

ALL INDIA POLITICAL PARTIES MEET

SBSMUN 2019



**SITUATION IN PULWAMA WITH
SPECIAL EMPHASIS ON ARTICLE 35A**

LETTER FROM THE EXECUTIVE BOARD

Dear members of the AIPPM,

My name is Sanya Puri and it is with great pleasure that I welcome you all to the All India Political Parties Meet, SBS MUN 2019. I have recently given my class 12 CBSE board exams and am looking to attend college at Delhi University. I have been involved in Model UN since I was in school, I attended my first conference in grade 8.

I hope that the three days of the conference will be full of intense discussions and deliberations regarding pressing issues.

I expect every member to have accurately researched their positions and role in committee ahead of time. Background research is extremely important for a fruitful debate and a successful committee. Furthermore, I expect each one of you to have impeccable diplomatic conduct in terms of diplomatic courtesy and lobbying. It is important to realise that MUN is a learning experience above all.

While the background guide will be providing an overview of the agenda at hand, each one of you will need to do substantial research to deal with these issues and to be able to find concrete solutions for the same.

I will try my best to guide you throughout the conference, so feel free to contact me with any questions or queries. You can easily reach me at sanyapuri.12@gmail.com.

Looking forward to seeing you all in committee.

Best of luck,

Sanya Puri

Moderator, All India Political Parties Meet

RULES OF PROCEDURE

The All India Political Parties Meet neither adheres to parliamentary rules of procedure nor MUN rules of procedure. The committee will have its own independent set of rules of procedures which are subject to circumstantial change(s).

PROCEDURAL CONSTRUCT

- Members have the liberty to speak in either Hindi or English
- All documentation of the committee has to be in English.
- All the committee members will be invited to give their introductory statements for which the default time period has been set at 90 seconds. The speaker can yield his/her time in three ways which are as follows:
 - Yield to comments
 - Yield to points of information
 - Yield to the chair

ESTABLISHING SESSIONS IN COMMITTEE

The sessions that are established in committee can be of two types:

- **PUBLIC SESSIONS:** The time period of a public sessions varies between 15 to 30 minutes. However, the individual speakers time will remain 60 seconds. The public session will take place in the presence of the media and outside observers. Every word that is spoken by the different representatives during this session will be enshrined in public record, thereby it can be subjected to public critique.

- **MODERATED PRIVATE SESSION:** All the exchanges that will take place in the moderated private sessions will be out of reach of the media and outside observers. Essentially like a moderated caucus, the session will be moderated by the executive board. However, members cannot refer to anything that was said or done during the private session while the public session is in motion.
- **UNMODERATED PRIVATE SESSION:** The unmoderated private session is an informal sessions just like an unmoderated caucus.

ACCEPTANCE OF REPORTS

During committee, only reports by the government will be considered as legitimate. This included reports from Parliamentary committees, CBI Reports, Standing Committee, Commissions Reports etc.

COMMITTEE DOCUMENTATION

- **PRESS STATEMENTS:** These statements are either written or in verbal which are made by the representatives directly to the national press.
- **WRITTEN STATEMENTS:** These statements can be used by the political representatives to appraise the executive board of any policy line that could not be discussed in committee in terms of speeches due to lack of time available.
- **COMMUNIQUÉ:** A communiqué is an official announcement in writing. However, it is not binding in nature and can be passed in the committee without any formal vote. It is like a draft resolution and is intended for common understanding of the committee.

- **MEMORANDUM:** A memorandum or memo is a written communication between a member and a concerned branch or to another member belonging to the same political party ordering for a certain action to be taken.
- **RESOLUTION:** A written document which requires atleast one sponsor and three signatories. It consists of possible solutions for the agenda at hand and is open for discussion in committee.

ABOUT ALL INDIA POLITICAL PARTIES MEET

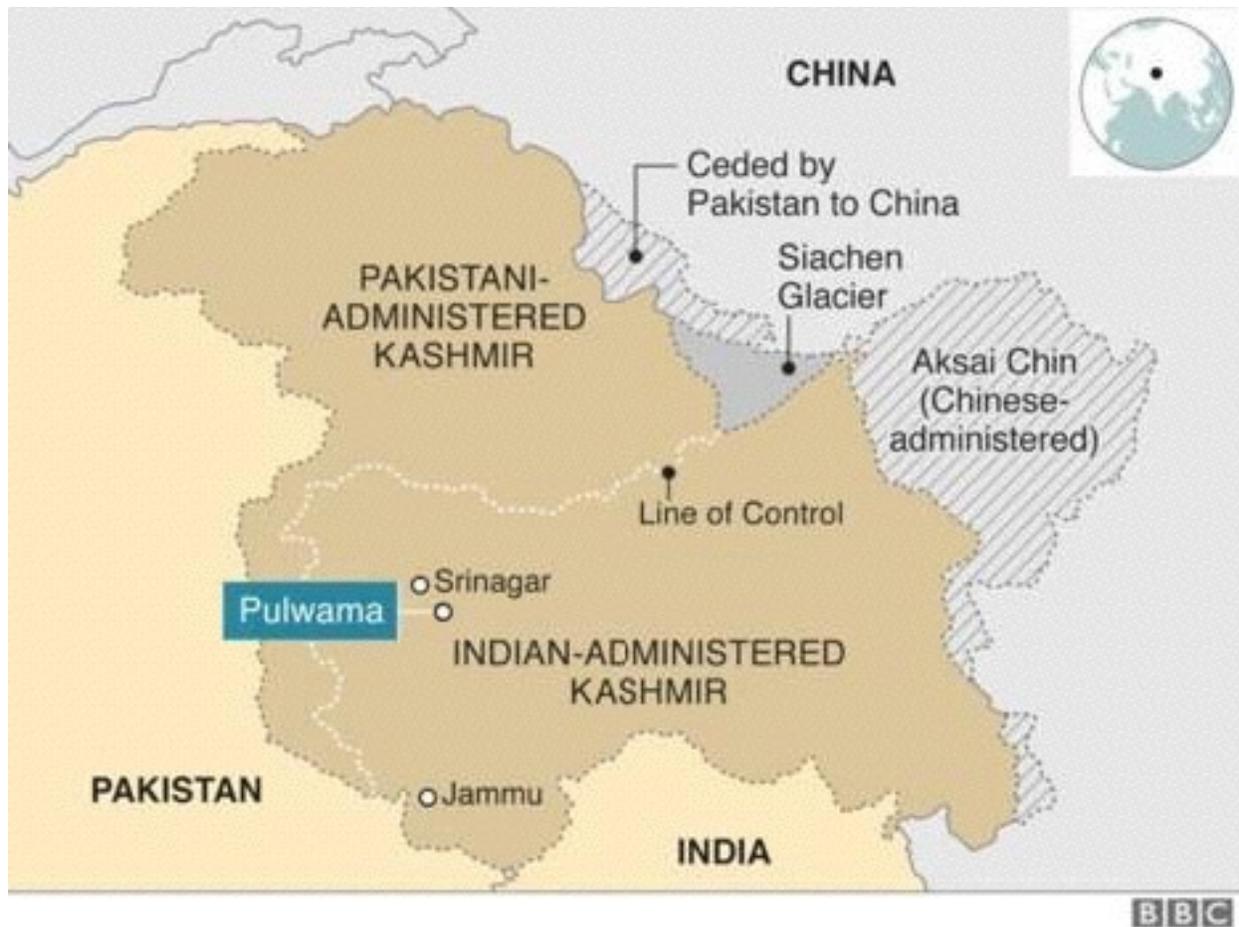
The All India Political Parties Meet (AIPPM) is a non-technical yet powerful committee supplementary to the parliament. The AIPPM serves as an important forum for unrestricted political debate taking into consideration that India has a multi-party system.

The AIPPM helps bring together the diverse perspectives and opinions of various leaders and political parties so as to discuss and debate issues of national importance in order to come to a solution regarding the same.

The final document of the meeting is in the form of recommendations to the Government of India in order to solve the issues at hand.

Furthermore, for such a document to be passed in committee, a 2/3rd majority of the members present is necessary. However, in the case of the AIPPM, the political parties and representatives do not have an option to abstain and will compulsorily have to vote.

ABOUT KASHMIR



Kashmir is an 86,000-square mile region in the northern part of the Indian subcontinent. India and Pakistan have been locked in a struggle over Kashmir for more than 70 years, that is from the time the two countries gained independence in 1947.

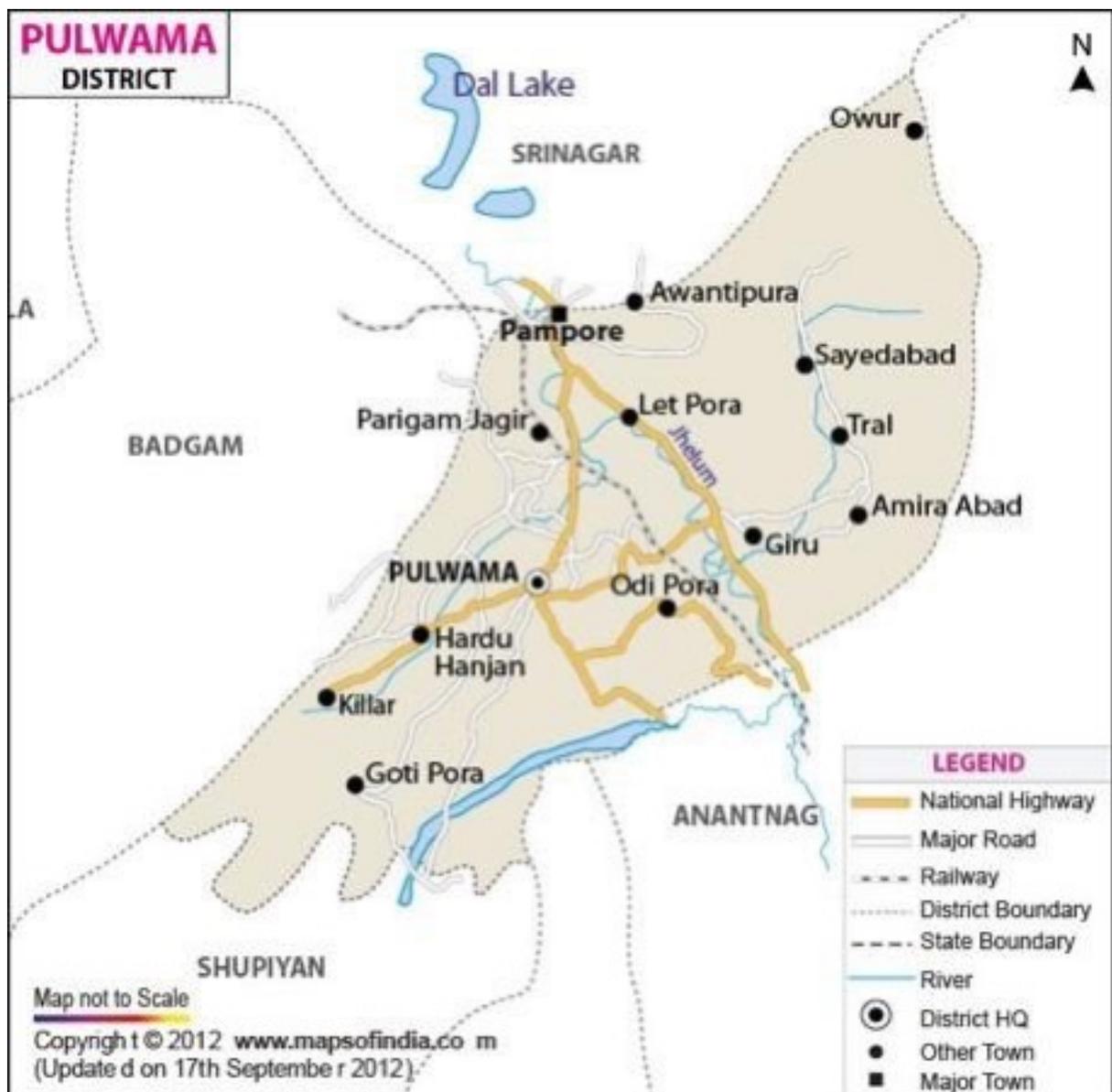
The Line of Control separating Indian- and Pakistani-controlled parts of Kashmir is 435 miles (700 km) long. Kashmir is divided into three parts:

- **India-controlled:** The part of Kashmir that is controlled by India is called Jammu and Kashmir and it makes up the southern and eastern portions of the region. The total area under Indian control totals to about 45% of

Kashmir.

- **Pakistan-controlled:** The portion of Kashmir controlled by Pakistan is divided into three regions namely Azad Kashmir, Gilgit and Baltistan. These three parts make up the northern and western portions of the region, totaling to about 35% of Kashmir.
- **China-controlled:** The northeastern part of Kashmir which totals to 20% of the total area of Kashmir is controlled by China and is referred to as Aksai Chin.

INTRODUCTION- SITUATION IN PULWAMA



Pulwama is a city located in the Pulwama District in Jammu and Kashmir with a population of 7,65,000.

On 14th of February, 2019 a convoy of vehicles carrying Central Reserve Police Force (CRPF) personnel on the Jammu-Srinagar National Highway was attacked by Adil Ahmad Dar, a suicide bomber who was also a local from Pulwama District, at Lethpora. The explosive laden vehicle resulted in the death of atleast 40 CRPF personnel, while many were left wounded.

The responsibility of this attack was claimed by Masood Azhar led Jaish-e-Mohammed (JeM). However, Pakistan denied any role in the terrorist attack. Imran Khan clearly in a statement on the Pulwama Attack said that he strongly rejects any insinuation by elements in the Indian Media and government that seek to link the attack to Pakistan without investigations.



ABOUT JAISH-e-MOHAMMED

Jaish-e-Mohammed (JeM) is a Pakistan-based fundamentalist Sunni Islamist organisation which was founded by Maulana Masood Azhar after he was released from Indian custody in 1999 in exchange for more than 150 hostages held on an Indian Airlines flight that had been hijacked and diverted to Kandahar in Afghanistan. Before starting JeM, Azhar has previously fought under the banner of Harkat-ul- Mujahideen and has been linked to al-Qaeda. JeM is listed as a proscribed terrorist organisation in the United Nations 1267 Committee's consolidated list and by the governments of the United States, the United Kingdom, Canada and many other countries.

IDEOLOGY AND GOALS OF JeM

The main reason for all the operations of Jaish-e-Mohammed in India is to liberate Jammu and Kashmir and make it a part of Pakistan. Moreover, the JeM views Kashmir as a gateway into India.



MAJOR ATTACKS PROPAGATED BY JeM IN INDIA

April 2000: JeM propagated their first suicide bombing attack in Kashmir wherein a bomb exploded on the Indian Army Barracks, killing five Indian soldiers.

October 2000: JeM carried out a bombing near the Jammu and Kashmir Legislative Assembly. This attack resulted in killing 38 people.

December 2001: JeM launched an attack on the Indian Parliament, waging a battle on the security personnel. This resulted in the death of about 8 security personnel, however this attack was foiled.

January 2016: An attack was launched by JeM on the Pathankot air base wherein 7 security personnel were killed. Shortly after this strike, an attack was initiated by them on the Indian consulate in Mazar-i- Sharif in Afghanistan.

September 2016: In September the Indian Brigade Headquarters were attacked by Jihadi Militants close to the Line of Control resulting in the death of 19 soldiers

November 2016: Three members of the JeM ,sub-cell Afzal Guru Squad, attacked and killed seven Indian army soldiers in Nagrota, Jammu and Kashmir.

February 2019: A suicide attack was carried out in Pulwama killing 40 CRPF men.

AFTERMATH OF PULWAMA ATTACK

IMMEDIATE STEPS THAT WERE TAKEN BY THE GOVERNMENT

- Complete isolation of Pakistan in the International community due to having a direct hand in this gruesome attack. India launched a diplomatic offensive against Pakistan post the attack, the ministry of external affairs met 25 heads of missions, including the P5 or five permanent members of the UN Security Council besides South Asian countries and key partners such as Israel, Japan and South Korea.
- The most favoured nation (MFN) status that was granted to Pakistan in 1996 was withdrawn. Furthermore, India raised duties on imports from Pakistan by 200%.

The most favoured nation status is given to an international trade partner so as to ensure that there is no discriminatory trade between the member nations of the World Trade Organization. A country which grants the MFN status to another country has to provide them with concessions and immunity when it comes to trade agreements. It is the first clause in the General Agreement on Tariffs and Trade (GATT). Even though India granted Pakistan the MFN status, Pakistan did not reciprocate the same.

- The ministry of external affairs engaged with the international community to make sure that the Comprehensive Convention on international terrorism which has been pending before the United Nations is now adopted at the earliest.

POLITICAL REACTION OF THE PULWAMA ATTACK-INDIA

BHARATIYA JANATA PARTY (BJP): Post the Pulwama attack, Prime Minister Narendra Modi warned Pakistan that India will not be weakened by such attacks. He further mentioned in his speech that those responsible for these attacks will pay a very heavy price and security forces will be given a free hand to deal with terrorists.

INDIAN NATIONAL CONGRESS (INC): Congress leaders like Rahul Gandhi and Manmohan Singh during a press conference mentioned that the entire country and the opposition stands with the jawans and the government in condemning this act of terrorism. However, in a surprising remark, senior Congress leader Digvijay Singh called the Pulwama terror attack an accident.

AAM AADMI PARTY (AAP): At a condolence meeting called at the AAP office post the Pulwama attack, party leaders like Arvind Kejriwal said that the Delhi government stands by the Central government and the security forces.

SAMAJWADI PARTY (SP): Leader Ramgopal Yadav made a very controversial remark when he referred to the Pulwama attack as a conspiracy to simply fetch votes.

TRINAMOOL CONGRESS: Mamta Banerjee blamed the BJP and RSS for fomenting communal tensions which took the life of 40 CRPF personnel. Furthermore, Ms. Banerjee questioned the timing of the attack as the Lok Sabha elections were around the corner.

INTERNATIONAL REACTION

The Pulwama Attack was condemned by more than forty countries around the world. The United States openly criticised Pakistan and called on all countries to uphold their responsibilities to the United Nations Security Council so as to deny support or safe haven to terrorists.

Furthermore, the United Kingdom and France gave India an assurance that they will ensure that the United Nations puts pressure on Masood Azhar and the terrorist activities that are taking place in Pakistan.

Adding on, France also decided to immediately cut their funding to Pakistan so as to prevent cross-border attacks . As a result of which Pakistan faced a funding blacklist threat. However, Pakistan has sought more time from the Paris-based Financial Action Task Force (FATF) to curtail the activities of terrorist groups on its soil. The FATF also decided to continue the 'Grey' listing of Pakistan due to its failure to stop funding of terrorist groups. Even though there is no direct legal implication of the FATF blacklisting, such as binding sanctions, but it brings the full weight of extra scrutiny on Pakistan from international regulators and financial institutions that can impede trade and investment flows.

Numerous other countries like Germany, Russia, South Africa, Canada etc also came forward to strongly reprimand this gruesome attack. Even though China expressed condolences for the Pulwama Attack, it however, did not change its stance on Azhar.

INDIAN RESPONSE: BALAKOT ATTACK



As a response to the Pulwama attack orchestrated on 14th February, India struck one of the biggest training camps of the Jaish-e- Mohammed in Balakot, Pakistan. According to intel, this operation resulted in the elimination of a very large number of terrorists, trainers, senior commanders and groups of jihadis.

According to the Ministry of External Affairs, such a step was necessary because Jaish-e-Mohammed was attempting to carry out other attacks in different parts of the country over a period of time and terrorists were being trained for the same. As a result of which, a pre-emptive strike was carried out with the help of a squadron of 12 Mirage 2000 fighter jets that destroyed major terrorist camps across the Line of Control (LoC). These strikes are the first launched across the line of control - the de facto border that divides India-administered

Kashmir from Pakistan-administered Kashmir - since a war between the two countries in 1971.

While many raise the question of territorial sovereignty of Pakistan with respect to the Balakot attack, others favoured India's strike for self-defence against Pakistan's unending terrorism.

PAKISTANI REACTION

After the Balakot attack by India, Pakistan claimed that it will respond to this attack at the time and place of its choosing. Immediately after the bombing, the area was cordoned off and not even the local police were allowed in.

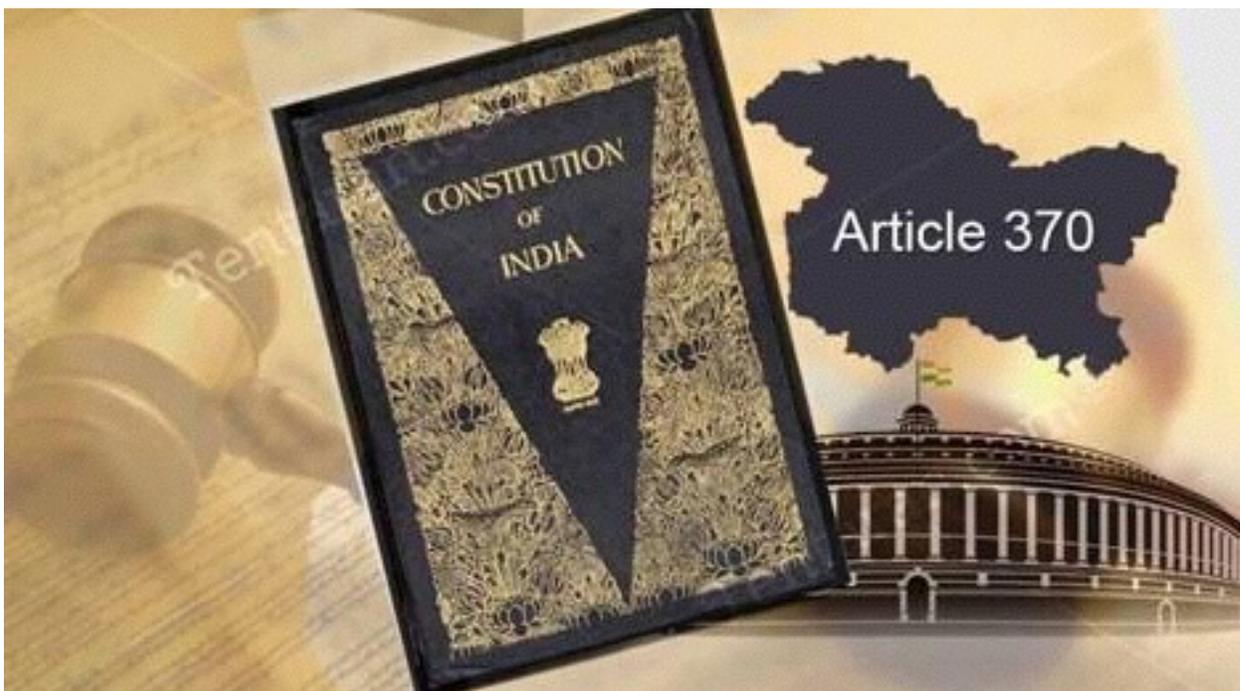
Post the strike, cross border attacks continued between India and Pakistan. This resulted in an Indian Air Force (IAF) pilot, Abhinandan Varthaman, being captured by the Pakistani military after his aircraft was shot down during an aerial combat. However, on March 1, 2019 Wing Commander Abhinandan Varthaman was released by Pakistan as a gesture of peace. He was handed over to Indian officials at the Wagah border in Punjab.

ABOUT ARTICLE 370

Article 370 of the Indian Constitution is an article that gives anonymous status to the State of Jammu and Kashmir. Article 370 was drafted in the amendment section of the constitution ,in Part XXI, under Temporary and Transitional Provisions. Thus, this article was synonymous to an interim power granted to the state.

This article specifies that except for Defence, Foreign Affairs, Communications and ancillary matters (matters specified in the instrument of accession) the Indian Parliament needs the State Government's concurrence for applying all other laws. As a result of this article, the residents of this state live under a different set of laws than that of the entire country. These laws are related to citizenship, ownership of property, and fundamental rights which are highlighted in Article 35A.

Furthermore, Article 370 enables the citizens of Jammu and Kashmir to enjoy dual citizenship. The term of the Jammu and Kashmir legislative assembly is 6 years as compared to 5 years for the rest of the states in India.



INTRODUCTION-ARTICLE 35A

Article 35A is a provision that is incorporated in the constitution which empowers the Jammu and Kashmir's legislature to define and decide 'permanent residents' of the state. This article provides special privileges and rights to those who come under the permanent resident status. The special rights that are granted to these individuals include privileges in public sector jobs, acquisition of property in the state etc. Thus, under this clause, no outsider can own property in Jammu and Kashmir or get a state job or participate in assembly elections in the state.



HISTORY OF ARTICLE 35A

Article 35A was added to the Constitution through a Preferential Order, i.e. the Constitution (Application to Jammu and Kashmir) on 14th May, 1954. This was issued by President Rajendra Prasad under Article 370.

TIMELINE OF THE ARTICLES

Prior to 1947: Jammu and Kashmir was a princely state under the British Paramountcy and the people of this state were considered as state subjects and not British Colonial subjects.

15th August, 1947: After partition, India and Pakistan became independent states. However, the kingdom of Jammu and Kashmir did not cede to either side. At this time, the Maharaja proposed a Standstill Agreement with both the countries, to which Pakistan agreed, but India wanted to hold further negotiations.

22nd October, 1947: Maharaja Hari Singh faced an uprising from his Muslim subjects in Poonch and lost control of the western districts of his kingdom. Furthermore, Pakistani Pashtun tribal militants crossed the border of the state and moved to take over Srinagar.

26th October, 1947: Maharaja Hari Singh signed the Instrument of Accession whereby Jammu and Kashmir agreed to accede to the Union of India. As a result of which help was offered to Jammu and Kashmir, thus India airlifted troops and equipment to Srinagar where they re-enforced princely state forces, established a defence perimeter and defeated the tribal forces on the outskirts of the city.

25th November,1947: While Indian forces eased pursuit of tribal forces after recapturing Uri and Baramula, Mirpur was captured by tribal forces, wherein many Hindu women were reportedly abducted and taken into Pakistan.

During 1948: The war continued through the initial months of 1948. However, during the month of August, protracted negotiations a cease-fire was agreed to by both countries, which came into effect. The terms of the cease-fire as laid out in a United Nations resolution of 13 August 1948, were adopted by the UN on 5 January 1949.

1950: In 1950, the constitution of India came into effect which consisted of Article 370, which was the guiding light of the relationship of India with Jammu and Kashmir.

1951: The constituent assembly was established based on the election that was swept by Sheikh Abdullah's National Conference.

1952: Jawahar Lal Nehru and Sheikh Abdullah entered into the Delhi Agreement. It was agreed that Jammu and Kashmir would have full power over subjects other than those acceded under the Instrument of Accession.

6th February,1954: Constituent Assembly ratified the accession to India and reiterated its special relationship with the Union of India.

14th May,1954: Article 35A was added to Constitution (Application to Jammu and Kashmir) and was a product of the Delhi Agreement.

1957: Constitution of Kashmir came into force.

TEXT OF ARTICLE 35A

Saving of laws with respect to permanent residents and their rights – Notwithstanding anything contained in this Constitution, no existing law in force in the state of Jammu and Kashmir, and no law hereafter enacted by the legislature of the state.

- defining the classes of persons who are, or shall be, permanent residents of the state of Jammu and Kashmir; or
- conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects–
- employment under the state government;
- acquisition of immovable property in the state;
- settlement in the state; or
- right to scholarships and such other forms of aid as the state government may provide,

shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this part.

NOTE: When the Jammu and Kashmir Constitution was adopted in 1956, it defined a permanent resident as someone who was a state subject on May 14, 1954, or who has been a resident of the state for 10 years, and has lawfully acquired immovable property.

CRITICISM OF ARTICLE 35A

- Article 35A which was issued by the president under Article 370(1) (d) was not added to the constitution by following the procedure prescribed for an amendment of the constitution as mentioned in Article 368. Thus, many consider this article unconstitutional.
- Article 35A was never presented or discussed in the parliament, this means that the president has bypassed the parliament so as to add the article in the constitution.
- Article 35A violates the fundamental rights of women in Jammu and Kashmir, treating them as second class citizens. (discussed below)
- The article also gives the government of Jammu and Kashmir an opportunity to discriminate between the residents of the state and other Indian citizens.

ARTICLE 35A AND GENDER DISCRIMINATION

Clause of Article 35A that highlights gender discrimination:

“The wife or a widow of the state subject of any Class shall acquire the status of her husband as state subject of the same Class as her husband, so long as she resides in the state and does not leave the state for permanent residence outside the state.”



The discriminatory interpretation of the law of the state of Jammu and Kashmir treats women as inferior, as a result of which a female permanent resident does not have equal rights as that of a male permanent resident. Under the law, if a male permanent resident marries a non state subject, the male will not lose any of his rights. Furthermore, his wife as well as his children will gain the right to be considered as a state subject. On the other hand, if a female permanent resident marries a non state subject, she is at a major loss as she loses her state subject rights. This results in a situation wherein the children cannot inherit her property, cannot get entry into government colleges and cannot vote.

Thus, as a result of Article 35A, basic fundamental rights of Kashmiri women and their children are being violated in the state of Jammu and Kashmir.

This problem is extremely controversial, as the right to equality is guaranteed by the constitution of India and is also protected by Part III of Section 10 of the Constitution of Jammu and Kashmir. However, Article 35A takes away the right to equality of women and treats them as second class citizens.

The Supreme Court judgement of 2002 gives some hope to women who have been married outside the state as it allows them to retain their rights as a permanent resident. However, their children still do not have any rights as they are not included in the permanent resident category.

INTERNATIONAL OPINION ON ARTICLE 370 AND 35A

India's constitutional absorption of occupied Jammu and Kashmir in the 1950s remains illegal under international law because the princely states were to decide their own fate through a plebiscite carried out, as outlined under UN Security Council Resolution 47, under the auspices of the United Nations Commission for India and Pakistan (UNCIP) formed under UN Security Council Resolution 39.

However, according to the United Nations, any steps that are taken by India to take away the protections of the Kashmiri people, that are associated with Article 370 and Article 35A, will compromise the right to self-determination and will take away the basic rights of the people of Jammu and Kashmir. In addition to the many UN Resolutions, the Shimla Treaty of 1972 between India and Pakistan prohibits any changes to the status quo over Kashmir affected by either nation without mutual resolution.

Under Article 49 of the Geneva Convention IV (1949), "the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." As a result of this, any attempts to change the demographics of Jammu and Kashmir by India will be considered as a grave violation of the international humanitarian law. According to the Kashmiris, repealing Articles 35-A and 370 is an insidious attempt to destroy their culture and identity.

POLITICAL DISCUSSIONS AROUND ARTICLE 35A

BHARTIYA JANTA PARTY (BJP): Finance Minister Arun Jaitley referred to Article 35A as constitutionally vulnerable. Calling the Article discriminatory, he said: "Lakhs of Indian citizens in J&K vote in Lok Sabha elections but not in Assembly, municipal or panchayat polls. The BJP leader said that Article 35A had also hurt the people of the state by preventing investment and dismantling the state's economy. Furthermore, BJP and its ideological allies believe that the article hampers development of the state. BJP seems to be more inclined to revoke this very article after the Pulwama attack so as to permanently integrate Jammu and Kashmir with the rest of the country.

JAMMU AND KASHMIR PEOPLES DEMOCRATIC PARTY: Leaders in Jammu and Kashmir like Mehbooba Mufti fully support article 370 and article 35A. In strong words, she said that there will be no one in the state to hold the Tricolor if any sort of tinkering happened with the Articles of the Indian Constitution that pertain specifically to the state of Jammu and Kashmir. Ms. Mufti also mentioned that tampering with these articles would "undermine and nullify" the state's accession to the Union.

JAMMU AND KASHMIR NATIONAL CONFERENCE(JKNC): Party leader Omar Abdullah mentions that any fiddling with Jammu and Kashmir's special status would have serious and far-reaching consequences in the state. He further mentioned that if these articles are revoked, the situation in the state will become worse than the one in Arunachal Pradesh. National Conference has also filed intervention petition to defend the article in Supreme Court.

INDIAN NATIONAL CONGRESS (INC): The Congress in its manifesto clearly mentioned that it will not tamper or change anything with respect to Article 370 and Article 35A. As a result of this Congress completely supports these articles as they acknowledge the unique history of the state and the unique circumstances under which the state acceded to India.

SOME QUESTIONS TO THINK ABOUT:

- What are the methods by which India can counter the problems of motivated Indian youth involved in terrorism?
- Should article 370 and 35A be scrapped?
- What are the ways in which the jihadi radicalisation of the Indian subcontinent can be negated?

CONCLUSION

Once again, while the background guide attempts to provide an insight into the agenda at hand- Situation in Pulwama with special emphasis on Article 35A, it is by no means a conclusive measure of the issues and problems that are to be discussed in committee. We urge the delegates to use the background guide as a starters point before delving into further, more substantial and more specific research.

Thus, as representatives of many political parties from all over India, it is in your hands to deal with both the issues mentioned in the guide and to find solutions for the same.

We look forward to three days of intensive debate and discussion. Best of Luck!

SUBMISSION OF POLICY STATEMENTS:

Deadline: 21st July 2019; 6:00 pm

Word Limit: 600 words

Submit at: sbsmun2019@gmail.com

BIBLIOGRAPHY AND LINKS FOR FURTHER RESEARCH

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