



# Jammu & Kashmir After Six Years Of Abrogation Of Article 370

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**Abstract:** This paper primarily focused on the revocation of the article 370 by the BJP government on 5<sup>th</sup> August, 2019. The abrogation of article 370 affect on development, its effect on terrorism in this region and growth of tourism. This move was significant for overall betterment of Jammu and Kashmir and the people of this area would come in mainstream. The mission of the abrogation of article 370 was mentioned in the manifesto of BJP since 1980 to 2019 Loksabha election

**Keywords:** Article 370, Jammu & Kashmir, Abrogation, Bhartiya Janta Party, Special Status.

## (1) Introduction:

Kashmir is a region of immense beauty, reach culture and complex history. It is the source of pride for Indian's and Kashmiri together. Kashmir has been much contentious issue between India and Pakistan; these two countries have fought many war over the valley. The insurgency has ruined the normal functioning of the state and forced central government to notify the erstwhile state of Jammu and Kashmir as a disturbed area. Formal Prime Minister Atal Bihari Bajpayee, Manmohan Singh and present prime minister Modi has also tried to reach out to Pakistan. On the swearing ceremony in 2014, Modi made overtures to find a peaceful resolution to conflict over Kashmir. He invited Nawaj Sharif the prime minister of Pakistan for swearing ceremony and made a unscheduled landing in Lahor on Christmas 2015 to greet his counterpart on his birthday- a move that defied diplomatic convention and stunned foreign policy expert. But this relation was short lived. The beginning of 2016 saw a terror attack on the Pathankot Airforce station, involving 5 Jaish-e-Mohamed terrorists.

Month of tension followed the attack, escalating in the subsequent month after the killing of popular militant leader Burhan Wani in an anti-insurgency operation in August 2016. Within hour of the encounter, street in south Kashmir became the eaters of violent protests and stone pelting.

Pakistan was quick to exploit the situation, stepping up infiltration of trained terrorists to carry out attack on Indian Military installation. The target of the first terror strike was the 12<sup>th</sup> brigade of the Indian army in the Uri on 9<sup>th</sup> September, 2016 in which 17 army personnel and 20 were injured. In response, India retaliated by conducting surgical strike on suspected terror launched pad in Pakistan occupied Kashmir.

**Time line for terror attack**

March 21,2000 Militant target the minority sikh community in Chattisinghpura village in Anantnag District on the night of march 21 killing 36 people.	
	August 2000 32 people including two dozen Amarnath Pilgrim were killed in terror attack at the Nunwan base camp.
July 2001 Amarnath Yatri were again targeted this time at the Sheshnag base camp in Anantnag killing 13 people	
	October 2001 Jammu and Kashmir State legislature complex in Shrinagar was struck by a suicide(Fidayeen) terrorist attack killing 36 people.
2002 Terror struck at Chandanwari base camp and 11 amarnath yatri were killed.	
	May 14, 2002 Three militant hurled grenades from a bus at a army station in Kaluchak. They then open fired on other passengers on the bus and entered the station. They shoot security personnel as well as woman and children living in the residential complex killing 36 people before they were killed themselves.
November 23, 2002 19 people including 9 security force personnel, three woman and two children lost their lives in an improvised explosive device (IED) blast at lower munda in south Kashmir on the Jammu Srinagar National Highway.	
	March 2003 Terrorist massacre at least 24 Kashmiri pandit including 11 woman and two children at Nandimarg village in Pulwama district.
June 2005 13 civilian including two children and three crpf officer were killed and over 100 people sustained injury when an explosive laden car blew up at a crowded market place in front of government of school in Pulwama.	
	June 2006 9 Nepali and Bihari labourers were killed in Kulgam
July 2017 Attack on Amarnath Yatri bus in Pulgam, 8 killed.	
	June 2024 9 civilians were killed and dozen injured after suspected militants opened fire on bus

	carrying Hindu devotee to a holy shrine of deity in Jammu.
April 2025 Terrorist open fired at tourist in Pahelgam killing 26 people and injuring several others.	

### **Source: The Hindu Bureau Published/Updated-April 23, 2025 11:33IST**

(Beside this attacks, security personnel too have continually faced violence in notable example was the 2019 pulwama attack, where 40 CRPF personnel lost their life.)

After trying out various unsuccessful 'soft measures' to mitigate the conflict by Indian Government, the present BJP government used to the escalated conflict in the valley as an defend to fulfill the dream of its ideology of Prasad Shyama Mukherjee to abrogate article 370 and article 35 A. Mukherjee was arrested by the Jammu and Kashmir police in 1953 when he tried to cross the border of the state. He was died while leading a protest against the special status of Jammu and Kashmir in 1953, had stressed that there cannot be two constitution, two prime minister and two flag in one nation.

### **(2) Removal of article 370**

On 5<sup>th</sup> August, 2019, the Home Minister Amit Shah introduced the Jammu and Kashmir reorganization bill 2019 in Rajya Sabha to convert Jammu and Kashmir status of a state to two separate union territories namely Union Territory of Jammu and Kashmir and Union territory of Ladakh. By the end of the day, the Bill was passed by the Rajya Sabha with 125 votes in its favor and 61 against. On 6<sup>th</sup> august 2019 the bill was passed by the Lok Sabha with 370 votes in its favor and 70 votes against it. The bill became an act after it was signed by the President.

The president of India had issued the constitution (application to Jammu and Kashmir) order, 2019 (C.O.272) under article 370, superseding the constitution (application to Jammu and Kashmir) order 1954. The order stated that all the provisions of India constitution apply to Jammu and Kashmir. Whereas the 1954 orders specified that only some articles of the Indian Constitution were to apply to the state, the new order removed any such restrictions. This in effect meant that the separate constitution of Jammu and Kashmir stood abrogated.

Immediately after pressing the presidential order 2019 before the Rajya Sabha, home minister moved a resolution recommending that the president should issue an order under article 370 (3) rendering all clauses of article 370 in operative. After the resolution was adopted by both house of the parliament, the president issued constitutional order 272 on 6<sup>th</sup> august 2019 replacing the extent text of article 370 with the following text; "370, all provisions of this constitution, as amended from time to time, without any modification or exceptions shall apply to the state of Jammu and Kashmir notwithstanding anything contrary content in article 152 or article 308 or any other article of this constitution or any other provisions of the constitution of Jammu and Kashmir or any law, document, judgment, ordinance, order, by law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instrument treaty or agreement as envisaged under article 363 or otherwise".

### **(3) Historical background of Article 370:**

After the partition of Indo-Pak in 1947, Jammu and Kashmir was a provincially an independent state which was earlier sold by the British government to Maharaja Gulabsingh. In August 1947, after India got independence from British empire, India's princely states, those not officially with India or Pakistan, were given three choices- to stay independent or join either India or Pakistan. Three of such states were undecided, there were Junagadh, Hyderabad and Jammu and Kashmir. The Indian Home minister Sardar Vallabhbhai Patel tried to convince the undecided princely states to join India and Maharaja Hari-singh signed a standstill agreement with Pakistan effectively opting for a status -quo.

In October 1947, armed tribesmen from Pakistan infiltrated Jammu and Kashmir and Maharaja Harisingh reached out to then prime minister Jawaharlal Nehru and Home Minister Sardar Vallabhbhai Patel who agreed to send troops on the condition that the Maharaja Harisingh signed an "instrument of accession (IOA)", handing over control of its defence for an affaire and communication. Harisingh signed



IOA and Indian troops moved in. Immediately after the acceptance of the IOA, the government of India appointed Kanwar Dalipsingh as the agent of the government of India in Jammu and Kashmir. Another aspect that contributed to Jammu and Kashmir special status was when the constituent assembly of India was formed a number of states were given representation from beginning and they fully participated in the framing of the constitution of India. But Jammu and Kashmir was given representation in June 1949, when the constituent assembly was passing through its final stage. Ultimately, the government of India on October 17, 1949 accepted its special status.

#### **(4) Pro and cons of article 370 abrogation :**

The revocation of article 370 and 35(A) of the Indian Constitution on August 2019 represents a pivotal movement in the history of Jammu and Kashmir and has performed implications for the geopolitical landscape also. The revocation of these articles has ignited a fire storm of debate, protest and international scrutiny. Proponents of the decisions argued that it will lead to the greater integration of Jammu and Kashmir with the rest of India, promoting economic development and national unity<sup>1</sup>. However critics view it as a unilateral move that undermines the reasons historical autonomy and exacerbates existing tension between India and Pakistan as well as within the local population<sup>2</sup>. The decision has significant ramifications for India's federal structure, impacting center-state relation and potentially Dest abolishing the reasons security dynamic ( Ghost 2020)<sup>3</sup>.

Article 370 and 35(A) became symbols of Kashmiri political identity and aspiration. However, calls for greater integration of Jammu and Kashmir intensify overtime, leading to significant political shift. The revocation of this article by the BJP government agenda to fully integrate the region into India. The BJP asserted that this move would foster development and enhance national security, although it significantly impacted regional stability and India Pakistan relations.

#### **(5) Why revocation of article 370 was needed :**

A great deal of significant legislations that has been enacted throughout the India has not yet been implemented in Jammu and Kashmir because of article 370. Although the urban land (ceiling and regulations) act covers all of India, Jammu and Kashmir was left out in order to safe guard the interest of the ruling class. The accusation of urban land in Jammu and Kashmir has historically been associated with the political and bureaucratic elite. Unfortunately, Jammu and Kashmir was not covered by the urban land act 1976, which could have been used to verify this.

The Indian Penal Code, the Prevention of Corruption Act, the Domestic Violence Act, the religious institution act, fundamental duty, directive principles of state policies, right to information act 2005 and right to education act 2009 and many more were not previously applicable (before abrogation of article 370) to Jammu and Kashmir.

In Jammu and Kashmir the CBI, has limited authority. In order to investigate any FIR registered in the state the CBI must obtain either the state High Court permission or the assent of the Jammu and Kashmir government. Delimitation cannot be carried out in the state by central since the People Representation Act does not apply to the state. Jammu and Kashmir has not been granted full application of the 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment act in the both letter and spirit is also regrettable<sup>4</sup>.

“Article 370 was responsible for showing the seeds of separatism among youth in Kashmir by giving credence to the idea that Kashmir relationship with India was temporary” Home minister said on January 2<sup>nd</sup> 2025. There is an argument that Kashmir shares a boarder with Pakistan even Gujarat and Rajasthan share boarder with Pakistan, but terrorism did not reach there. Article 370 prompted the misconception that the relationship with India and Kashmir is temporary, said Amit Shah releasing a book on Jammu & Kashmir and Ladakh in New Delhi on January 2<sup>nd</sup> 2025.

There is also the argument that oligarchy has been wrongly preserved by misusing article 370. Only a portion of the federal legislation designed to keep state legislator from defecting was made available to Jammu and Kashmir. With the passage of the constitution of Jammu and Kashmir 18<sup>th</sup> amendment act 1987, Jammu and Kashmir gained its own set of laws. This law very from centra law in that the party chief, not

the speaker, determines whether or not a member has defected. This is detrimental to any democracy because it gives the party leader autocratic power<sup>5</sup>. The state economic growth has also been impacted by article 370 as per the provision of article 370, non-state actors are prohibited from investing in Kashmir, buying real estate, or operating any kind of business. By electing law like article 370, Jammu and Kashmir are preventing themselves from developing, while the rest of India is free to trade with any part of the country.

Due to permanent resident of the state holding exclusive property right a modern-day fiefdom has developed, with the majority of land resources concentrated in the hands of the small group of politically connected power elites who control everything from land price to buyer's selection. Due to the concentration of land resources in the hand of elite people, the state has lost a significant amount of revenue and has been prevented from reaching its full developmental potentials.

The agricultural products of Jammu and Kashmir such as grains, maize, fruits, milk, poultry are the main source of the state's income. Yet taxation provides the majority of the state's income. All the tourism industry has a lot of potential to generate enormous profits, the fundamental infrastructure needed to promote the industry in accordance with international standards has not yet been developed<sup>6</sup>. Despite Jammu and Kashmir's abundance of natural beauty and water resources, every political parties in power since 1953 has prioritized its self over the interest of the people or the state by engaging in corruption at poor governance<sup>7</sup>. The majority of the people believe that article 370 impedes the process of developing and building a nation. It has either directly or indirectly impeded the state's attempt to integrate with rest of India by dividing its people along lines of geography, right, linguistic identity, minority status and other factors<sup>8</sup>.

#### **(6) Kashmir after abrogation of Article 370.**

Local Kashmiris have been victimized overtime by various leaders and larger geostrategic and ideological agenda, sometime by terrorism and stone pelting. Despite all this negative historical background, much hope emerged after the significant change in 2019, for fresh thinking about how local justice and modalities of genuine legal may be sustainably developed in Jammu and Kashmir itself. On 5<sup>th</sup> August 2019, the abrogation of article 370 of Indian Constitution, which conferred a special status on Jammu and Kashmir in the realm of peripheral governance and autonomy, altered the geopolitical and social dynamic of the region. The government has been creating the narrative that the resolution of this article was a numerous input, with the consent of the Kashmiris over the year to achieve the objectives of integration, administrative ease and good governance. However the manner in which the abrogation of article 370 had been carried out under heavy militarization of the region and imprisonment of all the Kashmiri politicians was far from consent and democratic values. Thousands of security personnel were sent in and the value was claimed down with the severe and all income passing communication black out<sup>9</sup>. According to the central government, this "implemented constitutional transformation" was done to pave the way for better administration, good governance and economic development of the region<sup>10</sup>. The government also said article 370 was the root cause of corruption and militancy in the state of Jammu and Kashmir<sup>11</sup>.

Greater Kashmir in August 2023, quoted a report by Jammu and Kashmir police as saying that incidents of stone pelting in the valley had seen a massive decline. The report stated that the period before the revocation of article 370 witness 5050 incidents compared to just 445 stone pelting incidents afterwards. 92 percent massive decline in stone pelting, the report also noted that number of hartals and bandh call had fallen by 90 percent since abrogation of article 370. This decrease indicate improve socio political stability and reduce impact on daily activities due to strike or shutdowns, the report stated.

The India expresses quoted data from the ministry of home affairs as showing the 618 stone pelting incidents occurred between January and July in 2019. The same period in 2020 and 2021 recorded just 222 incidents and a meagre 76 incidents. Home minister said Kashmir had witnessed zero stone pelting incident in 2023. He also claimed that there were no organized strikes in Kashmir in 2023 compare to 132 in 2010<sup>12</sup>.

**(6) (1) Growth of Jammu and Kashmir (Sub para of Kashmir after abrogation of Article 370) :**

Tourism industry has been the back bone of the country, but the frequent terrorist attack from the Pakistan have had a devastating impact on this industry; the government choice to repeal article 370 would affect a number of factors, including stability, market excess and state legislation, all of which might benefit it in the long run important industries like tourism<sup>13</sup>.

The center for monitoring Indian economics (CMIE) monthly job statics show that for the previous four year at least Jammu and Kashmir unemployment rate has been higher than the country as a whole. As 16.3 percent, it was one of the top four states with a high unemployment rate in July 2019. The unemployment rate increased to 22.4 percent, the next month after article 370 and 35(A) were removed and a curfew was enforced. The intermittently fell to 15.5 percent by March 2020 and surprisingly dropped to 5.2 percent in May and almost 18 percent point below the national average, as the labor market struggled with a nation wide lockdown brought on the pandemic<sup>14</sup>. There is some research demonstrating that the removal article 370 had a good effect on terrorism in Kashmir. It gestured the beginning of the new chapter in Kashmir's history and offered the people of the state hope for prosperity and peace in the future, according to the study by Pandya, A (2019)<sup>15</sup>. This action will help eradicate terrorism from the state and genuinely bring the Kashmiri people and Indian Union together<sup>16</sup>.

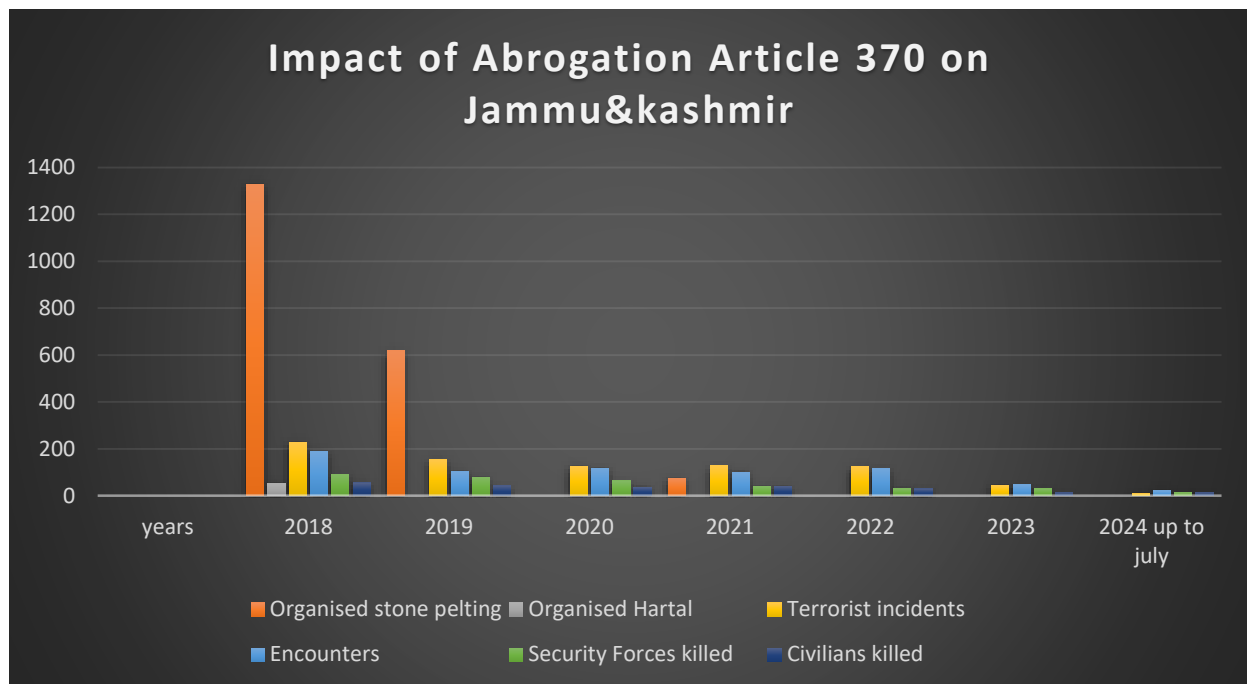
In another study, using primary data found no significant co-relation to the type of respondents and their opinions on the criteria of Kashmir tourism marketing with the exceptions that abrogation article 370 has a positive impact on Kashmir tourism<sup>17</sup>.

Even in the face of the strongest local opposition to his choice, Narendra Modi government continued to believe that India would unite. "We as a nation and as family have taken a historical decision" Modi said in his speech. A system that severely hampered the growth of the brother and sister of Jammu and Kashmir, and Ladakh and deprived them of numerous rights. The only things that article 370 and article 35-A allowed vast corruption, terrorism, secession and nepotism. Pakistan used this article as a tool to stir of resentment. This is the reason 42000 individuals have died over the previous three decades, which is heartbreaking for anyone to hear<sup>18</sup>.

In Jammu and Kashmir, seven local youths joined terrorism organization in 2024 marking a 96 percent decline in compare to 2019, when 132 youths were recruited, report zee news on January 1. Currently, only 9 locals active terrorist remained in J&K, the lowest number in several decades. Security force eliminated 68 terrorists in 2024, including 42 foreigners, among those killed were four top commandants of Jaish-e-Mohammad, Lashkar-e-Toiba and Hizbul Mujahideen. Only 61 terrorist incidents were reported in J&K in 2024, 47 percent reduction from previous year. The number of terrorists killed dropped from 157 in 2019 to 68 in 2024. Civilian and security personnel casualties have also decreased significantly<sup>19</sup>.

The valley did not report a single incident of stone pelting in 2024 as compared to 2654 incident of organized stone pelting in 2010, a year in which 132 organized strikes were observed and 112 civilians lost their life while 6235 civilian and security force personnel got injured in stone pelting incidents<sup>20</sup>.





Source: Union Territory of Jammu and Kashmir, this was stated by the minister of state for home affairs, Shri Nityanand Rai in written reply to a question in the Lok Sabha (Ministry of Home affairs: press release).

The above table provided data catch significant factors related to terrorist activities and countered terrorist actions through- out seven years. It shows a decline in terrorist instigated event and engagement as well as a decline in civilian and security force casualties. This denotes that, throughout times, attempt to mitigate the effect of terrorism have improved. Similar finding were reported in a study by Gupta et.al 2022)<sup>21</sup>.

#### **(7) Political Participation in J&K after demolition of article 370**

The government conducted first ever district development council (DDC) election in J&K in December 2020 which saw a high voter turned out of 51.42 percent. The District Development council are the form of elected local government in J&K and facilitated by the J&K Panchayati Raj Act, 1989 and created under J&K Panchayati Raj rule, 1996 of the constitution of India. District Development Council were first introduced by the Ministry of Home Affairs on 16<sup>th</sup> October, 2020. DDCs supervises, implemented, sponsored and prepared for five main fields such as well fare, health, education, finance, public works and development intended to ensure the community development of the representing district. This election was first ever political exercise after the revocation of article 370 and re-organization of the state, the rule electoral process evoked much interest among political space. However, the election was held for limited purpose of forming the district level council, there were larger issue that lingered in the background. The issue of legitimacy versus contestation of August 2019 changed, the political deadlock, the opening up for democratic space in Kashmir, the role and relevance of various political parties in the context of change political environment<sup>22</sup>. For BJP it was opportunity to convince the world that the drastic change it had brought in the erstwhile state had garnered public support. Anything less than a reasonable victory at least in its core constituencies in the Jammu region, would be considered a set back for the BJP. The people's alliance for Gupkar declaration (PAGD) is a political alliance between the several valleys dominated political parties in Jammu and Kashmir. For the PAGD, a victory intel a vindication of their opposition to the change and boost for the party's morale and their vary existence<sup>23</sup>. It was battle of political existence.

Further the government initiated the de-limitation process for J&K to redraw the boundaries of assembly and parliamentary constituencies based on the latest census data (2011). J&K delimitation commission submitted its final report on May 5, 2022, two years after Jammu Kashmir Re-organization Act 2019. In this order, a notification of which was published in the gadget of India, curved out additional six assembly seats for Jammu region and one for the Kashmir valley. By adding additional seven seats,

now 43 seats for Jammu region and 47 seats to Kashmir making up a total 90 seats for union territory's assembly, up from the current strength of 83. For the first, the penal reserved nine seats for scheduled tribe, it also recommended that members be nominated among Kashmir migrant communities which primarily comprised the Kashmiri Pandits.

### Conclusion:

There is no doubt about to say, the abrogation of article 370 have created new kind of political atmosphere in the troubled Jammu and Kashmir. After analysis of many aspects of article 370, it can be said that article 370 have divided citizens of the same nation. The political and constitutional integration of Jammu and Kashmir with India has been undermined by article 370. A good political participation has started, new political parties has been emerged for instance The Jammu Kashmir Apni Party in 2022, The Democratic Progressive Azad Party in 2022, Ekk Jutt Jammu Party in 2020 with a now hope. The increase in voter turned out from grass root level to parliamentary election indicate the new kind of political participation and democratic atmosphere in the state. The local self-government election has opened new democratic space and lost faith has been restored. However, recent Pahelgam terrorist attack on 26 tourists shook the soul of entire nation. There is a strenuous need of full-fledged central command for eradicating the last remains of terrorism in Jammu and Kashmir. Doubtlessly terrorism on ground has been declined but its root are beneath the earth and needs to be stick out with iron hands for welfare of people of Jammu and Kashmir as well as India.

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