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Article 370 (Kashmir): A Comparative Study with West Bank, Israel

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ABSTRACT

“KASHMIR” as a subject in India evokes a sense of insurgency and consistent skirmish. The area has always been a bone of contention between two countries that is India and Pakistan. With the constant bloodshed and identity politics being played in the area the people as well as, both the countries on a larger end suffer on economic, political, social as well as humane terms.

There were three major wars of 1947, 1965 and 1999 (Kargil War) which were fought for Kashmir and protection of Indian borders. India in the past has had a defensive approach, with this agenda and to secure the people of Kashmir and provide them with their autonomy, Article 370 was inserted in the constitution that was recently abrogated in view for further integration of the Jammu and Kashmir natives.

Israel and India recently have developed a nuanced understanding of the diplomatic relationship. But history shows that both countries have been drastically different in their approach while dealing with their conflict zones.

Historically, West bank (Israel) has been a struggle point for Palestinians and Israelis. Palestinians in this area also contest for their identity to be recognized. The area has seen several wars. West Bank became a part of Israel after six days war from Jordan. Since then there has been an identity crisis. Palestinians have been contesting for the land of West Bank.

Both these countries have had their share of struggles for a peaceful solution which is yet to be determined.

I. INTRODUCTION

Kashmir and West Bank have both been extremely relevant as they are disputed territories and also because the prolonged struggle has now become a concern for the international community.

In the case of the Kashmir issue, there have been various attempts from international agencies

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(United Nations) and other countries (Such as USA, Russia) to be the conciliatory party in kick-starting the dialogue. These attempts have turned futile because of the parties involved in the issue focusing at resolving the dispute mutually. The USA, on the other hand, had proactively provided a ground for Palestine and Israel which had fallen apart and led to a war between the two states.

Both these conflicts have given rise to three wars which led to destruction on both the sides. Both these countries have their own policies of dealing with their issue. Hence this project would help in getting a policy in place to deal with both their dispute. The first part discusses historical development of Kashmir and West bank, following which the second part examines the constitutional provisions mentioned with respect to both the states, thereafter the final part as a form of conclusions draws a comparison between the states based on such constitutional provisions, as well as studies the extent at which these provisions so envisaged has proved to be a boon for the states or an achilles heel.

II. HISTORY OF KASHMIR

Currently, the ‘Valley of Kashmir’ denotes an area which includes Kashmir (referred to as Indian occupied Kashmir), Azad Kashmir (referred to as Indian occupied Kashmir by Pakistani) and Aksai Chin which is China occupied Kashmir after the Indo–China war of 1962.³ For India Jammu and Kashmir consist of Jammu, Kashmir and Ladakh where Kashmir is located between the Pir Panjal range and Zaskar range.⁴

The reference of Kashmir is in the legends of Rajaturangini and Nilmat Puran, it is said that Rishi Kashyap drained off the water of the lake making way for mountain Khadiyar and Baramula emerging as paradise.⁵ Kalahan dynasty was amongst the longest reigning dynasties in Jammu and Kashmir for over 100 kings starting from 2448 BC to 1101 AD.⁶ Islamic rulers entered Kashmir in 14th and 15th century AD ruler Zain-ul-Abidin, continued to rule until Akbar occupied Kashmir.⁷ Jammu from 1733 to 1782 was annexed by Gulab Singh from Dogra King Ranjit Singh. The forthcoming generation of Ranjit Singh which included Ranbir Singh from 1857-1985, Pratap Singh from 1885-1925 and Raja Hari Singh from 1925-1952 ruled until the dispute between Indian and Pakistan arose. At the end when the question of Kashmir choosing a country arrived, there was a unique feature to this

³Christopher Snedden, *Understanding Kashmir And Kashmiris* (2nd edn, Oxford University Press 2015).

⁴Paul TV (ed), *Map: Jammu and Kashmir* in , *The India-Pakistan Conflict: An Enduring Rivalry* (Cambridge University Press 2005)

⁵J C Aggarwal and S P Agarwal, *Mordern History Of Jammu And Kashmir* (2nd edn, Concept Publishing Company 1995).

⁶ *Id.*

⁷ *Id.*

area. It was a Muslim dominated area with a Hindu ruler.

In December 1885 there was a war between the Sikh and British Forces.⁸ Gulab Singh did not help the Sikh Forces in their combat against the British Forces which resulted in their first victory of Anglo Sikh War in 1886. The action of the Gulab Singh's forces was recognized by the British, so they converted the land of Kashmir into cash by selling it to Gulab Singh who was originally the ruler of Jammu through a Treaty of Lahore by Brevet Major Henry Lawrence.⁹

In the 1930s when there was a growing turmoil in the state of Kashmir, Sheik Mohammad Abdullah returned from Aligarh voiced his needs for a political party, which led to a formation of 'Muslim Conference'. The name of the party was eventually changed to 'National Conference Party'. This was a result of Glancy's recommendation in April 1932, which was made after the arrest of various political leaders including Sheik Abdullah. This resulted in public outrage and protesters arrest including their leaders due to which the public mobbed the police stations and jails eventually leading to violence against Hindus also.¹⁰

In October 1947, Poonch rebels along with Pashtun's from North West Frontier Province of Pakistan were recruited to invade Kashmir in order to coerce Raja Hari Singh on joining Pakistan.¹¹ Instead of a favorable outcome for Pashtun's, Maharaja Hari Singh appealed to the Indian Government for help. The Governor General of India Lord Mountbatten agreed to the appeal on the condition that Kashmir becomes a part of India.¹² This was also because Kashmir was an independent state; help to Kashmir by putting Indian troops would amount to getting militarily involved in an international controversy. On the other hand, the protection of Kashmir on account of self-defense was acceptable. So, after the instrument of accession was signed by the Maharaja the Indian army was flown in and drove the Pakistan sponsored Pashtuns and Poonch rebels out but a small part of the state still acceded.¹³ During the emergency, Sheikh Abdullah became the head of the state though he stressed that the current situation was an ad hoc situation.¹⁴

Following a Pakistan's contestation on the instrument of accession, the Prime Minister of India took the matter to the United Nation. This resulted in the formation of United Nations Commissions for India and Pakistan and the Security Council passed a Resolution 47 on 21st

⁸Snedden, *supra* note 1.

⁹*Id.*

¹⁰Victoria Schofield, *Kashmir In Conflict* (IB Tauris 2010).

¹¹Arif Jamal, *Shadow War* (Melville House 2009).

¹²Burton Stein, *A History Of India* (Oxford UnivPr 2009).

¹³White Paper on Jammu and Kashmir 1948.

¹⁴Mohammad Abdullah and Khushwant Singh, *Flames Of The Chinar* (Penguin Books 1995).

April 1946. The commission and resolution specified that it was necessary to have the opinion hence a plebiscite was mandated.¹⁵ The condition for the plebiscite was that there shall be the withdrawal of troops from both ends after that United Nation would conduct a free and fair plebiscite.¹⁶ This did not hold relevance because both countries did not withdraw their troops.¹⁷

The dispute between the two countries did not fizzle out but gave rise to three major wars namely Indo Pak War of 1947, Sino India War 1962 and Indo Pak War of 1971. Indo Pak of 1994, was the first war between the two countries which resulted in parts of Kashmir (Azad Kashmir & Gilgit Baltistan) falling into the hands of Pakistan. The second major war between the two countries was following Operation Gibraltar which was designed by the Pakistani forces to infiltrate in Jammu and Kashmir.¹⁸The intervention by the Soviet Union and the United States of America resulted in the Tashkent Declaration which was a peace agreement after which there was a cease-fire agreement between the two countries.¹⁹

The third war of 1971 was a war for the freedom of East Pakistan which is currently Bangladesh. This was a result of operation searchlight which was to curb the growing Bengali nationalist movement in East Pakistan; this was countered by operation Chengiz Khan launched by Indian forces.²⁰ This had resulted in rampant violence by the forces of Pakistan which resulted in the uprising of Mukti Bahini.²¹ This resulted in Simla Pact which was an unconditional surrender by the forces of Pakistan forces.

These remained historically the most important wars. Kargil war of 1999 was more contemporary in nature which was again a result of Pakistani sponsored infiltration in the Indian Territory though diplomatically Pakistan kept denying it.

III. HISTORY OF WEST BANK

The territory of West Bank is a kidney-shaped land on the bank of river Jordan, where the southern area is dry and rough whereas the northern area is fertile which use to be an important part of Palestine.²² The life in this revolves around the city of Hebron which houses large Muslim population, the center focuses on Jerusalem which is more cosmopolitan area

¹⁵ *Id.*

¹⁶Resolution 1949.

¹⁷*Id.*

¹⁸David R Higgins, *M48 Patton Vs Centurion* (Osprey Publishing).

¹⁹Peter Lyon, *Conflict Between India And Pakistan: An Encyclopedia (Roots Of Modern Conflict)*(ABC-CLIO Interactive 2011).

²⁰Sumit Ganguly, *Conflict Unending* (Columbia University Press 2002).

²¹ŞiddīqSālik., *Witness To Surrender* (University Press 1997).

²²AhronBregman, *Cursed Victory* (Penguin Books 2016).

and the people in the northern part are more politically conscious and patriotic.²³

The formation of the state of Israel was a result of Zionist and the anti Seminst movement. The Zionist movement was where the leaders of the Jews contended to have a Jewish homeland was a result of the Anti Semite movement. The antisemite movement provided growth to the discriminatory treatment towards Jews gave rise to these tendencies.

In, 1517-191the area was under the control of the Ottoman Empire under Syria, which was eventually captured by the British after the First World War.²⁴ British withdrew from Palestine after 30 years, later a war broke out between the neighbors and the residents of the area to declare the state an independent state.

In 1947, propose the division of Palestine including West Bank and Gaza strip between Arab and Jews, making the area around Jerusalem as a part of International Regime.²⁵ A day before the expiration of the partition plan the state of Israel declared Independence, President Harry Truman of United States of America recognized the state as an independent state.²⁶ This resulted in the war between Isreali and Arabs in 1948.²⁷ In 1950, the attack continued Jordon annexed the territory of West Bank which was only recognized by the United Kingdom.²⁸

The war which followed was a six-day war in 1967 between Egypt and Syria. West Bank and East Jerusalem were captured by the Israeli forces which imposed its citizenship laws, civil laws, and administration on the area.²⁹

Oslo Accord came into existence in the year 1994 where the Palestinian Authority and Jericho became the first states under its control. This declaration was signed by the head of the states in Washington D. C. during the presidency of Bill Clinton. This came to an end as there was a denial by the Palestinian forces to adhere to the accord so it resulted in the occupation of other territories by the Israeli government.³⁰

IV. ARTICLE 370 AND ITS IMPLICATIONS

Jammu and Kashmir is an integral part of the Indian Territory that is the reason why the

²³ *Id.*

²⁴ *Id.*

²⁵ 'West Bank | History - Geography' (Encyclopedia Britannica, 2018) (9 November 2018). <<https://www.britannica.com/place/West-Bank>>

²⁶ *Id.*

²⁷ Cablegram from the Secretary-General of the League of Arab States to the Secretary-General of the United Nations 1948.

²⁸ Announcement in the UK House of Commons of the recognition of the State of Israel and also of the annexation of the West Bank by the State of Jordan. 1970.

²⁹ West Bank, *supra* note 23.

³⁰ 'West Bank | Encyclopedia.Com' (Encyclopedia.com, 2018) (5 October 2018) <<https://www.encyclopedia.com/places/asia/west-bank-and-gaza-political-geography/west-bank>>

Indian government invests a huge amount of money into its security and well being. Due to its geographical and historical stands, the state is surrounded by various controversies. So, in terms of the Constitution also the state had a different legal status than the others.

Earlier when Article 370 was in effect, it provided the state with the autonomy to have its own laws except for three subjects which are external affairs, communication and defense which are in the hands of the center.³¹ This was also a transitional and a temporary provision.

The special features of this article consisted of:

- Greater autonomy and power is given to the state
- Centre jurisdiction in the state is limited to the other state.³²

This status of the article 370 has remained in a continual phase of ³³evolving proactively; thus being defined time and again. Article 370 also empowered the President define the constitutional relationship with the state.

The center also had the power to forego the provision. This power was not exclusive to the President but would have taken place only when the Constitutional Assembly of the state passed a recommendation for the same.³⁴

The article 370 did not stand alone but was coupled with article 35A which provides special rights and privilege to the permanent citizens of Kashmir in scholarships, public sector jobs, public aid, welfare etc.³⁵ This article was incorporated by the order of then President Rajendra Prasad in 1954 following an order signed between Sheikh Abdullah and Jawaharlal Nehru. This order was passed under article 370 (1) (d) of the Constitution.³⁶ It is contended by many that the Parliamentary way of getting an amendment by article 368 was violated while bringing about the article in discussion. Consequently a question pertaining to the same, was raised in the case of Puranlal Lakhanpal v The President of India. The court with the bench of five judges had decided that the President has the power to modify any article which in this case implied article 370.³⁷

These articles come into question following the Anantnag military incident. A writ petition was filed by the Non-Governmental Organization We the Citizen. The plea was filed on the

³¹The Constitution of India 1950. art 370.

³² *Id.*

³³S M S Naqishbandi v ITO, Salary, Circle [1971] Supreme Court (Supreme Court).

³⁴ *Id.*

³⁵The Constitution of India 1950. art 370.

³⁶Krishnadas Rajagopal, 'What Is Article 35A?' The Hindu (2017) <<https://www.thehindu.com/news/national/what-is-article-35a/article19567213.ece>> .

³⁷PuranlalLakhanpal v The President of India [1961] Supreme Court of India (Supreme Court of India).

grounds that the change brought about in the constitution without the use of article 368 is a total transition whereas the judgment of the Supreme Court only allows for a modification in the law. The argument levied by article 370 and 35(a) creates a class amongst the class of the Indian citizens. On the other hand, the political parties in the state of Jammu and Kashmir are hell-bent on protecting its autonomy.³⁸ Ex-Chief Minister of Jammu and Kashmir and leader of the opposition Omar Abdullah said that there will be no tricolor in the valley if the government tries to take away the autonomy of the state by scraping Article 370 and 35 (a).³⁹ The concerns were also raised regarding the Muslim majority in the valley. The separatist leaders had called out for a shut in the valley following the proceedings in the court.⁴⁰

V. PRESENT STATUS OF ARTICLE 370

On 5th August, 2019, Article 370 was scrapped from the constitution of India with major changes in force. The Jammu and Kashmir Reorganisation Bill was passed with the following changes which mentions that, the Order supersedes The Constitution (Application to Jammu and Kashmir) Order 1954, thus abrogating separate “Constitution” per se, wherein all the provisions of the constitution shall apply unequivocally to Jammu and Kashmir which has now been converted to separate Union territories provided with separate legislatures.⁴¹ Similarly Ladakh has been carved out as another Union Territory with an exception of separate legislature of its own. Article 35(A) has been eliminated to remove existing gender disparity whereby a Kashmiri woman shall enjoy the right to retain her ancestral property if married to an Indian who is a non-resident of Kashmir.⁴² Furthermore, the overhauling inconsistency in being debarred from purchasing a property in a Kashmiri land shall be restored and the opportunity to settle and purchase the same shall be available to all.

Jammu and Kashmir’s “special status” has always been a point of contention for many. The sudden alteration and modification was brought about by the Bharatiya Janata Party owing to increased number of border conflict by virtue of their topographical limit where the natives fell victims to unending destruction and conflict. With an intention to put a halt on existing unnecessary chasm between citizens of Kashmir and the rest of India as well as to salvage

³⁸Express Web Desk, 'What Is Article 35A?' Indian Express (2018) <<https://indianexpress.com/article/what-is/what-is-article-35a/>>

³⁹News18, 'Article 35A LIVE: Supreme Court Adjourns Hearing, CJI Says Only 3-Judge Bench Can Decide Matter' (2018) <<https://www.news18.com/news/india/article-35a-live-supreme-court-adjourns-hearing-to-august-27-1834895.html>>

⁴⁰*Id.*

⁴¹ET Online, 'Article 370 and 35(A) revoked:How it would change the face of Kashmir.' (2019) <<https://economictimes.indiatimes.com/news/politics-and-nation/article-370-and-35a-revoked-how-it-would-change-the-face-of-kashmir/articleshow/70531959.cms>>

⁴² Hemendra Acharya, 'Opinion: Benefits of Abrogation of Article 370' (2019) <<https://indianewengland.com/2019/10/opinion-benefits-of-abrogation-of-article-370/>>

their failing economy, the removal of article 370 seemed like a necessity.⁴³

However the decision of the government to scrap article 370 gave way to much discussed debates and arguments with opponents and proponents put forwards sharply dividing opinions. The opponents called an overnight change as unconstitutional as the modifications required due consent of the state government that was neglected and completely overlooked making it illegal at the face of it. They alleged that a hasty decision taken without negotiation and during such period when the administration of Jammu and Kashmir did not have a popularly elected government was unconstitutional.⁴⁴ the decision met with utmost criticisms from the Congress party where Mr. P Chidambaram, a senior leader from the opposition Congress party called the move as a “catastrophic step” and expressly stated that, “future generations will realise what a grave mistake this House is making today.”⁴⁵ The opponents feared a considerable shift of a demographic character of the Muslim-majority region by allowing non-kashmiris to buy a land where they were debarred earlier from the previous provision of Article 35(A).⁴⁶

The status quo did more destruction than preservation of the distorted land by establishing separate rules and regulations which thus called for an abrogation. An initiative to take relevant measures highlights the importance of Kashmir’s constitutional status and a constant effort by the Indian Government to restore the beautiful land into normalcy and providing them their due share of peace, freedom and exuberance. However in pursuit of the same, for a country that builds its values on a democratic foundation has to make further amendments to gain approval from the residents of the disputed land who is caught between two stools of flourishing as a nation together and safeguarding their identity from being diluted. Therefore such issues needs to be addressed and solutions for the same needs to be provided at the earliest.

VI. CONSTITUTIONAL STATUS OF WEST BANK

After the war of 1967, Israel had occupied Palestine and more than a million Palestinians

⁴³K.Venkataramanan, ‘Explained. How the status of Jammu and Kashmir is being changed’ (2019) <<https://www.thehindu.com/news/national/other-states/explained-how-the-status-of-jammu-and-kashmir-is-being-changed/article28822866.ece?homepage=true>>

⁴⁴Abrogation of Article 370 has now become a fate accompli. Should be accepted? (2020)<https://www.newindianexpress.com/nation/2020/jan/24/abrogation-of-article-370-has-now-become-fait-accompli-should-be-accepted-centre-to-sc-2093904.html>>

⁴⁵ Soutik Biswas, ‘Article 370. What happened with Kashmir and why it matter?’ (2019)<<https://www.bbc.com/news/world-asia-india-49234708>>

⁴⁶ Abrogation of Article 370 has now become a fate accompli. Should be accepted? (2020)<https://www.newindianexpress.com/nation/2020/jan/24/abrogation-of-article-370-has-now-become-fait-accompli-should-be-accepted-centre-to-sc-2093904.html>>

were brought under the occupation of Israel.⁴⁷ The Hague convention of 1907 states that there should be adequate respect to the laws and customs of war on land⁴⁸, the Geneva Convention Related to the Protection of Civilian Persons in the time of War of 1949 states operative laws of armed conflict.⁴⁹ The fourth Geneva Convention to which Israel is a party to considers that a territory is occupied once it is placed under the hostile army.⁵⁰ The articles of the same provisions that deal with the occupying state must ensure legitimate power and ensure public order and safety while respecting. Hence the International Court of Justice has recognized the Israeli settlement as illegal.⁵¹

The International Court of Justice has ruled:

“The territories situated between the Green Line and the former eastern boundary of Palestine under the mandate was occupied by Israel in 1967, during the armed conflict between Israel and Jordan. Under the customary International Law, the court observed these were therefore occupied territories in which Israel had the status of occupying Power. Subsequently, events in these territories have done nothing to alter the situation. The court concludes that all these territories remain occupied territories and that Israel has continued to have the status of the occupying power.”⁵²

The Ministry of Foreign Affairs had defined West Bank as a disputed territory because the territory had been occupied during from a recognized foreign state. Although none of the countries earlier use to support the occupationist tendencies of West Bank by Israeli state but a change has been seen with the introduction of United States embassy in Jerusalem and the support that the United States gave in the general assembly to Israel on account of shifting its capital from Tel Aviv to Jerusalem which is a disputed land. Narendra Modi also became the first prime minister to visit Israel and Benjamin Netanyahu became the first prime minister to visit India.

So, the International community can be seen to be warming up towards the country due to the economic and scientific power it has amassed.

⁴⁷United Nation, The Legal Status Of The West Bank And Gaza (United Nation 1982) <<http://https://unispal.un.org/DPA/DPR/unispal.nsf/0/9614FC82DCAA5DF852575D80069E0C0>>

⁴⁸The Hague convention of 1907.

⁴⁹The Geneva Convention Related to the Protection of Civilian Persons in the time of War of 1949.

⁵⁰The fourth Geneva Convention 1949.

⁵¹Adam Roberts, 'Prolonged Military Occupation: The Israeli-Occupied Territories Since 1967' (1990) 84 The American Journal of International Law.

⁵²Conséquences Juridiques De L'édification D'un Mur Dans Le Territoire Palestinien Occupé ([International Court of Justice] 2004).

VII. COMPARISON OF INDIA AND ISREAL'S APPROACH

The two states have been compared here because both these states have disputed lands which have attracted international attention. Both of these states aim at solving this problem by having a mutual dialogue process. The countries recently have also increased their mutual dialogue with reference to the project signed between these countries to provide military and agricultural assistance. Also, India is a safe haven for the Jews and historically has been. India houses one of the largest Jewish population and Jewish travelers. Both these countries have been quite similar in their struggle to their survival with their volatile neighbors and the consistent growth.

In terms of the dispute where the land of Kashmir has been legitimately taken by its previous ruler has a legal backing to it by the instrument of accession, the Israeli government has occupied the territory by war and has not adhered to Geneva Convention. Both these places have reported large human right violation as well as high terrorist and separatist activities.

India on hand had provided Kashmir with Article 370 and 35A to safeguard their autonomy which was promised to them during their accession. Through this, the Indian government had respected the laws and the historic ties of the state. After Armed Forces Special Power Act, the court had also recognized the human rights violation in the area and has the order to have trail and quashed the protection which is guaranteed to the military under the AFSPA. Even today the abrogation of Article 370 has been done to promote social amalgamation of the residents with a view of a better Kashmir to them.

Israeli's, on the other hand, has not given rights to the Palestinian citizen. Israel recently proposed a law to make Israel into a Jew state through which it will give a second-class citizenship to the non-Jew community. Israel has given rights to all citizens to settle themselves in the disputed area of West Bank. The Israeli government, on the other hand, encourages settlement in the disputed area with a distant perspective to make the homogeneous population into a heterogeneous one. So, that the demands of the natives can be overlooked as democracy is a number game.

VIII. CONCLUSION AND SUGGESTION

The problems of both these states reaches a dead-end at the face of it. However such rigid obstacles can be done away with by taking a reference of the policies between the Kashmir and West Bank. The policies of Indian government have adhered to its historic as well as the contractual obligation to the state. But as the Indian government has taken into account equality amongst equals and multiculturalism, there has been no compelling action by the

central government on the state.

Abrogation of Article 370 opens window to investment policies that was a forgotten shot by virtue of previously existing Article 35(A). The tourism sector considered to be the backbone of Kashmir took a heavy toll as being in a conflict-zone area can now be finally restored. The missing link to agricultural industries will get its due recognition by shooting the market through its unique products mainly consisting of fresh fruits vegetables and exotic brands of dry fruits.⁵³ The revocation is anticipated to boost tourism, reform educational and health policies, uplift the tribal communities, establish local self governing bodies, promote transparency and accountability that did not exist as a result of ancestral autocratic leadership, control the rise of militancy insurgency groups and allocate separate budgetary propositions to Ladakh as a separate Union Territory. However the question of democracy proves to be the ultimate bone of contention. The revocation has not been duly welcomed by the residents and the opponents on grounds of being unconstitutional and biased. The government thus needs to incorporate measures for a peaceful execution of the plan by winning the faith of Kashmiri people that has been a victim of cross border conflict and raised in an extremely violent atmospheres. Communication shutdown, imposing restrictions on the locals, arbitrary arrests, security lockdown, calling a curfew and creating a tense environment with our neighboring countries will defeat the purpose of such legislations. The socio-economic condition of the valley of Kashmir has to increase so as to instill a sense of reliability in the center. The people of Kashmir are not too sure of the central government policies, but in terms of suggestion for the problem of Jammu and Kashmir, people should be given some time after which the process of instilling faith for a positive change and consistency should put the wheel of development in motion.

In the start as a major economic activity of the state is tourism, the major agenda of the state government should be to maintain law and order. Once that is achieved the government should focus on economic investments, at last they should consider the removal of AFSPA in the area and curb their their arbitrary use of power as found in the the case of manipur where the Supreme Court ended AFSPA impunity in lieu of gross human rights violations.⁵⁴ Once the youth of the area has sufficient jobs generated post due interaction and social amalgamation with the rest of the Indian citizens that perspective towards the central government shall improve. The current status of the state is of military outpour. Once this has

⁵³Abrogation of Article 370 has now become a fate accompli. Should be accepted? (2020)<https://www.newindianexpress.com/nation/2020/jan/24/abrogation-of-article-370-has-now-become-fait-accomplishould-be-accepted-centre-to-sc-2093904.html>>

⁵⁴ Extra Judl.Exec. Victim Families, vs. Union of India & Anr 129 (SCC. 2016)

been achieved then the policy by Israeli government to have a settlement in the area can be provided.
