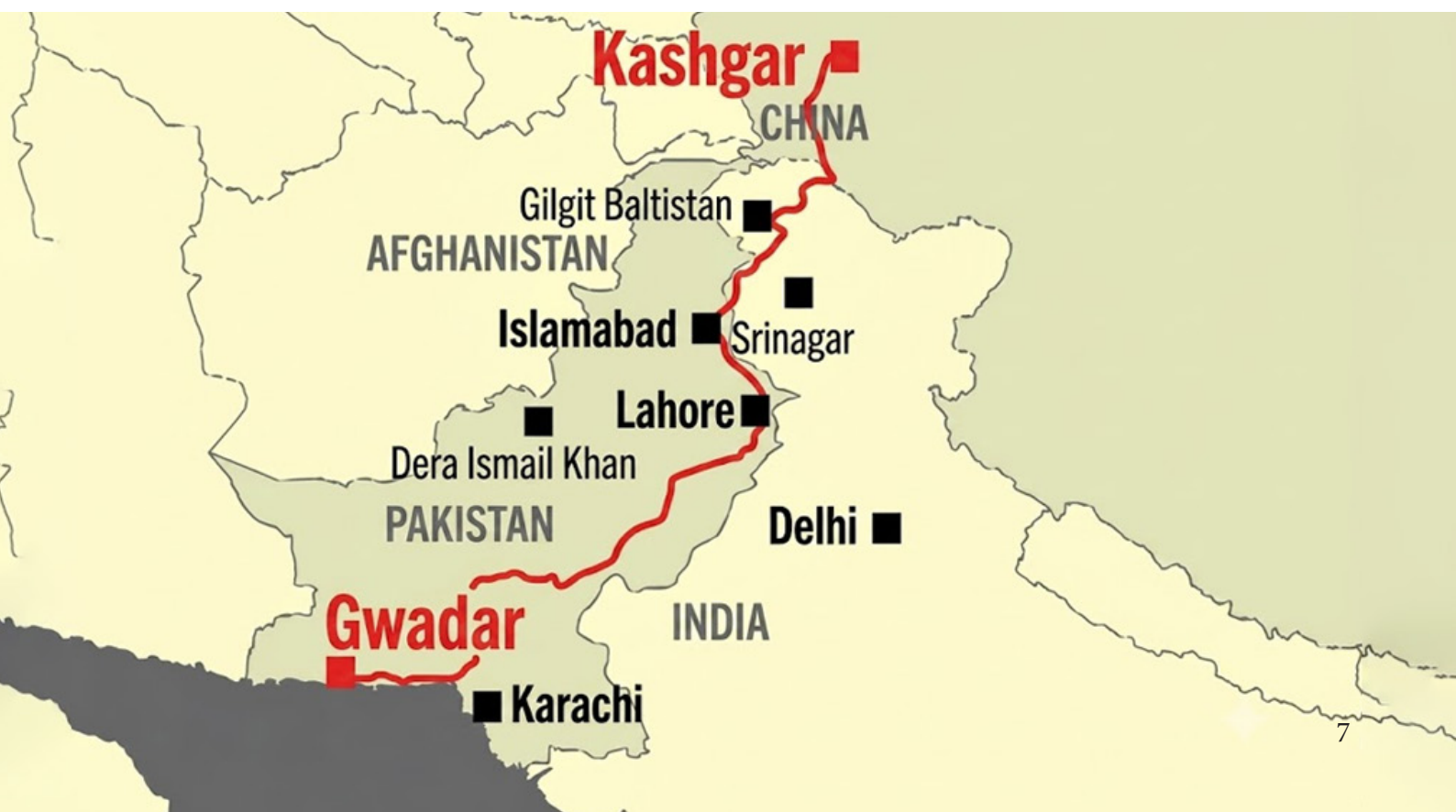
The human record of the occupation is one of suppression. Democratic voices in both belts have repeatedly been policed and dissent met with force. Gilgit-Baltistan, historically home to a large Shia Muslim population, has seen recurrent Shia-Sunni tension, with reports over the years of pressure on the Shia community and steady in-migration from other parts of Pakistan that shifts the region's demographic balance.

## *I.VI. Displacement and the human record*

The aggression and invasion of 1947 uprooted families across the western districts, and a large number of people who had been recognised residents of Jammu and Kashmir, from the areas Pakistan occupied, fled to the Indian side and never went home. Their descendants, the displaced persons of 1947, have lived for three generations without the property, compensation and full rights that a settled resolution would restore.

Other groups were left in a similar limbo by the way the former State's own laws worked. Under a provision known as Article 35A, the State was allowed to define its own "permanent residents" and reserve rights, in land, education and government jobs, to them. In practice this left several groups without full rights for decades: the descendants of women permanent residents, whose status passed uncertainly if they married outside; refugees from West Pakistan who settled in Jammu in 1947; and small communities such as the Valmiki families invited from Punjab in the 1950s. India argues that this legal architecture entrenched these inequities, and that the constitutional changes of 2019 were aimed in part at correcting them.<sup>[^10]</sup>

The people of the occupied territories themselves are, in India's account, its own citizens living under an occupation that offers neither the rights of Pakistani province-hood nor genuine autonomy. Their economic grievance is acute and telling. Gilgit-Baltistan and the "Azad Jammu and Kashmir" belt generate a large share of the water and hydroelectric power on which Pakistan depends, yet the local population has long complained that the benefits flow outward while development stays poor and electricity remains expensive. A resource-rich territory whose wealth is extracted while its people go without is held as a possession, not governed as a home.



## II. India's position and 1994 unanimous parliamentary declaration

India's claim to the whole State is written into its constitutional order and reaffirmed by its Parliament. Article 1 of the Constitution of India lists Jammu and Kashmir as a State of the Union. The former State's own constitution went further: its Section 3 declared J&K "an integral part of the Union of India," and Section 147 placed that clause beyond the amending power of the State legislature. This is why the changes to Article 370 in 2019 altered nothing at the root of the claim: Article 1 never depended on Article 370, and the integral-part declaration stood on its own.<sup>11</sup>

Much of the confusion an international reader meets comes from a set of claims India regards as myths. Set against the record, they do not hold.

Myth	Reality	Source
J&K enjoyed a constitutional "special status"	Article 370 was headed "temporary provisions," and the Government told Parliament on 11 March 2015 that the Constitution contains no "special status" for J&K	Rajya Sabha written reply, 11 March 2015
A separate flag and constitution meant a rival sovereignty	The State's own constitution, in Section 3, declared it an integral part of India; a subordinate constitution cannot create a competing sovereign	Constitution of J&K, s 3
Article 370 was the sole "bridge" between India and J&K	Article 1 makes J&K a State of the Union and operates independently of Article 370	Constitution of India, art 1
No "merger" ever took place, so J&K was uniquely detached	No princely state "merged" by a separate treaty; all merely acceded. The confusion arose from rendering "accession" (adhimilan) as "merger" (vilay)	Instrument of Accession 1947
The subjects, not the ruler, should have decided the accession	The Indian Independence Act placed the choice with the ruler alone, as it did for every princely state	Indian Independence Act 1947

The formal mandate to reclaim the occupied territories dates to 22 February 1994, when both houses of Parliament unanimously declared that Jammu and Kashmir "has been, is and shall be an integral part of India," affirmed India's capacity to defend its integrity, and demanded that Pakistan vacate the areas it occupies through aggression. That resolution remains India's official position, reaffirmed by successive governments, and its operative demand, that Pakistan quit the territory, is the part still unfulfilled.<sup>12</sup>

<sup>11</sup> Constitution of India 1950, art 1; Constitution of Jammu and Kashmir 1957, ss 3 and 147

<sup>12</sup> Parliament of India, Resolution on Jammu and Kashmir (22 February 1994) <<https://www.mea.gov.in/lok-sabha.htm?dtl/32499/QUESTION+NO2977+RESOLUTION+ON+POK+IN+PARLIAMENT>>

## *II.I Amendment of Article 370 of the Indian Constitution*

On 5 August 2019 the Indian government, under Prime Minister Narendra Modi, ended the separate constitutional status Jammu and Kashmir had held since the 1950s. Using Article 370's own provisions, a presidential order rendered that article inoperative, leaving its words in the Constitution but stripping them of effect, and the same orders removed Article 35A, the related provision that had let the State reserve rights in land, jobs and settlement to its own "permanent residents." Parliament then passed the Jammu and Kashmir Reorganisation Act 2019, which abolished the State and reorganised it into two federally governed Union Territories: Ladakh, comprising the Kargil and Leh districts, and Jammu and Kashmir, comprising the rest. The effect was to bring the territory fully under the Indian Constitution on the same terms as the rest of the country, replacing the constitutional order of 1954 on which the earlier arrangements had rested.

The measure carried decisively in Parliament, and with support reaching well beyond the ruling party. In the Rajya Sabha, where the government did not hold a majority, the Reorganisation Bill passed by 125 votes to 61, backed by several regional and opposition parties, and the Lok Sabha approved it the next day by a far wider margin. A section of the opposition and some regional parties in the Kashmir Valley opposed it, and the measure was challenged before the Supreme Court of India, which in December 2023 upheld it as constitutional. For the Pakistan and Chinese occupied territories, the change carried a concrete consequence on the map: India's official cartography now placed the occupied districts of Mirpur, Muzaffarabad, Gilgit-Baltistan and Aksai Chin within the two new Union Territories.<sup>13</sup>



<sup>13</sup> Historic Verdict in Article 370 Case, JK Now <<https://www.jammukashmirnow.com/Encyc/2023/12/30/Historic-Verdict-in-Article-370-Case-Supreme-Judgement-Day.html>>

### **III. Concluding remarks**

India's case admits no ambiguity. The accession of 1947 was absolute: a lawful, unconditional and final transfer of the whole State to India, made by its sole competent authority and ratified by its elected assembly, and its integration into the Union is complete and irreversible. The boundaries are not vague or negotiable; they are the defined limits of the former princely State, every square kilometre of which, from Jammu to Gilgit, from the Kashmir Valley to Aksai Chin, is Indian territory in law. Within those boundaries there is one sovereign and only one. What Pakistan calls "Azad" Kashmir and the "Northern Areas," and what China holds in Aksai Chin and Shaksgam, are not disputed lands of open ownership but Indian territory under foreign occupation, taken by force or ceded without title and held against the law. The question, correctly stated, has never been to whom Jammu, Kashmir and Ladakh belong. It is when the occupying powers will leave.

# Bibliography

## Legislation and Constitutional Documents

Constitution of Jammu and Kashmir 1957.

Constitution of the Islamic Republic of Pakistan 1973.

Constitution of India 1950.

Indian Independence Act 1947, 10 & 11 Geo 6 c 30, available at [https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga\\_19470030\\_en.pdf](https://www.legislation.gov.uk/ukpga/1947/30/pdfs/ukpga_19470030_en.pdf) accessed 8 July 2026.

## Treaties and Official Documents

Ministry of External Affairs, Government of India, Agreement between the Government of India and the Government of Pakistan on Bilateral Relations (Shimla Agreement) (2 July 1972) <https://www.mea.gov.in/Portal/LegalTreatiesDoc/PA72B1578.pdf> accessed 8 July 2026.

Parliament of India, Resolution on Jammu and Kashmir (22 February 1994) <https://www.mea.gov.in/lok-sabha.htm?dtl/32499/QUESTION+NO2977+RESOLUTION+ON+POK+IN+PARLIAMENT> accessed 8 July 2026.

## Books and Articles

GD Bakshi, 'Kargil: Dynamics of a Limited War Against a Nuclear Backdrop' in Limited War in the First Nuclear Age [https://archive.claws.co.in/images/journals\\_doc/1400824769GD%20Bakshii%20CJ%20Summer%202009.pdf](https://archive.claws.co.in/images/journals_doc/1400824769GD%20Bakshii%20CJ%20Summer%202009.pdf) accessed 8 July 2026.

## Web Sources

Jammu Kashmir Study Centre, '1947, 1965, 1971: Everything You Need to Know About POJK' <https://jkstudycentre.org/1947-1965-1971-heres-everything-you-need-to-know-about-pojk-pakistans-illegal-occupation-of-jammu-and-kashmir/> accessed 8 July 2026.

Jammu Kashmir Study Centre, '12 Facts Which Summarise the Accession of J&K to India' <https://jkstudycentre.org/12-facts-which-summarise-the-accession-of-jk-to-india/> accessed 8 July 2026.

Jammu Kashmir Study Centre, 'An Overview of Historical Facts Related to the Accession' <https://jkstudycentre.org/an-overview-of-historical-facts-related-to-the-accession/> accessed 8 July 2026.

Jammu Kashmir Study Centre, 'Jammu and Kashmir: A Victim of Deceptive Discourse' <https://jkstudycentre.org/jammu-and-kashmir-a-victim-of-deceptive-discourse/> accessed 8 July 2026.

JK Now, 'Historic Verdict in Article 370 Case: Supreme Judgement Day' (30 December 2023) <https://www.jammukashmirnow.com/Encyc/2023/12/30/Historic-Verdict-In-Article370Case-Supreme-Judgement-Day.html> accessed 8 July 2026.



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