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Palestine-ing the Valley?: Abrogation of Article 370 and its Consequences

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²University of Delhi Abstract: August 5, 2019 became a fateful day in Indian history as the Central Government of the country repealed Article 370 from Jammu and Kashmir. While to some this seemed to be a herald of the forthcoming joyous tidings of nationalism; to others it came as a devastating thunderclap. Those in favour substantiated the abrogation as a step towards “One Nation, One Constitution”¹ and claimed that this would bring economic development in Jammu and Kashmir and also establish peace in the conflict ridden areas of the State.

However, the developments in Kashmir following the abrogation raised much dust in the media and made people question the legality of this decision, making the entire country a site of critical thinking. Amongst those sceptical and those outrightly against the decision, a prominent belief was that the valley could become “another Palestine” in the coming time. Although parallels have often been drawn between the situations of Palestine and Kashmir, repealing of the Article seemed to have strengthened the eerie similarity between the two for some National leaders and scholars.

Mehbooba Mufti had commented earlier in 2019 that “India-J&K relations will become like Israel-Palestine if Article 370 is scrapped”² After the Presidential decree abrogating the Act, she again raised the alarm by stating that “This is

¹ Source: <https://www.indiatoday.in> › India

² Source: <https://economictimes.indiatimes.com/>

Kashmir, not Palestine. We won't allow you to turn our beloved land into an open air prison.”³ Furthermore, Consul General Sandeep Chakravorty, while addressing an audience of Kashmiri Pandits said- “I believe the security situation will improve (in J&K), it will allow the refugees to go back, and in your lifetime, you will be able to go back... and you will be able to find security, because we already have a model in the world. I don't know why we don't follow it. It has happened in the Middle East. If the Israeli people can do it, we can also do it.”⁴ The comparison reaches its peak in Dr Lubna Abid Ali & Sana Imtiaz Kitchlew metaphorically calling Kashmir the “South Asian Palestine”.⁵ All these and several more statements make one apprehend the fate of the valley as being quite similar to that of Palestine, creating what Marx had called the “solidarity of the oppressed.”

The paper thus aims to rummage through history as well as the current developments to find out if India's move draws on the model of Israel-Palestine conflict and whether Kashmir could become a South-Asian version of the Middle-East battleground. Issues such as State terrorism and Draconian laws, ‘demographic engineering’, and economy crippling agenda will be delved deep into in order to reach an insightful analysis of the aftermath of the abrogation of Article 370.

INTRODUCTION

August 5, 2019 became a fateful day in Indian history as the Central Government of the country repealed Article 370 from Jammu and Kashmir. While to some this seemed to be a herald of the forthcoming joyous tidings of nationalism; to others it came as a devastating thunderclap. Those in favour substantiated the abrogation as a step towards “One Nation, One Constitution”⁶ and claimed that this would bring economic development in Jammu and Kashmir and also establish peace in the conflict ridden areas of the State. Furthermore, there is also a group which claims that Article 370 had only been a token provision, a mere writing which existed “only on paper”⁷; hence the Kashmiris were to make no hue and cry about it. However, the developments in Kashmir following the abrogation raised much dust in the media and made people question the legality of this decision, making the entire country a site of critical thinking. Amongst those sceptical and those outrightly against the decision, a prominent belief was that the valley could become “another Palestine” in the coming time. Although parallels have often been drawn between the situations of Palestine and Kashmir, repealing of the Article seemed to have strengthened the eerie similarity between the two for some National leaders and scholars.

³ Source: <https://www.theguardian.com/>

⁴ Source: <https://www.rediff.com/>

⁵ Source: <https://www.researchgate.net/>

⁶ Source: <https://www.indiatoday.in> › India

⁷ Source: <https://www.greaterkashmir.com/news/kashmir/article-370-exists-only-on-paper-bazaz/>

This contentious Article dates back to July 1949, when Sheikh Abdullah, the leader of National Conference along with his three other colleagues negotiated with the Indian State leading to the inclusion of Article 370 in the Indian Constitution. Although vouching for an “Iron-clad autonomy of the State”⁸, Abdullah reluctantly settled for a temporary adoption of the Article. The immediate consequence of the abrogation of the Article includes a complete transfer of autonomy from the State legislature to the Centre. It further renders the State constitution inoperative. The Indian State went ahead to reorganize of the borders of the State by bifurcating the erstwhile State of Jammu and Kashmir into two Union Territories. Almost simultaneous with the adoption of Article 370 was another event which occurred in another part of the world. On May 14, 1948, USA created Israel on the map of the Middle-East by recognising it as a Nation-State. This paper aims to study the corollaries (both factual and hypothetical) of the annulling of Article 370 in the light of the aftermaths of Israel’s creation to find if there exists the parallel between them which has long been evoked by people.

DEMOGRAPHIC ENGINEERING

The United Nations Resolutions of 1948 promised Palestinians a State of their own and the Kashmiris a referendum to decide their future; both of these promises, however have been left unfulfilled. Rather, scholars deem that there have been recorded several attempts to seize the very little autonomy the communities have through repeated attempts at ‘demographic engineering’. In 1948, 700,000 to 900,000 Palestinians were forced to flee. Moreover, by 1967, 600,000 Israelis had settled in West Bank, thereby occupying more than 60% of the territory. According to estimates, 1 in every 3 refugees in the world is a Palestinian⁹.

Scholars like Fahad Nabeel contend that myriad attempts have been made to change the demographics of Jammu and Kashmir. This argument has been substantiated through several facts and figures. From 1941 to 1961, the Muslim population of India held Jammu and Kashmir was reduced from 78% to 69%. Exploring the causes for such a curious decline, especially in the face of a rise in Muslim population elsewhere in the country, Dr. Sheikh Showkat, in his work *Kashmir: Palestine in the making* posits genocide, ethnic cleansing and settlement of “non-state subjects” in the State as consequential factors. Similar to Palestine, hundreds of thousands of Muslims have been massacred and many have been forced to migrate. Ian Stephens, a former editor of The Statesman has stated, “...Half a million or so, had almost totally disintegrated in the autumn of 1947. About 200,000 simply vanished, being presumably butchered or killed by epidemics and exposure while seeking to get away; the rest had fled into Pakistani Punjab”. Furthermore, Nabeel gives a detailed account of the Sainik Colonies and townships set up by India in Jammu and Kashmir exclusively for Indian soldiers and Kashmiri Pandits which, he elaborates, are illegal according to Article 49 of the fourth Geneva Convention which prohibits the occupying force from settling its own population in the occupied territory. He also mentions how the decision to grant domicile certificates to the West Pakistan refugees is

⁸ Source: <https://economictimes.indiatimes.com/news/politics-and-nation/govt-moves-to-scrap-article-370-all-you-need-to-know/what-is-article-370/slideshow/70531424.cms>

⁹ Source: TRT World, https://www.youtube.com/watch?v=ItDjy2q9_d0

seen as an attempt to transmutate the demography of the region. To showcase how changing demography creates bitterness and fear among Kashmiris, Nabeel gives the example of the 2008 uprising. The Indian Central government and the State government of Jammu and Kashmir had agreed to give 99 acres of Kashmir's forest land to the Shri Amarnathji Shrine Board to create transient establishments for Hindu Pilgrims. For Kashmiris, the last straw in this chain of events became the abrogation of Article 370, giving Indian citizens the right to buy property in the State. Kashmiris now feel a reawakening of fear for the already much altered demography of their State. They apprehend that the rippling effects of the abrogation on the demography of their State would be analogous to those on the Palestinian demography after the creation of Israel.

Repealing of Article 370 thus seems to have "turned India from an administrator to a fully-fledged coloniser, following, in many ways, Israel's methods"¹⁰ Goldie Osuri elaborates on this "neo-colonial" aspect of the abrogation stating that, "We desperately need to reconsider our West versus non-West understanding of the geography of colonialisms. The years 1947 and 1948 mark the creation of the nation-states of India and Israel. These years scar Kashmiris and Palestinians"¹¹. Furthermore, Azad Essa adroitly sums up the demographic challenges that might await Kashmir after the abrogation:

Israel has systematically ethnically cleansed Palestinians, taking over their homes, buying off resistance, quelling dissent, and appropriating elements of their culture - even cuisine - as part of a larger bid to remove the Palestinian footprint from these lands. As a result, Palestinians are essentially second-class non-citizens. In comparison, India, through a policy of "domestication" - or to use BJP leader Ram Madhav's words, "instilling India" into Kashmiri Muslims - seeks to make Kashmiri Muslims relinquish their political identities and submit to the larger Indian project. They would then become "Indian Muslims," who, by all measures of success and equity in Indian society, are second-class citizens. The end game is to facilitate a demographic shift in Kashmir itself, bringing in more Hindus from India to settle into Kashmir.

After rummaging through history and anatomising scholarly works, what is palpable is that despite having different ideologies, Hindu Nationalists have a common ground with Israeli Zionists and have long admired them. This admiration can be seen in Consul General Sandeep Chakravorty's statement who, while addressing an audience of Kashmiri Pandits said- "I believe the security situation will improve (in J&K), it will allow the refugees to go back, and in your lifetime, you will be able to go back... and you will be able to find security, because we already have a model in the world. I don't know why we don't follow it. It has happened in the Middle East. If the Israeli people can do it, we can also do it." Scholars deem that both India and Israel believe in an ethno-religious link to an ancient past which gives them a claim to land supremacy over other ethnic groups. For Zionists, it is the birth place of Judaism and home to the holy sites; while for Hindus, purification of India by containing Muslim influence is at the heart of Nationalist vision for a Hindu India.

¹⁰ Source: <https://www.middleeasteye.net/opinion/indias-annexation-kashmir-straight-out-israeli-playbook>

¹¹ Source: <https://www.aljazeera.com/indepth/opinion/2016/08/kashmir-palestine-story-occupations-160823101836524.html>

ECONOMY CRIPPLING AGENDA

Albeit in the post-abrogation addresses of the government leaders, ‘economic development’, ‘peace’ and ‘National integration’ were hailed as the motivations behind the scraping of the Article, the consequential economic trends depict a completely different story of an immense economic downturn. From 2018 to 2019 (post-abrogation), one finds a reduction in the number of tourists visiting Kashmir from 316,434 to 43,059 (both in the period between August and December); that is, a huge reduction of 86%.¹² Tinkering with the figures, Union Tourism Minister, Prahlad Singh Patel clubbed the tourism data of Jammu (which attracts many tourists to its Vaishno Devi Shrine) with that of Kashmir and claimed that the Centre’s move had not affected the State’s tourism. The Kashmir Chamber of Commerce and Industry has estimated 144,500 job losses in Kashmir’s tourism and handicrafts sector. The Chamber has also recorded a loss of Rs. 17,878 Crore in Kashmir’s economy after August 5, 2019. Also, business establishments are either shutting down or are shrinking to the verge of closure and many accounts are turning bankrupt. Due to a total internet blockade, sectors like IT and E-commerce which are dependent on it have been ruined. The KCCI report thus delineated that “Tourism sector is in shambles. Artisans and weavers are jobless. With estimated losses of around Rs 2,520 Crore, manufacturing is in tatters”¹³.

On acutely observing the aforementioned economic aftermaths, one finds a shocking historical antecedent of it in the economic trajectory of Palestine post the creation of Israel. Ken Stone of the ‘Canadian Peace Alliance’ paints a picture of economic crippling in Palestine after the creation of Israel. He states that “stunted economic growth and lack of economic development” were the aftermaths of the Israeli occupation apart from cruel carnages and apocalyptic destruction. He records that the economy of West bank has stood stone-still and the people of the territory are not allowed to participate in the Israeli and other Middle-Eastern economies. Unemployment rates are recorded as 18% and 63% (the highest official rate in the world) in West Bank and Gaza respectively, while the actual unemployment rates, including the unaccounted for participation of women and youth tend to be much higher. Ken also records that in Palestine,

Sparse goods trickle in through underground tunnels. Thousands are still living in tents following the last Israeli military incursion of 2014 and few students are allowed to leave to pursue their post-secondary education. In this way, the lives of Palestinians are made miserable by the illegal Israeli occupation and the life chances of Palestinian youth are reduced.

In Kashmir, a new department has been opened following the revocation to register land transactions; this gives the State of India the firsthand, supreme authority to make land transfers. This decision has been stringently opposed by lawyers and at least two senior members of the Srinagar branch of the Jammu and Kashmir Bar Association have been put in jails outside Jammu and Kashmir under the Public Safety Act.¹⁴ All this makes one apprehend if the

¹²Source: <https://economictimes.indiatimes.com/news/politics-and-nation/govt-moves-to-scrap-article-370-all-you-need-to-know/what-is-article-370/slideshow/70531424.cms>

¹³ Source: <https://thewire.in/economy/after-august-5-kashmir-economy-has-suffered-rs-17878-crore-in-losses>

¹⁴ Source: <https://amp.scroll.in/article/943871/in-jammu-and-kashmir-a-new-department-opens-to-register-land-transactions-and-its-sparked-anger>

economic fate of Kashmir will toe the line of Palestinian history. Such a complete sabotage of the State's economy will also act as a tool to curb the echoes of self-determination in the Valley.

STATE TERRORISM AND DRACONIAN LAWS

“We live in a time when nation-states overtly commit war crimes, are cheered by bloodthirsty majoritarian citizens, and literally get away with murder.”

Goldie Osuri uses the above statement to draw a parallel between the oppression of Palestinians and Kashmiris at the hands of their respective States. Israel has subjected the Palestinians to a severe ethnic cleansing; seizing of homes, crushing of dissent and unthinkable torture also constitute a “part of a larger bid to remove the Palestinian footprint from these lands.” This has rendered the Palestinians “second-class non-citizens”.

India, using draconian laws and measures as a tool of socio-politico-economic subjugation of Kashmiris emerges as stringent as Palestine in dealing with its occupied territory. Laws like Armed Forces Special Powers Act (AFSPA) illustrates the “neo-colonial” relationship of India with Kashmir as it has been appropriated often as an instrument of State abuse in the form of extrajudicial killings, rape and mass disappearances. Zainab Ramahi thus contests “Reviewing the literature on AFSPA and its origins, it is not hard to draw the connection to Israel’s justification of the use of torture and indefinite detention against the Palestinian population”. Kashmir, “the most militarised place on the earth” employs ‘Public Safety Act’ (PSA), often imprisoning the youth without any charge. This has a verisimilitude to the Administration Detention Law which allows for arrest of Palestinians based only on secret evidence without any trial. In Kashmir, most of the discourse on the right to self-determination is hushed by deliberately bringing up the alternative context of upper caste minority Kashmiri Hindu Pandits. Similarly, as Edward Said mentions in his work *The Question of Palestine*, all discussion on the historic wrongs done to the Palestinians is swayed by Israel through a projection of Palestinians as terrorists. India and Israel have shared a “strategic partnership” since 2003 wherein the former has remained one of the biggest importers of the latter’s arms. Also, Israel has remained the training site for the Indian police forces for “anti-terror” operations, the brunt of which is borne by both Palestinians and Kashmiris. The two States thus share “close ideological ties...including arms sales, joint intelligence operations, trade agreements, and cultural exchanges... The Shin Bet and other Israeli agencies responsible for human rights abuses and killings of Palestinians have provided training and advice to India on how to suppress the people of Kashmir”¹⁵. Scholars like Azad Essa thus paraphrase the ties between the two States in more or less the following terms:

Israel continues to collaborate with India to ensure that Kashmiris remain a subjugated people. And while the occupations of Palestine and Kashmir are not identical - there are certainly differences - Israeli and Indian ambitions are not dissimilar. In some ways, they feed off each other.

The uncanny similarity between the two States were strengthened after the repealing of the Article 370 as a sudden curfew and a communication blockade, (which included both telephones and internet) were imposed on the State. The residents were kept in a complete information blackout and were themselves not aware that their social contract with the State had been altered. What followed seemed to have been borrowed from the “Israeli playbook” as people lived

¹⁵ Source: <https://mondoweiss.net/2019/08/palestine-determination-occupation/>

in a “stone age”, lacking any means of communication, sufficient food and medical supplies and free mobility. 35,000 extra troops were stationed in the Valley and the “radio-silence” that followed adversely affected the residents psychologically. It is ironical that the same Indian citizens who had voiced “Dogs welcome but not Kashmiris”¹⁶ after the attack on parliamentary forces on February 14, 2019 are now to “integrate” (in the government’s words) with the same Kashmiris. This has shrouded the Kashmiris with a deep-seated fear that India desires only the Kashmiri land and not its people.

CONTEMPORARY NARRATIVES

Several ground level realities of Kashmir’s state after the revocation of the Article were found out from both online secondary sources and primary, first hand interviews.

A Kashmiri woman related her woes to a reporter, recording that her son had gone to buy medicines for her and had been arrested and detained by the CRPF officers just as he was passing the CRPF camp on his way to a pharmacy near Srinagar’s Lal Chowk. The journalist further records that the woman’s son had been “one among the several thousands of young men” who had been arrested by the evocation of the PSA since the lockdown of the State on August 5. The mother told that she “felt suffocated” amidst the recent happenings¹⁷.

In another incident, Mr. Ghulam Mohammad Bhat, a 65 year old man from Kashmir who had voiced his resentment against the abrogation of Article 370 in public was arrested and sent to “Anantnag district jail in South Kashmir, more than 130 kilometers away from his home” and was then transferred to Uttar Pradesh’s Naini jail. Five months later his son, Haneef Bhatt was informed of his father’s illness but he could not go immediately and related his woe in the following words, “The family lives under straitened circumstances and travel outside the Valley was too expensive. I work as a labourer at a plywood factory; my brother is also a labourer. We don’t have any other source of income. So even if we wanted to go and meet him, we couldn’t.” When finally Haneef reached the police station, he was simply shown his father’s corpse and asked to identify the body. “I was in shock, I was too afraid to even ask them what had happened to my father,” he said¹⁸.

Insha Rashid, who studies medicine from Barind Medical College, Rajshahi, Bangladesh was clueless about her family for about a week after the Article was rescinded. “I collected numerous messages from my cousins, friends and many other Kashmiris who were out of the State. Agitation, myriad questions, violence, uncertainty, and emotional turmoil came all at once”, says Insha Rashid. After reaching home Insha experienced one of the most disturbing times of her life, when her sister Areeb Rashid met with an accident on the evening of 16 August but the family was clueless about this incident. “I name this nastiest blockade more brutal and harsh than that on Palestine. Because of the communication barrier, the valley was in utter desolation and people were enduring the unwarranted

¹⁶ Source: <https://www.middleeasteye.net/opinion/when-it-comes-palestine-and-kashmir-india-and-israel-are-oppressors-arms>

¹⁷ Source: <https://caravanmagazine.in/conflict/kashmir-mothers-detentions-sons>

¹⁸ Source: <https://scroll.in/article/947805/a-65-year-old-kashmiri-was-detained-and-shifted-to-a-up-jail-after-august-5-he-never-made-it-back>

wrath of the State”. She also said that the step taken by the government has had deep repercussions on the Kashmiri people that the world is ignorant of.

Sabahat Ali belongs to Budgam district of Jammu and Kashmir and is an undergraduate student in Delhi University. The first emotion that engulfed her was the sentiment of utter betrayal. It immediately dawned upon her that the step taken by the government was “a hidden conspiracy to occupy Kashmir”. “They can't decorate our world when they already have destroyed it. The communication blockade validated the fact that India has never treated Kashmir in a democratic way and was instead fascist and authoritarian in their dealings with the Kashmiris. Even the celebration in the rest of India fuelled our anger, justifying the fact that we never belonged to India. The farcical issues of economic development and gender inequality raised by the government were never the core problems; rather these assertions are merely a myth and exaggerated statements to hide the real problems. Furthermore, the derogatory remarks like “marrying white-skinned Kashmiri women” made by influential people of the ruling party was shocking and disgusting”, asserts Sabahat Ali.

Sanna Wani posted on her twitter account, “This is a scene right of a dystopian novel and most of the world isn't even reading. The tenuous and fragile autonomy that Articles 35A/370 provided (because they were a band-aid solutions to an unsustainable, unfair accession) is now broken¹⁹”.

CONCLUSION

In the early 1970's, Israeli Prime Minister Golda Meir had denied the existence of Palestinian people by claiming that Israel was “a land without people for a people without land.”²⁰ In 2019, on August 5, scholars deem that India has similarly treated Kashmir as only a geographic entity “without people”. “You cannot continue to victimize someone else just because you yourself were a victim once- there has to be a limit”, says Edward Said in the context of the Israel-Palestine conflict. Similarly the fact that a victim of colonisation (India) can so ruthlessly turn into a victimiser itself never fails to surprise Kashmir. K.K. Shahid has asserted that the “Evil axis of U.S.A, India and Israel has fuelled State led aggression if not potential genocide in Kashmir.” The ominous comparison between Kashmir and Palestine reaches its peak in Dr Lubna Abid Ali & Sana Imtiaz Kitchlew metaphorically calling Kashmir the “South Asian Palestine” and Palestine the “Middle-Eastern Kashmir”. Thus the step which had been apparently taken by the Indian Government in a spirit of noblesse oblige seems to have not served its intended purpose. One can only feel an iota of hope that the constitutional spirit will eventually be upheld and humanitarian causes would triumph.

¹⁹ Source: <https://www.middleeasteye.net/opinion/indias-annexation-kashmir-straight-out-israeli-playbook>

²⁰ Source: <https://crescent.icit-digital.org/articles/similarities-between-occupation-of-kashmir-and-palestine>

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