

16

**COMMITTEE
ON EXTERNAL AFFAIRS
(2016-17)**

SIXTEENTH LOK SABHA

MINISTRY OF EXTERNAL AFFAIRS

INDO-PAK RELATIONS

SIXTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

AUGUST, 2017/Shravana, 1939 (Saka)

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Presented to Lok Sabha on 11 August, 2017

Laid in Rajya Sabha on 11 August, 2017



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NEW DELHI**

August, 2017/Shravana, 1939 (Saka)

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COMPOSITION OF THE COMMITTEE ON EXTERNAL AFFAIRS (2016-17)

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3. Smt. Jyochnamayi Sinha - Additional Director
4. Ms. Smita Singh - Executive Assistant

* Shri Cheddi Paswan, Member of Parliament, Lok Sabha had resigned from the membership of the Committee *w.e.f.* 22.11.2016. Vacancy arose *w.e.f.* 29.11.2016 due to his resignation and Shri Gurjit Singh Aujla has been nominated to the Committee *w.e.f.* 31.3.2017.

INTRODUCTION

I, the Chairperson of the Committee on External Affairs, having been authorized by the Committee to present the Report on their behalf, present this Sixteenth Report of the Committee on External Affairs (2016-17) on the subject 'Indo-Pak Relations'.

2. The Committee selected the subject 'Indo-Pak Relations' for detailed examination during the year 2016-17. The Committee were briefed by the representatives of the Ministry of External Affairs, Ministry of Defence, Ministry of Home Affairs, Department of Commerce (Ministry of Commerce and Industry) on 18.10.2016 and 12.01.2017. Further, the Committee sought views of the experts namely, Shri K.S. Bajpai, Lt. Gen. Syed Ata Hasnain (Retired), Air Vice Marshal Kapil Kak (Retired), Shri Vivek Katju, Prof. Satish Kumar on the subject in accordance with Rule 331 (L) of the Rules of Procedure and Condu of Business in Lok Sabha on 30.3.2017. The Committee took further oral evidence of the representatives of Ministry of External Affairs on this subject on 25.07.2017.

3. The Committee received substantial inputs for the Report during their study tour to Leh, Amritsar, Mumbai and Diu from 29.04.2017 to 5.05.2017 wherein discussions were held with representatives of the Ministry of External Affairs, Ministry of Defence, Ministry of Home Affairs and Ministry of Commerce and Industry.

4. The Report was considered and adopted by the Committee at their sitting held on 10 August, 2017. The Minutes of the Sitzings of the Committee are appended to the Report.

5. The Committee wish to express their gratitude to the Ministry of External Affairs, Ministry of Home Affairs, Ministry of Defence, Ministry of Commerce and Industry along with the five experts for placing material information as well as tendering evidence and views before the Committee.

6. For facility of reference, the observations/recommendations of the Committee have been printed in bold letters in the Report.

DR. SHASHI THAROOR

NEW DELHI
10 August, 2017
19 Shravana, 1939 (Saka)

**Chairperson,
Committee on External Affairs**

CHAPTER 1

INTRODUCTORY

India's relationship with Pakistan has been a challenging aspect of our foreign policy. The relationship has witnessed four wars, recurrent hostility and multiple crises. In the past, the Committee on various occasions has taken up the issue of India's relationship with Pakistan for briefing by the representatives of the Ministry of External Affairs and related Ministries.

1.2 The Committee on External Affairs (2016-17) selected the subject 'Indo-Pak Relations' for detailed examination amidst rising concerns about deteriorating ties between the two neighbours. Three points are worth mentioning to highlight the imperative of taking up this subject for detailed examination. First, the relationship between the two countries has been severely damaged largely as a result of the Pakistani resort to terrorism, which poses a grave threat to our internal and external security. Secondly, the strained relations between the two countries have significant economic, political, military and social costs for both the states as well as the region. Thirdly, the China-Pakistan Economic Corridor (CPEC) has further complicated the security dynamics of India by overlooking her sovereignty and territorial integrity in Pakistan Occupied Kashmir (PoK). In light of these considerations, the Committee, therefore, decided to examine the various aspects of the relationship between the two neighbouring countries in a holistic manner.

1.3 The Report examines the various facets that are germane to the relationship between the two sides such as political, strategic, economic, and cultural. For this purpose, the Report is divided into seven chapters. The first chapter gives an introduction to the subject. Chapter Two outlines a concise historical overview of Indo-Pak relations and the contentious issues that have impacted normalization of ties since independence. The third chapter delves upon the strategic aspect of the relationship with primary focus on issues which have serious security implications. The fourth chapter explores the prospect and challenges of economic ties and cultural links between the two sides. By placing the issues of India-Pakistan in global and regional context, the fifth chapter examines the reaction/role of various regional and global actors (like USA, China, Russia, Japan) as well as institutions (particularly the United Nations) over the Indo-Pak question. The sixth chapter focuses on the issue of humanitarian exchanges (related to Fishermen

and Prisoners), disputes revolving around sharing of waters, Turkmenistan-Afghanistan-Pakistan-India (TAPI) Pipeline and others. The last chapter explores the possible roadmap for the future.

CHAPTER- 2

INDO-PAK RELATIONS: AN OVERVIEW

India shares linguistic, cultural, geographic, economic and ethnic links with Pakistan, but our relationship has remained difficult on account of mutual differences, hostility and suspicion for the last seventy years. The relationship between these two countries has been fraught with mistrust and antagonism, India has clearly asserted that it desires peaceful and cooperative engagement with Pakistan, free from violence and terror, and is committed to resolving all outstanding issues through peaceful bilateral dialogues along the lines of the Simla Agreement (1972) and Lahore Declaration (1999). However, for this agenda to progress, it is imperative for Pakistan to abide by its commitment of not allowing its territory or territories under its control to be used for aiding and abetting terrorist activities in India.

2.2 Since independence, our relationship with Pakistan has been the greatest challenge of India's foreign policy. Elaborating upon this challenge, , the Foreign Secretary during the course of oral evidence stated:-

“At the heart of the issue is whether we are prepared to accept, as normal, Pakistan's use of cross-border terrorism as an instrument of statecraft. Pakistan's strategy of aiding and abetting terrorism against India isn't new; indeed, it started in 1947 in Jammu and Kashmir. However, over the last three decades, it has assumed an extraordinary salience, especially as Pakistani sponsored attacks occur across the length and breadth of India.”

HISTORICAL CONTEXT

2.3 Every dispute is rooted in a historical milieu and India-Pakistan relation is no exception. In 1947, British India was partitioned into India and Pakistan, leading to one of the world's greatest and most tragic human migrations. While India adopted a secular, democratic and liberal vision, Pakistan on the other hand turned into a militaristic and theocratic society. This differing vision and political set up was reflected in their overall policy and behaviour.

2.4 The Indian Independence Act 1947 provided the princely states with three options of either joining India or Pakistan or staying independent. Following aggression by Pakistan in the immediate aftermath of independence, the ruler of the princely state of Jammu & Kashmir,

Maharaja Hari Singh acceded to India on 26 October 1947. Thus, the Instrument of Accession (Annexure I) forms the legal basis by which the whole of Jammu & Kashmir became an integral part of India, including the area which are under illegal and forcible occupation of Pakistan *i.e.* Pakistan occupied Kashmir (PoK).

2.5 Following Jammu & Kashmir's accession to India, India made a reference to the United Nations on 1 January 1948 under Article 35 of the Charter, which permits any member state to bring any situation, whose continuance is likely to endanger international peace and security to the attention of the Security Council. The intention behind this reference was to prevent a war between the two newly independent countries, which would have become increasingly likely, if the tribal invaders assisted first indirectly and then actively by the Pakistan army had persisted with their actions against India in Jammu & Kashmir. The Government of India requested the Security Council "to put an end immediately to the giving of such assistance which was an act of aggression against India."

2.6. The relationship between the two countries has been marked by four wars (1947, 1965, 1971 and 1999), numerous cross-border skirmishes and multiple crises. On being asked about the causes and outcomes of the various wars fought between India and Pakistan since Partition, the Ministry of Defence enumerated the following details:

	Wars	Causes	Outcome
1.	Operations in Jammu and Kashmir 1947-48	The main cause of India-Pakistan War of 1947-48 was Pakistan's conspiracy to annex Jammu & Kashmir forcefully	On January 1, 1949, a UN sponsored ceasefire was agreed to. It left one part of the state territory under Indian control and the other with Pakistan. An uneasy peace has since prevailed along the ceasefire line now known as the Line of Control. The ceasefire left some vital positions under the occupation of Pakistan. Kargil heights, which dominate the Srinagar-Leh road, have remained a permanent obstacle for Indian defenders.

2.	India-Pakistan War 1965	<p>The factors which contributed to Indo-Pak War 1965 included the following:</p> <p>(i) Series of border skirmishes and ceasefire violations by Pakistan.</p> <p>(ii) Pakistan's belief that once infiltrators reached Kashmir, the local population would revolt against India;</p>	<p>It was a limited war in the sense that East Pakistan remained almost uninvolved. Further, the navies of both countries kept out of active war. Pakistani territory occupied by India during the war totalled to 1,920 sq. km. while Pakistan occupied 540 sq. km. of Indian territory.</p>
3.	India-Pakistan War 1971	<p>The two wings of Pakistan, separated by 1600 kms of Indian territory could not live in harmony despite religious homogeneity. East Pakistan always resented the domination of West Pakistan in all walks of life.</p> <p>The Awami League under Sheikh Mujibur Rahman which fought the Pakistan National Assembly elections in 1970 on the issue of autonomy came out victorious with a large majority but the West Pakistan leaders denied it the right to form the government.</p>	<p>(i) West Pakistani Forces in East Pakistan (Bangladesh) surrendered to India on 16 December 1972.</p> <p>(ii) The Indian army made substantial territorial gains on the Western front. A total of 16,279 sq km territory was captured.</p> <p>(iii) Bangladesh emerged as a sovereign and independent nation.</p> <p>(iv) India emerged as the pre-eminent power in the region.</p>
4.	Kargil War, 1999	<p>The Kargil conflict was precipitated by Pakistan by infiltrating Army soldiers and Mujahideens in early 1998, into Indian territory to dominate the heights overlooking the NH1A, which connects Leh to Srinagar.</p>	<p>The Indian Army turned the tide of the war by capturing critical heights and pushing the enemy back. At the same time India was able to isolate Pakistan on the world stage. Mounting international pressure and the Indian Army's successes forced Pakistan to withdraw its troops by mid-July. A ceasefire was declared and over the next</p>

			couple of weeks the intruders withdrew completely from Kargil.
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2.7. The first war between India and Pakistan ended with the UN ceasefire which established a ceasefire line, constituted a UN Peacekeeping force and caused for holding a plebiscite. It needs to be stated that owing to distortion of facts on Jammu & Kashmir, the historical perception on the Indian state of Jammu & Kashmir requires to be put in the correct perspective. India had made it abundantly clear that full implementation of the UN resolution would be conditional upon Pakistan fulfilling their part of the UNCIP resolution of 13 August 1948, which *inter alia* required that all forces, regular and irregular, under the control of both sides shall cease fire; Pakistan would withdraw its troops, it would endeavour to secure withdrawal of tribesmen and Pakistan nationals, and India will progressively withdraw the bulk of its forces once the UNCIP confirms that the tribesmen and Pakistan nationals have withdrawn and Pakistan troops are being withdrawn. Contrary to what Pakistan propagates, it was Pakistan that wrecked the implementation of the resolutions at that time by not fulfilling the preconditions.

2.8 In 1954, the Constituent Assembly of Jammu & Kashmir ratified the accession of Jammu & Kashmir to India and, as per the provisions of the Indian Constitution a separate constitution for the state of Jammu & Kashmir was approved in 1957. In 1963, Pakistan unilaterally ceded a part of the Indian state of Jammu & Kashmir, which it illegally occupied, to China.

2.9 Following the 1965 war, Indian Prime Minister Lal Bahadur Shastri and Pakistani President Ayub Khan signed the Tashkent Agreement in 1966. It was agreed that “both sides will exert all efforts to create good neighbourly relations in accordance with the United Nation Charter” and return to the *status quo ante*. In the aftermath of the third war between the two countries, attempts were again initiated to de-escalate tensions. Consequently, the Simla Agreement (Annexure II) was signed between the then Indian Prime Minister Indira Gandhi and Pakistani President Zulfikar Ali Bhutto. By this agreement, the countries resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.

2.10 Lt. General Syed Ata Hasnain (Retd), while sharing his views on this subject before the Committee, stated that the only aspect of the background which needs reiteration as a reminder is the plan reportedly conceived by Pakistan in 1977 under the leadership of Zia ul Haq. It was a diabolic plan to wreak retribution against India for the loss of East Pakistan (Bangladesh) in 1971. Its ingredients were:-

- Realization that Pakistan could never match India's conventional military strength. Thus it was necessary to overcome asymmetry through a nuclear weapons programme which it finally achieved. Nuclear weapons are considered strategic levellers.
- Befriending a rich and leading Islamic country to support Pakistan's militarization and nuclearization. Saudi Arabia fitted the bill.
- Maintaining strong relationships with big powers to make full use of the strategic nature of its territory that it has to offer.
- Exploiting India's various fault lines and work towards creation of internal turbulence in India. Pakistan awaited its opportunity and launched a proxy war in J&K after having gained tremendous experience in the handling of a hybrid war in Afghanistan over ten years and aiding the Khalistani insurgency in 1980's.

2.11 The 1980's was marked by intense crises due to Pakistani interference in the Indian states of Punjab and Kashmir. Pakistan executed its much calibrated strategy of instigating unrest in the Indian state of Jammu and Kashmir.

2.12 Following increasing terrorist violence and Pakistan's attempt to highlight the issue of Jammu & Kashmir, both houses of the Indian Parliament unanimously adopted a Resolution (Annexure III) on February 22, 1994, emphasizing that Jammu & Kashmir was an integral part of India and Pakistan must vacate parts of the state under its illegal occupation.

2.13 In 1998, both India and Pakistan went for overt nuclearization facing a series of bilateral and multilateral sanctions. The open acquisition of nuclear capabilities by both the neighbours initiated debate between nuclear optimists and nuclear pessimists about its implications on the South Asian region as a whole. A year after the tests, the fourth India-Pakistan conflict occurred in the Kargil region. The Pakistani incursions into Kargil happened after the February 1999 Lahore Declaration (Annexure IV). Despite the breach of trust, the Indian government under

Prime Minister A.B. Vajpayee made another attempt to improve relations by inviting General President Parvez Musharraf to Agra. However, little substantive progress could be achieved.

2.14 In the aftermath of the terrorist attacks in USA in September 2001, the international community recognized the menace of terrorism as a global problem. In the same year in October, a Pakistan based terrorist organization attacked the Jammu & Kashmir Legislative Assembly building in Srinagar. Pakistan's relentless waging of proxy war led to another attack on Indian Parliament on 13 December 2001 which brought the two sides to the brink of a war. On the Committee's query about Operation Parakram, the Ministry of Defence stated that consequent to the Pak sponsored attack on the Indian Parliament on 13 December 2001, mobilization of the Armed forces was ordered by Government on 16 December 2001; which was completed by 13 January 2002. Consequent upon review of the overall security scenario by Government, the strategic relocation of the Indian Army was carried out in the three phases commencing from 25 October 2002 to 31 January 2003.

2.15 In order to normalize ties, the two countries agreed to start a Composite Dialogue on the sidelines of the SAARC Summit in 2004 and later under the rubric of Resumed Dialogue (2011-2013). Various subsequent initiatives were taken towards normalization of ties. Significant among those were inviting the Pakistani Prime Minister along with other SAARC leaders to attend the swearing in of the new Government in 2014, meetings on the sidelines of Shanghai Cooperation Organization (SCO) and COP 21 Summit at Paris in 2015, and another unscheduled visit to Lahore on the occasion of visit of birthday of Pakistani Prime Minister. However, with the intensification of cross border terrorism, beginning with the Pathankot Airbase attack on January 2, 2016, the relationship between the two countries has worsened.

2.16 Given the centrality of the terrorism challenge to the development of our bilateral ties, it was agreed in Ufa, on the sidelines of the SCO Summit, to have NSA level talks with Pakistan on terrorism. Since January 2016, there has been a series of incidents of terrorist attacks aided and abetted from across the Line of Control (LOC) or international border, starting with the Pathankot air base attack (January 2-4, 2016).

Major Irritants in Relationship

2.17. The differences between the two countries revolve around issues ranging from border disputes to water sharing. If there is one subject that has loomed large for years, it is Pakistan's waging of a proxy war against India through cross border terrorism. When asked about the outstanding issues between India and Pakistan, the Ministry of External Affairs responded that various outstanding issues between India and Pakistan are broadly discussed under the following categories:

- Peace and Security, including Confidence Building Measures [CBMs],
- Jammu and Kashmir
- Siachen
- Sir Creek
- Wullar barrage/ Tulbul Navigation Project
- Economic and Commercial cooperation
- Counter-Terrorism
- Narcotics Control
- Humanitarian Issues
- People to People Exchanges and
- Religious tourism.

2.18 The Ministry of Home Affairs enlisted the issues mentioned below as issues that have marred the relationship between the India and Pakistan and have affected our internal security.

- (i) Pakistan's Support to Terror outfits operating against India from its territory.
- (ii) Cross-Border infiltration.
- (ii) Cross border firing/ceasefire violations.
- (iii) Sheltering and providing safe heaven to fugitives of India by Pakistan.
- (iv) Terrorist Financing and FICN.
- (v) Unsatisfactory progress in Mumbai Terror Attack case in Pakistan and release of mastermind *viz.* Lakhvi on bail by the Pakistan Court.
- (vi) No progress in Pathankot terror attack case in Pakistan and not providing the opportunity to the NIA to collect evidence from Pakistan.

2.19. Further, the Committee asked the concerned Ministries to rank these contentious issues on basis of intractability. The Ministry of Home Affairs justified their ranking as under:

S. No.	Issues	Justification																								
1.	Pakistan's Support to Terror outfits operating against India from its territory.	The problem of terrorism in India is largely sponsored from across the border. The Pak ISI has close links with terrorist outfits like Lashker-e-Toiba(LeT), Jaish-e-Mohammad (JeM), HizbulMujahideen (HM), Indian Mujahideen (IM), etc. and provide them safe haven, material support, finance and other logistics to carry out terrorist activities in India. Interrogation of arrested terrorists by the investigation agencies has disclosed that Pakistan Inter-Service Intelligence (ISI) is promoting terror activities in India by providing shelter, patronage and funding to terrorists of all hues.																								
2.	Cross-Border Infiltration	Most of the terror attacks in Punjab and Jammu & Kashmir have been carried out by terrorists coming from Pakistan/ Pakistan occupied Kashmir (POK), which has been amply revealed in the investigation of even recent terror attacks at Gurdaspur, Pathankot, Uri Nagrota etc.																								
3.	Cross border firing/ceasefire violations	<p>The details of ceasefire violations in last four years is as follows:</p> <table border="1" data-bbox="586 911 1425 1356"> <thead> <tr> <th colspan="4" data-bbox="586 911 1425 947">No. of Ceasefire violations</th> </tr> <tr> <th data-bbox="586 947 683 1205">Year</th> <th data-bbox="683 947 922 1205">Along the Line of Control (LoC) in the State of J&K under operational control of Army</th> <th data-bbox="922 947 1161 1205">Along the International Border(IB) in the State of J&K under operational control of BSF</th> <th data-bbox="1161 947 1425 1205">Total (LoC + IB)</th> </tr> </thead> <tbody> <tr> <td data-bbox="586 1205 683 1241">2013</td> <td data-bbox="683 1205 922 1241">199</td> <td data-bbox="922 1205 1161 1241">148</td> <td data-bbox="1161 1205 1425 1241">347</td> </tr> <tr> <td data-bbox="586 1241 683 1276">2014</td> <td data-bbox="683 1241 922 1276">153</td> <td data-bbox="922 1241 1161 1276">460</td> <td data-bbox="1161 1241 1425 1276">583</td> </tr> <tr> <td data-bbox="586 1276 683 1312">2015</td> <td data-bbox="683 1276 922 1312">152</td> <td data-bbox="922 1276 1161 1312">253</td> <td data-bbox="1161 1276 1425 1312">405</td> </tr> <tr> <td data-bbox="586 1312 683 1356">2016</td> <td data-bbox="683 1312 922 1356">228</td> <td data-bbox="922 1312 1161 1356">221</td> <td data-bbox="1161 1312 1425 1356">449</td> </tr> </tbody> </table>	No. of Ceasefire violations				Year	Along the Line of Control (LoC) in the State of J&K under operational control of Army	Along the International Border(IB) in the State of J&K under operational control of BSF	Total (LoC + IB)	2013	199	148	347	2014	153	460	583	2015	152	253	405	2016	228	221	449
No. of Ceasefire violations																										
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2014	153	460	583																							
2015	152	253	405																							
2016	228	221	449																							
4.	Sheltering and providing safe haven to fugitives of India by Pakistan	There are more than 40 terrorists/fugitives from India land who are reportedly residing in Pakistan, including Dawood Ibrahim. Red Corner Notices (RCNs) have been issued against most of them. The dossiers of these fugitives have been given to Pakistan during the last round of HS Level Talks in May 2012. However, no action has been taken by Pakistan in this regard.																								
5.	Terrorist Financing and FICN	The Pakistan's ISI has been providing financial support to terror outfits operating against India from its territory. The investigation in FICN cases has clearly revealed the involvement of Pakistan in production and circulation of the high quality FICNs to damage the monetary stability of India.																								
6.	Unsatisfactory	No conviction has so far been reported in the cases registered in																								

	progress in Mumbai Terror Attack case in Pakistan and release of mastermind viz. Lakhvi on bail by the Pakistan Court.	Pakistan. The mastermind of attack has been allowed to be released on bail by not prosecuting the case in right earnest.
7.	No progress in Pathankot terror Attack case in Pakistan and not providing the opportunity to NIA to collect evidence from Pakistan.	The Joint Investigation Team (JIT) from Pakistan had been permitted to collect evidence for prosecuting the accused of Pathankot terror attack based in Pakistan. Pakistan was supposed to provide access to NIA to collect evidence against the accused of Pathankot terror attack. However, Pakistan is yet to fulfill its commitment. There is no information about progress in the case registered in Pakistan relating to this attack.

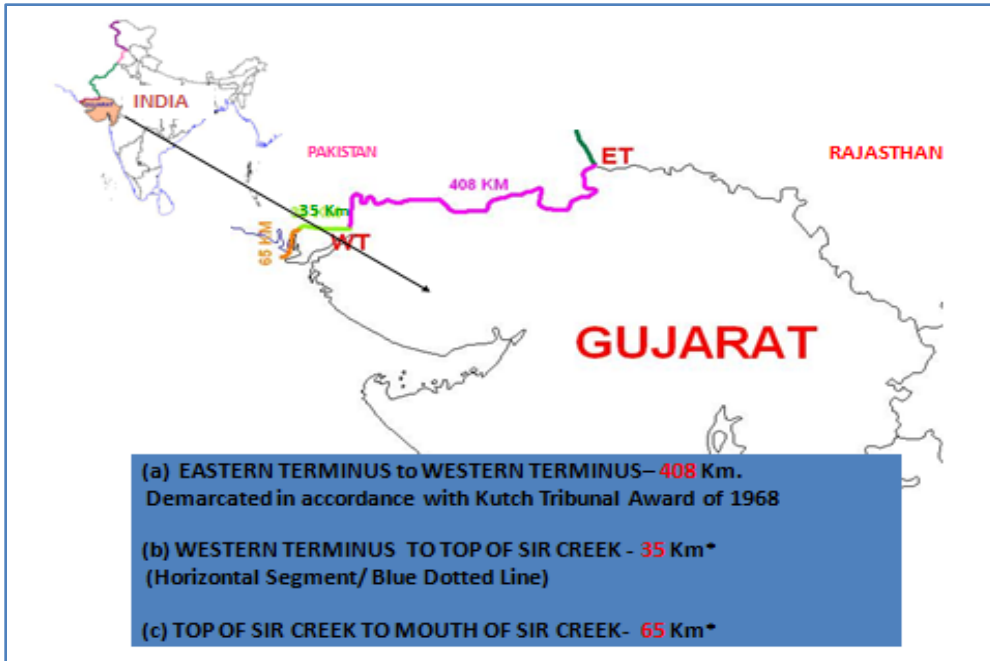
2.20. Territorially, India and Pakistan have been engulfed in conflict over three territories- the Indian state of Jammu & Kashmir, Sir Creek and Siachen. Over the past four decades, the greatest problem in the relationship has emerged out of Pakistan's use of terrorism against India as a tool of state policy.

2.21 Although, basic facts pertaining to Jammu & Kashmir being an integral and inalienable part of India have been well established. However, there has been a concerted disinformation campaign launched by Pakistan that presents a distorted historical account of Jammu & Kashmir. The accession of the Princely State of J&K to India, signed by the Maharaja (erstwhile ruler of the state) on 26th October 1947 was completely valid in terms of the Government of India Act 1935, Indian Independence Act (1947). However, Pakistan has continuously misled the world regarding its involvement in Jammu & Kashmir. Over Seventy years after partition, the ground situation in the State to which the resolution referred to has considerably changed. Pakistan unilaterally ceded a part of the state to China in 1963. There has been a demographic change on the Pakistani side with generations of non-Kashmiri people allowed to take residence in the parts of J&K occupied by Pakistan. Pakistan sponsored terrorism into J&K has also forced the minority Kashmiri Pandits and others to migrate out of the Kashmir valley to Jammu and to other parts of India.

2.22 On being asked, to explicate the territorial disputes between India & Pakistan in the Indian state of Jammu & Kashmir, the Ministry stated that Pakistan is in an illegal and forcible occupation of approximately 78,000 sq. kms of Indian territory of the state of Jammu & Kashmir. In addition, under the so-called Sino-Pakistan Boundary Agreement of 1963, Pakistan illegally ceded 5,180 sq. kms in Pakistan Occupied Kashmir [PoK] to China.



2.23 The region of Sir Creek remains a disputed territory between the two neighbours. The 96 Km stretch of Sir Creek which separates Pakistan Sindh from Indian Kutch remains one of the key territorial disputes between India and Pakistan. On the Committee's query, the Ministry of External Affairs stated that the International Land Boundary in the Sir Creek area and International Maritime Boundary Line [IMBL] between India and Pakistan have not been delineated and demarcated



2.24. When asked about the basis of dispute between India and Pakistan on Siachen, Ministry of Defence answered that in J&K the Cease Fire Line (CFL) and the Line of Control (LC) were delineated by Karachi Agreement of 1949 and Simla agreement of 1972 respectively up to NJ 9842. The area thereafter remained un-delineated from point NJ 9842 (though in the text of the Karachi Agreement, there is a mention of ‘thence North to the Glacier’). This has led to different perceptions / interpretations. India interprets that from NJ 9842 the line runs northwards along the watershed *i.e.* ridgeline of Saltoro Range, while Pak claims that the line joins NJ 9842 with Karakoram Pass. Pakistan had started surreptitiously sponsoring foreign mountaineering expeditions to peaks in areas under our control in the area of Siachen to substantiate its claim.

2.25 Queried further on the evaluation of Siachen issue, the Ministry of Defence informed the Committee in a written reply that in 1983 there were intelligence reports to indicate Pakistan’s intention to occupy areas in the vicinity of Siachin Glacier. To pre-exempt such a move, Operation Meghdoot was launched in April, 1984 by Indian Army to secure the entire Saltoro Ridge which dominates Siachen Glacier. As regards conflict resolution in the area MoD informed the Committee that starting from 1986 after the visit of then Pakistan President Lia-ul-Haq to India in 1985, a decision was taken to resolve the conflict. There have been thirteen rounds of talks between India and Pakistan to resolve the dispute. The Ministry further added

that the recent developments in infrastructure opposite Siachen Glacier, the growing Chinese assertiveness and the increased Chinese presence in Gilgit-Baltistan are other major ground realities which impinge on the resolution of the dispute.

2.26 During the past four decades, the biggest issue in ties between India and Pakistan has been the latter's use of terrorism as a means to launch low intensity war against India. The onus for action has always been put on India to maintain restraint in the wake of continuous terrorist attacks by Pakistan. The point that is largely missed out is that a responsible country cannot be tested incessantly and now India has clearly stated that terror and talks cannot go hand in hand. A detailed analysis of this issue is done in the third chapter.

2.27 The Committee further desired to know the contribution of Simla Agreement and Lahore Declaration in the resolution of these outstanding issues. The Ministry submitted that the spirit of addressing all outstanding issues peacefully and bilaterally is enshrined in the Simla Agreement and the Lahore Declaration. Under the Simla Agreement [July 02, 1972], India and Pakistan agreed to settle “their differences by peaceful means through bilateral negotiations.” Similarly, the Lahore Declaration [February 21, 1999] reiterated the understanding reached between the two countries in the Simla Agreement and provided for the principles of bilateral engagement between the two countries. The Government has, time and again, reiterated its commitment to resolve all outstanding issues between India and Pakistan peacefully and bilaterally on the basis of Simla Agreement and Lahore Declaration. A meaningful and sustained dialogue, however, requires an atmosphere free from terror, hostility and violence. The onus for creating such an atmosphere lies with Pakistan.

2.28 It is worth mentioning that understanding the past in terms of its course and consequences can be a useful starting point for guiding the present and future relations between India and Pakistan. However, it is clearly stated that the resolution of the outstanding issues between the two sides can be built upon bilateral dialogue based on Simla Agreement and Lahore Declaration which can be a pertinent framework to build the peace talks upon.

2.29 The Committee recognize that India - Pakistan relations have witnessed recurrent periods of tensions and strains and are historically complicated. The Committee note that there are multifarious issues concerning India and Pakistan such as territorial disputes over Siachen and Sir Creek, Pakistan's support to terrorist outfits, cross border infiltration, fomenting unrest in Indian State of Jammu & Kashmir, economic & cultural cooperation, Confidence Building Measures (CBMs), religious tourism and other related humanitarian issues. Recent developments have further complicated the relations. The Indian strategy of dealing with Pakistan has political, economic, cultural and military dimensions. The military dimension has been used only for defending the sovereignty of the country. Right from the time of attaining freedom, India has always worked relentlessly for a peaceful resolution of all contentious issues between the two countries. A peaceful and lasting solution to what is essentially a bilateral discord has eluded over the past seven decades due to the intransigent attitude of Pakistan and its misconceived adversarial connect to the relations between the two neighbours. Moreover, the subcontinent has seen four debilitating wars which have exacted significant cost on both the warring sides.

Notwithstanding the continuing impasse of decades altogether, the Committee are of the considered opinion that the road to peace and economic prosperity in the region is possible only through dialogue and enforcement of the Simla Agreement and Lahore Declaration in letter and spirit by the two nations. The Government of India has always followed this dictum, however, for various reasons there has not been the expected response from the other side. The Committee feel that the present geo-political situation beckons Government of India to utilize its diplomatic finesse at all appropriate fora as also its economic clout in equal measures so that Pakistan is convinced that the continuing attrition is in nobody's interest and it is persuaded to join the process of dialogue at the earliest. The Committee, nonetheless, remain concerned that the preponderant role of the Pakistani military in that country, and its desire to maintain hostility on its borders in order to justify this preponderance, remains a long term obstacle to a peaceful resolution.

(Recommendation No.1)

II. DIALOGUE PROCESS

2.30 Despite multiple crises, there have been numerous attempts to improve ties between India and Pakistan. At various points of time in history, India and Pakistan have agreed upon various agreements and declarations such as the Karachi Agreement (1949), Tashkent Declaration (1966), Simla Agreement (1972), Lahore Declaration (1999) to look at ways to resolve contentious disputes in a peaceful manner through a bilateral framework. Moreover, discussions have been held in the past on both military and non-military CBMs under the subject 'Peace and Security, including Confidence Building Measures [CBMs]' held at the Foreign Secretaries level during the Composite Dialogue (2004-2008) and Resumed Dialogue (2011-13). Separate Expert Level dialogues were also set up for discussions on conventional and nuclear CBMs. Besides, discussions have been held on the non-military CBMs under other subjects of the Composite Dialogue.

2.31 To the Committee's query, the Ministry of External Affairs enlisted the various Confidence Building Measures (CBMs), both military and non-military, undertaken between India and Pakistan. On the conventional and nuclear aspects, some of the CBMs that have been agreed upon at different times are:

- In 2003, an understanding was reached on observing ceasefire along the International Boundary and the Line of Control;
- India and Pakistan on 1 January, every year, exchange, through diplomatic channels simultaneously at New Delhi and Islamabad, the list of nuclear installations and facilities covered under the Agreement on the Prohibition of Attack against Nuclear Installations between India and Pakistan. This agreement entered into force on 27 January 1991.
- In 2007, Pakistan and India signed an agreement on reducing the risk of nuclear accidents. The agreement has been subsequently extended every 5 years, for the period 2017-2022.
- In 2005, India and Pakistan signed an agreement on pre-notification of flight testing of Ballistic Missiles.

2.32 On non-military CBMs, progress was made on a number of areas relating to enhancing people-to-people contacts as well as implementing cross-border and cross-LoC trade and travel measures, which were agreed upon in other streams of the Composite Dialogue [*viz.*, Commerce Secretary/Defence Secretary level talks]. These include:

- Opening of cross-LoC trade points at Chakothe-Uri & Rawalkot-Poonch
- First Bus service between Srinagar and Muzaffarabad started in 2005.
- Upgrading the infrastructure for trade and travel at Attari/Wagah by the establishment of the Integrated Check Posts [ICPs].
- Resumption of the passenger train service between Amritsar-Lahore and Munnabao-Khokhrapar.
- Annual working/operational level meetings between BSF and Pakistan Rangers; between DGs of Pakistan Maritime Security Agency and Indian Coast Guard; and, between DGs of Narcotics Bureau of India and Anti-Narcotics Force of Pakistan.
- Signing of a revised and updated Visa Agreement in September 2012 which updated the previous visa regime of 1972 and provided for Business Visa and Group Tourism Visas.

2.33 On being asked about the major achievements of the CBMs over the years, the Ministry of External Affairs responded that inspite of heightened tensions and incidents of ceasefire violations by Pakistan, most of the CBMs have been functioning over the years. The cross LoC trade continues, although occasionally it is suspended for short durations by either side owing to incidents of cross border infiltration, etc. Similarly, the bus and train services have been operating without much disruption. Following a suicide bomb attack at Wagah [about 300 meters from the zero line on Pakistan side] in November 2014, in which over 70 Pakistanis were killed, Pakistan has restricted the bus service from India till Wagah only [not to the designated bus station in Lahore city]. It has arranged shuttle transportation services from ICP Wagah to Lahore city for passengers travelling from India on these buses. At the same time, both sides have been exchanging lists of nuclear installations annually and also adhering to the pre-notification of ballistic missile tests to each other.

2.34 During a meeting between the External Affairs Minister Smt. Sushma Swaraj and her Pakistani counterpart Shri Sartaz Aziz in 2015 along the sidelines of the Heart of Asia Conference in Islamabaad in 2015, it was agreed that the two sides would begin a Comprehensive Bilateral Dialogue on various outstanding bilateral issues. However in view of the strained ties following the Pathankot attacks and subsequent developments, no substantive progress appears to be happening in that direction.

2.35 With regard to this Comprehensive Bilateral Dialogue (CBD), the Committee wanted to know whether its modalities have been finalized. The Ministry answered that the decision to

finalise the modalities for starting the Comprehensive Bilateral Dialogue could not be taken forward in the aftermath of the terrorist attack on the Air Base in Pathankot in January 2016 coupled with Pakistan's continued support to cross border terrorism against India.

2.36 Besides, the government level interactions, a number of interactions between institutions and peoples of the two countries have taken place outside the formal channels of diplomacy which is referred to as Track Two Diplomacy. On the Committee's query, the Ministry of External Affairs furnished the following information about the engagements between the two sides. These include:

- "Chaophraya Dialogue" involving the retired Ambassadors, retired Foreign Secretaries, and retired members of the Armed Forces of both two countries. The 18th round of the Dialogue was held in March 2016. The Islamabad-based Jinnah Institute and the Melbourne-based Australia India Institute [AII] jointly organise this Dialogue.
- Pakistan Institute of Legislative Development and Transparency [PILDAT], based in Islamabad, in collaboration with some prominent Indians/think-tanks organises "Pakistan India Legislators and Public Officials Dialogue". The last such event was held in Dubai in March 2017.

2.37 Even through structured dialogue that has been embarked upon since 2004, peace remains elusive. Former Ambassador Shri Vivek Katju while deposing before the Committee stated that there has been a cyclical pattern of dialogue between the two countries oscillating between dialogue and its break in the aftermath of a major Pakistani sponsored terrorism activity. While talking about the validity of structured track two diplomacy, Shri K.S.Bajpai made a distinction between track two dialogue and track two approach to Pakistan for resumption of dialogue.

2.38 The Committee note that the dialogue process between India and Pakistan has gone through numerous highs and lows in their bilateral relations. It has remained susceptible to unforeseen incidents which have derailed the peace process several times. A structured dialogue process between the two sides has been functioning since 2004 under the rubric of Composite Dialogue Process (2004-2008) and Resumed Dialogue Process (2011-13). Based on a compromise approach, the peace process had enabled the two countries to discuss all

issues including Jammu & Kashmir. The Dialogue led to a ceasefire along the LoC, encouraged the possibilities of bilateral trade, inspired better people to people contacts and helped create conditions conducive for mature negotiations. During this process, a number of Track Two mechanisms outside the formal channels of diplomacy had also played an important role. The Committee further discern that the dialogue process between the two countries has followed a cyclical process of dialogue-terrorist attacks-dialogue. As a result, the modalities for starting the Composite Bilateral Dialogue have not been finalized till date. Having dialogue in the wake of terrorist attacks emanating from Pakistani soil has been the most challenging issue with successive Indian Governments. The Mumbai terror attack in November, 2008 pushed the peace process close to the brink of failure but it was not scuttled. In between, several efforts were made to initiate the dialogue process but it faced a big setback in the aftermath of the terrorist attack on the Air Force base in Pathankot in January, 2016.

The Committee are of the considered opinion that peace process should not be held hostage to the acts of terrorism and both the countries must keep the channels of communication open, even during the worst of crises and not let non-state actors and their state sponsors derail or dictate the foreign policy objectives of sovereign nations. They further believe that the engagement between neighbours cannot be stopped indefinitely. Dialogue process encompasses three key ingredients—building cooperative mechanisms , dispute redressal and a humanitarian aspect. The Committee find the Government's policy of suspending formal level dialogue with Pakistan owing to national security concerns as justified by compulsions. However, as averred in the previous recommendation, the Committee strongly urge the Government of India to use its good offices with all appropriate players and agencies so that Pakistan is made to realize the futility of continued imbroglio and is duly persuaded to join the dialogue at the earliest. In the meantime, the Committee would like the Government to work out a clear-cut policy with regard to do's and don'ts in the bilateral relation as also the faultlines that both sides would be expected to scrupulously follow as non-negotiable.

(Recommendation No.2)

III. BROAD APPROACH AND POLICY TOWARDS PAKISTAN

2.39 India's approach towards its relation with Pakistan in the present situation has been succinctly spelt out by the Ministry of External Affairs. India desires peaceful and cooperative relations with Pakistan in an environment free from violence and terror. India is also committed to resolving all outstanding issues with Pakistan through a peaceful bilateral dialogue on the basis of the Simla Agreement and Lahore declarations. However, for progress to be achieved, it is necessary that Pakistan abides by its commitment of not allowing its territory or areas under its control to be utilized for aiding and abetting terrorism directed against India, and take effective action to stop all such activities.

2.40 On being asked, the Ministry of External Affairs spelt out the Government of India's broad approach towards Pakistan. The broad principles that the Government has consistently followed in its relations with Pakistan are as below:

- In keeping with pursuit of 'neighbourhood first' policy and vision of friendly and prosperous neighbourhood, the Government has advocated peaceful, friendly and cooperative relations with Pakistan, in an environment free from the shadow of terrorism, violence and hostility. In this context, the Government has reached out to Pakistan whenever the opportunity arose. This included the invitation to the Prime Minister of Pakistan for the swearing-in ceremony of the Government in May 2014; the visit of External Affairs Minister to Islamabad in December 2015 for the Heart of Asia Ministerial Summit; and stop over by Prime Minister at Lahore in December 2015.
- All outstanding issues between India and Pakistan should be resolved peacefully and bilaterally on the basis of the Simla Agreement and the Lahore Declaration. It is in keeping with this that when EAM had visited Islamabad in December 2015, it was agreed to initiate a Comprehensive 'Bilateral' Dialogue. However, it could not be taken forward in the aftermath of the terrorist attack on the Air Force base in Pathankot in January 2016 and Pakistan's continuing support to cross border terrorism.
- Determination and resolve to not compromise on issues of national security and give a firm response to cross border terrorism. This resolve has been demonstrated through the counter terrorism operations by the Indian armed forces against various terrorist launching pads across the Line of Control on September

29, 2016 and a strong response to the unprovoked ceasefire violations by Pakistan along the Line of Control and the International Boundary.

2.41 When asked about the theoretical perspective, if any, that defines the Government's policy *vis-a-vis* Pakistan, the Ministry stated that the broad contours of our policy towards Pakistan remains the same as with all our neighbouring countries *i.e.* a peaceful and prosperous South Asia would enhance development opportunities for the people of the region; and securing security of the borders and internal security for creating an enabling climate for greater investment, economic growth and job creation remains the corner stone of our foreign policy, which also informs our approach to Pakistan. Government remains committed to resolve all outstanding issues with Pakistan bilaterally and peacefully in keeping with the spirit of Simla Agreement and Lahore Declaration. However, the challenge of cross-border terrorism, ceasefire violations by Pakistan and support to anti-India organizations operating freely in Pakistan, continue to have a negative impact on our vision for a secure, prosperous and peaceful neighbourhood. The Government continues to meet this challenge with resolve and determination.

2.42 Despite being at the receiving end of Pakistani backed terrorism over the decades, India is yet to evolve a comprehensive and coherent national policy to deal with Pakistan. The Committee in their earlier Reports have also reiterated the need to frame a national security doctrine. When asked about the opinion of the Ministry of External affairs on the same, the Ministry replied that it would be inaccurate to say that the Government does not have a coherent policy towards Pakistan. The Government has followed a consistent policy guided by the following broad principles:

- advocated peaceful, friendly and cooperative relations with Pakistan, in an environment free from the shadow of terrorism, violence and hostility;
- all outstanding issues to be resolved bilaterally and peacefully in keeping with the Simla Agreement and Lahore Declaration; and
- to not compromise on issues related to national security and firmly respond to cross border terrorism.

The Ministry further stated that the issue of a security doctrine is not the mandate of the Ministry of External Affairs. However, the Government is committed to taking all necessary steps to protect national security and promote our national interests.

2.43 While giving oral evidence before the Committee the Committee had raised the issue of creation of a National Security Doctrine. The Defence Secretary acknowledged:-

“there has to be some kind of a National Security Framework that we need to prepare and we have been discussing it. It is ultimately the work of the National Security Council. I am sure this will evolve into something more concrete in the days to come...”

2.44 During their testimony before the Committee, some of the experts were of the opinion that India's policy towards Pakistan is reflective of strategic confusion. Air Vice Marshal Kapil Kak, for instance stated that 'Inconsistency on policy evolution during crises whether Parliament attack, Mumbai 26/11, Pathankot airbase and Uri has been palpable. There appears to be too many forward and backward movements and sharp U-turns.

2.45 The Committee have noted that India's policy and approach towards Pakistan has been formulated on three broad principles, namely peaceful resolution of outstanding issues in keeping with the Simla Agreement and Lahore Declaration, normalization of ties without compromising national security considerations and responding firmly to cross - border terrorism. The Committee are, however, constrained to observe that the repeated existence of multiple crises resulting from militancy, insurgency, terrorist attacks, unsettled border disputes etc. clearly demonstrates the need for a National Security Framework and a coherent strategy towards Pakistan.

While the Government may say that a lot has been controlled, the goings-on, on the Western border have created a public perception that anti-national activities through proxies are still being carried out with impunity. Such a situation could have been avoided had the Government put in place a National Security Framework. The Committee desire that a comprehensive National Security Framework be worked out after evolving consensus on its various aspects. The Committee desire that the Ministry of External Affairs should play a rightful role in shaping such a Framework without any further loss of time.

(Recommendation No. 3)

CHAPTER-3

STRATEGIC DIMENSION OF THE RELATIONSHIP

In this chapter, the term strategic is used to refer to a holistic framework embracing diplomacy and security for achieving national interests. The strategic dimension of India Pakistan relationship encompasses major currents of continuity and change in security perspectives of the two countries. Six major themes run through this chapter which inter alia includes border management and security, subversive activities including terrorism, the issue of Jammu & Kashmir, nuclear and missile programmes and recent surgical strikes.

I. BORDER MANAGEMENT & SECURITY

3.2 India shares 3,323 Km of its International Border with Pakistan, running along the States of Gujarat (508 km), Rajasthan (1037 km), Punjab (553 km) and Jammu & Kashmir (1225 km). Out of this 3323km Border, 2289.66 km is under control of MHA, 10.5 km under MoD and the balance is in POK.

A. Security Measures along Indo-Pakistan Border

3.3 The Government of India in tandem with the State Government, has adopted a multi-pronged approach to contain cross border infiltration from Pakistan, which inter-alia, includes strengthening of the border infrastructure, multi-tiered and multi-modal deployment along International Border / Line of Control, and near the ever changing infiltration routes, construction of border fencing, improved technological surveillance, weapons and equipment for Security Forces [SFs], improved intelligence and operational coordination; synergized intelligence flow and pro-active action against terrorists within the State.

3.4 The India-Pakistan border has varied terrain and distinct geographical features. When asked about the security infrastructure along the Indo-Pak border, the Ministry of Home Affairs replied that the Government has sanctioned construction of fences, floodlights, border roads & Border Out Posts [BOPs] along the Indo-Pakistan Border. Out 2289.6 km IB under the control of MHA, 88.87% border is covered with physical barrier, *i.e.*, fence. The remaining border length is mostly not feasible for construction of physical barrier due to terrain conditions like

swampy/marshy area, riverine area etc. Such stretches are proposed to be covered with technological solutions. Further, out of 2020.844 km of sanctioned, floodlight in 1920.844 km has been completed and total of 656 BOPs are held by BSF along IPB.

3.5 Further, this security infrastructure is aided by the induction of the latest surveillance equipment like Hand Held Thermal Imagers [HHTI], Long Range Recce Observation Systems [LORROS], Night vision Goggle/Devices, etc. Beside this, it has also been decided to deploy technological solutions in the form of integration of Radars, Sensors, Cameras, Communication Networks and Command and Control Solutions in various difficult/vulnerable areas along the border.

3.6 It is pertinent to make reference to the Group of Minister's Report [2001] on 'Reforming the National Security System' contained specific recommendations on issues related to Border Management. At present there are instances of more than one force working on the same border and questions on conflict in command and control have been raised frequently. Multiplicity of forces on the same border has also led to lack of accountability on the part of the forces. To enforce their accountability, the principle of 'one border one force' was recommended to be adopted while considering deployment of forces at the borders. In light of the recommendation, the Committee specifically wanted to be informed about the steps that have been taken to implement it. The Ministry of Home Affairs in a written reply submitted that the principle of One Border, One Force has already been implemented. Accordingly, the Indo-Pakistan and Indo-Bangladesh Border is being manned by Border Security Force, whereas the Indo-China Border is being guarded by Indo-Tibetan Border Police Force and Indo-Nepal & Indo-Bhutan Border is looked after by Shastra Seema Bal while the Myanmar border is manned by Assam Rifles.

3.7 The Committee is aware that the Border Security Force [BSF] has been guarding the Indo-Pak border since 1965. The Ministry of Home Affairs have informed that the following measures have been adopted by BSF for security of Indo-Pak Border:

- a) Policing and Patrolling.
- b) Intelligence and close coordination with State/Central agencies.
- c) Surveillance through the latest equipments like Hand Held Thermal Imagers [HHTI], Laser Walls, Infrared Beams, Night Vision Devices, LORROS etc.

- d) Technological solutions in the form of integration of Radars, Sensors, Cameras, Communication networks and Command and Control Solutions in various difficult terrains.
- e) Community interaction and civic action program of Border Guarding Forces.

3.8 Despite such multi-pronged approach to check cross-border infiltration and smuggling these activities have continued unabated. In this regard, when the Ministry of Home Affairs was asked to enumerate the challenges faced to contain such activities, they submitted that in the event of persistent cross border firing, various measures are taken by the State Government for the convenience of the people residing in the border districts. The affected families are shifted to safer places temporarily in Government and private accommodation where they are provided all the basic amenities like health care, drinking water, power, temporary toilet, sanitation and security, till restoration of normalcy on the borders, after which they return to their homes. Security measures are augmented in border areas and anti-infiltration grid is strengthened. Police deployment is made for border villages during the night. Adequate security is provided to the abandoned villages for protection of property. Senior Police Officers camp round the clock in border areas. Close coordination among BSF, Army, Police and Civil Administration is maintained. Uninterrupted power supply is provided in Border villages during the night. BP bunkers and ambulances are kept in ready at convenient locations for the evacuation of persons in case of emergency.

3.9 The Ministry of Home Affairs in a background note provided the following data on cross border firing on International Border in the State of Jammu & Kashmir.

Year	No. of Cross-Border Firing incidents on IB	Casualties of BSF personnel during trans-border firing incidents			
		International Border		Line of Control	
		Died	Injured	Died	Injured
2014	430	2	15	-	2
2015	253	1	5	3	4
2016	221	3	10	2	15

3.10 At part of its study visit, the Committee visited the headquarters of XIV Corps in Leh. During discussions with the Representatives of Ministry of Defence, the Committee were

informed that the prevailing situation on the Indo-Pak border is very volatile and is marked by numerous ceasefire violations. In fact, there had been a total of 63 ceasefire violations by Pakistan during the last year. The Committee were further informed that there have been a few sporadic incidents of attempted construction by Pakistan along the LoC in this zone and all these activities are being calibrated by the Pakistani Army to strengthen their position on the border.

3.11 The Committee were also briefed about the history of occupation of the Siachen Glacier and the various operational and natural challenges that are being faced by the security forces while guarding the commanding mountainous heights. A brief history of 'Operation Meghdoot' was provided to the Committee. The Committee were informed that the Indian Army is at an advantageous position *vis-à-vis* Pakistani forces in the Siachen Glacier.

3.12 When asked about the specific circumstances leading to militarization of the Siachen, the Ministry of Defence answered that in 1983, there were intelligence reports to indicate Pak's intention to occupy areas in the vicinity of Siachen Glacier. To pre-empt such a move, Operation Meghdoot was launched in April, 1984 by Indian Army to secure the entire Salto Ridge, which dominates Siachen Glacier.

3.13 On being asked about the steps taken by the two sides for demilitarization of the Glacier, the Ministry of Defence elucidated that starting from 1986 after the visit of General Zia-Ul-Haq to India in 1985; decision was taken to hold the Defence Secretary level Talks to resolve the conflict. There have been Thirteen Rounds of Talks between India and Pakistan to resolve the dispute.

3.14 The Ministry of External Affairs additionally stated that we have followed a consistent position that we finalize the authentication of the present positions as a first step, followed by delineation of the LoC beyond point NJ9842. Once this is achieved, demilitarization or relocation of troops to mutually agreed positions could follow.

3.15 On the Committee's question about the manner in which the China factor has further complicated the security vulnerabilities of India emanating from that part of the region, the Ministry stated that the recent developments in infrastructure opposite Siachen Glacier, the

growing Chinese assertiveness and the increased Chinese presence in Gilgit–Baltistan are other major ground realities which impinge on the resolution of the dispute.

3.16 During the study visit to Wagah border, the Committee were informed that the BSF has divided the Western border along five frontiers namely Kashmir Frontier, Jammu Frontier, Punjab Frontier, Rajasthan Frontier and Gujarat Frontier. The Punjab Frontier is all fenced except for 10 Kms. Further, some of the peculiar challenges encountered in the Punjab Frontier are dense fog, uneven ground, elephant grass and smuggling of drugs and narcotics. These factors complicate the task of border management in the Region.

3.17 On the Committee’s query about any assessment done on cross border smuggling trends, the Ministry of Home Affairs answered that BSF has made an assessment of cross border smuggling trends. There has been variation in trend of cross border smuggling, however, over the years there has been increase in interception.

- The cases of smuggling/seizures increases in months of November to March. Reason being the weather remains foggy and it causes poor visibility.
- Due to the cultivation, weeding and harvesting season, the frequency of movements of local people increases in border area.

3.18 During the year 2016-17, the Ministry of Home Affairs had declared that the Indo-Pak border would be completely sealed by December, 2018. When asked to elaborate upon the manner/plan for sealing the border, the Ministry of Home Affairs responded that the total border length along IPB is 2289.66 km, 2040.1 km of IPB has been covered by Physical barrier and remaining 249.61 km of border is planned to be covered by physical and/or non-physical barrier to cover the entire Indo-Pakistan Border. Most of the remaining border length is not feasible for construction of physical barrier due to terrain conditions like swampy/marshy area, riverine area etc. Such stretches are proposed to be covered with technological solutions.

3.19 To expedite the process, the Ministry of Home Affairs stated that the BSF has already initiated a pilot project to test the sophisticated technologies available globally. After analyzing the outcome of the pilot study, specifications for different terrain will be formulated. The funding for the deployment of technologies will be arranged in consultation with Ministry of Finance.

While giving testimony before the Committee, the Representatives of the Ministry further stated as under:-

“Regarding the usage of satellite for border surveillance, we are already using satellites for various applications in the BSF and the other Central paramilitary forces.... I would feel that we will be achieving this particular target of real time surveillance say in two to three years’ time when all the satellites are in place. You require powerful satellites and several of them. That is process and ISRO is working very ambitiously on that and funds are also available with them.”

3.20 On the Committee’s further query about mechanisms available for periodic monitoring of the border, the Ministry of Home Affairs stated that many institutional mechanisms are already in place for periodic monitoring of the border security. These include, High Level Empowered Committee under the Chairmanship of Home Secretary, Steering Committee under the chairmanship of Secretary [Border Management], periodic monitoring by the DG, BSF and State Level Standing Committee under Chairmanship of Chief Secretary of each State. Besides, periodic review of border security is also being held at the various levels in MHA including at the highest level.

3.21 When asked about the various formal, informal/institutional and extra-institutional mechanisms in existence between the security forces of the two countries, the Ministry of Home Affairs stated that border issues with counterpart are resolved through meetings and tele conversation. Meetings are of two types i.e. Scheduled and Unscheduled.

(i) Scheduled meetings:-

(a) At DG Level :This is the highest level meeting between two forces to be held bi-annually once in Pakistan and once in India. Due to unstable relations with Pakistan, Bi-annual meetings are not regular. Last three years details are as under:-

1.	2013 (December)	Lahore
2.	2015 (September)	Delhi
3.	2016 (July)	Delhi

(b) At Sector Level: This is a scheduled meeting to be held every three months. Meetings are held alternately on India and Pakistan side of the boundary at following places.

1. JCP Attari/Wagha – during last five years, no Sector Comdr level meeting was held. Last meeting was held on 19.12.2012.

2. JCP Munabao/Khokhrapar – Details of Sector Comdr level meeting held during last three years

1.	16.6.2014	Khikrapar
2.	26.8.2015	Munabao (India side)
3.	28.1.2016	Khokhrapar (Pak side)

(c) At Battalion Commander Level :The Bn Comdr level border meetings are the routine border meetings held between the Commandants of the BSF Bn and Wing Commanders of Pakistan Rangers. These are held every month or on need basis except Jammu whereas these meetings are being held on Punjab and Rajasthan Ftr regularly.

(ii) Unscheduled meetings:- Flag meetings are unscheduled meetings between operational level commanders who seek to meet their counterparts as and when it is felt that a violation or disputes need immediate dialogue and resolution. These meetings are held at the boundary line or in its close vicinity and are attended by Coy Comdrs.

(iii) Tele-conversation with counterpart: Tele-conversation mechanism also exists between BSF and Pakistan Rangers. Telephone numbers of Director Generals. Senior Staff officers and Sector Commanders of Jammu have also been exchanged. However, Coy Commander, Comdt and Sector Commander level contacts/flag meetings are being conducted with counterpart to sort out the border issues. Besides, strong written protests are also being lodged by BSF.

3.22 The Ministry of Home has informed that in different incidents on 2016, 199 protest notes have been lodged with the counterpart by BSF whereas 215 counter protest notes have been lodged by Pak Rangers with BSF in Jammu region. In this context, the Committee wanted to know the content as well as outcome of the above-mentioned protest notes. The Ministry of Home Affairs stated that Protest notes normally contain the issues related to:

- [a] Breach of norms on International Border
- [b] Illegal entry by persons of counterpart country
- [c] Trans-border crimes committed by criminals of opposite side
- [d] Construction of defence within 150 yards from International Border
- [e] Digging/Detection of tunnel

- [f] Flying of balloon/Helicopter/UAVs
- [g] Cross-border firing/shelling
- [h] Clearing of sarkanda etc

3.23 The Ministry further stated that on receipt of protest notes from counterpart, the note is studied in depth to ascertain basic issues, the facts are verified by visiting the site of incident and a suitable reply is sent to the counterpart without jeopardizing the interest of the country and the force. The border meetings and flag meetings are conducted with the representative of the Border Guarding Forces who are equal in status. These meetings are conducted to resolve minor irritants and these must be made use of to develop cordial working relationship without compromising own interest. Local issues are normally resolved. However, if issue needs intervention of higher HQ, matter is referred to Sector Commander Level meeting or Director General Level Talk.

3.24 On the Committee's specific query on the utility of these protest notes, the Ministry of Home Affairs illustrated that these meetings are conducted to resolve minor issues and these must be made use of to develop cordial working relationship without compromising own interest. Local issues are normally resolved. However, if issue needs the intervention of a higher HQ, the matter is referred to a Sector Commander Level meeting or Director General Level Talks.

3.25 In the aftermath of the Pathankot attacks, Madhukar Gupta Committee was formed to review security of India-Pakistan border. The Committee has submitted its recommendation to the Home Minister. When asked about the major recommendations made by the Committee, the Ministry of Home Affairs stated the Committee has submitted its recommendations broadly on the issues of Border Protection, assessment of force level, deployment on the border, infrastructure and technology issues for protection of border and administrative issues.

B. ICP, Attari and Wagah Border

3.26 ICP, Attari on India-Pakistan border provides state of the art facilities for the smooth, safe and systematic movement of vehicles, cargo and passengers. On the Committee's query on

the steps taken to upgrade the equipments at ICP, Attari since its operationalization in 2012, the Ministry of Home Affairs specified the following:-

- [a] Installation of Digital CCTV: CCTV is a critical part of the security surveillance system. LPAI has replaced the existing analog system with a digital CCTV system.
- [b] Construction of shed for cargo and paving of open yard for loose cargo at ICP Attari: Members of the trade have raised the issue of augmentation of the infrastructure at ICP Attari relating to development of open yard for storage of loose cargo and construction of covered shed inter-alia for handling hazardous cargo. LPAI has deputed the Executive Engineer, PWD, Amritsar Division to undertake the work. Proposal for Digital Survey and Soil Testing for construction of a covered shed and development of an open yard has been approved and work is in progress.
- [c] Construction of OP Towers: Border Security Force, which provides security at the ICP, has projected the requirement of Observation Towers for security purpose. LPAI has approved the construction of 16 Observation Towers on the ICP boundary at a cost of Rs. 52,87,968/-. The work is in progress.

3.27 In the context of the apprehensions that Samjhauta Express is being used for gun running and drug trafficking business. Similar arrangements are also needed to ensure full proof security checks in respect of the bus service that running between India and Pakistan. When asked about the corrective measures taken in this direction, the Ministry of Home Affairs stated that with respect to the point raised, very recently, both at the Integrated Check Post [ICP], Attari from where the bus service operates as well as at the Land Customs Station [LCS], Attari Rail, two highly advanced machines have been procured for the preventive purpose. The Video Boroscope assists in the detailed examination of various cavities in the Bus and the Railway wagons of the Samjhauta Express as well as of the Interchange. Another technology intensive machine is that of Trace Detectors originally sourced from Israel and capable of detecting both narcotics and explosives which has auxillarised the process of through checking and ruling out any nefarious activity from smuggling point of view. Further, the staff has been trained for handling these machines effectively as well as sensitized to remain vigilant in their day to day duties.

C. Maritime Security

3.28 Following the Mumbai terror attacks, the security of maritime border with Pakistan has become a major area of concern. When asked the steps taken by Government of India to ensure security of India-Pakistan maritime border, the Ministry of Defence stated that the Indian Navy

has been designated as the agency responsible for overall maritime security, including coastal and offshore security. Initiatives to strengthen coastal security are being undertaken by a number of agencies of Central and State Governments. Regular monitoring/review of the measures is undertaken at Ministry of Defence and National Committee on Strengthening Maritime and Coastal Security (NCSMCS).

3.29 Elaborating the issue of maritime security the Ministry of Defence further informed that Naval and Coast Guard ships are deployed for patrolling along the Indo-Pak Maritime border. They are also supported by regular aircraft sorties. In addition to patrolling by surface and air assets, electronic surveillance of the region is being done by using chain of coastal/offshore radars, National Automatic Identification System (NAIS) chain and Long Range Identification and Tracking (LRIT) System. The fitment of transponders to track fishing vessels is also under process. Further, Indian Navy and Indian Coast Guard conduct regular exercises in the Arabian Sea that bolster our defence preparedness. A new Coast Guard Regional Headquarters (North West) was formed in December 2009 to monitor and coordinate maritime security activities of Gujarat coast. Three new Coast Guard stations were also set up at Veraval, Mundra and Pipavav for coordinating security issues with stake holders. Indian Coast Guard also deploys hovercrafts and Interceptor boats in coordination with State Marine Police for coastal patrolling in areas close to Indo-Pak maritime border.

3.30 During their study visit to the Coast Guard headquarters (Western region) in Mumbai, The Committee were briefed about various maritime security issues which included politically volatile and not so friendly neighbor, putative International Maritime Boundary Line (IMBL), possibility of infiltration through sea routes for anti-national activities, transgression of Indian fishermen across IMBL, report on development of marine wing of terror groups, drugs, narcotics & contraband smuggling, arms trafficking, increasing Chinese assertions in Pakistani Maritime Affairs and employment of retired Pakistani naval personnel as armed guards on board merchant ships.

3.31 The Committee were also informed that ICG is coordinating with the Pakistan Maritime Security Agency (PMSA) on a number of issues under the Memorandum of Understanding (MoU) signed in 2005. The MoU envisages establishment of communication link between ICG & PMSA, exchange of information on violation of each other's EEZ, exchange of information

relating to smuggling and illicit trafficking in narcotic drugs and psychotropic substances, facilitation of Maritime Search & Rescue operations and exchanging information concerning Natural disasters/calamities.

3.32 The Committee are aware that India shares 3,323 km of its international border with Pakistan. These borders are shared by four Indian States and there are two Ministries – Ministry of Home Affairs and Ministry of Defence – responsible for border management and security. The Committee are happy to find that a multi-pronged approach has been adopted to contain cross-border infiltration and smuggling from Pakistan. During their study visit to Leh, Attari and Wagah borders, the Committee were apprised about the prevailing situation along the border as well as the challenges of guarding the borders at difficult and varied terrains. The Committee had also learnt that the Government has decided to seal the Eastern and Western Indo-Pak border by 2018 through a Comprehensive Integrated Border Management System (CIBMS). The Committee are also pleased to know about the existence of various mechanisms between the two countries for periodic monitoring of the border and for dealing with minor border related issues. The Committee also observe that apart from patrolling by surface and air assets, electronic surveillance of the maritime border between the two countries is also being done. By implementing the ‘One Border One Force’ principle, the Government has taken a right step towards imparting greater coherence in border management and security.

(Recommendation No 4)

3.33 The Committee appreciate the Border Security Force (BSF) for their commendable task of safeguarding India-Pakistan border. In view of the prevailing volatile situation along the border, the Committee would recommend that the Government should take tangible steps to strengthen and modernize border security. The Committee would particularly express their concern towards poor road conditions along the border and desire that along with fencing, the Government should take focussed steps to properly maintain the existing roads and construct good and well lit roads along the Indo-Pak border for proper vigilance. While appreciating the proposed decision of the Government to introduce Comprehensive Integrated Border Management System (CIBMS), the

Committee would suggest that it should be completed in a time-bound manner without any cost and time overruns.

The Committee note that modern technological means, including sophisticated electronic sensors and powerful satellites, are the need of the hour to ensure real-time surveillance on the borders. The Committee are happy to note that ISRO is working very ambitiously on this project and adequate funds for the same are also available. The Committee are hopeful that ISRO will complete the project in a time-bound manner and hand over the same to the Border Management Department for effective border surveillance. The Committee may be apprised about the action taken in this direction.

The Committee are also concerned to observe that Punjab has become a hotbed for drugs and illegal smuggling through the border. The Committee, therefore, would strongly suggest that BSF should sufficiently shore up defences against drug trafficking and there should be a greater synergy between various agencies to counter drug menace in the State of Punjab. Coastal security being equally important, the Committee also recommend the Government to take measures to strengthen coastal security and surveillance and it should be made full proof by establishing a high level co-ordination mechanism between Indian Coast Guard and other agencies such as the Navy, Central Industrial Security Force, Customs, Ports, Fisheries, Marine Police etc.

(Recommendation No 5)

3.34 The Committee note that strategic considerations in the wake of Pakistani aggression had led to the occupation of the Siachen Glacier in 1983. The Committee are cognizant of various operational and natural challenges faced by our security forces while guarding the commanding heights of the region. It is further observed that 13 rounds of official talks at the Defence Secretary level have been held so far to resolve the dispute. The Committee are satisfied to know that the Indian Army is at an advantageous position *vis-à-vis* Pakistani forces in the Siachen. The Committee are of the considered opinion that the deployment of Indian forces at Siachen under looming security threat from Pakistan, cannot be de-linked from the overall security of the Kashmir region. In view of the fact that India is currently occupying strategic heights and advantage at Siachen, it is

Pakistan's agenda to push for demilitarization of the glacier. Moreover, the Committee observe that the present cooperation between China and Pakistan has assumed worrying proportions and therefore, the Committee would recommend the Government of India to analyse the challenges clearly and accordingly persist with the right strategy.

(Recommendation No 6)

II. TERRORISM AND OTHER SUBVERSIVE ACTIVITIES

3.35 Pakistan unfortunately has not been able to reconcile itself to India as a peaceful neighbour and has been indulging in following anti India actions such as:-

- (i) Infiltration of terrorist into India mainly through J&K from Pakistan is continuing unabated.
- (ii) Pakistan has not yet taken any effective action against the perpetrators of Mumbai terrorist attack, including Hafiz Mohammed Sayed and several other LeT Commanders, who are still roaming freely in Pakistan fomenting intense anti-India hatred campaign.
- (iii) Despite ban, LeT and JeM continue to be reorganized and operate under different names and covers inside Pakistan with their terrorists infrastructures completely intact.
- (iv) Sikh extremist leaders of BKI, KCF, KZF and ISYF are still based in Pakistan and patronized by ISI to resurrect Sikh Militancy in India.
- (v) Smuggling of narcotics, FICN etc., from Pakistan through the Indo-Pak border as well as trains besides routed through various other countries is continuing unabated.
- (vi) There are several IM, JIAM and underworld operatives of Indian origin facing serious charges in India and presently taking shelter and patronized by ISI and non-state actors inside Pakistan.

3.36 During course of oral evidence, Director General of Intelligence Bureau made a representation and illuminated the Committee on the various subversive activities carried out by Pakistan as under:-

“On the issue of subversion by Pakistan in India, subversion essentially would imply breaking down the loyalties of the other person to be able to make him do the things that the perpetrator wants. So, in Jammu & Kashmir this is manifested. There are separatist groups who tend to follow the line that Pakistan wants them to follow. Over the past few years, we have been witnessing that they play to the tune of Pakistan. Other than that, which is more manifest, there are always subtler ways of Pakistan’s sabotage. Drug trade is one; fake Indian currency note is another manifestation of subversion. Subverting some disaffected groups in India is another method; for instance, some of the leaders of Sikh groups are also based in Pakistan. They get constant direction from there. Manjeet Singh, the leader of the Khalistan Zindabad Force is based in Pakistan while the organisation operators in South Jammu & Kashmir in Kathua region and Punjab. So, that is another form of subversion. More so, in other States of India, they have heard of Indian Mujahideen. Our understanding is that Indian Mujahideen is an organisation set up by Pakistan, but in such a manner that its control over the outfit is not visible. It appears to be an indigenous terrorist organisation.”

3.37 When asked about the various anti-India activities undertaken by Pakistan on the border as well as inside the country, the Ministry of Home Affairs stated that J&K is facing Pak/POK sponsored terrorism, spearheaded by the Pak ISI, for more than twenty years. The terrorists have been undergoing arms/explosives training and fundamentalist indoctrination across the border, where after they are pushed across the border into own side to indulge in acts of terrorism. They are provided all kind of assistance including money & material from across through their agents. At present, Lashkar-e-Tayyiba, Hizb-ul Mujahideen and Jaish-e-Mohammad [JeM] are the main militant outfits operating in the State besides fringe elements of other outfits like Al Badr, Harkat-ul- Hehad-e-Islami etc. These militant organizations also have a thriving OGW network in the Valley to assist them in their activities.

3.38 Elucidating the activities of Inter-Services Intelligence (ISI), Ministry of Home Affairs stated that Pakistan has been engaged in low intensity warfare against India using its premier Intelligence Agency, the Inter-Services Intelligence [ISI], as a tool to sponsor terrorism in India. It keeps on working endlessly with its plans for mindless violence to cause escalation of the level of terror activities in Jammu & Kashmir, Punjab, Uttar Pradesh, Bihar, Delhi, the North-East,

Maharashtra, Gujarat and elsewhere in Indian hinterland. The ISI is the prime mover in this design. Besides other countries in the region including Bangladesh, Nepal, Sri Lanka also have the footprints of ISI, and are mainly used as launching pads for pan-Islamic outfits like Let, Harkat-ul-Ansar and Kashmiri militant groups like JKLF, HM and Lkhwan-ul-Muslimeen to carry out their anti-India activities. Concerted efforts are being made by the ISI and its resident agents and also through the systematic use of the Pak diplomatic channels to pursue the twin objectives of organizing and guiding anti-India activities and spreading anti-India feelings amongst the Muslim population located along the sensitive borders with Pakistan.

3.39 Moreover, cadres of jihadi mindset have been observed to have joined militant outfits including LeT, JeM , HM, HUJI, AL Badr, ALUmar, IM, etc. which are handled by ISI operatives. Records in this connection show that such elements have not only exercised terror actions in J&K, but also have hit the parts of Indian hinterland on the ultimate directions of ISI.

3.40 Indian hinterland also faces a serious and continuing challenge to its internal security from Pak-ISI sponsored terrorist outfits including LeT, JeM, HM, HuM, and Indian Mujahideen [IM]. These outfits continue to receive shelter and assistance from the state sponsored actors and in turn persecute the latter's strategic objectives not only in India but also in the wider region. Under patronage, direction and control of Pak-ISI, Pak-based most wanted terrorist leaders/Indian fugitives including Hafiz Mohd Saeed, Chief of JuD/LeT, Zaki-ur-Rehman Lakhvi, LeT Commander, Syed Salahuddin, HM Supremo//UJC Chairman, Rasool Parthy, LeT/Underworld operative, Riyaz and Iqbal Bhatkal, both IM top leaders, etc. are working for anti-India activities.

3.41 Interrogation of arrested terrorists by the investigation agencies has disclosed that Pakistan Inter-Service Intelligence [ISI] is promoting terror activities in India by providing shelter, patronage and funding to terrorists of all hues. The fugitives such as Dawood Ibrahim, Sikh radical elements etc. sheltered in Pakistan are engaged in anti-India activities like providing financial support to terror activities, circulation of FICNs, revival of terror activities in Punjab, radicalization of youth etc.

3.42 On the Committee's further query about steps taken by the Government to check, curb or neutralize such anti-India activities, the Ministry of Home Affairs pointed out that the Government has raised the issue of Pakistan's support to various terror outfits in many ways like Home/Interior Minister/Secretary level talks, Foreign Secretary level talks, etc. and handed over relevant material/dossiers to the Pakistan Authorities. At the same time, the Government takes all necessary measures to foil the nefarious activities of Pak-based/supported terror outfits in India. India has also raised the issue of Pakistan's support to terror outfits at other bilateral and multi-lateral forums. India has also initiated the process of listing of terrorists/ terrorist organizations based in Pakistan in the UNSCR list to curb their activities.

3.43 It further enumerated that the Government has also adopted various counter measures to neutralise the efforts and capabilities of militants to disturb peace in the State of J&K. The Government has also encouraged policies to mainstream the youth, including providing employment opportunities to wean them away from militancy. Some of the visible area of focus includes: -

- Proactively take suitable measures by all the Security Forces to safeguard the borders from cross-border terrorism and to contain militancy.
- To ensure that the democratic process is sustained and primacy of civil administration is restored to effectively tackle the socio-economic problems facing the people on account of the effects of prolonged militancy in the State, and
- To ensure sustained peace process and to provide adequate opportunities to all sections of the people in the State who eschew violence to effectively represent their view points and to redress their genuine grievances.

3.44 On being asked about the response of Pakistani Government towards such activities, the Ministry of Home Affairs responded that no response or cooperation has so far been received from Pakistan on the above-mentioned issues.

3.45 Terrorism remains the core concern of India *vis-a-vis* Pakistan. During evidence before the Committee, the Foreign Secretary underscored the menace of cross-border terrorism when he stated:-

“...the fundamental issue in respect of Pakistan is how we respond to this continuous cross border terrorism. It may wax or it may wane but never really ceases. An entire industry of terrorism has been created and while that is consuming Pakistan itself, that is of little consolation to us.”

3.46 Further, as a counter to Pakistan's wrongful depiction of itself as a victim of terrorism, the Foreign Secretary suggested as under:-

“the first challenge in that regard is to break the equivalence between India and Pakistan that has been so carefully constructed by Pakistan and its supporters. To do that, we must first be clear in our own minds. We are not both equal victims of terrorism. Ours is inflicted by Pakistan and theirs is self-inflicted, consciously and as an acceptable collateral damage of an India strategy. Sharpening this contrast has been a key element of our diplomacy, one where we have achieved a fair measure of success in recent months. It is also necessary to reassure the world that India is willing to extend a hand of friendship to Pakistan if only it would give up its addiction to terrorism. This also undermines Pakistan's strategy of depicting the region as a continuing flash point. In that regard, the invitation to PM, Nawaz Sharif to attend the swearing in of the new Government in May, 2014 and PM's Lahore visit in December, 2015 have helped enormously in establishing our *bonafides*.”

3.47 In view of the fact that recent terrorist attacks have taken place on our security establishments, the Ministries of Defence as well as Home Affairs was asked to spell out the efforts made to strengthen the Army Camps in Kashmir. The Ministry of Home Affairs replied that Government and the Defence Services take the attacks on Defence establishments very seriously. In the wake of the terrorist attack on Pathankot Airbase in January, 2016, Government had constituted a four member committee under the chairmanship of Lt. Gen Philip Campose, inter alia to examine the existing Standing Operating Procedure for security of all Armed Forces establishments; to suggest a model format for security audit of armed forces establishments; to recommend short and long term measures including introduction of technological solutions and other reforms in the present system of security of armed forces establishments.

3.48 Furthermore, based on the recommendations of the Committee and after consultation with Service headquarters, broad Guidelines for Security of Defence Installations were issued to Services Headquarters. In compliance of the above Guidelines, the Defence Services have taken a number of actions inter alia including risk categorisation of Military Bases; formulation of detailed SOPs; strengthening of response mechanism by better weapons and vehicles; augmenting of security infrastructure by induction of intrusion alarm system and surveillance cameras; security of family quarters; Mutual Aid Schemes with other Services; periodic security audit of all military installations etc.

3.49 Against the background of increasing spate of cross-border terrorists attacks, the Committee desired to be informed about the international support for India and also regarding any international pressure on Pakistan to act against the India specific terrorist organizations operating from its soil. The Ministry of External Affairs in a written reply submitted that the Government has, from time to time, at various levels brought to the attention of the international community Pakistan's continuing active support to cross border terrorism; its persistence in glorifying anti-India activities; the threat posed by the continuing activities of the regional and international terrorist groups like Lashkar-e-Taiba [LeT], Jaish-e-Mohammed [JeM] , Falah-i-Insaniyat [FiF], Jamaat-u-Dawwa [JuD], Haqqani Network, Al Qaeda to the regional and international peace and stability. Recently, on June 27, 2017, the US has designated Syed Salahudin, head of Hizb-ul Mujahideen as a Specially Designated Global Terrorist. Several countries issued statements supporting India's decisive counter terrorism action [of September 29, 2016] and also specifically mentioned that Pakistan should take effective steps to stop the activities of terrorist groups in its territories.

3.50 The countries in the South Asian region have been increasingly articulating the concerns about terrorism emanating from Pakistan. The angst among the South Asian countries about Pakistan's approach was clear when they conveyed to SAARC Chair [Nepal] almost simultaneously, their inability to participate in the SAARC Summit to be held in Islamabad in November 2016 due to lack of conducive environment.

3.51 Resolutions have been introduced in the US Congress to declare Pakistan a State sponsoring Terrorism; to deny it the status of 'non-NATO ally'; to link aid to Pakistan with its actions against terrorism. The issue of state-sponsored terrorism has been reflected in Joint Statements issued at various regional/international forums, including the BRICS Summit, BRICS-BIMSTEC Outreach Initiative, G-20 Summit, East Asia Summit and the ASEAN-India Summit. Recently, in the Joint Statement issued on June 27, 2017 during the visit of the Prime Minister to the US, "the leaders called on Pakistan to ensure that its territory is not used to launch terrorist attacks on other countries. They further called on Pakistan to expeditiously bring to justice the perpetrators of the 26/11 Mumbai, Pathankot and other cross border terrorist attacks perpetrated by Pakistan-based groups." The Joint Statement also specifically referred to

strengthening cooperation against terrorist groups including Lashkar-e-Taiba, Jaish-e-Mohammad and D-Company, who are operating from Pakistan.

3.52 The Financial Action Task Force [FATF], looking after the issue of terror financing, has in June 2017, again expressed concerns that Pakistan has not effectively implemented its obligations under the UN Security Council Resolution 1267, and the proscribed terrorist organizations LeT, FiF and JuD continue to receive and disperse funds in Pakistan. As a result Pakistan has been kept under the monitoring of the Asia Pacific Group of the FATF. Clearly, there is enhanced international recognition of the danger posed by terrorist networks and organizations operating in Pakistan.

3.53 The Pakistani establishment has maintained a posture of denial over the recent terrorist attacks. The Committee feels that this deniability is neither unique nor surprising. As a strategic policy, we need to provide all relevant evidence to the Pakistani Government as well as international community to compel them into action. The Committee, thereby, enquired about the details of dossiers submitted to Pakistani Government from time to time. The Ministry of External Affairs in a written reply apprised the Committee that over the years, India has handed over 18 Letters Rogatories [LRs] to Pakistan seeking assistance in collecting evidence in various terrorism related cases, including the Mumbai attack case. We have also handed over dossiers to Pakistan containing evidence against the Mumbai attack mastermind and *Lashkar-e-Taiba/Jamat-ud-Dawa* chief, Hafiz Saeed. A Letter Rogatory [LR] from the NIA Special Court on the Pathankot attack case was handed over on March 02, 2016 [through our High Commission in Islamabad]. A supplementary LR on the Pathankot attack case handed over to Pakistan on May 23, 2016 [through our High Commission in Islamabad]. The supplementary LR contained DNA samples of the four terrorists killed, voice samples and other related evidence. There has been no response from Pakistan to these LRs.

3.54 On the Committee's further query about the progress made with regard to Mumbai terror attacks trials, the Ministry of External Affairs responded that as per available information, an Anti Terrorism Court in Pakistan is conducting hearings in the trial against Zakir-ur-Rehman Lakhvi and six other accused. Meanwhile, the accused Lakhvi was released on bail in 2015.

India has consistently called upon Pakistan to take effective action against those accused of Mumbai terror attacks, which originated from its territory and was aided and abetted by people living there. The matter had also come up during discussions between the NSAs in November 2015, EAM's visit to Islamabad in December 2015 and brief interaction between the Foreign Secretaries in April 2016. Pakistan reiterated its assurances for a speedy conclusion of the Mumbai trail.

3.55 In response to Pakistan's request for additional evidence in the case, India has conveyed its willingness to consider a visit of a Judicial Commission once again to India, on mutually agreed terms and conditions, to inspect and record the evidence. The importance of ensuring justice for the victims of the Mumbai Terrorist attack of 2008 and a successful and expeditious trial for bilateral relations has been repeatedly emphasised upon Pakistan.

3.56 It may be further noted that the Joint Statement issued during PM's visit to the US on June 27, 2017 *inter alia* calls upon Pakistan to expeditiously bring to justice the perpetrators of the 26/11 Mumbai, Pathankot and other cross border terrorist's attacks perpetrated by Pakistan based groups.

3.57 Following the Uri attacks, the government's policy of diplomatically isolating Pakistan both at the regional as well as international level has broadened from reviewing the Indus Water Treaty to withdrawal from the SAARC Summit to be hosted in Islamabad. The Committee wanted to know the efficacy of these non-military tactics in impelling Pakistan to act on India's concerns over terrorism. The Ministry in a written reply submitted that the Government has shown its determination and resolve to firmly deal with cross border terrorism by all means possible. India has repeatedly reminded Pakistan to abide by its solemn commitment of January 2004 to not allow its territory to be used for terrorism against India in any manner. In the aftermath of the Uri terrorist attack, in September 2016 India conducted counter terrorism operations across the LOC on the terror launch pads based on credible and reliable inputs. The Indian armed forces have also been giving strong response to the unprovoked ceasefire violations along the Line of Control and the International Boundary by the Pakistani forces, which are meant to aid and abet cross border infiltration.

3.58 Further, India has also, at various levels, briefed the international community about the Pakistan's continuing role in fomenting cross border terrorism into India. Today, there is greater international understanding of the dangers posed to regional and global peace and security from the terrorism emanating from Pakistan. The decision to not participate in the SAARC Summit that was to be held in Islamabad in November 2016 was taken nearly simultaneously by the Member States due to lack of conducive environment.

3.59 It is disquieting to note that Pakistan has been indulging in various anti-India activities, which *inter alia* include sponsoring terrorism, drug trade, circulation of fake Indian currency, patronizing Sikh extremist leaders, cross-border infiltration, smuggling of narcotics etc. In the opinion of the Committee, such overt and covert activities are nothing less than a proxy war against India. The Committee note that Pakistan has been engaged in low intensity warfare against India through its Intelligence agency—Inter-Services Intelligence (ISI) and its militant proxies, notably the Laskar-e-Taiba (LET) and similar groups. These activities are being undertaken with the twin objectives of organizing and guiding anti-India activities and spreading anti-India feelings amongst certain sections of population located along our sensitive border.

The Committee express strong disapproval of Pakistan's continued strategy of spearheading subversive activities in India through ISI. The Committee feel that the Government's measures to curb such activities lack the necessary determination. It is understandable that recognizing and proving such clandestine activities is difficult. However, in so far as action against such acts being committed within our borders is concerned, the Government needs to be more decisive so as to send a clear cut message to the sponsors of these acts. The Committee, therefore, would encourage the Government of India to pursue a well-coordinated strategy to deal with such nefarious designs that pose a serious threat to our internal as well as external security. The Committee would further like to be apprised about the action taken in this regard at the earliest.

(Recommendation No.7)

3.60 The Committee are well aware that terrorism remains a core concern in relationship with Pakistan. The Committee know that Pakistan's policy of abetting and aiding terrorism against India is not new but it has assumed challenging proportions over the last two decades. Mumbai, Pathankot, Uri, Nagrota and other attacks emanating from Pakistani soil, underscore the continued threat of cross border terrorism, to our overall security. However, the Pakistani Government, instead of acting upon the evidences provided by India, has adopted a dual strategy of denial and portrayal of itself as a victim of terrorism. The Committee feel that both these postures of Pakistan on terrorism are misplaced. The existence of ample evidence against the Mumbai attacks, masterminded by Laskar-e-Taiba/Jamat-ud-Dawa Chief Hafiz Saeed and Zakir-ur-Rehman Lakhvi and the Pathankot attackers speak volumes about Pakistani hand in these terrorist attacks. Further, Pakistan's inaction against these perpetrators of terrorism makes its intentions questionable, especially following the access provided to Pakistan by the Government of India at Pathankot. India and Pakistan are not equal victims of terrorism in the sense that, terrorism in India is inflicted by Pakistan while terrorist attacks in Pakistan are self-inflicted.

The Committee, therefore, desire that the Government should continue to constructively counter Pakistan's misplaced and ominous strategy of deniability and equivalence at bilateral, regional as well as international levels and corner Pakistan for not acting on its 2004 commitment of not allowing its territory to be used for acts of terrorism against India. Moreover, the Government should continue its efforts to mount pressure on Pakistan to expedite the Mumbai attack trials. The Government of India ought to also spell out well considered policy options-military as well as non-military, including diplomatic to deter and deal with Pakistani sponsored terrorism that has been going on for decades.

The Committee also observe that following the recent terrorist attacks on our security establishments, the Government has taken numerous follow-up measures to fill the critical gaps. The Committee are also happy to learn about the enhanced international recognition of the dangers posed by terrorist networks and organizations operating from Pakistan. The Committee, however, would urge the Government to ensure a thorough

security review of its various establishments on a regular basis with an objective for greater synergy between security agencies and intelligence agencies and also apprise the Committee about outcomes of such exercises. Prioritizing our national security considerations, the Committee further recommend the Government to enhance its military capabilities by modernization of its armed forces and use of advanced technology.

(Recommendation No.8)

III. THE ISSUE OF JAMMU & KASHMIR

3.61 The State of Jammu & Kashmir became a part of India in terms of a legally executed accession in accordance with terms of the India Independence Act. For an accurate understanding of the history of the Jammu & Kashmir issue, it is imperative to refer to four important documents

- (i) Instrument of Accession of Jammu & Kashmir (1947)
- (ii) UNSC Resolution No. 47 of 1948
- (iii) Simla Agreement 1972 and
- (iv) Parliament Resolution on Jammu & Kashmir (1994).

3.62 The signing of the Instrument of Accession of Jammu & Kashmir by Maharaja Hari Singh in October 1947 resulted in the entire princely state of Jammu & Kashmir becoming an integral part of India. The UNSC resolution on Jammu & Kashmir adopted in 1948 envisaged three sequential and conditional steps *i.e.* withdrawal of all Pakistani regular and irregular troops from the region to the satisfaction of the UN; thereafter, a reduction in the number of Indian troops to the minimum necessary for the maintenance of peace and security; and thereafter a plebiscite. The resolution became irrelevant after Pakistan refused to take the first step which was mandatory for its implementation. Under the Simla agreement, signed in July 1972, India and Pakistan agreed to resolve all outstanding issues bilaterally. Finally, the 1994 Indian Parliamentary resolution reiterated the legal position that the entire territory of the erstwhile princely state of Jammu & Kashmir is an integral part of India and asked Pakistan to vacate the area under its illegal occupation.

3.63 When asked about the nature of conflict between India and Pakistan over the issue of Jammu & Kashmir, the Ministry of External Affairs in a written reply submitted that the issue of Jammu & Kashmir and the national position on the same is enunciated in the Resolution which was unanimously adopted by the Parliament on February 22, 1994. The Resolution stated that the entire state of the Jammu & Kashmir has been, is and shall be the integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means. The Resolution demanded that Pakistan must vacate the areas of the Indian State which they have occupied through aggression. Under the Simla Agreement both side have agreed to resolve all outstanding issues, including that of the Jammu & Kashmir, peacefully and bilaterally. This was reiterated in the Lahore Declaration of 1999.

3.64 There has been spike in unrest and violence in Kashmir valley ever since the Indian forces killed the Hizb ul Mujahideen terrorist Burhan Wani in an encounter on July 8, 2016. Pak-based terrorists and fugitives from Indian law exploited the situation by addressing large gatherings in Muzaffarabad taking out Kashmir Caravan & holding rallies in Islamabad & other places, glorifying Wani's death. Pakistan also launched a shrill and vitriolic rhetoric, intensified its diplomatic outreach and appointed 22 Special Envoys to highlight human rights situation in Jammu & Kashmir. It especially targeted the 33rd Session of UN Human Rights Council in Geneva and 71st UN General Assembly in New York in September where Jammu & Kashmir was the central theme of Pakistan PM's speech, focusing on unsubstantiated and baseless allegations of violations of human rights committed by Indian forces and supported the demand of self-determination for Kashmiri people.

3.65 Pointing out the clear role of Pakistan in fomenting insurgency in Kashmir valley over the years, the Ministry of External Affairs in a written reply submitted that in the garb of providing 'moral, political and diplomatic support to the Kashmiris', Pakistan has been providing material and financial support to the terrorist and extremist groups operating in the Indian State of Jammu and Kashmir. These groups have found sanctuaries and safe haven in Pakistan and receive sponsorship from the state establishment. After receiving training in arms and weaponry, these terrorists are facilitated by the state authorities to infiltrate into India with the aim to spread chaos and unrest in India.

3.66 Despite its commitment of January 2004 of not allowing territory under its control to be used for terrorism against India in any manner, Pakistan continues to nurture terrorist and extremist groups, including UN proscribed individuals and groups. It is also actively engaged in spreading false and malicious propaganda to incite the youth in Jammu and Kashmir, which was clearly evident in the aftermath of the killing of Hizb-ul Mujahideen terrorist in an encounter by Indian security forces in July 2016.

3.67 Following Pakistan's high voltage support to the agitation in Kashmir, which occurred after the killing of Burhan Wani, the Government has adopted an assertive policy. As part of this approach it raised human rights record in Baluchistan as well as the areas of Jammu and Kashmir that are in Pakistan's illegal and forcible control. In this context the Committee wanted to know whether the increasing reference to atrocities in Baluchistan is a deliberate strategy resorted to by the Government to put a check on Pakistan's largely misleading narrative on Kashmir. The Ministry of External Affairs answered that in her address at 71st session of United Nations General Assembly (UNGA) in New York on September 26, 2016, External Affairs Minister responded to the baseless allegations made by Pakistan Prime Minister Nawaz Sharif in his speech earlier on September 21, 2016 at the UNGA about alleged human rights violations in India. In that context she mentioned that "those accusing others of human rights violations would do well to introspect and see what egregious abuses they are perpetrating in their own country, including in Balochistan. The brutality against the Baloch people represents the worst form of State oppression." In addition, we exercised our Right of Reply to Pakistan's similar allegations and stated that Pakistan practiced terrorism on its own people, suppressed minorities and women and denied basic human rights, including through draconian laws.

3.68 The Committee felt that highlighting the human rights abuses in Baluchistan gives Pakistan the reference to internationalize the issue of Jammu & Kashmir. The Committee thereby enquired about public opinion on Jammu & Kashmir at the international level, the Ministry of External Affairs answered that while Pakistan has been making unsuccessful attempts at internationalizing the issue of Jammu & Kashmir and the situation in Baluchistan is well-known internationally. The use of airpower and helicopter-mounted gunships to target civilian population in Baluchistan by the Pakistan military as well as the issue of forced disappearance of

thousands of Balochs has been well-documented. The EU Parliament has in June 2017 adopted a resolution expressing serious concerns at the human rights situation in Pakistan.

3.69 On the contrary, there is greater international recognition of the situation created by cross border terrorism in the Indian State of J&K. International community is well aware of India’s impeccable record in protecting and promoting human rights; the rights and freedoms guaranteed under the Indian Constitution; and the independent and proactive judiciary and Human Rights Commission that provide safeguards against any infringement of human rights by the State authorities.

3.70 There has been enhanced understanding amongst the international community about the threat posed by terrorism emanating from Pakistan. In this context, recently, on June 27, 2017 the US has designated Syed Salauddin, a leader of Hizb-ul Mujahideen as a Specially Designated Global Terrorist. Further, the Joint Statement issued during the visit of the Prime Minister to the US on June 6, 2017 *inter alia* stated that “the leaders called on Pakistan to ensure that its territory is not used to launch terrorist attacks on other countries.”

3.71 As per the information provided by the Ministry of Home Affairs, a summary of Law & Order Incidents in the State of J&K from 8 July 2016 to May 2017 is given below:

Month	No. of Law & Order incidents	No. of civilians died	No. of SF killed
July’16 [since 8 July]	820	42	2
August	774	19	-
September	508	10	-
October	179	1	-
November	73	1	-
December	36	-	-
January, 2017	6	-	-
February, 2017	48	-	-
March, 2017	27		
April, 2017	191	12	-
May, 2017	190	0	-
Total	2852	12	2

3.72 On being asked about the steps taken to alleviate the situation, the Ministry of Home Affairs stated that the current Law & Order problem started in the Kashmir valley after the

neutralization of three terrorists on 8th July, 2016 by Security Forces. Since then Prime Minister and Home Minister have regularly reviewed the security situation in J&K. To resolve the problem, Prime Minister also held an All Party meeting and Home Minister has visited Srinagar 2 times and met the Governor, Chief Minister, all the political parties, various organizations and Associations as well as the senior officials. Home Minister also led an All Party Delegation on 4-5 September, 2016 to Srinagar and Jammu and met the Governor, Chief Minister, various cross sections of people of the State including all the political parties, various organizations and Associations as well as the senior officials.

3.73 Additionally, distribution of Essential Commodities like food grains, sugar, milk, fruits, vegetables, LPG, kerosene, petrol etc. was ensured to meet the needs of public at large. Sufficient stock of Essential Commodities was maintained in the Valley. Availability of Doctors/Para-medics, Medicines, Ambulances, Blood Banks etc. was maintained round the clock, Team of doctors from AIIMS was also sent. The regular medical services were continued unabated. Additional companies of Central Armed Police Forces were also deployed to support the State Police.

3.74 The Committee further desired to know the stance of the international community on the issue of Jammu & Kashmir. The Ministry of External Affairs in a written reply responded that the international community is aware that Government's consistent and principled position is that the entire State of Jammu and Kashmir is an integral part of the Indian Union and that a part of the territory of the State is under the forcible and illegal occupation of Pakistan. Government has also clearly articulated its commitment to take all necessary steps to protect India's sovereignty and territorial integrity. Jammu and Kashmir is one of the agreed subjects under the Comprehensive Bilateral Dialogue. There is no scope for any third party role or mediation. The international community also recognises the duplicit role played by Pakistan in fomenting cross border terrorism in India. The listing of Pakistan-based individuals and entities – including *Lashkar-e-Taiba* [LeT] and *Jaish-e-Mohammad* [JeM], Hafiz Saeed, Zakiur Rehman Lakhvi and others – in the UNSC 1267 Sanctions List is an outcome successful diplomatic efforts by India in mobilising international opinion. More recently, on June 26, 2017 the US has designated Syed

Salauddin, the leader of Hizb-ul Mujahideen, as a Specially Designated Global Terrorist. Hizb-ul Mujahideen is already proscribed as terrorist organisation by the EU.

3.75 The Committee are aware of the growing alienation in Kashmir valley due to nefarious stimulus provided by Pakistan. In this regard, the Committee asked the Ministry of Home Affairs to mention the factors that have caused this alienation among Kashmiri people. The Ministry of Home Affairs answered that some of the factors that have led to a sense of alienation among the youth of Kashmir valley are radicalization/misguiding of youth by anti-national elements and lack of adequate employment opportunities in the State etc.

3.76 On being asked about the steps taken to address their grievances and disillusionment, the Ministry of Home Affairs stated that the Government has continuously encouraged policies for the betterment of the youth, including providing employment opportunities to wean them away from militancy. Recently, the Government has also approved the following schemes targeted towards generation of employment of youth of J&K:

- Engagement of additional 10,000 SPOs in J&K Police.
 - Recruitment of around 5381 personnel in 5 new India Reserve Battalions.
 - Recruitment of around 1200 personnel of CAPFs and Assam Rifles.
- Besides, the following schemes are also under implementation by respective Ministries/Department for skill development and enhancing the employability of youth from J&K:
- UDAAN: The scheme is being run by the MHA and it aims to provide skill and enhance employability of 40,000 youths of J&K. This scheme covers graduates/ 3-years engineering diploma holders and above.
 - HIMAYAT: The scheme is being implemented by the Ministry of Rural Development. The mandate under this scheme is to train 1.0 lakh unemployed youths [including school dropouts] from J&K and place them in jobs with Corporates or make them self employed.
 - Special Scholarship Scheme: The scheme is being implemented by the Ministry of Human Resources Development and it aims to grant 5000 fresh scholarships per annum for higher education outside the State to encourage the youth of J&K state.

3.77 The Committee also expressed its desire to know whether the Government conducted any official study to explore the various possible solutions to the problem in Jammu & Kashmir. The Ministry of Home Affairs, in their answer, gave a detailed that the Government of India started a

process of dialogue in the year 2006 for consensus building among different groups and sections of society on issues relating to J&K. The first Round Table Conference was held at New Delhi on 25-02-2006 under the Chairmanship of the then Prime Minister. During the 2nd Round Table Conference chaired by the then Prime Minister held on 24-25 May 2006 at Srinagar, it was decided that five Working Groups would be set up so that the views of different segments are incorporated in the process:

- [i] Working Group-I: “Confidence Building Measures across segments of Society in the State” under the Chairmanship of Shri Mohammad Hamid Ansari, the then Chairman of the National Commission for Minorities.
- [ii] Working Group-II: “Strengthening relations across the Line of Control” under the Chairmanship of Shri M. Rasgotra, Ex. Foreign Secretary.
- [iii] Working Group-III: “Economic Development” under the Chairmanship of Dr. C. Rangarajan, the then Chairman of PM’s Economic Advisory Council.
- [iv] Working Group-IV: “Ensuring Good Governance” under the Chairmanship of Shri N. C. Saxena, Member of Planning Commission.
- [v] Working Group-V: “Strengthening relations between the State and the Centre” under the Chairmanship of Justice Saghir Ahmad.

All the above Working Groups [WGs] have submitted their reports [WGs I to IV in 2007 and WG V in 2009]. As far as action to be taken by the Government of India on the recommendations of the Working Groups is concerned, the Govt. of India has already taken the necessary action on the same and the concerned recommendations have been/ are being implemented. Regarding remaining recommendations, the State Govt. of J&K was to take action.

3.78 Further, the Government of India appointed a Group of Interlocutors on 13-10-2010 to begin the process of sustained dialogue with all sections of the people of J&K. The group submitted its Report on 12-10-2011. It was decided to upload the ‘Report’ on the website of MHA on 24-05-2012 for the benefit of the public at large. The copies of the Report have also been placed in the Parliament Library. A copy of the ‘Report’ was forwarded to the Govt. of J&K for comments vide letter dated 21-05-2012, which are still awaited.

3.79 The Committee further enquired whether the Ministry has maintained a database on casualties suffered-civilians, military and terrorists-during insurgencies in the Kashmir valley

since 1947. The Ministry of Home Affairs responded that the Ministry has maintained a database regarding the State of J&K in this respect from 1990 onwards. The details in this respect are tabulated below:

Year	No. of terrorist incidents in J&K	Civilians died in terrorist incidents in J&K	Security Forces martyred	Terrorists killed
1990	4158	461	155	550
1991	3765	382	173	844
1992	4817	634	189	819
1993	5247	747	198	1310
1994	5829	820	200	1596
1995	5938	1031	237	1332
1996	5014	1341	184	1209
1997	3420	971	193	1075
1998	2932	889	236	999
1999	3071	873	355	1082
2000	3074	847	397	1520
2001	4522	996	536	2020
2002	4038	1008	453	1707
2003	3401	795	314	1494
2004	2565	707	281	976
2005	1990	557	189	917
2006	1667	389	151	591
2007	1092	158	110	472
2008	708	91	75	339
2009	499	71	79	239
2010	488	47	69	232
2011	340	31	33	100
2012	220	15	15	72
2013	170	15	53	67
2014	222	28	47	110
2015	208	17	39	108
2016	322	15	82	150
2017	43	4	10	29
[Upto 12-03-17]				
Total	69820	13946	50060	21998

3.80 When asked about the manner in which the Government intends to deal with the separatist elements in the Kashmir Valley in order to reach a sustainable peace, the Ministry answered that the Government has always been open for dialogue, with all stakeholders, within the framework of the Constitution of India.

3.81 The Committee are aware that cross border terrorism, law and order problems in the Kashmir Valley and material as well as financial support from Pakistan to the terrorists and extremist groups operating in J&K are the main concern of the Government and the biggest hurdles in the dialogue process. The Committee are dismayed to observe the spurt in unrest and violence in the Kashmir Valley since the death of a Hizb-ul-Mujahideen terrorist in an encounter on July 8, 2016. Frequent attempts for infiltration of terrorists from across the border have become a regular feature. The Committee, however, are happy to observe that our forces have prevented a large number of infiltration attempts through the border and have started eliminating the terrorists in the valley in a planned way. Moreover, our intense diplomatic outreach has led the international community to recognize the role being played by Pakistan in fomenting cross-border terrorism in India. The Committee desire that such efforts should continue till Pakistan is exposed internationally and its stops such activities and also till the false narrative of human rights violations in Jammu & Kashmir being created at international fora is exposed.

The Committee are further concerned to observe the growing sense of alienation in the Kashmiri youth, largely due to their radicalization by anti-national elements and lack of adequate employment opportunities. The Committee also observe that a series of attempts have been made by the Government of India to mainstream the youth of J&K by providing better education and employment to them but it has not yielded the desired results. The Committee, therefore, desire that the Government should take all possible measures including infrastructural and economic developments prevent radicalization of youth by Pakistani supported anti-national elements within Jammu & Kashmir.

(Recommendation No.9)

3.82 The Committee reiterate that the basic facts pertaining to Jammu and Kashmir being an integral and inalienable part of India are well documented and established. Our national position on Jammu & Kashmir has been clearly enunciated in the Parliamentary Resolution adopted unanimously by both the Houses of Parliament on 22 February, 1994. After illegally occupying PoK, Pakistan has been making attempts through terror funding

and covert support to terrorists to destabilize the Kashmir Valley. The Committee further note that Pakistan, through unsubstantiated and baseless allegations of violations of human rights in Kashmir valley, has been trying to create a false narrative about the Indian State of Jammu and Kashmir. The Committee are of the strong opinion that in the event of Pakistan not mending its ways, it is time the Government should become proactive and assertive about our rightful claims on PoK, including Gilgit-Baltistan. The Committee strongly feel that India should firmly keep PoK at the top of the agenda - along with terrorism – and insist that Pakistan vacate the area under its illegal occupation as also the portion ceded to China, forthwith. The Committee would also urge the Government to launch a diplomatic campaign to explain India’s stand on PoK and expose Pakistan’s duplicity to all friendly countries. This is all the more necessary now that the China-Pakistan Economic Corridor (CPEC) is being built through PoK in violation of India’s sovereignty.

(Recommendation No.10)

IV. NUCLEAR & MISSILE PROGRAMME

3.83 India and Pakistan have signed an Agreement on the Prohibition of Attack against nuclear installations under which the list of nuclear installations and facilities were exchanged.

3.84 With regard to nuclear doctrines of India and Pakistan, the Committee was apprehensive about deciphering Pakistan's nuclear designs in the absence of a well articulated Pakistani nuclear doctrine. The Ministry of External Affairs stated that in the absence of any nuclear doctrine, statements made by senior officials in Pakistan as well as actual testing and development of nuclear and missile capabilities are used inter-alia to understand its current doctrine. Pakistan pronouncements on doctrinal aspects have been shifting constantly in a bid to justify capabilities. Pakistan has been focusing recently on maintenance of ‘full spectrum deterrence capability’ while also talking about ‘credible minimum deterrence’ to deter all forms of aggression.

3.85 Based on media reports, the Committee desired to know whether India's 'No First Use Policy' is counter-productive in view of the increasing pace and scope of Pakistan's Nuclear Programme, particularly its pursuit of tactical nuclear weapons. The Ministry of External Affairs replied that India's policy of 'credible minimum deterrence', no first use and non-use against non-nuclear weapon states is aligned with its larger national security and disarmament goals. India's nuclear posture, in particular our no-first use pledge, reflects our cultural inheritance and our tradition of restraint and responsibility in nuclear matters.

3.86 The Ministry of External Affairs has informed that Pakistan has a small nuclear power programme with 1040 MW capacity. However, it is moving to increase this substantially with external assistance, including from China. Enumerating the details of nuclear cooperation between China and Pakistan in civilian as well as military fields, MEA stated that details of the nuclear cooperation between China and Pakistan in civilian as well as military fields are reportedly as follows:-

- China's nuclear cooperation with Pakistan is known to date back to 1960s. The cooperation has now reportedly extended to areas like nuclear fuel mining and exploration, supply of nuclear warhead designs, enriched fuel, transfer of dual use technology and materials for the development of nuclear weapons, delivery systems for nuclear weapons and training of the scientific personnel by China.
- The civil nuclear deal between China and Pakistan is said to have been signed in 1986. However, the actual text of the so-called agreement remains unreleased and prevents the international community from validating Chinese and Pakistani representations.
- China has reportedly helped Pakistan build and operate plutonium based reactors in Khushab. The Khushab reactors will enable Pakistan to produce weapon grade plutonium.
- It is reported that Pakistan's Chashma reactors (I, II, III and IV) and the proposed Karachi II and III reactors will be supplied enriched fuel by China for their lifetime and a large portion of all costs for the reactors, operational and under construction, will be borne by China.

3.87 On the Committee's query on other countries providing external assistance to Pakistan's weapon programme, the Ministry of External Affairs responded that it appears that Pakistan depends mostly on China for its nuclear programme. There are reports of various Chinese firms arranging critical components for the Pakistani nuclear programme from other countries. Furthermore, there are well-documented reports about linkages between Pakistan and the

Democratic People's Republic of Korea (DPRK) for exchange of nuclear technologies and equipment in return for missile technology from DPRK.”

3.88 The Pakistani nuclear effort received considerable assistance from China. In the late 1970s, Beijing supplied Pakistan with a broad array of missile and nuclear weapons related assistance. This assistance included warhead designs, HEU, components of various short and intermediate range missile systems, gas centrifuge equipment and technical expertise. The A.Q.Khan network later transferred some of this technology to other countries.

3.89 The Ministry of External Affairs has stated that in addition to providing technical know-how China is also financing nuclear reactors either under construction or in design stage. With regard to this statement the Committee wanted to know the legal basis of China's international nuclear trade with Pakistan as the later is neither a signatory to NPT nor NSG. The Ministry replied that the NPT does not bar civil nuclear commerce with non-NPT countries. Pakistan is not a signatory to the NPT nor a member of the NSG but its benefactor, China, is. Although NSG Guidelines prohibit civil nuclear commerce with Pakistan, China has stated that it signed nuclear agreements with Pakistan prior to joining the NSG in 2004. Since NSG Guidelines exclude such agreements signed prior to 2004, Beijing conveniently uses this 'grand-father' clause in the NSG Guidelines to its benefit.

3.90 It is informed that Pakistan is reportedly expanding its nuclear arsenals and developing new types of nuclear weapons. However, concerns have been raised internationally regarding development of these tactical weapons as Pakistani military commanders could lose the ability to prevent the use of such weapons, which would be more portable and mobile than Islamabad's current nuclear weapons and delivery vehicles. The mix of terrorism and concerns about safety of Pakistan's nuclear weapons & material presents challenges which were voiced by President Obama at the Nuclear Safety Summit in 2016.

3.91 When asked about India's preparedness or response in case Pakistan uses tactical nuclear weapons, the Defence Secretary during oral evidence stated :-

“when tactical nuclear weapons are used, what kind of consequences it can have, one has to analyse that because it is not an issue concerning this part of the world alone; it concerns the entire world.”

3.92 Serious concerns have been raised about the security of Pakistan’s nuclear weapons, infrastructure and installations. On the Committee’s apprehensions about physical protection of Pakistan’s nuclear weapons, the Ministry of External Affairs replied that Pakistan claims that it complies with the security parameters necessary for nuclear power plants. However, the precarious security situation in Pakistan raises doubts about the security of the nuclear power plants.

3.93 The Committee were anxious to now know whether Pakistan has ever acknowledged the damage caused by the A.Q Khan network of clandestinely selling nuclear know-how. The Ministry of External Affairs replied that Pakistan’s nuclear scientist, A.Q. Khan, apologized to the people of Pakistan in a televised address in 2004 but retracted his statement in a 2008 interview. The Pakistani government has not publicly acknowledged the proliferation network headed by A.Q. Khan. On the contrary, Pakistan has chosen to sweep under the carpet its proliferation history related to A.Q. Khan. Pakistan claims to have taken some steps to safeguard its assets and technology. However, there are reports that the A.Q. Khan network has never really been fully dismantled and may still be active.

3.94 On being asked, the Ministry of External Affairs enumerated the steps taken by India to voice its concerns to the international community regarding the precarious cocktail of Pakistani sponsored terrorism and safety of its nuclear assets and programmes. The Ministry stated that "India has been pursuing this agenda at various international forums. India has been sponsoring a resolution on “Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction” in the UNGA First Committee since 2002, which is adopted by consensus. At the Nuclear Security Summits, India cautioned against the dangers of nuclear terrorism and raised issues of state sponsored terrorism at BIMSTEC, BRICS, GICNT and the United Nations etc. The Ministry also raises this issue in its bilateral dialogues with various countries.

3.95 One of the experts, Shri Vivek Katju, shared before the Committee that India has not really publicized Pakistan's irresponsibility as a state with nuclear weapons to foment terrorism on the territory of a nuclear state. No other state has done so even while engaging in major conflict such as during the Cold War.

3.96 The Committee are aware that being nuclear armed states, any conflict situation between India and Pakistan attracts considerable attention at regional as well as international levels. The Committee observe that the nuclear doctrines of the two countries are quite contradictory. While the Indian nuclear doctrine is well articulated and specific, Pakistan has deliberately pursued an opaque and ambiguous doctrinal position, refusing to abjure "first use" of nuclear weapons. Additionally, India intends to use nuclear weapons for establishing deterrence while Pakistan's nuclear arsenal is meant to compensate for conventional weapons asymmetry with India. The Committee note the growing China-Pakistan cooperation, especially in missile and nuclear programmes. The Committee are, however, also aware that serious doubts have been raised about Pakistan's nuclear infrastructure and installations, for reasons enumerated in the preceding narrative. As things stand today, the Committee are in agreement with the Government's assessment of the Pakistani nuclear threat and the possibility of inadvertent tactical nuclear weapons use, which would have serious implications not only on the region but across the globe.

In light of the expanding Pakistani nuclear arsenals and its deliberately ambiguous doctrine, the Committee would strongly recommend the Government to aggregate its nuclear capability and enhance its deterrence capabilities. The Committee would also urge the Government to internationally publicize the challenges and implications of the Pakistani mix of terrorism and concerns about safety of its current nuclear weapons and programme as a threat to regional and global security.

(Recommendation No. 11)

V. RECENT SURGICAL STRIKES

3.97 On September, 29, 2016 the Indian Army had carried out a limited counter terrorism operation and destroyed a number of launch pads for terrorists along the Line of Control. When

asked about the events leading to these surgical strikes, the Ministry of External Affairs responded that: the build up to the counter terrorism operation was escalation in terrorist attacks mounted from across the border or LoC. These included the terrorist attacks on the Pathankot Air Base of January 2, 2016; Indian army garrison in Uri on September 18, 2016; and the attacks on Army facilities in Poonch on September 11, 2016. In fact there had been a series of serious incidents of terrorism traceable to Pakistan since July 8, when Hizb-ul Mujahideen commander Burhan Wani was killed in a counter terrorism operation by security forces. Some of these included:

- 26 July - neutralization of four terrorists in Naugam (Kupwara) and capture of Bahadur Ali.
- 30 July - foiled infiltration bid at Naugam with death of two terrorists and two soldiers.
- 08 August – encounter at Machil sector with deaths of three BSF personnel and one terrorist.
- 15 August – attack in Srinagar with death of CRPF commandant and injuries to 11 personnel.
- 17 August – ambush of army convoy with deaths of two army personnel and one police.
- 21 August – fire fight along LoC in Tanghdar sector with neutralization of three terrorists.
- 11 September – Similar event in north Kashmir with deaths of four terrorists.
- 11 September – Poonch incident: one police killed and five army/police injured; four terrorists killed.
- 18 September – Uri attack: 19 security force personnel killed, 4 terrorists died.

3.98 It is pertinent to mention here that cross border infiltration bids by armed terrorists from the Uri sector continued even after the attacks of September 18, 2016. There were encounters on LoC with such infiltrators on September 20 at Naugam sector and Uri sector. The cross border linkages of terrorist attacks were convincingly established by hard intelligence, intercepts, Pakistani markings of equipments and ammunitions, modus operandi and from confessions of captured terrorists. The nature, frequency and sophistication of these infiltration bids from across the LoC by heavily armed terrorists charged with attacking Indian targets belied the claim of Pakistan that the LOC has ‘water tight’ arrangements from the Pakistani side. On the contrary, such bids could not be continuously mounted without the active support and collaboration of

Pakistani security forces. While it is widely known that the training and arming of terrorists is freely taking place in Pakistan and the Indian territory under its control, acknowledged leaders of terrorist organizations have also been given a free reign and paraded around even in Islamabad. Such terrorism is not only directed against India but is now increasingly recognized as a larger regional concern.

3.99 Strikes of similar nature have taken place in the past but they have not been publically announced. The Committee wanted to know the logic that necessitated a joint MEA-MOD brief in the immediate aftermath of these strikes. The Ministry of External Affairs answered that MEA-MOD press briefing was held on September 29, 2016. Director General Military Operations (DGMO) contacted his Pakistani counterpart on September 29, after the counter terrorism operation was over. It was also conveyed to the Pak DGMO that the operation had ceased after completion of its objectives. Pakistan was reminded of its commitment of January 2004 and asked that their army cooperate with us to fight the menace of terrorism. The press briefing by DGMO at MEA also emphasized that the counter terrorism operation was launched on the basis of specific and credible intelligence inputs that some terrorist teams had positioned themselves at launch pads on the other side of LOC.

3.100 On the same afternoon of September 29, 2016, the Foreign Secretary briefed 28 envoys belonging to the Afghanistan, Australia, Bangladesh, Bhutan, Brazil, China, Egypt, France, Germany, Indonesia, Iran, Japan, Maldives, Malaysia, Mexico, Nepal, New Zealand, Qatar, Russia, Saudi Arabia, Singapore, South Africa, Sri Lanka, the UAE, the US, the UK, Vietnam, and the EU about the limited counter-terrorism operation carried out by the Indian Army earlier in the day. Separately, important opinion makers, think tanks and foreign media corps in New Delhi were also briefed. In parallel, instructions were issued to our Missions across the world to brief their host governments on the issue at senior levels. Envoys of other countries from Europe, Africa, Gulf, Latin America and East Asia & OIC were also briefed by senior officials in MEA. India's position has been received positively by the international community. As highlighted before, a number of countries issued statements in support of India.

3.101 On the Committee's query on whether the surgical strikes mark a shift in India's defence strategy from 'strategic restraint' to 'strategic attack', the Ministry of Defence clearly indicated that the surgical strikes have demonstrated our resolve to pursue the perpetrators of dastardly terrorist attacks on Indian Territory, even across the borders. The execution of surgical strikes, however, does not indicate our change of policy from strategic restraint to strategic attack.

3.102 Furthermore, the Indian Army is a military instrument to further our national interests. The Indian Army had a large number of credible intelligence inputs indicating concentration of terrorists along the Line of Control. The terrorists had positioned themselves to carry out infiltration and conduct terrorist strikes inside Jammu & Kashmir and in various metros in other states. The surgical strikes were pre-emptive measures to prevent such attacks. The surgical strikes have forcefully conveyed to Pakistan our intention of punitive punishment to the State/Non-State actor who aid, abet or execute actions detrimental to our national interests. It has ensured that a caution is imposed on Pakistan, on supporting or abetting inimical interests from its territory or territory under its control.

3.103 Illustrating this point further, the Foreign Secretary during oral evidence before the Committee submitted as under:-

"We do not see the strike as an abandonment of strategic restraint. In fact, the very words which the Defence Secretary emphasised were 'surgical strike'. It is a very restrained one. The fact that we only hit the launching pads, the fact that we completed the operations and we said that we had completed the operation shows that strategic restraint is very much in operation except that strategic restraint is operating somewhat differently than it used to operate before. But it is still a very restrained policy."

3.104 To the Committee's specific point on the objectives of this surgical strike, Lieutenant General Bipin Rawat, Vice Chief of the Army Staff (VCOAS) during oral evidence stated:-

"The purpose of these operations was to strike at the terrorists about whom we had definitive information and who had in the past caused damage to our civilians and the military establishments and in all probability would have caused further damage had they successfully infiltrated into our territory, if they were not eliminated at their forward bases. With this intent, it was informed that we have now called off the operations, and we do not intend carrying it any further. However, it was also informed that Pakistan

must abide by its commitment of not allowing Pakistan's territory or territory under their control to be used by agents inimical to our nation."

3.105 Enumerating the objectives behind the surgical strikes, the Foreign Secretary further clarified as under:-

"I think the political objective of doing that operation on September 29 was to tell Pakistan clearly and publicly that the fact that they were operating from beyond the Line of Control does not keep them safe across that line. They should not believe any longer that they have the freedom to cross the Line, inflict damage, and the moment they cross the Line, they are home and safe... The message at the end of the day was a politico-military message. The politico-military message was that 'if you keep crossing this Line and escalating attacks within Jammu & Kashmir, India will not remain in the posture in which it has done so earlier; and, we have options too, some of which we are prepared to escalate."

3.106 On the Committee's further query about the logic behind Pakistan's denial of these operations, the Foreign Secretary enumerated:-

"When the operation happened, our own sense was that for the first few hours of the operation, they were scrambling to (a) find out what happened because it took quite some time for their DGMO to come on the line; (b) initially, if you see, there is a discrepancy between the statement which Nawaz Sharif put out, which implied there was an incident *versus* the statement which Rawalpindi GHQ put out which suggested there was not. The fact was probably there was lack of coordination because they were also trying to figure out exactly what happened and these launch pads are not the most accessible places. So, probably, they were themselves unsure and by the time it comes up the chain of command, it would take time, and they were under time pressure. So, the GHQ got into the mode, that of denial. Once they put out that first statement that nothing happened, they were locked into that. They had to keep building on the first denial statement. So, Mr. Nawaz Sharif was silenced and the thrust of the positions which came after that were really that nothing happened. So, the 'nothing happened' narrative. I think by taking foreign media across the LoC proves nothing."

3.107 On the Committee's query, the Ministry of External Affairs elaborated the international and regional reactions to these surgical strikes. Pursuant to our active outreach efforts, several countries issued statements strongly condemning cross border terrorism. These included the US and Russia. The White House and the US State Department issued statements strongly condemning cross border terror attack on India. The Russian Foreign Ministry issued a statement

supporting decisive action against terrorism and also specifically mentioned its expectations from Pakistan to take effective steps in order to stop the activities of terrorist groups in its territories. Further, the Governments of Afghanistan, Bangladesh, Bahrain, Canada, China, France, Germany, Japan, Korea (ROK), Maldives, Nepal, Qatar, Russia, Saudi Arabia, Turkey, the UAE, the UK, and the US in addition to the UN, all criticized the Uri terrorist act and affirmed support to tackle the menace of terrorism.

At the regional level, India, Afghanistan, Bangladesh, Bhutan separately but at the same time informed SAARC Chair Nepal in writing that prevalence of terrorism and violence in the region preclude conducive environment for hosting of SAARC Summit, and therefore, it would not be possible for them to attend the event which was scheduled to be held in Islamabad on 9-10 November, 2016. Nepal, followed by Sri Lanka and Maldives, also pointed out the absence of conducive atmosphere in the region for the SAARC Summit, and withdrew its participation.

3.108 It is known that on September, 29, 2016 the Indian Army carried out a limited counter terrorism operation along the LoC. The Government of India made a public statement that the operation was limited and calibrated in scope and nature. The surgical strikes were carried out on the basis of credible and specific intelligence inputs about positioning of terrorist launch pads along LoC and cumulative build up of terrorist attacks, stemming from Pakistani soil. The Committee make a note of the Foreign Secretary's statement that these strikes did not indicate an abandonment of India's policy of strategic restraint, rather it amounted to a tactical change and not in the content of the policy. The Committee also opine that the surgical strikes were demonstrative of India's restraint and mature response. The Committee are satisfied to know that the international, as well as regional community perceived India's position positively and a number of countries also issued statements in its support.

The Committee welcome the successful launching of surgical strikes in a restrained and focused way by the Indian Army. The Committee feel that by carrying out these operations, the Army has effectively raised the cost of using terrorism on Indian territory and placed the onus on Pakistan to act, rather than on India to observe restraint. The Committee are of the firm opinion that strategic restraint has been a cornerstone of our defence strategy. The Committee would thereby, urge the Government to maintain

continuity in this policy and simultaneously complement it with intense diplomatic outreach to highlight Pakistan's continued support for terrorism. The Committee are hopeful that better sense will prevail in Pakistan and it will abandon the strategy of carrying out low intensity warfare against India, which remains an insuperable obstacle to peace.

(Recommendation No. 12)

CHAPTER-4

ECONOMIC & CULTURAL ASPECT

Given the strained political ties, greater economic integration and increased people to people contacts through cultural exchanges have been largely recognized as two significant domains through which the mutual hostility and trust deficit between India and Pakistan is expected to decline. However, over the years, instead of overcoming the political stalemate between the two countries, economic and cultural engagement has been held hostage to ups and downs in India-Pakistan's politico-strategic matrix.

I. ECONOMIC COOPERATION/ENGAGEMENT

4.2. Normalising trade relations with Pakistan is an important component of India's policy of overall normalization and improvement of bilateral relations with its neighbour. While deposing before the Committee, the Commerce Secretary tried to situate the position of India Pakistan economic ties in bilateral as well as regional perspective as under:-

"In terms of significance for India's total trade in 2015-16, Pakistan was a destination for just 0.83 per cent of our exports and it was a source of just 0.12 per cent of our total imports. In 2015-16 Pakistan was ranked 47th among our trading partners in terms of total trade; 35th in terms of exports; and 70th in terms of imports. So, it is a very small part of our total trade. Among the SAARC countries, Pakistan ranks fourth in terms of trade partnership behind Bangladesh, Sri Lanka and Nepal with whom we have much higher trade, even though the GDP of Pakistan is higher than these countries. This indicates the potential for trade between the two countries is certainly much higher. Some part of it does reach Pakistan through third countries but the data on this is not substantiated; certainly it is not a fully realized potential."

4.3 India has been steadfast in its economic engagement with Pakistan. India initiated the move for boost in bilateral trade when it extended the Most Favoured Nation [MFN] status to Pakistan in 1996 and the trade volume grew remarkably in the early 2000s. Further, transition towards normalization of trade relations between India and Pakistan was initiated by moving from a positive list [which allowed export of just under 2,000 tariff lines from India to Pakistan] maintained by Pakistan to a negative list [allowing Indian export to Pakistan of all but about 1,200 tariff line] regime in 2012 . This was followed by the augmentation of land trade through a new Integrated Check Post at Attari in April 2012.

4.4 When asked about the advantages flowing out of the MFN status granted to Pakistan, the Department of Commerce replied that the Most Favoured Nation (MFN) principle is enshrined in Article I: 1 of General Agreement on Tariffs and Trade (GATT), 1994. In terms of this principle, any advantage, favour, privilege or immunity granted by any WTO member country to any product from any other country shall be accorded immediately and unconditionally to the like product from other WTO member countries. The object and purpose of the MFN principle is to prohibit discrimination among like products from different countries. The advantages associated with MFN principle, *inter-alia*, include:

- Maximizing efficiency;
- Minimizing transaction costs;
- Promoting further reciprocal liberalization;
- Minimizing costs of trade negotiations;
- Minimizing uncertainty; etc

4.5 Following the Uri attacks, the Government of India declared to review the MFN status granted to Pakistan. On the Committee's query regarding current status, the Department of Commerce stated that no decision has yet been taken on the withdrawal of the MFN status provided to Pakistan.

4.6 When asked about the assessment of the Department of Commerce on the reasons behind Pakistan's refrain from extending MFN status to India, it responded that apprehension about Indian exports overwhelming Pakistan's market may be the reason for Pakistan to not extend the MFN status to India, in addition to its domestic political compulsions.

4.7 Despite the plethora of efforts made, the bilateral trade relations between India and Pakistan have largely remained inconsequential. On being asked about the factors impeding bilateral trade between the two largest South Asian economies, the Department of Commerce stated that a major factor affecting the bilateral trade is the existing political relationship between the two countries, which also affects the policy framework of bilateral trade. Under the WTO Agreement, India accorded Most Favoured Nation [MFN] status to all WTO members, including Pakistan. However, Pakistan is yet to transition fully to MFN status for India. Since 1982, Pakistan was announcing a list of items which can be imported from India. This positive list was

gradually enlarged over the years. In March 2012, a transition was made from Positive List to Negative List, whereby a list of 1870 products allowed to be traded under Positive List was replaced by a Negative List of 1209 products, which were not allowed to be traded with India. This list continues to be in place. In addition, Pakistan permits only 137 products to be imported from India through Wagah/Attari border land route. Since India does not maintain any Pakistan specific trade restrictions, the bilateral trade is largely affected by the restrictions placed by Pakistan on import of products from India.

4.8 When asked about the recent initiatives taken by the two countries to strengthen economic ties, the Department of Commerce answered that the 7th round of India-Pakistan talks on ‘Commercial and Economic Cooperation’ between Commerce Secretaries of India and Pakistan was held in September 2012 in Islamabad. In the meeting it was agreed, *inter-alia* that Pakistan would notify removal of all restrictions on trade by Wagah-Attari land route, Pakistan would transition fully to MFN [non-discriminatory] status for India by December 2012 as agreed earlier and both sides would liberalise trade under SAFTA.

4.9 Further, the Commerce Ministers of India and Pakistan met in January 2014 on the sidelines of the 5th SAARC Business Leaders Conclave held at New Delhi. Both Ministers reaffirmed the commitment of their Governments to expeditiously establish normal trading relations and in this context to provide Non-Discriminatory Market Access [NDMA], on a reciprocal basis. Both sides decided to intensify and accelerate the process of trade normalisation, liberalisation and facilitation and to implement the agreed measures. In the meeting between Prime Ministers of India and Pakistan on 27th May 2014 in New Delhi, India stated that the two countries could move immediately towards full trade normalisation on the basis of September 2012 roadmap worked out between the Commerce Secretaries of both countries. No bilateral trade meeting between India and Pakistan has taken place since then, and there is no progress on the agreed roadmap.

4.10 In the analysis of the Ministry of External Affairs, the overall attitude of hostility, non-cooperation, not fulfilling its commitments and consistent support to cross border terror and violence by Pakistan has been the main obstacle to normalising relations between India and Pakistan, including in the field of trade and commerce.

4.11 The main items of export from India to Pakistan are: cotton, organic chemicals, food products including prepared animal fodder, edible vegetables, plastic articles, man-made filament, coffee, tea, spices, dyes, oil seeds, dairy products, pharmaceuticals etc. Main items of import by India from Pakistan are: copper and copper articles, edible fruits and nuts, cotton, salt, sulphur and earths and stones, organic chemicals, mineral fuels, plastic products, wool, glassware, raw hides & skin etc.

4.12. The trade data with Pakistan can be summarised as follows:-

[Million USD]

Year	Exports	Imports	Total Trade	Balance of Trade
2005-06	689.23	179.56	868.79	509.67
2006-07	1,350.09	323.62	1,673.71	1,026.47
2007-08	1,950.53	287.97	2,238.50	1,662.56
2008-09	1,439.88	370.17	1,810.05	1,069.72
2009-10	1,573.32	275.94	1,849.26	1,297.38
2010-11	2,039.61	332.51	2,372.12	1,707.09
2011-12	1,541.57	361.93	1,903.50	1,179.65
2012-13	2,064.89	541.87	2,606.75	1,523.02
2013-14	2,274.30	426.88	2,701.18	1,847.41
2014-15	1,857.29	497.31	2,354.60	1,359.98
2015-16	2,171.14	441.03	2,612.16	1,730.11
2016-2017 [Apr-Nov][P]	995.14	332.95	1,328.09	662.19

4.13 From the above table, it can be clearly observed that over the years India has maintained a substantial trade surplus with Pakistan. Stressing this facet of our relationship, the Commerce Secretary, while giving evidence before the Committee, submitted as under:

"The continuing trade surplus really indicates India's dominance in the bilateral trade and this needs to be noted while we evaluate the economic relations between the two countries."

4.14 The Committee further enquired about the existence of any interest groups(s) in Pakistan that advocates greater bilateral trade with India. The Ministry of External Affairs in a written reply to the Committee stated that there is a constituency/interest group in Pakistan among the country's business community for increasing trade relations with India. Leading business and trade chambers – Lahore, Karachi and Rawalpindi Chambers of Commerce and Industry – visit India for trade fairs and do seek out greater industry contacts in India. These groups form a lobby group for increasing trade ties with India.

4.15 In the Commerce Secretaries meeting held in September, 2012 both sides agreed to exchange names of 10 prominent business persons from each country for the Joint Business Council (JBC). Accordingly, the India Pakistan Joint Business Forum was constituted in October, 2012, consisting of co-Chairpersons and upto 15 members from each side. The Secretariat for the JBF is provided by Confederation of Indian Industries (CII) and Pakistan Business Council (PBC).

4.16 The Committee desired to know about the objectives of this Forum. The Department of Commerce answered that as per the Terms of Reference of the India Pakistan Joint Business Forum, the following objectives were identified:

1. Developing a roadmap for increased cooperation and mutually beneficial contacts and partnership between the two countries at the business level.
2. Addressing issues pertaining to the:
 - i. Promotion of Trade and Investment
 - ii. Promotion of business alliances and possibilities for collaboration between Indian and Pakistani companies
 - iii. Development of synergies to explore business opportunities in third countries
3. Addressing sectors of mutual interest, like :-

- Engineering goods
 - Chemicals
 - Gems & Jewellery
 - Textile & Apparels
 - Petroleum and Petrochemicals
 - Energy
 - Handicrafts
 - Services like education, health, information & communication technology and tourism
4. Addressing other sectors of mutual interest in the areas of trade, investment and technological co-operation as considered relevant from time to time.

4.17 It is further informed that six meetings of the India Pakistan Joint Business Forum have been held, as per the details given below:

Meeting	Date	Venue
First Meeting	June 28, 2013	Islamabad
Second Meeting	October 11, 2013	New Delhi
Third Meeting	February 16, 2014	Lahore
Fourth Meeting	August 8, 2014	New Delhi
Fifth Meeting	July 28, 2015	Lahore
Sixth Meeting	May 3, 2016	New Delhi

The Forum has also set up the sectoral Task Forces, which are providing focussed recommendations to the Forum to improve bilateral cooperation between India and Pakistan

A. Trade Architecture with Pakistan

4.18 Bilateral trade with Pakistan is executed through both preferential and non-preferential routes. Since presently there is no bilateral trade agreement with Pakistan, the bilateral trade under non-preferential route takes place at MFN rates *i.e.* tariffs applied by a country on the import of a product from any country without any tariff preference. The preferential trade with Pakistan is executed through two preferential agreements [1] Agreement on SAARC Preferential Trading Arrangement [SAPTA] and [2] Agreement on South Asian Free Trade Area [SAFTA], to which both India and Pakistan are members. However, Pakistan has not extended MFN status to India. From 1982, they have followed the practice of announcing a list of items which can be traded with India.

4.19 During the 7th Commerce Secretary level talks in September 2012 in Islamabad, it was decided to further deepen the preferential arrangements under SAFTA and both sides developed a long term plan for this purpose. Elaborating upon the roadmap, the Commerce Secretary, while deposing before the Committee on 12 January, 2017 submitted as under:

“It was agreed that Pakistan would notify removal of restrictions on trade at the Wagah-Attari land route. That was the first element of the agreement. Thereafter India would bring down its SAFTA Sensitive List by 30 per cent before 2012 keeping in view Pakistan’s export interest. Thirdly, Pakistan was to transition fully to MFN, that is, non-discriminatory status for India by December, 2012. India would thereafter bring down its SAFTA Sensitive List of 868 items for non-LDC countries to 100 lines at six digit level by April, 2013. As India progressively notified the reduced Sensitive List, Pakistan was also required to simultaneously notify its dates of transition to bring down its non-LDC SAFTA Sensitive List of 1,169 products to a maximum of 100 tariff lines at six digit level within five years. The reductions were to be notified by Pakistan in equal measure for each year so as to complete the reduction to 100 lines before the end of 2017. Thus, before the end of 2017, both India and Pakistan were intended to have no more than 100 six digit tariff lines in their respective SAFTA Sensitive List *vis-a-vis* each other and before 2020 except for the small number of tariff lines under the SAFTA Sensitive Lists, the peak tariff rate for other tariff lines was to be brought down to not more than five per cent. However, Pakistan did not adhere to any of these commitments subsequent to moving to a negative list and, therefore, the roadmap was never implemented.”

4.20 Implementation of agreed roadmap of Commerce Secretary level talks held in Islamabad in September, 2012 was reviewed on 18th January 2014 during the meeting of the Commerce Ministers of both sides on the sidelines of the 5th SAARC Business Leaders Conclave held at New Delhi, wherein both Ministers reaffirmed the commitment of their Governments to expeditiously establish normal trading relations and in this context to provide Non-Discriminatory Market Access [NDMA], [new terminology coined by Pakistan for MFN] on a reciprocal basis. Both sides decided to intensify and accelerate the process of trade normalization, liberalization and facilitation and to implement the agreed measures.

4.21 As per the information furnished by the Ministry of Commerce and Industry, the Government of Pakistan has not adhered to its commitments of removing the trade restrictions on the land route, as well as the granting of MFN status to India, as agreed during the 7th Commerce Secretary level talks held in September 2012 at Islamabad. Further progress in improving

bilateral trade through the SAFTA process hinges on the fulfillment of commitments made by the Pakistan side.

4.22 Thus, Pakistan has not only acted as a hindrance in economic ties between India and Pakistan but also to the entire region. Since SAARC functions on the basis of consensus, the Committee wanted to know whether there are elements in trade relationships with other neighbouring countries that have been held hostage to our frosty ties with Pakistan.

4.23 The Department of Commerce responded that Pakistan does not allow transit of Indian exports to Afghanistan through its territory, which has been impacting such exports. However, Pakistan used to allow land access for Afghan exports to India, through Wagah-Attari border. Due to the recent closure of the land border between Pakistan and Afghanistan, by Pakistan, the access for Afghan exports to India has also been stopped, which is expected to adversely affect Afghanistan's exports to India.

4.24 During oral evidence before the Committee, the Commerce Secretary further reinforced the hindrance created by Pakistan in slowing down economic integration of the region by stating as under:-

“...in the context of the SAARC region, Pakistan has acted as the sole obstacle to improving connectivity by withholding consent to the Regional Railways Agreement and the Motor Vehicle Agreement. Mention may also be made of the fact that Pakistan has taken a narrow political approach to transit issues in respect of trade between India and Afghanistan. It is clear that Pakistan is more oriented towards China and the Middle East and undermines South Asia in terms of economic engagement. Within the SAARC, there is growing frustration even on the part of other members.”

Trade along LoC

4.25 The cross LoC trade is not considered as bilateral trade but rather as a confidence building measure. Cross LoC trade on Sringar-Muzaffarabad and Poonch-Rawalakot axis commenced on 21.10.2008. The trade is based on barter system in respect of 21 items on zero duty basis. Consequent upon increase in volume of trade, number of trading days was increased

from 2 to 4 days per week (*w.e.f.* 15.11.2011) The estimated trade value along Cross LoC Trade since 21.10.2008 till 31.10.2016 are Rs. 2778 crores (Export) and Rs. 2932 crores (Import).

4.26 On the Committee's query, the Department of Commerce based on inputs from Ministry of Home Affairs spelt out the items traded along as follows:

Items Allowed To Be Traded From Salamabad To Chakoti And Chakandabagh To Rawalakote

Exports From India

S.No.	Items
1.	Carpets
2.	Rugs
3.	Wall Hangings
4.	Shawls and stoles
5.	Namdas
6.	Gabbas
7.	Embroidered items including crewel
8.	Furniture including walnut furniture
9.	Wooden handicrafts walnut furniture
10.	Fresh fruits and vegetables
11.	Dry fruits including walnuts
12.	Saffron
13.	Aromatic plants
14.	Fruit bearing plants
15.	Dhania, Moongi, Imli and Black Mushrooms
16.	Kashmiri spices
17.	Rajmah
18.	Honey
19.	Papier Mache products
20.	Spring Rubberised Coir/Foam Mattresses, cushions, pillows and quilts
21.	Medicinal Herbs

Items Allowed To Be Traded From Chakoti To Salamabad And Rawalakote to Chakandabagh

Imports Into India

S.No.	Items
1.	Rice
2.	Jahnamaz and Tusbies

3.	Precious Stones
4.	Gabbas
5.	Namdas
6.	Peshawari leather Chappals
7.	Medicinal herbs
8.	Maize and maize products
9.	Fresh fruits and vegetables
10.	Dry fruits including walnuts
11.	Honey
12.	Moongi
13.	Imli
14.	Black Mushroom
15.	Furniture including walnut furniture
16.	Wooden handicrafts
17.	Carpets and rugs
18.	Wall hangings
19.	Embroidered items
20.	Foam mattresses, cushions and pillows
21.	Shawls and stoles

4.27 When asked about the regulatory mechanisms governing cross LoC trade, the Department of Commerce enumerated that the regulatory mechanism governing Cross LoC trade is the Standard Operating Procedures issued on 20.10.2008, 04.07.2012 and 12.07.2012 by the Ministry of Home Affairs. For the smooth functioning of the Cross LoC Trade, Trade Facilitation Centres (TFC) have been set up at both the trading points i.e. Salamabad, Uri and Chakan-da-Bagh, Poonch. An amount of Rs. 10 Crore each was sanctioned by the Ministry of Home Affairs for the 1st phase up-gradation of both the TFCs in 2011. Thereafter, an amount of Rs. 10.26 crore and Rs. 10.73crore have been sanctioned in 2016 for the 2nd phase up-gradation of TFC Chakan-da-Bagh, Poonch and TFC Salamabad, Uri respectively. In addition, the proposal for installation of Full Body Truck Scanner (FBTS) in Attari and other two trade facilitation centre on the Indo-Pakistan border is under consideration to mitigate the security concerns.

4.28 During their study visit at the ICP Attari, the Committee took a view of the genesis, functions and facilities there. Representative of Land Ports Authority of India informed the Committee that there was a lack of coordination between various agencies involved in customs,

immigration and there was evasion of tax duties, octroi etc. ICP was inaugurated with the mandate to develop, sanitize and manage the facilities for movement of passengers and cargo including systems to address security imperatives.

4.29 The Committee discern three trends in economic ties between India and Pakistan. First, the trade between the two countries *albeit* paltry, exhibits immense potential. Secondly, India has consistently maintained a substantial trade surplus with Pakistan over the years. Thirdly, even though bilateral trade is governed by preferential and non-preferential routes, the SAPTA agreement is an important mechanism for preferred bilateral trade between the two countries. It is disconcerting to note that the mismatch between India and Pakistan both in intention and approach towards normalization of relationship extends to trade and economic ties. While India has proactively taken a host of initiatives to bolster economic ties, Pakistan has adopted a parochial approach. Moreover, the existing political relationship, Pakistan's narrow economic approach towards India as well as the region and Pakistan's continued support to terrorism have acted as serious impediments to normalization of economic ties. Since the Government of Pakistan has not adhered to its commitment of removing the trade restrictions on the land route as well as reciprocating the Most Favoured Nation (MFN) status to India, as agreed at the 7th Commerce Secretary level talks in September, 2012 at Islamabad, further progress in improving the bilateral trade would now hinge on fulfilling the commitments made by Pakistan. The Committee, therefore, desire that all possible efforts should be made to persuade Pakistan for taking reciprocal steps of extending MFN status to India and removing trade restrictions on the land route as agreed in the 7th Commerce Secretaries talks. The engagement can be taken to a further level if Pakistan follows the preferential arrangements under South Asian Free Trade Area (SAFTA) and they allow transit of Indian exports to Afghanistan through its territory. The Committee would urge the Government of India to reach out to Pakistan to move out of its narrow approach and embrace the various positive steps taken by India as a responsible economic player in the region.

(Recommendation No 13)

4.30 The Committee observe that with the opening of the Integrated Check Post (ICP) Attari in 2012, the handling of trade between India and Pakistan has improved significantly. The Committee, however, find that there is a further need to improve the efficiency of the ICP through better technological handling. The Committee would particularly desire that the Land Ports Authority of India (LPAI) should fulfill its mandate to provide world class infrastructure and improved mechanization and technological penetration at ICP Attari. The Committee desire that the infrastructural impediments at ICP like limited storage space, lack of mechanized loading/unloading, loose cargo holding area etc. should be done away with on priority basis. The Committee also observe that there is an increased turnaround time for trucks due to manual loading and unloading of goods, lack of containerization of cargo and inadequate infrastructure for handling cargo coming through railways and, as such, desire that necessary steps should be taken to remove these impediments also. The Committee further desire that steps should be taken for the removal of restrictions on the number of items that can be freely exported through ICP and for the rationalization of non-tariff barriers like the plant quarantine, in consultation with Pakistan. So far as the facilities at ICP, Attari are concerned, the Committee express its dissatisfaction that despite earlier reminders, the procurement of full body truck scanners has been inordinately delayed and require that this be expedited. In addition, hand-held survey instruments, advance X-ray scanning machine for baggage and advanced pellet scanning equipment should be procured at the earliest because all these are essential for security purpose and to facilitate the smooth movement of goods across the border. The Committee had noted that such equipment is already deployed on the Pakistani side.

(Recommendation No 14)

II. CULTURAL DIMENSION OF THE RELATIONSHIP

4.31 India is widely recognized as an economic superpower. India and Pakistan share enormous cultural and civilizational commonalities. When asked about the role culture can play in cementing ties between the two countries, the Ministry of External Affairs stated that there is great yearning among the people of the two countries for closer and cooperative relations between the two countries. The Government believes in the promotion of friendly exchanges

and people to people contacts, including in the fields of art, literature, etc for fostering closer relations between the two countries. However, Pakistan's continued support to cross border terrorism against India has cast a shadow on all efforts to promote closer and friendlier relations between the two countries.

People to People contacts

4.32 Contacts between people are an essential element of cultural exchanges. For such contacts to happen the pre requisite is obtaining visa and proper travel documents. As per the Visa Agreement signed between the Government of India and Pakistan on 08.09.2012, the following Visas are granted to Pakistani nationals:-

- (1) Visitor Visa
- (2) Visa on Arrival
- (3) Business Visa
- (4) Group Tourist Visa
- (5) Entry and Exit

In addition to these , the following categories of visas are granted by India to Pakistan nationals as a unilateral measure:-

- (1) Visitor Visa to reputed Pakistani artists, including actors, musicials etc. visiting India for commercial performance.
- (2) Three Year Business Visa.
- (3) Student Visa.
- (4) Medical Visa/Medical Attendant Visa.
- (5) Group Pilgrim Visa to minority communities in Pakistan to visit religious places in India.

4.33 On the Committee's query regarding the granting of visa to Pakistani nationals on the basis of reciprocity, the Ministry of Home Affairs responded that in the visa agreement signed between the Governments of India and Pakistan, there is no provision to grant visas to Pakistani nationals on the basis of reciprocity.

4.34 The Ministry has informed that many Pakistani nationals, especially those belonging to minority communities migrate to India every year. When asked about the steps taken by the Government to facilitate their stay in India, MHA replied that the Cabinet in its meeting held on

13.7.2016, while approving the proposals contained in this Ministry's Cabinet Note dated 11.7.2016, authorized the Committee of Ministers to examine the proposals and finalize any further/ consequential changes that may be considered appropriate. Accordingly, a meeting was held under the Chairmanship of Hon'ble Home Minister on 14.7.2016 which was attended by External Affairs Minister, Finance Minister, Minister of Urban Development and Minister of Law & Justice in which a few changes to the proposals were approved.

4.35 Further, the Ministry also gave details about the Status of implementation of decisions

(1) Instructions were issued to State Governments/ UT Administrations on 19.8.2016 in respect of the following decisions:-

- (i) Permission to take up self-employment or for doing business.
- (ii) Issue of driving license.
- (iii) Allowing free movement within the State/UT.
- (iv) Permission to transfer of LTV papers from one State/UT to another State/UT.
- (v) Reduction in penalty on non-extension of short term visa/LTV on time.
- (vi) Permission to apply for LTV at the place of present residence.

(2) Following decisions were conveyed to the Ministries/Department concerned on 19.8.2016 for issue of notification/ instructions:-

- (i) Permitting opening of bank accounts (conveyed to Department of Economic Affairs/RBI).
- (ii) Permission for purchase of dwelling unit for self- occupation an suitable accommodation for carrying out self-employment (conveyed to Department of Economic Affairs/RBI).
- (iii) Issue of PAN Card (conveyed to Department of Revenue).
- (iv) Issue of Aadhaar number (conveyed to UIDAI).

4.36 On the Committee's query, the Ministry provided a database of such nationals. As per the IVRFT Online Visa Application System, LTV granted to Pakistani nationals during the last three years are given below:-

Year	No. of Pakistan nationals granted
2014	2779
2015	2142
2016	2298
Total	7219

4.37 With regard to the issue of medical visa, the Foreign Secretary, during evidence submitted as under:-

"Generally, we continue to issue them on a priority basis for patients and for their attendants and there is no significant change in the number of medical visas that we have issued in the last two years."

Religious Tourism

4.38 Religious Tourism constitutes an important factor in our relationship with Pakistan. However, it has fallen victim to tensions in our relationship. When asked about existing mechanism(s) for facilitating religious tourism between the two countries, the Ministry of External Affairs answered that a Protocol constituting an Agreement between India and Pakistan on Visit to Religious Shrines, signed in September 1974, provides for facilitating group tourism visas [up to 20 groups/ 'parties' per year] to visit a select list of religious places from each country.

4.39 The Government of India has unilaterally, in July 2015, provided Group Pilgrim Visa facility to minority communities in Pakistan including Hindus and Sikhs. A number of Pakistani minority community pilgrims take benefit of this facility to undertake religious pilgrimage to India. From India, the bulk of religious tourists to Pakistan include the Sikh *jathas* [of about 4000 pilgrims in two major groups per year] and a few hundred Hindus [of about 250 per year to Katas Raj temple complex per year]. From Pakistan about 11,000 visas are issued for pilgrimage purposes annually, mostly for members of the Bohra Community and the Ahmadiya. Bohras travel on visit visa [separate provision exists in visa guidelines] and the Ahmadiyas on pilgrimage visa.

4.40 In replying to the Committee's query on the need for expanding religious tourism, the Foreign Secretary stated as under:-

"we had some discussions on expanding religious tourism. The intention was to hold it alongside the comprehensive bilateral dialogue but since, as you are aware, the comprehensive bilateral dialogue did not take off, that also remains in limbo."

4.41 The Committee during its study tour to Amritsar visited Dera Baba Nanak and came across the long pending demand of people for establishment of an exclusive corridor from the Indian side to Gurudwara Kartarpur Sahib through which pilgrims can pay homage without any visa or passport. Gurudwara Kartarpur Sahib is located in Kartarpur, Narowal District in Pakistan and has immense religious significance for Sikhs all across the world, including India.

4.42 People to people contacts have been dodged whenever there has been a renewal of tensions between India and Pakistan. Consequently, there have been talks of ‘hardening our soft power and softening our hard power’ towards Pakistan.

4.43 India’s soft power capabilities are manifested globally in its rich cultural heritage, music, varied cuisines, traditional knowledge base and literature. The Committee are aware that India and Pakistan share mutually overlapping bonds of culture and tradition which has led to people to people contacts on a regular basis. The Committee further note that religious tourism between the two countries is regulated by a Protocol constituting an Agreement between India and Pakistan on Visit to Religious Shrines signed in 1974 and a significant number of pilgrims have been undertaking visits from both the sides. In this connection, the Committee urge the Government to explore the feasibility of a pilgrimage access to Gurudwara Kartarpur Sahib, particularly in the light of the 550th Prakash Parab in 2019.

The Committee feel that by building a robust bridge of mutual understanding and trust, people to people contacts can be a potent force in improving ties between the two countries in the long run. The role of ICCR and other relevant organizations can play a useful role in this regard. Further, such contacts would widen the peace constituency in both the countries. However, the Committee are disheartened to note that strained relations between the two countries have always cast a shadow on cultural exchanges. In the recent past, India has drastically reduced the number of visas issued to Pakistani nationals and strict limitations have been imposed in permitting visits of Indians. The Committee agree that the generous approach of the Indian Government in the past, permitting people to people contacts, has not yielded tangible gains in resolving the antagonism between the two neighbours. The Committee, however, feel that the Government should initiate fresh diplomatic measures at all relevant platforms with a view

to make Pakistan aware of the follies of its present policy towards India and persuade it to make the necessary course correction at the earliest. This would ensure that people to people contacts are resumed expeditiously to create a favourable atmosphere for dialogue and peace process.

(Recommendation No 15)

CHAPTER 5

REACTION/ROLE OF GLOBAL ACTORS & INSTITUTIONS

To comprehend the Indo-Pak relations in its entirety, it is imperative to look at the role of regional and global actors (like China, USA, Russia, Japan) and institutions (like United Nations). Immediately after independence, the relation/ties between India and Pakistan got embroiled in Cold War politics. While India pursued the policy of non-alignment, Pakistan got aligned to the US led bloc. However, with the changing international context, India stands better placed diplomatically culturally as well as economically.

I. THE GLOBAL MILIEU

A. Role of United Nations in Indo-Pak issues

5.2 In 1948, India made a reference to the UN under Article 35, which permits any member state to bring any situation, whose continuance is likely to endanger international peace and security, to the attention of the Security Council. On April 1948, the UN Security Council Resolution 467 was passed. By this resolution, the United Nation Commission for India and Pakistan (UNCIP) was established to ensure restoration of peace and order along with the holding of a plebiscite. However, the resolution also enumerated the pre-conditions for holding the plebiscite, which included Pakistan's withdrawal of tribesmen Pakistani nationals from the Indian State of Jammu & Kashmir. In the absence of the fulfillment of these pre-conditions, the resolution could not be fully implemented.

5.3 When asked about the role of the United Nations in Indo-Pak rivalry over the years, the Ministry of External Affairs answered that the Government has clearly articulated its stance that it is committed to resolving all outstanding issues with Pakistan bilaterally on the basis of the Simla Agreement and the Lahore Declaration and that there is no scope for any third party intervention/ mediation.

5.4 The Committee further desired to know about the various resolutions adopted by United Nations pertaining to the issue of Jammu & Kashmir . The Ministry of External Affairs enlisted the following details:-

Resolutions Adopted by UN Security Council	Subject
<u>S/RES/38 [1948]</u>	The India-Pakistan Question [requesting India and Pakistan to take measures to improve the situation in Kashmir]
<u>S/RES/39 [1948]</u>	The India-Pakistan Question [establishing a Commission on the India-Pakistan question]
<u>S/RES/47 [1948]</u>	The India-Pakistan Question [on restoration of peace and order and the plebiscite in the State of Jammu and Kashmir]
<u>S/RES/51 [1948]</u>	The India-Pakistan Question [directing the UN Commission for India and Pakistan to proceed without delay to the areas of dispute]
<u>S/RES/80 [1950]</u>	The India-Pakistan Question [deciding to appoint a UN representative for India and Pakistan and to terminate the UN Commission for India and Pakistan]
<u>S/RES/91 [1951]</u>	The India-Pakistan Question [deciding to appoint a UN Representative for India and Pakistan in succession to Sir Owen Dixon, who resigned]
<u>S/RES/96 [1951]</u>	The India-Pakistan Question [on a plan for the demilitarisation of the State of Jammu and Kashmir]
<u>S/RES/98 [1952]</u>	The India-Pakistan Question [on negotiations to reach an agreement on a plan of demilitarisation of the State of Jammu and Kashmir]
<u>S/RES/122 [1957]</u>	The India-Pakistan Question [on the final disposition of the state of Jammu and Kashmir]
<u>S/RES/123 [1957]</u>	The India-Pakistan Question [on negotiations on the India-Pakistan question]
<u>S/RES/126 [1957]</u>	The India-Pakistan Question [on negotiations on the India-Pakistan question and the visit of the UN Representative for India and Pakistan to the subcontinent]
<u>S/RES/209 [1965]</u>	The India-Pakistan Question [on an immediate ceasefire between India and Pakistan]
<u>S/RES/210 [1965]</u>	The India-Pakistan Question [requesting strengthening of the UN Military Observer Group in India]
<u>S/RES/211 [1965]</u>	The India-Pakistan Question [demanding immediate ceasefire and subsequent withdrawal of armed personnel]
<u>S/RES/214 [1965]</u>	The India-Pakistan Question [demanding that parties observe the cease-fire and calls for prompt withdrawal of military personnel]
<u>S/RES/215 [1965]</u>	The India-Pakistan Question [calling upon India and Pakistan to schedule troop withdrawal]
<u>S/RES/303 [1971]</u>	The India-Pakistan Question [deciding to refer the question on the situation in the India-Pakistan subcontinent to the 26 th Session of the General Assembly]
<u>S/RES/307 [1965]</u>	The India-Pakistan Question [demanding that a durable cease-fire be observed in the India-Pakistan question]

5.5 The United Nations Military Observer Group in India and Pakistan [UNMOGIP] was deployed in January 1949 to supervise, in Jammu & Kashmir, the ceasefire line between India and Pakistan under the Karachi Agreement of 1949. Subsequently, after the winding up of the office of the UNCIP, the Security Council, on March 30, 1951, by its Resolution 91 decided that UNMOGIP shall continue to supervise the ceasefire in the State.

5.6 On the Committee's enquiry, the Ministry of External Affairs apprised it about the current status of UNMOGIP by stating that India's stated position regarding UNMOGIP is that it has outlived its mandate following the Simla Agreement, under which both sides agreed to resolve all the outstanding issues bilaterally and the coming into effect of the Line of Control [LoC] which superseded the cease-fire line of the Karachi Agreement of 1949. Given the Government of India's position on the mandate of UNMOGIP, the activities of UNMOGIP are restricted to their respective locations on our side and they are not permitted to visit areas close to the Line of Control [LoC]. The UNMOGIP, which has been created through a UN Security Council Resolution, can be wound up once the 'India-Pakistan Question' is taken off the UNSC agenda.

5.7 As a country with strong faith in international law and the principles of United Nations, India made a reference to United Nations in 1948 following Pakistan's aggression in the state of Jammu & Kashmir. However, Pakistan's inability to abide by the conditions of UN Resolution 47 made things difficult on the ground. The Committee note that the United Nations Military Observer Group in India and Pakistan (UNMOGIP) was deployed in 1949 under the Karachi Agreement of 1949. The Committee observe that following the Simla Agreement of 1972, no resolution has been passed by the UN on the issue of Kashmir.

The Committee are of the firm opinion that after the signing of Simla Agreement and the coming into effect of the Line of Control, which superseded the cease-fire line of the Karachi Agreement of 1949, there is no scope for UN intervention on the issue of Indian State of Jammu & Kashmir. It has been made adequately clear that all outstanding issues between India and Pakistan need to be resolved peacefully and bilaterally in accordance with the Simla Agreement (1972) and the Lahore Declaration (1999). The

marginal role played by UNMOGIP and virtually no official UNSC resolution on Kashmir in the last four decades is a testimony to such a recognition. The Committee, however, feel that UN as a global organization with the primary objective of maintenance of international peace and security could serve as a useful platform, together with other multilateral bodies in highlighting India's concerns on Pakistani sponsored terrorism. Following the 9/11 attacks, global terrorism has emerged as a grave menace before the international community. India has been a victim of cross border terrorism for decades. The Committee would, therefore, urge the Government of India to reach out to various UN and other fora and highlight this problem of terrorism which has been imposed on us by our neighbour in defiance of all acceptable norms of international behaviour.

(Recommendation No 16)

B. Role of Major Actors

5.8 When asked about the role of major powers in Indo-Pak relations, the Ministry of External Affairs enumerated that the members of the international community, including the US, Russia, Japan and China are well aware of the Government consistent position that we are committed to resolving all outstanding issues bilaterally and peacefully on the basis of Simla Agreement and the Lahore Declaration and that there is no scope for any third party intervention. There is wide support for India's position.

5.9 Further, the international community, including the US, the UK, Russia, France and Japan have appreciated India's concerns with regard to cross border terrorism and the threat posed to regional and global peace and security from sanctuaries and safe havens in our neighbourhood. For instance, the Joint Statement issued during Prime Minister's visit to the US on June 26, 2017 inter alia stated that "the leaders called on Pakistan to ensure that its territory is not used to launch terrorist attacks on other countries." Earlier, on September 30, 2016, the Russian Ministry of Foreign Affairs had issued a statement inter alia stating that we hope that the Pakistani Government will take effective measures to stop the activities of terrorist groups in its territory. There has been international condemnation of the cross border terrorist attacks on India

and many countries openly supported India's counter terrorism operation of September 29, 2016 across the LoC.

5.10 The Committee enquired about the standpoint of the new US administration under President Donald Trump towards India-Pakistan ties. The Ministry stated that the US Government is well aware of India's consistent policy that there is no scope for third party intervention or mediation in India-Pakistan relations. During the visit of the Prime Minister to the US on June 25-26, 2017 the two sides, inter alia, discussed the situation in India's neighbourhood, especially with regard to terrorism. The Joint Statement issued on June 26, inter alia stated that "the leaders called on Pakistan to ensure that its territory is not used to launch terrorist attacks on other countries. They further called on Pakistan to expeditiously bring to justice the perpetrators of the 26/11 Mumbai, Pathankot and other cross border terrorist attacks perpetrated by Pakistan based groups." The US has also designated Syed Salauddin, the leader of Hizb-ul Mujahideen as Specially Designated Global Terrorist on June 26, 2017."

5.11 For instance, the US Deputy Spokesperson from their Department of State said [on September 29, 2016] inter alia: "We have repeatedly and consistently expressed our concerns regarding the danger that cross-border terrorism poses for the region, and that certainly includes the recent terrorist attacks in Uri. We continue to urge actions to combat and delegitimize, terrorist groups like Lashkar-e-Taiba, Haqqani Network as well as Jaish-e-Mohammed."

5.12 The Russian Foreign Office issued a statement on September 19, 2016 which stated that "We strongly condemn the terrorist attack against an army base in Jammu & Kashmir's Uri in the early hours of September 18.... Regarding the Pathankot Indian air base attack in January 2016, we are very concerned about the terrorist attacks near the Line of Control. We are also concerned about the fact that, according to New Delhi, the army base near Uri was attacked from Pakistani territory. We believe that this criminal act will be investigated properly, and that its organisers and perpetrators will be held accountable. We confirm our continued support for the Indian government's counterterrorism efforts." On October 1, 2016, the then Russian Ambassador to India Mr. Alexander Kadakin in an interview said that "Greatest human rights violations take place when terrorists attack military installations and attack peaceful civilians in India. We welcome the surgical strike. Every country has the right to defend itself."

5.13 India shares robust and strong ties with Russia. In 2010, both countries upgraded their relationship from “Strategic partnership” to “Special and Privileged Strategic Partnership”. On the Committee’s query on the increasing proximity between Pakistan and Russia, the Ministry of External Affairs emphatically pointed out that India and Russia enjoy time tested relationship and a ‘Special and Privileged Strategic Partnership.’ Such a strong and time tested relationship is independent of relations with any other country.

5.14 Recently, in a Statement issued by the Russian Ministry of Foreign Affairs on June 15, 2017, it was *inter alia* stated that “In connection with the reports appearing in the Pakistani media regarding the statement of the Official spokesperson of the Pakistan Foreign office about Russia’s alleged readiness to act as a mediator in the settlement of the issue of Jammu & Kashmir, we would like to emphasise that the Russian position remains principled and unchanged- the differences between Islamabad and New Delhi should be resolved by them on a bilateral basis in accordance with provisions of the Simla Agreement of 1972 and Lahore Declaration of 1999.”

5.15 With increasing strategic and economic engagement between Pakistan and China, particularly in the form of China-Pakistan Economic Corridor [CPEC]. The China-Pakistan Economic Corridor [CPEC] was announced officially during the visit of Chinese President Xi Jinping to Pakistan in April 2015. Some of the proposed projects under CPEC are in Pakistan Occupied Kashmir (PoK). The Government of India’s consistent position is that Pakistan has been in illegal occupation of parts of the Indian state of Jammu & Kashmir since 1947. The Government has conveyed to the Chinese side, including at the highest level, its concerns about their activities in PoK and asked them to cease these activities. Subsequently, the Pakistan military announced the setting up a Special Security Division [SSD] to protect the project. SSD would comprise two wings- the Northern Wing, with jurisdiction from the border with China at Khunjareb Pass till Rawalpindi and the Southern Wing, with security responsibility for rest of the country. SSD would be deployed in CPEC project areas to “guide and advice” civilian security agencies and act as “first responders” in cases of threats to critical CPEC projects.

5.16 China is assisting Pakistan in the development of the so-called ‘China-Pakistan Economic Corridor [CPEC]’. Some of the proposed projects under CPEC are in Pakistan occupied Kashmir [PoK]. The Government’s consistent position is that Pakistan has been in illegal occupation of

parts of the Indian state of Jammu & Kashmir since 1947. The Government has conveyed to the Chinese side, including at the highest level, its concerns about their activities in PoK and asked them to cease these activities. Government keeps a constant watch on all developments having a bearing on India's security and takes all necessary measures to safeguard it.

5.17 The Committee desired to be apprised of the geo-strategic implications of such engagement and our consequent strategy to deal with such fallout. In response, the Ministry stated that the Government is aware of China's assistance to Pakistan for various hydroelectric & nuclear projects, highways, motorways, ports, export processing zones and economic corridors in Pakistan. China also provides defence assistance to Pakistan, including training, defence equipment and technology.

5.18 The growing China-Pakistan nexus has been a major stumbling block for taking any substantive action against Pakistan sponsored terrorism at the international forum. In view of this proximity, the Committee desired to know whether India sees a possibility to convince China about the seriousness of the menace of cross border terrorism or is it a fait accompli now. The Ministry in a written reply responded that the issue of cross border terrorism is regularly taken up at various levels, including with China. India has, in particular, explained to China the rationale for the proposal to list Masood Azhar as a terrorist at the United Nations under resolution 1267, including during the India-China Strategic Dialogue in February, 2017. However, China has continued to block his inclusion.

5.19 For the third time in a row, China has used its veto power to block India's appeal to the United National to ban Jaish-e-Mohammad chief Masood Azhar, the alleged mastermind of the Pathankot attack. In this regard, the Committee sought to know the steps taken by the Government of India to raise this matter with China. The Ministry submitted that the Government's consistent position has been that Pakistan-based *Jaish-e-Mohammad* was listed in United Nations Security Council Resolution 1267/1989/2253 as far back as in 2001 for its well known terrorist activities and links to the *Al Qaeda*. The terrorist attack in Pathankot in January 2016 has shown that India continues to bear the consequences of not listing Masood Azhar as a UN recognized terrorists under UN Resolution 1267.

5.20 The Ministry further elaborated that the Government continues to have a dialogue with its international partners, including China, on this issue. It has been pointed out that China's position on listing of well known terrorists under 1267 Sanctions regime should be in consonance with its stated position on terrorism. In January 2017, three United Nations Security Council permanent members – the USA, the UK and France, along with Sweden - moved a fresh proposal to list *Jaish-e-Mohammad* chief Masood Azhar in the United Nations Security Council 1267 Sanctions Committee. China placed a technical 'hold' on the proposal. The fact that this application is being pursued by other countries and not by India alone, shows there is international support for this measure and concerns about Masood Azhar's activities.

5.21 Briefing the Committee on the growing China-Pakistan engagement, the Foreign Secretary submitted as under:-

“the co-operation between China and Pakistan on CPEC is assuming increasingly serious dimensions. That China, a country which is so sensitive to sovereignty slights itself, has chosen to disregard our position is something that warrants deep introspection. We are seeing other signs of growing closeness, including China's protection of Masood Azhar in the 1267 Committee in the UN, expanded nuclear cooperation in Chashma and Khushab, advancements in Pakistan's missile programme that has a long history of collaboration with China, and strong political support in international forums. We may well be poised for greater Pakistan-China strategic collaboration and should prepare for that eventuality.”

5.22 It is indeed heartening to know that there is a wide support from the international community for India's position *i.e.* peaceful resolution of all outstanding issues between India and Pakistan within a bilateral framework on the basis of Simla Agreement (1972) and the Lahore Declaration (1999) without any third party intervention or mediation. The Committee are also happy to learn that India's concern with regard to cross-border terrorism has been largely acknowledged and echoed by the international community. It is highly satisfying to observe the American recognition of the danger posed by terrorism, emanating from Pakistani soil. Through various statements and speeches, USA has urged Pakistan to take actions against various terrorist organizations like Lashkar-e-Taiba, Haqqani Network and Jaish-e-Mohammad and has called on Pakistan to expeditiously bring to justice the perpetrators of 26/11 Mumbai attacks, Pathankot and other terrorist

attacks. The designation of Syed Salauddin, the leader of Hizb-ul-Mujahideen as ‘Specially Designated Global Terrorist’ on June 26, 2017 is a much awaited result of India’s incessant efforts. The Committee are happy that India’s time tested friend Russia’s position *vis-à-vis* Indo-Pak conflict and the issue of Jammu & Kashmir has remained principled and unchanged *i.e* differences between the two should be resolved on a bilateral basis in accordance with Simla Agreement (1972) and Lahore Declaration (1999). The Committee however, observe that the China-Pakistan proximity has assumed worrisome proportions. It is quite inexplicable that a country so sensitive about sovereignty and territorial integrity has been oblivious about our sovereignty concerns on CPEC. It is worrisome to discern that some of the projects under CPEC are in Pakistan occupied Kashmir (PoK), a part of the Indian State of Jammu & Kashmir which has been in illegal occupation of Pakistan since 1947.

The Committee would urge the Government to continue its diplomatic outreach and political engagement to create a favourable international opinion on the threat posed by Pakistani sponsored terrorism to the region in general and to India in particular. The international community need to realize that the use of terrorism as a state policy by a nuclear-armed Pakistan is not only India’s problem also but also a grave global concern. The Committee would therefore, suggest that the Government deepen and widen our engagement with both the USA as well as Russia on this issue. The Committee would strongly recommend the Government to continue its outreach to China at diplomatic as well as political levels to express our deep concerns regarding CPEC. The Government should also continue the dialogue with its international partners, including China, for listing of Jaish-e-Mohammad chief Masood Azhar under the 1267 Sanctions regime of the UN Security Council till it is achieved.

(Recommendation No 17)

II. REGIONAL CONTEXT:

5.23 The complicated relation between India and Pakistan has played out in the South Asian region. When asked about the manner in which the issue of cross-border terrorism emanating from Pakistani soil has been taken up at the SAARC Forum, the Ministry of External Affairs

replied that bilateral aspects of the issue of cross-border terrorism are not taken up in a regional forum like SAARC, as according to the SAARC Charter bilateral and contentious issues are excluded from deliberations. However, our serious concerns on the menace of terrorism affecting India and the region as a whole have been raised forcefully under the mechanism of the meeting of Ministers/Secretaries of Home/Interior.

5.24 Additionally, India has been urging member States to take effective measures to ensure implementation of the SAARC Regional Convention on Suppression of Terrorism and the Additional Protocol in its letter and spirit, including enactment of enabling legislation at the national level to give effect to the provisions of these instruments.

5.25 In the wake of September 18 Uri attacks, India backed by five other SAARC states, declared its inability to participate in the 19th SAARC Summit to be held in Islamabad. In this regard, the Committee were inquisitive to know India's policy on evaluating BIMSTEC as an alternative regional bloc to SAARC. The Foreign Secretary, while giving testimony before the Committee, submitted:-

"Finally, on the SAARC versus BIMSTEC, I think, we frankly contrast too because if you look at the membership of BIMSTEC, today these are members who are talking development, economics, trade, connectivity, people to people relations whereas in SAARC because of one country, connectivity is blocked, MFN is not happening, visas are difficult to get, transit is blocked. So, BIMSTEC in a sense holds up a mirror on SAARC and drives home the point that India is not against regional cooperation. But India is frustrated with a country that is blocking regional cooperation in the name of politics at each and every step."

5.26 Further, the divergent interests of India and Pakistan have specifically impacted Afghanistan. Elaborating upon this aspect, the Ministry responded that India supports a stable, secure, peaceful, sovereign, united, democratic, plural and prosperous Afghanistan. In this context, India has been involved in extending assistance for economic and infrastructure development in Afghanistan. Over the past year, major projects like the Afghan Parliament building and the India-Afghanistan Friendship Dam, built with India's assistance, have been inaugurated and dedicated to the people of Afghanistan. Recently, on June 19, 2017 the Air Freight Corridor was made operational between Kabul and Delhi. This has been further extended between Kandahar and Delhi.

5.27 India also supports an Afghan-led, Afghan-owned reconciliation process in Afghanistan which also conforms to the internationally recognized red-lines, including severing ties from international terrorist groups, stopping violence, accepting the Afghan Constitution, honouring the rights of weaker sections like women and children, etc. In this context, it has been participating in various international forums for promoting peace, security and stability in Afghanistan, including the Heart of Asia –Istanbul Process, International Contact Group, Brussels Conference, Moscow talks, the Kabul Process.

5.28 On the issue of Pakistan being wary of our engagement with Afghanistan, the Foreign Secretary during oral evidence on 12th January, 2017 further stated:-

"Afghanistan will continue to remain an issue of contention. Pakistan is clearly paranoid about India's presence and activities. It is revealing while we have so many developmental projects in that country to our credit, Pakistan's only export has been terrorism. We do not intend to let this deter us. New commitments have been made to Afghanistan in rehabilitation and housing, irrigation works and training of Afghan personnel."

5.29 The Sixth Heart of Asia Conference was hosted by India in December 2016 at Amritsar, Punjab. The Ministry of External Affairs highlighted the takeaways of Asia conference stated that the 'Amritsar Declaration' adopted at the conference focused on countering terrorism to create stability and security in Afghanistan; providing Afghanistan connectivity to strengthen economic activities; and development, which is essential for the progress of Afghanistan. The Amritsar Declaration further recognized terrorism as the biggest threat to peace and stability and demands immediate end to all forms of terrorism; and end to all forms of support to it, including financing, safe havens and sanctuaries. It called for the early finalization of the draft Comprehensive Convention on International Terrorism and early meeting of experts to discuss a draft Regional Counter-Terrorism Framework Strategy.

5.30 The Amritsar Declaration also reiterated the strong support from the Heart of Asia countries for Afghanistan's efforts to use its geographic location to enhance wider regional economic cooperation. Specific initiatives in this regard, including the India-Iran-Afghanistan Trilateral Agreement on developing Chabahar, were acknowledged. During the Conference

various delegations expressed appreciation for the constructive role that India has been playing in supporting Afghanistan and its people in the past decade and a half.

5.31 The Committee feel that the tortuous relationship between India and Pakistan has geo-strategic and geo-political implications in the entire region. The Committee note that given the constraint of raising bilateral topics in a regional forum, India has raised the issue of cross-border terrorism under the mechanism of the meeting of Ministers/Secretaries of Home/Interior of SAARC Members. The Committee are of the considered opinion that by acting as a stumbling block in all major regional connectivity and developmental projects, Pakistan has made SAARC almost a dysfunctional regional grouping. The Committee appreciate that India's concerns over cross-border terrorism has found regional support and backing. The withdrawal of Bangladesh, Afghanistan and Nepal from the proposed SAARC summit in 2016 is testimony to Pakistani sponsored terrorism being recognized as a regional concern. The Committee would urge the Government of India to have constructive engagement with all the SAARC countries to take effective measures for the implementation of the SAARC Regional Convention on Suppression of Terrorism.

The Committee are well aware of India's constructive role in reconstruction and development of Afghanistan. It is difficult to comprehend Pakistan's paranoia about India's active role in Afghanistan. In addition to cross border terrorism in India, Pakistan has been supporting the Afghan Taliban, Haqqani Network and other terrorist groups. The Committee welcome the Amritsar Declaration adopted at the Sixth Heart of Asia Conference in December, 2016. The Committee would recommend that the Government of India continue its support for reconstruction and developmental efforts in Afghanistan.

(Recommendation No .18)

CHAPTER 6

MISCELLANEOUS

Apart from the numerous conflicting issues between India and Pakistan, there exist three other important aspects of this relationship that merit attention. These include sharing of water, humanitarian exchanges (including fishermen) and the Turkmenistan, Pakistan, Afghanistan India (TAPI) Pipeline.

I. SHARING OF WATER

6.2 Water has been another divisive issue between India and Pakistan. This issue largely revolved around sharing of the waters of the Indus River and its tributaries. The Indus Waters Treaty of 1960 forms the basis for sharing of water of Indus River and its tributaries flowing through the territory of India. This treaty was the result of over 8 years of painstaking negotiations carried out by India and Pakistan with the good offices of the World Bank. The Treaty was voluntarily accepted by the two sides as fair and equitable. The thoroughness with which it deals with various aspects of water sharing is a testimony to the hard work put in by the negotiators of both sides to produce an enduring framework for resolution, in a co-operative spirit, of the questions, differences or disputes that might arise in implementation of the Treaty, through bilateral means or use, if necessary, of the services of a neutral expert or a Court of Arbitration.

6.3 The Treaty assigned 80% share of water of the Indus system of rivers to Pakistan. The Treaty gave the use of Eastern Rivers (Sutlej, Beas and Ravi) – with a mean flow of 33 MAF – to India, while giving the use of the Western Rivers, viz. Indus, Jhelum and Chenab – with mean flow of 136 MAF – to Pakistan. Since Pakistan was dependent on water supplies from the Eastern Rivers until the 15th of August 1947, India also agreed to pay a sum of 62 million Pound Sterling to Pakistan to build replacement canals from the Western Rivers and other sources.

6.4 The Treaty also permitted limited use of water of Western rivers by India in terms of domestic use, non-consumptive use, agricultural use, generation of hydroelectric Power and storage. This use is subject to the conditions laid down in the Treaty to protect the interests of both countries. However, India is yet to use fully its entitlement to the waters of Western Rivers.

As against its storage entitlement of 3.6 MAF, India has built no storage so far. Out of the area of 1.34 million acres, permitted for irrigation, we are currently irrigating only 0.792 million acres. This includes 0.642 million acres which was already irrigated as on 1.4.1960, the date on which the Treaty became effective. Out of a total estimated potential of 18,653 MW, projects totaling 2324 MW installed capacity have been commissioned and those for 659 MW are under construction. In any case, even after India starts using its full entitlement of water from the Western Rivers under the Treaty, it will amount to no more than 3% of the mean flow in these rivers.

6.5 For implementation of the Treaty, a Permanent Indus Commission was created, with a senior and widely experienced Commissioner for Indus Waters from each side. The Commission is charged with the responsibility to establish and maintain co-operative arrangements for implementation of the Treaty, to promote co-operation between the Parties in the development of the waters of the Rivers and to settle promptly any question arising between the Parties. Each Commissioner for Indus Waters serves as a regular channel of communication in all matters relating to the implementation of the Treaty. It has so far undertaken a total of 118 tours, both in India and Pakistan, and has held 112 meetings. In the 105th meeting held in 2010, the Commission amicably resolved outstanding issues of Chutak HEP in Indus sub-basin and Uri II HEP on river Jhelum, besides the issues raised on the initial filling of the Baglihar HEP on river Chenab. Baglihar Project was adjudicated through a Neutral Expert appointed by the World Bank during 2005-07. Pakistan took the Kishanganga HEP Project to a Court of Arbitration under the Treaty provision in 2010. The Court of Arbitration ruled in favour of inter-tributary diversion of water subject to certain conditions.

6.6 When asked about the role of the World Bank in IWT, Ministry of External Affairs stated that the Indus Waters Treaty has been signed under the aegis of “the International Bank for Reconstruction and Development” (World Bank) for the purposes specified in Article V (Financial Provisions), Article X (Emergency Provisions) and Annexure F (Neutral Expert), Annexure G (Court of Arbitration) and H (Transitional Arrangements).

6.7 On the Committee's query regarding the specific role of World Bank in resolution of differences/disputes arising between India and Pakistan, the Ministry answered that Article IX of the Treaty deals with the settlement of differences and disputes. Any question which arises between the Parties concerning the interpretation or application of this Treaty or the existence of any fact which, if established, might constitute a breach of this Treaty shall first be examined by the Permanent Indus Commission under the Treaty, which will endeavour to resolve the question by agreement. If the Commission does not reach agreement on any of the questions mentioned above, provisions have been made for reference to a Neutral Expert under Annexure-E and a Court of Arbitration under Annexure-G.

6.8 The Committee further wanted to know whether India can unilaterally withdraw or abrogate the Treaty. The Ministry of External Affairs responded that Article XII of the Treaty provides that "the provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments." Further Article XII provides that "the provisions of this Treaty, or the provisions of this Treaty as modified under the provisions of Paragraph, shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments." The Government's consistent position has been that it remains committed to addressing all matters within the Indus Waters Treaty's purview bilaterally with Pakistan through appropriate mechanisms in accordance with the Treaty, till it is a Party to the Treaty. The Ministry further stated that the Government's consistent effort has been to ensure accelerated development of India's rights over the water resources in the Indus Basin under the Indus Waters Treaty.

6.9 The Government remains committed to fully utilize the waters in accordance with the provisions of the Indus Waters Treaty. In this context, a number of projects have been contemplated on the Eastern and the Western rivers which are at different stages of planning, investigation, appraisal, approval and execution. These include Bhakra Nangal Hydroelectric Project (River Sutlej) and Pong dam (River Beas) which have been successfully executed. Some other projects, such as Miyar Nallah H.E. Project (tributary of Chenab River), Lower Kalnai H.E. Project (on tributary of Chenab River), Pakal Dul H.E. Project (on tributary of Chenab River),

Kishenganga H.E. Project (on Kishenganga River, a tributary of Jhelum River), Ratle H.E. Project (on River Chenab) are at different stages of implementation.

6.10 Recent developments pertaining to IWT include adjudication of Kishanganga and Ratle Hydroelectric Project being constructed by India in Jammu & Kashmir. For resolving technical differences on Kishenganga and Ratle Hydroelectric Projects, India had requested the World Bank on October 4, 2016 to appoint a Neutral Expert as envisaged in IWT. Pakistan views the same 'differences' as 'disputes', and sought the establishment of a Court of Arbitration and sent its corresponding request to the World Bank on October 27, 2016. In the circumstances, India urged the World Bank to undertake more consultations on the matter, so that a legally untenable situation of two different mechanisms adjudicating the same matter could be avoided. The World Bank, however, initiated both the processes - appointment of a Neutral Expert and constituting a Court of Arbitration, simultaneously on November 10, 2016. There has been a delay on India's request to appoint a Neutral Expert while unreasonable and hasty timelines have been set on Pakistan's request.

6.11 The World Bank also offered on October 18, 2016 an extra-Treaty independent mediator for helping India and Pakistan choose from the aforementioned two modalities for difference/dispute resolution. The Government has strongly protested to the World Bank on the developments and also conveyed its grave concerns that these developments may raise serious questions regarding the workability of IWT. Consultations offered by the World Bank are ongoing.

6.12. During oral evidence before the Committee, the Foreign Secretary elaborated on the issue of workability of the Treaty as hereunder:-

"The key issue is the workability of the Treaty. It is very easy to say that the Treaty has stood the test of time or that we should be a responsible country and we should be careful about the statements we should make. I think we should also be objective about how this Treaty is working and how the Pakistanis have handled it and whether we have the courage to deal with that reality. If we decide that because something has lasted 70 years and it goes against us and we put up with it, that may be your thinking, it is not ours. So, the point I wish to make here is that the Pakistanis have used legal harassment techniques, they have taken minor issues and taken it to Court Of Arbitration with the

sole purpose of tying up the Treaty. They have not let the Commission function. I think a very serious look at the Treaty and its working is called for and I do not think this should be taken lightly."

6.13 As part of testimony before the Committee, Vice Air Chief Kapil Kak made a pertinent point on the issue of Indus Waters Treaty (IWT) India and Pakistan nurse many myths. Pakistan blames India on slow down of discharge from Western rivers, while the real cause of melting of glaciers due to global warming and mismanagement of waters by Pakistan

6.14 The Committee are aware that the Indus Waters Treaty of 1960, signed between India and Pakistan, forms the basis for sharing of water of the Indus river and its tributaries. As per the treaty, India has the right to use the Eastern Rivers (Sutlej, Beas and Ravi) while Pakistan would use the Western rivers (Indus, Jhelum and Chenab). The Treaty further permits the limited use of water of the Western rivers by India for the following purposes: domestic use, non-consumptive use, agricultural use, generation of hydroelectric power and storage. The Committee also observe that Article IX of the treaty deals with settlement of differences and disputes by the Permanent Court of Arbitration. Moreover, provisions have also been made for reference to a Neutral Expert and a Court of Arbitration. By withstanding various wars and hostilities, the Indus Waters Treaty has been widely perceived as one of the prominent examples of peaceful resolution of a dispute between the two sides. The Committee, however, observe that in this case Pakistan has also tried to stall the Kishanganga Hydroelectric Project on river Kishanganga and the Ratle Hydroelectric Project on River Chenab, but the Committee is happy to know that the World Bank has given the required clearance and further talks would continue in a positive direction. The Committee are of the opinion that there should be no vacillation in this regard and India should take a committed stand to fully utilize India's treaty rights, maintaining its workability and to go ahead with the proposed projects to utilize its share of water in accordance with the provisions in the Indus Waters Treaty.

(Recommendation No.19)

II. HUMANITARIAN EXCHANGES

6.15 Many fishermen have found themselves caught in the middle of the conflictual relationship between India and Pakistan. On being asked about the Ministry responsible for

apprehending fishermen across border, Ministry of External Affairs stated that the Pakistan Maritime Security Agency [PMSA] has been apprehending Indian fishermen who allegedly crossed over to the other side of the notional International Maritime Boundary Line (IMBL).

6.16 When asked about existing mechanisms to secure the release of detained fishermen in the two countries, the Ministry of External Affairs submitted that under the Bilateral Agreement on Consular Access, which was signed between the two countries on 21 May 2008, both sides exchange lists of prisoners, including fishermen in each other's custody on 1 January and 1 July every year. After obtaining consular access to the detained fishermen, their nationalities are confirmed and the fishermen are released on completion of their sentences.

6.17 The Committee further desired to know whether the Government maintains any database on registered fishermen across the coastal borders with Pakistan. The Ministry of External Affairs stated that no such database of Indian fishermen in the coastal districts of India is maintained by MEA.

6.18 On the Committee's query about the manner in which the fishermen issue has complicated the territorial dispute over Sir Creek, the Ministry of External Affairs stated early consular access, release and repatriation of prisoners, including fishermen has been regularly discussed between India and Pakistan. It may be note that as per the claims made by the Pakistan Maritime Security Agency [PMSA], most of the Indian fishermen are apprehended inside the Pakistani Exclusive Economic Zone [EEZ]. These does not, in any manner, relate to the delimitation of the land boundary in the Sir Creek area.

6.19 When asked about a status note on the India-Pakistan Judicial Committee on Prisoners, the Ministry stated that it comprises of retired High Court Judges from both sides to recommend steps for humane treatment of prisoners and fishermen and their expeditious release was set up in 2008. The 7th meeting of the India-Pakistan Judicial Committee on Prisoners took place from 25-31 October 2013 in India. The next visit is to be hosted by Pakistan. In June 2017, a suggestion has been made to Pakistan to revive the mechanism of Judicial Committee. Pakistan is yet to respond in the matter.

6.20 The Committee undertook a study visit to Diu and Porbandar and held discussions with the representatives of the Ministry of Defence, Ministry of External Affairs, Ministry of Home Affairs, Government of Gujarat, Coast Guard and local fishermen associations/families on the subject 'Indo-Pak relations' particularly on the maritime boundary related issues of the fishermen along the Gujarat coast

6.21 In Diu, the fishermen presented a common cause under the aegis of the Diu district Fishermen Association (DDFA). During the discussion, the Committee were informed that there is a decline in fish caught in Indian waters and good fishing grounds are located at disputed areas of the International Maritime Boundary Line (IMBL). Often, the boat owners pressurize the fishermen to venture deep into the sea to catch the economically important fishes like ribbon fish, shrimps, cuttle fish, reef cod, pomfret etc.

6.22 The Boat Owners Association made a representation before the Committee in Porbandar. They wanted the Government to announce a loan waiver scheme for fishermen. It should also finalize a "no-arrest" policy with Pakistan in order to safeguard the interest of the fishermen on both sides of the border.

6.23 The Committee note that fishermen of India and Pakistan intrude/stray into each other's territory in search of fish and as a consequence the security forces of both the countries apprehend them and confiscate their boats. The Committee have gone deep into the issues of fishermen and found that many actions are required to be taken on the part of the Government. The Committee have observed that Indian fishermen are often crossing the International Maritime Boundary Line (IMBL) due to non-enforcement of regulatory provisions with desired strictness. The Committee observe that there exists two mechanisms for humanitarian exchanges, the Consular Access Agreement of 2008 and the India-Pakistan Judicial Committee on Prisoners, but these are largely inoperative. It is highly unfortunate that the last visit of the Judicial Committee was held back in 2013.

The Committee observe that the issue of Indian fishermen crossing the IMBL encompasses three aspects economic, humanitarian and security. While the economic

aspect of the problem relates to providing social security and support to the families of arrested fishermen, the humanitarian aspect concerns the hardships faced by the arrested fishermen and the need for ensuring machinery which results in faster consular access and early release. The Committee observe that the security dimension of this problem is significant and requires timely remedial measures. The risk of an Indian fishing vessel being captured and commandeered by subversive forces as in 2008 is always alive. The Committee would like to draw the attention to a major loophole in the system. Fishermen are provided with subsidy by the State Government for installation of GPS system and distress alarm transmitters on their boats. Several times fishermen enter into Pakistani territory while switching off their GPS so that the boats are not tracked for surveillance. The Committee, therefore, desire that boats should be installed with GPS. This is necessary for the security surveillance by any agency. The Government should take all necessary steps to plug this security loophole.

The Committee maintain that the demand for a 'No Arrest Policy' is not in consonance with the sovereign rights of the States under United Nations Convention on the Law of the SEA (UNCLOS). The Committee, however, would recommend that the Government take additional measures to ensure early release of the arrested fishermen as the current machinery of redressal is not sufficiently responsive to the humanitarian interests of the fishermen. There is a discrepancy between the official figure and actual number of the fishermen arrested by Pakistan because the list of prisoners is exchanged twice a year and there are longer delays in consular access to the fishermen. The Committee therefore, desire that consular access and support should be provided in the shortest possible time and a person knowing the local language of fishermen should be sent for that purpose. The Committee would also insist the Government to ensure that the fishermen are provided insurance cover by the fishing boat owners and in case of their detention due to trespassing of territorial waters, the boat owners should be made liable towards social security of the arrested fishermen's family during the period when fishermen are in prison. The Committee also find that maximum number of boats captured by Pakistan are not released even after the release of fishermen. The Committee desire that the matter may be taken up with Pakistan for release of boats alongwith the released

fishermen. In this regard, the feasibility of using the sea route after the release may also be explored. There is an urgent need for robust arrangements with Pakistan on this issue.

(Recommendation No.20)

III. TAPI PIPELINE

6.24 TAPI is a natural gas pipeline. Once completed, it is expected to export up to 33 billion cubic meters of natural gas a year from Turkmenistan to Afghanistan, Pakistan and India over three decades. In November 2014, the Pipeline Consortium, TAPI Pipeline Company Limited (TPCL) was incorporated in Isle of Man, a British Crown dependency. On 13th December 2015, the Ground Breaking ceremony to start the work on the Turkmen leg of the Turkmenistan-Afghanistan-Pakistan-India (TAPI) pipeline was held at Mary, Turkmenistan.

6.25 There are a series of challenges TAPI faces that has raised serious concerns about its feasibility. When asked about the factors impeding the operationalisation of this project, the Ministry of External Affairs answered that the issues related to detailed route survey, security of the pipeline along the route, securing finances for the project as well as insurance costs for high risk areas of the pipeline. All of these are some of the major concerns for the project.

6.26 The Committee are aware that the Turkmenistan, Afghanistan, Pakistan and India (TAPI) pipeline is a proposed natural gas pipeline connecting Central Asia and South Asia. The construction of the Turkmenistan leg of the pipeline started in 2015. However, its progress appears tardy in view of several challenges. The Committee note that security, funding and geology-detailed route survey are major hindrances to the operationalization of this pipeline. In light of these challenges, the feasibility of this project has been questioned.

The Committee believe that the TAPI Pipeline Project will not only help in transporting gas but will also integrate the economically disconnected region and ensure the energy security of all the four countries. The Committee, would therefore, urge the

Government of India to continue constructive regional engagements for operationalization of this pipeline at the earliest.

(Recommendation No. 21)

CHAPTER 7

CONCLUSION: ROADMAP FOR FUTURE

The enduring aspect of the India - Pakistan relationship has been the persistence of mutual antagonism, mistrust and conflict. However, the larger truth that makes this relationship important for both the sides is the geographical contiguity of the two countries and long shaped history. Despite being tension ridden, both the countries have to be mindful of their presence in their vicinity. Their relationship has witnessed many ups and downs sailing through four wars, numerous ceasefire violations and crises.

7.2 The relationship between the two states is driven by multiple facets. The Committee in the previous chapters analysed the political, economic, strategic and cultural aspects. With its continuities in these dimensions, both the countries have witnessed fundamental changes as well. The Committee observe that over the past three decades, the relationship has been following a typical cyclical pattern of dialogue and suspension of dialogue in the aftermath of a major Pakistani sponsored terrorist attack. In this process, India has largely been in a reactive mode, compelled to break off the dialogue after each unacceptable attack. Keeping our national security considerations and interests in mind, the deteriorating relationship between the two countries is of profound concern and thereby calls for deep introspection.

I. Impediments to Normalization of ties

7.3 Despite numerous efforts of dialogue and peace process, sustainable peace between India and Pakistan has remained elusive. In the opinion of the Committee, there are various obstacles to the normalization of ties. The biggest hindrance in smooth ties between India and Pakistan has been Pakistan's use of terrorism as an instrument of state policy to destabilize India in general and the Indian state of Jammu & Kashmir in particular. There is a growing realization among the international community about Pakistan being the epicenter of terrorism in the world. The recent escalation in tensions is a fall out of mounted terrorists attack on India by terrorist groups and outfits operating from Pakistan. Moreover, Pakistan's strategy of deniability and claiming equivalence as a victim of terrorism appears nothing but an alibi for its inaction. Pakistani sponsored terrorism is not only a major threat to India but also to the entire region.

7.4 The competing and conflicting interest and territorial claims constitute another factor for continued hostility and suspicion. As mentioned in the second chapter, Siachen and Sir Creek along with Pakistan's interference in the Indian state of Jammu & Kashmir has been a major issue of disagreement between the two. While Siachen and Sir Creek are unsettled territorial disputes, however, Pakistan's unsupported claim to the Indian state of Jammu & Kashmir has been of constant irritation to successive Indian Governments. Historical facts and the Act of Accession clearly establish Jammu & Kashmir as an integral and inalienable part of India. Pakistan's involvement in fomenting unrest in Kashmir valley is a direct encroachment upon our territorial integrity and sovereignty, which any state will find impossible to tolerate. Pakistan's strategy to internationalize the issue of Jammu & Kashmir is in total contravention of the spirit of bilateralism enshrined in the Simla Agreement.

7.5 Pakistan's deep state (Army and the ISI) has vested interests in the continuation of the proxy war and these acts as the principal impediment to normalization between India and Pakistan. The military establishment's self-interest remains the key factor behind the continuity hindrances to peace. Chapter three elaborately discusses the role of Pakistan's premier intelligence agency- Inter-Services Intelligence(ISI) in undertaking various subversive activities in India with a two pronged objective of destabilizing India and hampering our secular fabric. The deep state's stake in continuing hostility has thwarted all attempts at peace. The military involvement of Pakistani Army in planning, strategizing and sponsorship of the proxy war helps maintain its domination in Pakistan's domestic architecture.

7.6 The fourth major impediment to a tension-free relationship between the two neighbours has been inadequate economic, cultural and civilizational links. Instead of expanding people to people contacts through visa relaxation, religious tourism, music, sports and arts; there has been contraction in cultural exchanges between people to people in all spheres of their lives. A system of economic interdependence and integration has been successful in preventing conflicts elsewhere. In the case of India-Pakistan, trading relations between the two countries have not been mutually beneficial on account of Pakistan not reciprocating India's grant of 'Most Favoured Nation' Status and imposing negative restrictions on imports from India. As a result the trade ties between the two countries have remained negligible.

7.7 The absence of a structured dialogue process act as another stumbling block. The two countries established dialogue process since 2004 under the rubric of Composite Dialogue and resumed Bilateral Dialogue. In 2015, the two sides agreed on the establishment of a Comprehensive Bilateral Dialogue (CBD). However, the Pathankot terrorist attacks had put it on hold. The dialogue process has followed an on and off process. Consequently, during escalation of tensions between the two countries during and after the Pathankot attack, the dialogue process, instead of defusing the situation, itself becomes dysfunctional. Still there are numerous informal channels of diplomacy which are operational throughout. However, their role during heightened conflictual situation has not been so effective.

7.8 The failure to learn lessons from the past has been another factor that derails the ties between the two countries. Pakistan has failed to learn that war and violence cannot offer any solution. Pakistan's policy of using terrorism as low intensity warfare against India is back firing on its own territory in the form of terrorist attacks. On being asked about the lessons learnt from the various wars fought between India and Pakistan, the Ministry of Defence stated the following:-

- (i) A greater alertness on the borders/cease fire line is essential.
- (ii) Gathering and transmission of intelligence about the enemy movements is very important.
- (iii) Strengthening of the training of our soldiers is required to withstand the rigours and horrors of wars.
- (iv) Keeping a young profile of the officers is essential to lead the troops and fight well.

Both India and Pakistan need to internalize the lessons from the past and act accordingly. During times of crisis, the vociferous jingoism and narrative of otherness has prevented the political class of both the countries to take a position. The relationship between the two is marked by public opinion stoked by a belligerent media, which has played an unconstructive role on both sides.

7.9 The growing nexus between China and Pakistan in the form of China Pakistan Economic Corridor (CPEC), increasing military, nuclear and missile development cooperation as well as

the prevention of UN sanctions on Pakistani sponsored terrorist outfits is adding to the complexity of the security dilemma in the region. Parts of the CPEC pass through PoK, which is part of Indian state of Jammu & Kashmir that is under illegal occupation of Pakistan. This has added to the security and sovereignty concerns of India.

Roadmap for the Future

7.10 India and Pakistan have been sharing a complex relationship between crises and dialogue. A quick solution between the two over their post-independence conflicts appears unlikely, until the various impediments to their relationship are not addressed. It is now widely acknowledged that bilateral dialogue in accordance with the Simla Agreement, reiterated in the Lahore Declaration, is the only agreed upon way to address all bilateral issues between India and Pakistan, including Jammu & Kashmir.

7.11 The use of terrorism remains the most unacceptable form of behaviour from the Pakistani Government. The onus is on Pakistan to act upon their 2004 commitment of not allowing its territory to be used against India and to respect the territorial integrity and sovereignty of India in the state of Jammu & Kashmir. In this context, the Foreign Secretary while giving testimony before the Committee submitted as under:-

"That it is important that we send a message that if our neighbour is doing all these atrocious acts, they cannot take our goodwill and generosity for granted. It is very important to send that message. We may have differences as to how we send those messages and it is legitimate also, but the sense that they have gamed us, they have predicted us, they know that they will do this and then the Indians will come back, I think, we should try and get over that. We have to break that sense that if they have behaved really badly with us, it is a costless action."

7.12 India's approach that terror and normalized ties cannot go hand in hand is a clear demonstration of two things. First, with the increased spate of terrorist attacks and no subsequent action by Pakistan despite presentation of ample evidence has pushed India to a point where it cannot compromise on its national security consideration at any cost. On the other hand, the failure of Pakistan to act against terrorists operating from its soil is a clear reflection of its civil-military equation with the dominance of the Pakistani Army, which is unwilling to give up its terrorism-based strategy against India.

7.13 The Committee are in complete agreement with the Foreign Secretary's stance of sending a strong message to Pakistan that by continuing the atrocious acts it cannot take India's goodwill and generosity for granted. Therefore, it is important to be consistent and to stay the course. At the same time, the Committee do feel that engagement at the cultural, sporting and humanitarian levels should continue. The issues of cultural contacts emerged as a "chicken and egg" problem, wherein some members of the Committee were of the opinion that cultural contacts need to be put on hold to put across the larger point that terrorism will not be tolerated and inaction on part of Pakistan for such acts would lead to closing of all channels of contact. However, a few members opined that despite the fact of hostility from the Pakistani deep state, cultural exchange should not fall prey to political relations between two countries. Taking a holistic picture, the Committee are of the considered opinion that cultural, sporting and humanitarian exchanges need to be approached from a broader perspective as this could emerge as one potential area of creating peace constituencies in both the countries.

7.14 While analysing Indo-Pak relations, the Committee have noted that both the neighbours share a complex and difficult relationship. Various outstanding issues between the two sides have led to immense animosity and distrust and thereby crippling initiatives to bring sustainable peace. The Committee are of the firm opinion that terrorism aided and abetted from Pakistan remains the fulcrum around which the relations revolve today. The fixation of Pakistan's deep state with destabilizing India through cross border terrorism appears to be the prime factor behind the persistence of adversarial relations between the two countries. Despite gloomy predictions about the inevitability of antagonism between India and Pakistan, the Committee are of the strong view that if proper diplomatic measures are taken by both the countries to address the present stumbling block (i.e. the absence of structured dialogue) and if there is more cultural and economic engagement, there is a hope for conflict resolution. For achieving success in this regard, there is an urgent need to clearly spell out short-term, mid-term as well as long-term policy, strategy and approach to Pakistan so as towards enable a synergetic response amongst various Ministries, involved in dealing with all aspects of our relationship with Pakistan. Such a policy must be clearly articulated to the Indian public, which has been bewildered by the repeated oscillations between friendship and hostility in recent years. The Government must evolve the modalities and framework for engagement on the basis of the Simla

Agreement of 1972 and the Lahore Declaration of 1999 and proceed in an incremental manner. Peace on the LoC, elimination of cross-border terrorism and genuine investigation and punishing the perpetrators of the Mumbai and Pathankot attacks could be the probable centre point of the agenda. For the dialogue process to restart Pakistan must abide by its 2004 commitment of not allowing its territory for use of terrorism against India and to realize that the goodwill and generosity of India cannot be taken for granted. Therefore, the Committee would recommend the Government to adopt a National Security Framework that would spell out our overall strategy and approach and also lead to a consistent policy guideline to act upon. The Framework should impart a much needed coherence and synergy to our policy *vis-a-vis* Pakistan.

Once this is done, the Committee feel that there is a need to widen and deepen cultural sporting and economic engagement, which in turn would create a more favourable environment for the resolution of bilateral political disputes. The Committee would recommend that the Government continue cultural, sporting, and humanitarian exchanges as these cannot permanently be held hostage to the irresponsible behavior of Pakistan.

(Recommendation No 22)

NEW DELHI
10 August, 2017
19 Shravana, 1939 (Saka)

DR.SHASHI THAROOR
Chairperson
Committee on External Affairs

**MINUTES OF THE SECOND SITTING OF THE STANDING COMMITTEE ON EXTERNAL
AFFAIRS (2016-17) HELD ON 18 OCTOBER, 2016**

The Committee sat on Tuesday, the 18th October, 2016 from 1430hrs. to 1700hrs. in Room No. 53, Parliament House, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Arka Keshari Deo
3. Shri Rahul Gandhi
4. Prof. Richard Hay
5. Shri Anant Kumar Hedge
6. Shri Raghav Lakhanpal
7. Shri Jose K. Mani
8. Shri Chhedi Paswan
9. Shri A. Anwhar Raajhaa
10. Shri Vishnu Dayal Ram
11. Shri Mohammad Salim
12. Dr. Mamta Sanghamita
13. Shrimati Supriya Sule
14. Shri Sharad Tripathi

Rajya Sabha

15. Shri Satyavrat Chaturvedi
16. Dr. Swapan Dasgupta
17. Shrimati Kanimozhi
18. Shri C.M. Ramesh
19. Dr. Karan Singh
20. Shri R.K. Sinha
21. Shri D.P. Tripathi

Secretariat

1. Smt. Jyochnamayi Sinha - Additional Director
2. Shri Janmesh Singh - Under Secretary

- | | | |
|----|--------------------------|--------------------------------|
| 1. | Dr. S. Jaishankar | Foreign Secretary |
| 2. | Shri Gopal Baglay | Joint Secretary(PAI) |
| 3. | Ms. Nutan Kapoor Mahawar | Joint Secretary (Parl & Coord) |
| 4. | Dr. Vinod K. Jacob | Director (PAI) |

MINISTRY OF EXTERNAL AFFAIRS

MINISTRY OF DEFENCE

- | | | |
|----|---------------------|--------------------------|
| 1. | Shri G. Mohan Kumar | Defence Secretary |
| 2. | Lt. Gen Bipin Rawat | Vice Chief of Army Staff |

MINISTRY OF HOME AFFAIRS

- | | | |
|----|--------------------------|-----------------------------|
| 1. | Shri M.K. Singhla | Special Secretary (IS) |
| 2. | Shri K.K. Sharma | DG, BSF |
| 3. | Shri M. Gopal Reddy | Additional Secretary |
| 4. | Shri Sudhir K. Saxena | Joint Secretary (IS-I) |
| 5. | Shri V. Shashank Shekhar | Joint Secretary (Police-II) |
| 6. | Shri Satyendra Garg | Joint Secretary (NE) |
| 7. | Shri Praveen Vashista | Joint Secretary (MHA) |

2. At the outset, the Hon'ble Chairperson welcomed the Members of the Committee and the representatives of the Ministry of External Affairs, Ministry of Defence and Ministry of Home Affairs to the sitting of the Committee to have a briefing on the subject 'Indo-Pak relations with specific reference to surgical strikes across the Line of Control (LoC)'. He also drew the attention of all to Direction (55)1 of Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. Thereafter, the Foreign Secretary briefed the Committee on various issues related to the subject and the impelling circumstances under which India was compelled to carry out surgical strikes across the border. The larger implications of these surgical strikes were also explained to the Committee. The representatives of the Ministry of Defence and Ministry of Home Affairs also put forth their depositions before the Committee.

4. The Members of the Committee then raised various queries related to the subject which *inter-alia* included the nature, scope and objectives of the surgical strikes; diplomatic initiatives

taken by India to garner international support for the strikes; Pakistan's continuing denials on the matter; Chinese response; and broad contours and limitations of strategic restraint policy, etc. The Foreign Secretary and the representatives of Ministry of Defence and Ministry of Home Affairs responded to the queries raised by the Members of the Committee.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON EXTERNAL
AFFAIRS (2016-17) HELD ON 12 JANUARY, 2017**

The Committee sat on Thursday, the 12th January, 2017 from 1400 hrs. to 1630hrs. in Room No. 53, Parliament House, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Prof. Richard Hay
3. Shri A.Anwhar Raajhaa
4. Shri Vishnu Dayal Ram
5. Shri P.R. Senthilnathan
6. Shri Sharad Tripathi

Rajya Sabha

7. Shri Satyavrat Chaturvedi
8. Dr. Swapan Dasgupta
9. Shri Chunnibhai Kanjibhai Gohel
10. Dr. Karan Singh

Secretariat

1. Smt. Jyochnamayi Sinha - Additional Director
2. Shri Janmesh Singh - Under Secretary

MINISTRY OF EXTERNAL AFFAIRS

1. Dr. S. Jaishankar - Foreign Secretary
2. Shri Gopal Baglay - Joint Secretary (PAI)
3. Smt. Nutan Kapoor Mahawar - Joint Secretary (Parl & Coord)
4. Shri Vinod K. Jacob - Director (PAI)

MINISTRY OF DEFENCE

1. Shri G. Mohan Kumar - Defence Secretary
2. Shri Ravikant - Additional Secretary
3. Shri Jiweish Nandan - Joint Secretary

MINISTRY OF HOME AFFAIRS

1. Smt. Sanjeevane Kuty - Secretary (BM)
2. Rajiv Jain - Director, Intelligence Bureau
3. Shri A.P. Maheshwari - ADG, Border Security Force
4. Shri Gyanesh Kumar - Joint Secretary (J&K)
5. Shri Mukesh Mittal - Joint Secretary (Foreigners)

6.	Shri Pradeep Gupta	-	Joint Secretary (BM-I)
7.	Shri Alok Kumar Mittal	-	IG, National Investigation Agency (NIA)
8.	Shri Rajiv Krishna	-	IG, Border Security Force (BSF)
9.	Shri Amit Nirmal	-	Director (BM-III)

DEPARTMENT OF COMMERCE

1.	Ms. Rita Teotia	-	Secretary
2.	Shri B.S. Bhalla	-	Joint Secretary

2. At the outset, the Chairperson welcomed the members of the Committee and the representatives of the Ministry of External Affairs (MEA), Ministry of Defence (MoD), Ministry of Home Affairs (MHA) and the Department of Commerce to the sitting of the Committee, convened to have a briefing on the subject 'India-Pakistan Strategic and Economic relations' in connection with detailed examination of the subject 'Indo-Pak relations'. The Chairperson also drew the attention of all the representatives to Direction (55)1 of Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. Highlighting the historical basis of Indo-Pak relations, the Foreign Secretary elaborated upon myriad aspects of India's relations with Pakistan which *inter-alia* included cross-border terrorism emanating from Pakistani soil; efforts to diplomatically isolate Pakistan at regional/international groupings; issues leading to the surgical strikes; consular access to Indian prisoners in Pakistan; review of the Indus Water Treaty; growing nexus between China and Pakistan; ongoing unrest in Kashmir; India's developmental projects in Afghanistan; connectivity agendas and security regimes; nuclear doctrines and policies of both the countries and its ramifications for the region.

4. Reflecting upon the economic and trade relations between the two countries, the Commerce Secretary enlightened the Committee on areas like Most Favoured Nation (MFN) status; trade surplus with Pakistan; SAARC Preferential Trade Agreement (SAPTA) and South Asian Free Trade Area (SAFTA).

5. The Representatives of the Ministry of Home Affairs threw light on various facets of border management *viz.* cross border infiltration, border infrastructure along international border and Line of Control (LoC); improved technological surveillance, weapons and equipment for security forces, border fencing; grant of visas to Pakistani nationals.

6. Thereafter, the members of the Committee raised various questions related to fields like development of tactical nuclear weapons by Pakistan; the Cold Start Doctrine; Turkmenistan-Afghanistan-Pakistan-India (TAPI) Pipeline Project; Joint Business Forum; physical safety of Pakistani nuclear weapons, materials and technology; religious and medical tourism; humanitarian exchanges/fishermen issue; takeaways from the recent Heart of Asia Conference held in Amritsar; backdoor channel diplomacy; status of the 26/11 trial going on in Pakistan and the Pathankot attack investigations; National Security Doctrine; human rights violations in Balochistan; existing non-tariff barriers between the two countries; perimeter security of the international border; modernization of integrated Check Post at Attari border; multiplicity of command forces; at borders subversive activities by Pakistan on the Indian soil and so on.

7. The representatives of MEA, MHA, MoD and the Department of Commerce responded comprehensively to the queries of the members. Before the Committee adjourned, the Chairperson directed the principal witness to furnish written replies on the points raised by the members to the Committee Secretariat at the earliest.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE ON EXTERNAL
AFFAIRS (2016-17) HELD ON 30 MARCH, 2017**

The Committee sat on Thursday, the 30 March, 2017 from 1510 hrs. to 1715 hrs in Room No. 62, Parliament House, New Delhi.

PRESENT

Dr. Shashi Tharoor - Chairperson

Members

LOK SABHA

2. Prof. Richard Hay
3. Shri Raghav Lakhanpal
4. Shri Vishnu Dayal Ram
5. Shri Mohammad Salim
6. Dr. Mamta Sanghamita
7. Shrimati Supriya Sule
8. Shri Sharad Tripathi

RAJYA SABHA

9. Shri Swapan Dasgupta
10. Shri D.P. Tripathi

SECRETARIAT

- | | | | |
|----|--------------------|---|-----------------|
| 1. | Shri P.C. Koul | - | Joint Secretary |
| 2. | Dr. Ram Raj Rai | - | Director |
| 3. | Shri Janmesh Singh | - | Under Secretary |

EXPERTS

1. Shri K.S. Bajpai
2. Lt. Gen. Syed Ata Hasnain (Retired)
3. Air Vice Marshal Kapil Kak (Retired)
4. Shri Vivek Katju

5. Prof. Satish Kumar

2. At the outset, the Chairperson welcomed the Non-official Witnesses/Experts to the Sitting of the Committee convened to avail their opinion in accordance with the Rule 331L of the Rules of Procedure and Conduct of Business in Lok Sabha for and in connection with the examination of the subject 'Indo-Pak relations'. He also drew their attention to Direction (55)1 of Directions by the Speaker, Lok Sabha pertaining to maintaining the confidentiality of the proceedings.

3. Thereafter, the five experts shared their views/suggestions on various facets of India-Pakistan relations which *inter-alia* included feasibility of political dialogue, deterrence capability, back channel diplomacy, implications of the recent surgical strikes, situation in Kashmir, Gilgit-Baltistan, China-Pakistan Economic Corridor (CPEC), Pakistan sponsored terrorism, probable solutions to the current impasse in relationship, people to people contacts, humanitarian exchanges, etc.

4. The members of the Committee then raised various queries impinging on issues such as role of regional and global actors in India-Pakistan relations, sustainability/outcome of Track II & III initiatives, steps taken to persuade international community about anti-India activities undertaken by Pakistan, etc. The experts responded to the queries raised by the members of the Committee. Before the Sitting concluded the Chairperson thanked the witnesses for their valuable inputs on the subject matter. The witnesses then withdrew.

The Committee then adjourned.

A verbatim record of the proceedings has been kept.

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON EXTERNAL AFFAIRS (2016-17) HELD ON 25 JULY, 2017

The Committee sat on Tuesday, the 25 July, 2017 from 1600 hrs. to 1715 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Dr. Sugata Bose
3. Prof. Richard Hay
4. Shri Vishnu Dayal Ram
5. Shri Mohammad Salim
6. Dr. Mamta Sanghamita
7. Shri Ram Swaroop Sharma
8. Shrimati Supriya Sule
9. Shri Sharad Tripathi

Rajya Sabha

10. Dr. Swapan Dasgupta
11. Shri Amar Singh

Secretariat

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Shri P.C. Koul | - | Joint Secretary |
| 2. | Dr. Ram Raj Rai | - | Director |
| 2. | Smt. Jyochnamayi Sinha | - | Additional Director |

MINISTRY OF EXTERNAL AFFAIRS

- | | | | |
|----|---------------------------|---|--------------------|
| 1. | Dr. S. Jaishankar | - | Foreign Secretary |
| 2. | Shri Munu Mahawar | - | JS (AMS) |
| 3. | Smt. Nutan Kapoor Mahawar | - | JS (Parl. & Coord) |
| 4. | Dr. Deepak Mittal | - | JS (PAI) |

2. At the outset, the Chairperson welcomed the members of the Committee and the representatives of the Ministry of External Affairs to the Sitting of the Committee, convened to have a briefing on the subject 'India and the new US Administration' to be followed by further evidence on the subject 'Indo-Pak Relations'. The Chairperson also drew the attention of all the

representatives to Direction 55 (1) of the Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX

4. XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX

5. Thereafter, the Committee took further evidence on the subject 'Indo-Pak Relations' Clarifications were sought on certain issues related to the status of India-Pakistan dialogue process, prospects of enhancing people to people contacts, Pakistan Occupied Kashmir (PoK), cooperation between Pakistan and China etc. The Foreign Secretary responded to the queries of the members.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON EXTERNAL
AFFAIRS (2016-17) HELD ON 10 AUGUST, 2017**

The Committee sat on Wednesday, the 10 August, 2017 from 1600 hrs. to 1100 hrs. in Committee Room - 2, Parliament House Annexe Extension Block-A, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Gurjeet Singh Aujla
3. Prof (Dr) Sugata Bose
4. Prof. Richard Hay
5. Shri Raghav Lakhan Pal
6. Prof. (Dr.) Mamta Sanghamita
7. Shri Ram Swaroop Sharma
8. Shrimati Supriya Sule

Rajya Sabha

9. Shri Swapan Dasgupta
10. Dr. Karan Singh

Secretariat

- | | | |
|---------------------------|---|---------------------|
| 1. Shri P.C. Koul | - | Joint Secretary |
| 2. Dr. Ram Raj Rai | - | Director |
| 3. Smt. Jyochnamayi Sinha | - | Additional Director |

2. At the outset, the Chairperson welcomed the members to the Sitting of the Committee.
3. The Committee took up for consideration the draft Report on the subject 'Indo-Pak Relations'. The members suggested some minor modifications in the draft Report. The Committee adopted the draft Report with these minor modifications.
4. The Committee then authorized the Chairperson to finalize the Report incorporating the suggestions made by the members and present the same to Parliament.

The Committee then adjourned.

Instrument of Accession executed by Maharajah Hari Singh on October 26, 1947

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 modifications 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 I, Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. 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 therefore, and for the purposes only of the Dominion, exercise in relation to the State of Jammu & Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as "the Act").
2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedules here to as the matters with respect to which the Dominion Legislature may make law for this State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State where by any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of the State, then any such agreement shall be construed and have effect accordingly.
5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.
6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their

expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to be a commitment in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.

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 October, nineteen hundred and forty seven.

Sd/-Hari Singh
Maharajadhiraj of Jammu and Kashmir State.

I do hereby accept this Instrument of Accession.

Dated this twenty seventh day of October, nineteen hundred and forty seven.

Sd/- Mountbatten of Burma
Governor General of India

27th October 1947

SCHEDULE

The matters with respect to which the Dominion Legislature may make laws for the State.

A. Defence

1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.
2. Naval, military and air force works, administration of cantonment areas.
3. Arms, fire-arms, ammunition.
4. Explosives.

B. External Affairs

1. External Affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.
3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
2. Federal Railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.
3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
4. Port quarantine.
5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made there under.
2. Offences against laws with respect to any of the aforesaid matters.
3. Inquiries and statistics for the purposes of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

Tashkent Declaration

January 10, 1966

The Prime Minister of India and the President of Pakistan having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-Continent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu & Kashmir was discussed, and each of the sides set forth its respective position.

II The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February, 1966 to the positions they held prior to 5 August, 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

III The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

V The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

VI The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as

cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII The Prime Minister of India and the President of Pakistan have agreed that the sides will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.

IX The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the U.S.S.R. for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this Declaration.

Sd /-

LAL BAHADUR
Prime Minister of India.

M.A KHAN, F. M.
President of Pakistan.

Tashkent, 10 January 1966.

Simla Agreement July 2, 1972

July 02, 1972

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:-

I. That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

II. That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

III. That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;

IV. That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means;

V. That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;

VI. That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that;

I. Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights.

II. Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.

III. Trade and co-operation in economic and other agreed fields will be resumed as far as possible.

IV. Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. In order to initiate the process of the establishment of durable peace, both the Governments agree that:

I. Indian and Pakistani forces shall be withdrawn to their side of the international border.

II. In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line.

III. The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.

IV. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

5. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Sd/-
(Indira Gandhi)
Prime Minister
Republic of India

Sd/-
(Zulfikar Ali Bhutto)
President
Islamic Republic of Pakistan

Simla, the 2nd July, 1972

1994 Parliamentary Resolution on Jammu & Kashmir

This House notes with deep concern Pakistan's role in imparting training to the terrorists in camps located in Pakistan and Occupied Kashmir, the supply of weapons and funds, assistance in infiltration of trained militants including foreign mercenaries into Jammu and Kashmir with the avowed purpose of creating disorder disharmony and subversion:

Reiterates that the militants trained in Pakistan are indulging in murder, loot and other heinous crimes against the people, taking them hostage and creating an atmosphere of terror;

Condemns strongly the continued support and encouragement Pakistan is extending to subversive and terrorist activities in the Indian state of Jammu & Kashmir;

Calls upon Pakistan to stop forthwith its support to terrorism, which is in violation of the Simla Agreement and the internationally accepted norms of inter-State conduct and is the root cause of tension between the two countries;

Reiterates that the Indian political and democratic structures and the Constitution provide for firm guarantees for the promotion and protection of human rights of all its citizens;

Regards Pakistan's anti-India campaign of calumny, and falsehood as unacceptable and deplorable.

Notes with deep concern the highly provocative statements emanating from Pakistan urges Pakistan to refrain from making statements which vitiate the atmosphere and incite public opinion Expresses regret and concern at the pitiable conditions and violations of human rights and denial of democratic freedoms of the people in those areas of the Indian State of Jammu and Kashmir, which are under the illegal occupation of Pakistan;

On behalf of the People of India,

Firmly declares that:

- a) The state of Jammu & Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means;
- b) India has the will and capacity to firmly counter all designs against its unity, sovereignty and territorial integrity; and demands that -
- c) Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression; and resolves that -
- d) All attempts to interfere in the internal affairs of India will be met resolutely.

The Resolution was unanimously adopted, Mr. Speaker: The Resolution is unanimously passed.

February 22, 1994

Lahore Declaration February, 1999
February 02, 1999

Joint Statement ||| Memorandum of Understanding

The following is the text of the Lahore Declaration :

The Prime Ministers of the Republic of India and the Islamic Republic of Pakistan:

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;

Recognizing that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co- existence

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Committed to the objective of universal nuclear disarmament and non-proliferation;

Convinced of the importance of mutually agreed confidence building measures for improving the security environment;

Recalling their agreement of 23rd September, 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Have agreed that their respective Governments:

- shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.

- shall refrain from intervention and interference in each other's internal affairs.
- shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.
- shall take immediate steps for reducing the risk of accidental or unauthorised use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.
- reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realisation of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.
- reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.
- shall promote and protect all human rights and fundamental freedoms.

Signed at Lahore on the 21st day of February 1999.

Atal Behari Vajpayee - Prime Minister of the Republic of India

Muhammad Nawaz Sharif - Prime Minister of the Islamic Republic of Pakistan

Joint statement

The following is the text of the Joint Statement issued at the end of the Prime Minister, Mr. A. B. Vajpayee's visit to Lahore:

1. In response to an invitation by the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, the Prime Minister of India, Shri Atal Behari Vajpayee, visited Pakistan from 20-21 February, 1999, on the inaugural run of the Delhi-Lahore bus service.
2. The Prime Minister of Pakistan received the Indian Prime Minister at the Wagah border on 20th February 1999. A banquet in honour of the Indian Prime Minister and his delegation was hosted by the Prime Minister of Pakistan at Lahore Fort, on the same evening. Prime Minister, Atal Behari Vajpayee, visited Minar-e- Pakistan, Mausoleum of Allama Iqbal, Gurudawara Dera Sahib and Samadhi of Maharaja Ranjeet Singh. On 21st February, a civic reception was held in honour of the visiting Prime Minister at the Governor's House.
3. The two leaders held discussions on the entire range of bilateral relations, regional cooperation within SAARC, and issues of international concern. They decided that:

The two Foreign Ministers will meet periodically to discuss all issues of mutual concern, including nuclear related issues.

- The two sides shall undertake consultations on WTO related issues with a view to coordinating their respective positions.
- The two sides shall determine areas of cooperation in Information Technology, in particular for tackling the problems of Y2K.
- The two sides will hold consultations with a view to further liberalising the visa and travel regime.
- The two sides shall appoint a two member committee at ministerial level to examine humanitarian issues relating to Civilian detainees and missing POWs.

4. They expressed satisfaction on the commencement of a Bus Service between Lahore and New Delhi, the release of fishermen and civilian detainees and the renewal of contacts in the field of sports.

5. Pursuant to the directive given by the two Prime Ministers, the Foreign Secretaries of Pakistan and India signed a Memorandum of Understanding on 21st February 1999, identifying measures aimed at promoting an environment of peace and security between the two countries.

6. The two Prime Ministers signed the Lahore Declaration embodying their shared vision of peace and stability between their countries and of progress and prosperity for their peoples.

7. Prime Minister, Atal Behari Vajpayee extended an invitation to Prime Minister, Muhammad Nawaz Sharif, to visit India on mutually convenient dates.

8. Prime Minister, Atal Behari Vajpayee, thanked Prime Minister, Muhammad Nawaz Sharif, for the warm welcome and gracious hospitality extended to him and members of his delegation and for the excellent arrangements made for his visit.

Lahore,

February 21, 1999.

Memorandum of Understanding

The following is the text of the Memorandum of Understanding signed by the Foreign Secretary, Mr. K. Raghunath, and the Pakistan Foreign Secretary, Mr. Shamshad Ahmad, in Lahore on Sunday:

The Foreign Secretaries of India and Pakistan:-

Reaffirming the continued commitment of their respective governments to the principles and purposes of the U.N. Charter;

Reiterating the determination of both countries to implementing the Shimla Agreement in letter and spirit;

Guided by the agreement between their Prime Ministers of 23rd September 1998 that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Pursuant to the directive given by their respective Prime Ministers in Lahore, to adopt measures for promoting a stable environment of peace, and security between the two countries;

Have on this day, agreed to the following:-

1. The two sides shall engage in bilateral consultations on security concepts, and nuclear doctrines, with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict.
2. The two sides undertake to provide each other with advance notification in respect of ballistic missile flight tests, and shall conclude a bilateral agreement in this regard.
3. The two sides are fully committed to undertaking national measures to reducing the risks of accidental or unauthorised use of nuclear weapons under their respective control. The two sides further undertake to notify each, other immediately in the event of any accidental, unauthorised or unexplained incident that could create the risk of a fallout with adverse consequences for both sides, or an outbreak of a nuclear war between the two countries, as well as to adopt measures aimed at diminishing the possibility of such actions, or such incidents being misinterpreted by the other. The two side shall identify/establish the appropriate communication mechanism for this purpose.
4. The two sides shall continue to abide by their respective unilateral moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty decides that extraordinary events have jeopardised its supreme interests.
5. The two sides shall conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides.

6. The two sides shall periodically review the implementation of existing Confidence Building Measures (CBMs) and where necessary, set up appropriate consultative mechanisms to monitor and ensure effective implementation of these CBMs.

7. The two sides shall undertake a review of the existing communication links (e.g. between the respective Directors- General, Military Operations) with a view to upgrading and improving these links, and to provide for fail-safe and secure communications.

8. The two sides shall engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral fora.

Where required, the technical details of the above measures will be worked out by experts of the two sides in meetings to be held on mutually agreed dates, before mid 1999, with a view to reaching bilateral agreements.

Done at Lahore on 21st February 1999 in the presence of Prime Minister of India, Mr. Atal Behari Vajpayee, and Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif.

(K. Raghunath)

Foreign Secretary of the Republic of India

(Shamshad Ahmad)

Foreign Secretary of the Islamic Republic of Pakistan