

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

Breaking the Silence!

Authored By-Ashweth Singh

Abstract

The drafters of the Indian Constitution aimed to make the country sovereign, stable, peaceful and to protect the human rights of its people. Constitutions have played a very important role in getting the country's judicial system on the right track to support the complex scenarios of the realities of the country's present land. Article 370 gives Jammu and Kashmir enormous powers as a state which raises many complex issues including threatening the unity of the country also kind of a different feeling which may give a rise for the establishment of Kashmir as a country. It has complex political and religious aspects that affect the very complex issue of the border between India and Pakistan. The Pakistani government has insisted on J&K since 1947. Disputes over L.A.C. The "actual line of control" over "no man's land" and the more complex "line of control" issue with Pakistan has existed since 1947, with China claiming our land near Ladakh. increase. The government divided the state into two "Union Territories" and added limited Aboriginal administrative powers under the central government. This clause is an "interim clause" and it was important to repeal, amend or delete this clause. Implementation of problem-solving skills in complex scenarios of Indian constitution and land realities is impacting national peace and international stable and progressive relations in the Kashmir Valley (Jammu-Kashmir and Ladakh). The hope is that the subtle combination of Muslims (Kashmir - Wisdom of the One God) and Buddhists (Tibet University of Ladakh - Lhasa) will provide a unique culture and a progressive path to transform the unstable situation of the country into peace. giving us room for future improvements. Enlightened, Peaceful and Advanced Development under the Indian Constitution. ”

Keywords

The Constitution of India, Jammu- Kashmir and Ladakh, Article 370, Problem Solving Skills, Country Peace, Stability, advanced development, international stable and progressive relations.

Introduction

The Constitution of India is one of our country's most beautiful legal documents that encompasses all the functions for the peaceful administration of the country and its society for the sake of social stability, human rights and protection of mankind from serious crimes. It's one. But an analysis of international and national security issues centered on the northern Indian-Pakistani borders of Jammu and Kashmir shows that the complex danger zone of the world is one in which the new law can maintain security and peace. increase. Pakistan's interference in the Jammu and Kashmir region, more recently China's post-coronavirus situation interference, attacks in the Ladakh region, these serious issues are ongoing, complicating the resolution of the issue. The hope is to build a future relationship in peace and prosperity.

The people of Jammu and Kashmir have battled an enormous amount of fear and fear over the decades. India and Pakistan were split into two countries after gaining independence from Britain in 1947. British India until then had nearly 560 monarchies, including Kashmir. Emperor Hari Singh of Kashmir hosted many of the conflicts that have been the most debated reason for stabilizing the state of Kashmir on behalf of the kingship. Pakistan targeted India by producing Kashmir as a weapon. sent an army to attack Kashmir. Unable to defend Kashmir, the Kashmiri Maharaja called for help and reached out to India. After analyzing Kashmir's position and Hari Singh's request, Viceroy Mountbatten was willing to support Kashmir, but instead he proposed an agreement to the maharajah who signed the "deed of accession to India". An irreversible and unresolved issue for India.

After the agreement between India and Kashmir on November 2, 1947, Pandit Nehru declared that "Kashmir's future will be decided by referendum." After such incidents, the people of Kashmir were protected and guaranteed their right to vote in general and local elections. Therefore, no state referendum was required. Pakistan, on the other hand, has always supported elections by referendum. They have always provoked Kashmiri Muslims, demanding their rights and a referendum in their state. They felt that elections of Kashmiris in Kashmir state would make little difference as they are only trying to get basic amenities

and solving Kashmir problems that they do not get through elections.¹

On 5th August 2019, Indian Union Minister of Home Affairs Shri Amit Shah announced the repeal of Articles 370 and 35-A of the Indian Constitution which gave special status to the state of Jammu and Kashmir. Article 35-A of the Indian Constitution empowers the Jammu and Kashmir State Legislature to define permanent residents of the state and their special rights and privileges. Article 35-A was not part of India's original constitution passed in 1949. It was later incorporated into the Indian Constitution by Presidential Decree of 1954 with the approval of the state governments of the time.

In this paper we reviewed the current status of Jammu and Kashmir and how is the situation there after the abrogation of article 370.

A Demand For The Restoration Of Full Statehood Of Jammu And Kashmir

National Conference on Tuesday in a meeting here chaired by party president Farooq Abdullah. Demands included restoration of the 'darbar move' practice, special package for the tourism industry, employment for youth, implementation of the Mandal Commission recommendations in Jammu and Kashmir, a legal guarantee of minimum support price for crops and slashing prices of essential commodities.²

The farmers are being harassed and tortured by snatching away their lands under cultivation forcing them to adopt the path of agitation. We stand with these farmers and appeal to the government to defer this campaign till a popular government is established in Jammu and Kashmir," People claiming the unemployment rate in Jammu and Kashmir was at an "all-

¹ BBC- Article 370: What happened with Kashmir and why it matters available at : <https://www.bbc.com/news/world-asia-india-49234708> (Last accessed on 20th September, 2022)

² Abrogation of Article 370 of the Constitution of India: Socio-Economic and Political Implications on Jammu and Kashmir available at : <https://deliverypdf.ssrn.com/delivery.php?ID=84202700300809807012012009407900211005004008601203906312510609202310009610008812212610000212012303703311109608312600106412508502101105507603301810207009809600212000702808206211412607409901009309012302603009011108408700710206407211210009079077100086093&EXT=pdf&INDEX=TRUE> (last accessed on 1st September, 2022)

time high” of 22.2 percent and the highest among all the Union Territories and the states, the party demanded adequate employment opportunities for the youth.

Decline In Terrorism After The Abrogation Of Article 370

The Interior Ministry recently said that the number of terrorist incidents in 2020 fell by 59% compared to 2019. Incidents were down another 32% by June 2021 compared to the corresponding period in 2020

The number of terrorist attacks has dropped significantly from 417 in 2018 to 229 in 2021. The government has taken various measures to normalize the situation in the Kashmir Valley. These include a robust security and intelligence network, active counter-terrorism operations, increased night patrols and checks in Naka, security precautions through appropriate deployment, and high alertness by security forces. "

Protest By Jammu Traders After Scrapping Of The Article

Although part of Jammu, They now have a new excise policy, new rules for bars and restaurants, the closure of Darbar Move's 149-year-old practice, new geological and mining guidelines, restrictions on banquet halls, and an upcoming Reliance chain-- retail store. JCCI said all these moves had a negative impact on Jammu trade.

Traders are struggling with a new excise tax policy that led to the auction of 228 liquor stores in Jammu and Kashmir in April this year. According to wine merchants, most of Jammu's 228 liquor merchants lost business to outsiders in electronic auctions, and only 15-20 of them were able to hold their licenses. These 20 operators were then told to obtain his NOC documents from at least 21 departments to renew their licenses.³

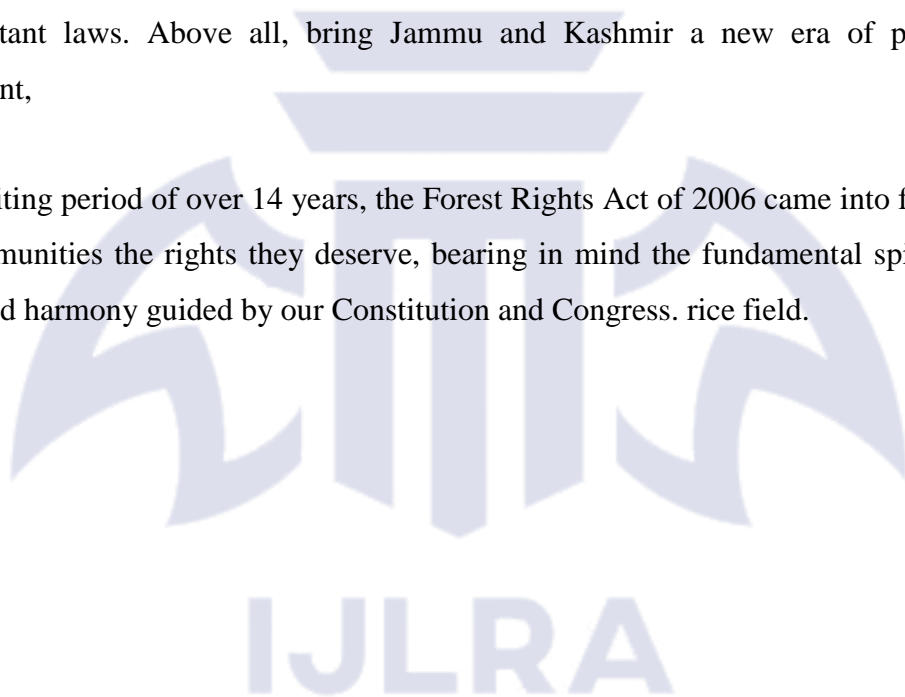
32 Years Of Abrogation Of Article 370 In Jammu And Kashmir; What Changed And What Not?
| India Today available at: <https://www.youtube.com/watch?v=JjC-466yVDE&t=212s> (Last accessed on 5th September, 2022) **Two years pass after revocation of Article 370 in Jammu & Kashmir | Latest News | WION** available at : https://www.youtube.com/watch?v=_14tAZ3WONE (Last accessed 2nd October 2022)

Creation Of Equitable Society In Jammu And Kashmir

We have changed our reservation rules and extended booking benefits to excluded categories such as Pahari speakers and financially vulnerable segments. Sections of society such as Pakistan-occupied Jammu and Kashmir, Changbu, and displaced refugees in West Pakistan have legitimate interests in the extension of the Central Law.

Following the repeal of Section 370, several such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2007 and the Scheduled Castes and Scheduled Tribes (Prevention of Cruelty) Act 1954. Implementation of landmark and important laws. Above all, bring Jammu and Kashmir a new era of progress and development,

After a waiting period of over 14 years, the Forest Rights Act of 2006 came into force, giving tribal communities the rights they deserve, bearing in mind the fundamental spirit of social equality and harmony guided by our Constitution and Congress. rice field.



Conclusion

- The decision was announced in such a short time that it was like lightning news for the country. The people of Kashmir were shocked. It has undoubtedly helped the development of peace and order in Jammu and Kashmir, but the government needed to take big steps slowly and gradually.

- They should have educated the local people about the downsides of Article 370 and their decisions that hinder their country's growth and development. First, you have to earn people's trust.

- There are many local concerns to resolve, such as: B. High Speed Internet Facility. It will be a hurdle to get health requirements and online education from each educational institution.

- The involvement of the media would have to Enlighten the issue in a positive direction when the locals have seen the love and support they would get from outside their state.

- The Human Rights Commission has observed many people being killed, including orphans, widows, semi-widows and widows. Many dead have no trace of a record just because they were extremists given to families in need.

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⁴ Abrogation of Article 370 of the Constitution of India: Socio-Economic and Political Implications on Jammu and Kashmir available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3664550 (Last accessed on 15th September, 2022)

Ipleaders- History of Article 370 of Indian Constitution available at : <https://blog.ipleaders.in/history-of-article-370-of-indian-constitution/> (Last accessed on 14th September, 2022)