

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.  
All rights reserved.**

## ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

## ***PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT***

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

# **LAWFARE AND FEDERALISM: THE SOCIO-LEGAL RECONSTRUCTION OF JAMMU & KASHMIR**

AUTHORED BY - FAHEEM MIR & SHUBHI THAKUR

## **Introduction**

The constitutional relationship between the Union of India and Jammu and Kashmir (J&K) was historically defined by a unique asymmetry.<sup>1</sup> Anchored in Article 370 of the Constitution of India, this framework was not merely an administrative exception but a "foundational breach" in the standard federal order, designed to preserve the region's internal autonomy while acknowledging the specific legal contingencies of its accession in 1947. For decades, this provision functioned as a mechanism of "negotiated sovereignty," limiting the jurisdiction of the Indian Parliament primarily to defense, foreign affairs, and communications, while reserving residual powers for the State Legislature.<sup>2</sup> However, on August 5, 2019, this negotiated arrangement was unilaterally dismantled. Through a series of Presidential Orders and the passage of the *Jammu and Kashmir Reorganisation Act, 2019*, the special status of the region was revoked, and the state was bifurcated into two Union Territories under direct central control.<sup>3</sup>

This research paper critically analyzes the legal and political transformation of J&K in the post-abrogation era. It argues that the events of 2019 represent a paradigm shift from a model of "constitutional integration" to what scholars have termed "Occupational Constitutionalism". This framework suggests that the expansion of central laws including the imposition of new Domicile rules and the restructuring of land rights serves a broader systemic strategy rooted in "settler colonialism," aimed at dismantling the region's indigenous political identity and facilitating demographic transformation.<sup>4</sup>

The study further examines the procedural mechanics of this transformation, often described as "lawfare," where constitutional text is weaponized to erode the very autonomy it was meant to protect.<sup>5</sup> By interpreting the legislative assembly's powers through the Governor during the President's Rule, the state apparatus effectively bypassed the requirement for the Constituent Assembly's concurrence, a move critics argue constitutes "legality without legitimacy". Furthermore, the subsequent judicial validation of these actions by the Supreme Court in 2023 is scrutinized as a form of "hegemonic constitutionalism," where the judiciary

legitimizes executive overreach under the guise of formal fidelity to the law.<sup>6</sup> By exploring these dimensions, this paper seeks to understand how the "juridical erasure" of Article 370 has reorganised the socio-political hierarchy of the region, rendering J&K a "paradigmatic space of juridical indistinction" where the normative content of federal democracy has been hollowed out.

## **Methodology**

This study adopts a comprehensive socio-legal methodology, integrating doctrinal legal research with qualitative empirical analysis to evaluate the transformation of Jammu and Kashmir (J&K) following the abrogation of Article 370. This mixed-method approach is essential to capture the dual nature of the transition: the formal restructuring of the legal architecture and its tangible impact on governance, social hierarchy, and the lived experiences of the region's inhabitants.

**Doctrinal Legal Analysis** The primary foundation of this research is a doctrinal examination of the constitutional and legislative texts that facilitated the integration of J&K into India's central legal framework. This involves a critical analysis of:

**Constitutional Instruments:** The Presidential Orders (C.O. 272<sup>7</sup> and C.O. 273<sup>8</sup>), the *Jammu and Kashmir Reorganisation Act, 2019*<sup>9</sup>, and the constitutional validity of the abrogation as adjudicated by the Supreme Court in *In Re: Article 370 Abrogation*<sup>10</sup>.

**New Criminal and Procedural Laws:** A comparative analysis was conducted between the erstwhile *Ranbir Penal Code*<sup>11</sup> and the newly implemented central statutes the *Bharatiya Nyaya Sanhita* (BNS)<sup>12</sup>, *Bharatiya Nagarik Suraksha Sanhita* (BNSS)<sup>13</sup>, and *Bharatiya Sakshya Adhinyam* (BSA)<sup>14</sup>. This analysis focused on identifying gaps in the application of uniform laws in a jurisdiction that had operated under a separate legal system for decades.

**Administrative Orders:** An examination of new domicile laws and land regulations was undertaken to understand the shift from "permanent resident" privileges to a domicile-based citizenship model.

**Qualitative and Empirical Approach** To move beyond a purely textual analysis, the study employs qualitative methods to assess the socio-political and economic implications of these legal changes.

**Data Collection:** The research draws on semi-structured interviews with key stakeholders, including legal practitioners, government employees, human rights activists, and local residents. These interviews were designed to gauge public perception regarding the efficiency

of the new legal system, access to justice, and the socio-cultural anxiety surrounding demographic changes.

**Case Studies:** The study utilises case studies to examine law enforcement activities under the new BNS and BNSS regimes, specifically focusing on property disputes and human rights enforcement to understand the practical challenges of legal harmonisation in a conflict-sensitive zone.

**Comparative Framework** A comparative federalism approach was utilised to contextualise J&K's transition. The study contrasts the pre-2019 "asymmetrical federalism" model, which granted J&K legislative autonomy, with the current Union Territory model characterised by centralised administrative control. This framework helps in assessing the magnitude of the shift from a "negotiated sovereignty" to a unitary command structure.

**limitations** The study acknowledges certain limitations inherent to researching a sensitive geopolitical region. The collection of primary data was constrained by security protocols and political restrictions, which limited access to certain remote districts. Furthermore, as the implementation of the BNS, BNSS, and BSA is relatively recent, long-term sociological data on their impact is still evolving, necessitating reliance on provisional indicators and short-term trends.

### **The New Legal Architecture: From Autonomy to Centralisation**

The abrogation of Article 370 on August 5, 2019, fundamentally dismantled the unique constitutional arrangement of "asymmetrical federalism" that had defined Jammu and Kashmir's relationship with the Union of India for seven decades. Prior to this shift, the region operated under a separate Constitution and the *Ranbir Penal Code* and enjoyed a degree of legislative autonomy under which central laws applied only with the concurrence of the State Government. The post-2019 era has replaced this "negotiated sovereignty" with a centralised legal architecture, anchored by the *Jammu and Kashmir Reorganisation Act, 2019*<sup>15</sup> and the subsequent extension of the new criminal law framework comprising the *Bharatiya Nyaya Sanhita* (BNS), *Bharatiya Nagarik Suraksha Sanhita* (BNSS), and *Bharatiya Sakshya Adhinyam* (BSA).

**Constitutional Restructuring and Bifurcation.** The primary instrument of this transformation was the *Jammu and Kashmir Reorganisation Act, 2019*. This legislation dissolved the statehood of J&K, bifurcating the territory into two Union Territories: Ladakh (without a legislature) and Jammu & Kashmir (with a legislature). This structural change transferred the locus of power from a locally elected State Assembly to the Central

Government, exercised through a Lieutenant Governor (LG). Unlike the previous Governor, who acted on the aid and advice of the Council of Ministers, the LG in the new Union Territory model retains significant discretionary authority, particularly regarding police and public order, effectively placing the region's administration under direct federal oversight.

**Integration via New Criminal Statutes (BNS, BNSS, BSA)s.** A critical component of this centralization is the standardisation of the criminal justice system. The abrogation rendered the *Ranbir Penal Code* and the state-specific evidence acts obsolete. In their place, the Union has extended the new triad of Indian criminal laws BNS, BNSS, and BSA to the region.

- **Bharatiya Nyaya Sanhita (BNS):** This statute standardizes the definition of crimes across the Union Territory, introducing modernized provisions for offenses such as cybercrime, terrorism, and corruption, ensuring that criminal liability in J&K is now interpreted uniformly with the rest of India.
- **Bharatiya Nagarik Suraksha Sanhita (BNSS):** Replacing the local procedural codes, the BNSS has revamped the investigative and trial processes. It streamlines arrest and bail procedures and mandates specific timelines for investigations, aiming to increase the efficiency of a judicial system that was previously governed by distinct state-level protocols.
- **Bharatiya Sakshya Adhinyam (BSA):** This Act modernizes the rules of evidence, specifically regarding the admissibility of electronic and digital records. This is a significant shift for local law enforcement, requiring the establishment of new forensic units and the adoption of contemporary investigative techniques to comply with national evidentiary standards.

**Institutional Adaptation and the Digital Shift** The imposition of these central laws has necessitated a comprehensive "institutional reorientation." The local judiciary and police forces, previously accustomed to the state-specific legal code, are undergoing extensive retraining to implement the BNS and BNSS. This includes the digitisation of First Information Reports (FIRs) and police records to comply with BNSS procedural standards. Furthermore, the administration has integrated the region into the national e-courts grid, introducing electronic filing and virtual hearings to remote districts like Kishtwar and Anantnag, thereby attempting to bridge the gap between central legislation and local access to justice.<sup>16</sup>

In summary, the new legal architecture represents a transition from a "state-centric" model to a "Union Territory" model.<sup>17</sup> While the government frames this centralisation as a means to ensure legal uniformity and better governance, it fundamentally alters the social contract in the region, subordinating regional legislative autonomy to the central parliament and creating a

direct administrative hierarchy flowing from New Delhi.

### **Impact on Federalism and State-Center Relations**

The abrogation of Article 370 on August 5, 2019, precipitated a seismic shift in India's federal structure, transitioning Jammu and Kashmir (J&K) from a model of "asymmetrical federalism" to one of centralized administrative control.<sup>18</sup> Previously, Article 370 served as a mechanism of "negotiated sovereignty," allowing the state to retain exclusive authority over internal matters such as land rights and public employment, while limiting the Union's jurisdiction primarily to defense, foreign affairs, and communications. The revocation of this special status has fundamentally reconfigured the power dynamics between New Delhi and Srinagar, raising critical questions regarding the "federal equilibrium" and the constitutional limits of central intervention<sup>19</sup>.

**Loss of Legislative Autonomy** One of the most immediate implications of the abrogation was the reduction of legal autonomy. Under the previous regime, the State Legislature possessed residual powers, and central laws applied only with the concurrence of the State Government. Post-abrogation, the Union Parliament acquired the authority to legislate directly for the Union Territory (UT) across all subjects.<sup>20</sup> This structural change effectively "subordinated regional legislative autonomy" to the central legislative framework, nullifying the distinct legal character that once allowed J&K to maintain separate administrative codes. Critics argue that this moves the Indian polity from a "pluralist federation" toward a centralised model where autonomy can be procedurally dismantled under formal legality.<sup>21</sup>

**The "Union Territory" Model and Executive Control.** The reorganisation of the state into two Union Territories, J&K and Ladakh, via the *Jammu and Kashmir Reorganisation Act, 2019*, dramatically altered the locus of governance.<sup>22</sup> The new framework introduced a governance model heavily reliant on the Lieutenant Governor (LG), an appointee of the Central Government, who retains significant discretionary authority over "police" and "public order".<sup>23</sup> This effectively transfers executive power from locally elected representatives to the central bureaucracy, creating a direct administrative hierarchy flowing from New Delhi. Scholars note that this reorganisation, executed without the consent of an elected state legislature, challenges the principle of "cooperative federalism" and sets a precedent for the unilateral restructuring of state boundaries.

**Fiscal and Administrative Centralisation** The centralisation extends beyond politics to fiscal federalism. Previously, J&K enjoyed a distinct financial relationship with the Centre; however, the new regime has integrated the region into the national fiscal framework, giving the Union

control over taxation, financial agreements, and budgetary outlays. Administrative departments that once operated under state-specific statutes have been realigned with central ministries, requiring a total reorientation of the local bureaucracy to adhere to national standards of procedure and performance.<sup>24</sup> While proponents argue this integration enhances administrative efficiency and national unity, it has undeniably reduced the "federal distance" between the region and the Center, replacing a negotiated autonomy with a unitary command structure.

### **Socio-Legal Consequences: Identity, Rights, and Justice**

The abrogation of Article 370 and the subsequent legal restructuring of Jammu and Kashmir (J&K) have precipitated a profound socio-legal transformation.<sup>25</sup> This shift is not merely administrative but strikes at the core of civic identity, reconfiguring the relationship between the citizen and the state. The transition from a constitutionally autonomous entity to a Union Territory directly administered by the Centre has generated a complex duality: while the state apparatus frames the move as an "emancipatory" integration that standardises rights, critics and legal scholars argue it represents a form of "occupational constitutionalism" that hollows out indigenous political agency.

**Redefining Citizenship and Demographic Anxiety** The most visceral socio-legal consequence has been the dismantling of the "Permanent Resident" status, previously guaranteed under Article 35A. This provision acted as a legal firewall, reserving land ownership, government employment, and scholarships exclusively for state subjects. Its removal and replacement with the new "Domicile" laws have fundamentally altered the region's citizenship framework.<sup>26</sup> Citizenship is no longer defined by ancestral lineage within the state but by residency duration, opening the region to non-locals for employment and land acquisition.

This legal shift has triggered deep-seated demographic anxieties. Local populations fear that the new land laws, which allow outsiders to purchase immovable property, are designed to facilitate a "settler colonial" project aimed at diluting the region's Muslim-majority character. Scholars argue that these legal mechanisms redefining residency and land rights function as tools of "demographic engineering," creating a sense of existential threat among indigenous communities who perceive this as a transition from integration to colonisation.<sup>27</sup>

**Fundamental Rights and Social Stratification** Conversely, the application of the Indian Constitution in its entirety has undeniably addressed historical inequities embedded in the previous legal regime. The abrogation effectively nullified the discriminatory aspects of Article 35A, particularly regarding gender and marginalised castes.<sup>28</sup> Previously, women who married

non-residents lost their claim to ancestral property and the right to pass it to their children; the new legal order has restored these rights, aligning J&K with national standards of gender justice.

Furthermore, the legal integration has enfranchised specific marginalised communities who were previously relegated to second-class citizenship. Groups such as the Valmikis (Dalits brought in as sanitation workers in 1957), West Pakistan Refugees, and Gorkhas, who were denied Permanent Resident certificates and state jobs for decades, have now been granted full domicile rights.<sup>29</sup> Proponents argue that this expansion of rights represents a triumph of "constitutional morality" over regional chauvinism, ensuring that the benefits of affirmative action and social welfare schemes such as the Right to Education and reservation in promotions for Scheduled Castes are finally accessible to these populations.

**Civil Liberties and the "State of Exception"** However, this expansion of formal rights has coincided with a severe contraction of civil liberties, creating a paradox where constitutional rights are theoretically expanded but practically suspended. The post-abrogation period witnessed the imposition of a "state of exception," characterised by mass preventive detentions under the *Public Safety Act* (PSA), communication blackouts, and restrictions on public assembly.<sup>30</sup> The judiciary's role during this period has been criticized for prioritizing "executive deference" over the protection of habeas corpus, leading to what scholars term "juridical erasure," where the legal form remains but its normative content is hollowed out.

The suppression of dissent has been institutionalised through the invocation of anti-terror laws like the *Unlawful Activities (Prevention) Act* (UAPA) against journalists and civil society actors, effectively criminalizing opinion.<sup>31</sup> This has resulted in a "participation gap," where the mechanisms of democratic feedback media, civil society, and political protest have been stifled, alienating the very population the state claims to be integrating.

**Access to Justice and Institutional Trust** The reorganization has also transformed the administration of justice. The shift of jurisdiction for service matters to the Central Administrative Tribunal (CAT) and the introduction of central laws like the *Bharatiya Nyaya Sanhita* (BNS) and *Bharatiya Nagarik Suraksha Sanhita* (BNSS) have standardized criminal procedures. While initiatives like e-courts and digital filing have been introduced to modernize the judiciary, there remains a significant gap in legal literacy and accessibility, particularly in remote conflict-affected zones.

Ultimately, the socio-legal landscape of post-2019 J&K is defined by a "trust deficit."<sup>32</sup> While the uniform application of laws promises equality and development, the manner of their implementation, perceived by many as coercive and top-down has deepened social alienation.

True legal integration, scholars argue, cannot be achieved through statutory imposition alone but requires the restoration of democratic legitimacy and the rebuilding of civic trust.

### **Future Trajectories and Challenges**

The post-abrogation landscape of Jammu and Kashmir (J&K) is poised at a critical juncture between "constitutional integration" and "alienation."<sup>33</sup> The future trajectory of the region will likely be defined by the tension between the central government's push for administrative uniformity and the local population's anxiety regarding the erasure of their distinct identity.

**Civic Identity vs. National Integration** A primary challenge is the reconstruction of civic identity. The transition from "Permanent Resident" status to "Domicile" citizenship has shifted the region from a model of "negotiated sovereignty" to one of "centralised unitary command".<sup>34</sup> While the state apparatus views this as the final step in national integration, creating a "singular constitutional identity", critics argue it represents a form of "settler colonialism" designed to alter the region's demographics. The challenge ahead lies in reconciling these opposing narratives; if the legal integration is perceived solely as a tool for "demographic engineering," it risks deepening the "trust deficit" and cementing social polarisation rather than fostering cohesion.

**Governance: Efficiency vs Legitimacy** The "Union Territory" model has centralised power in the Lieutenant Governor, prioritising bureaucratic efficiency over democratic representation. While this has facilitated the extension of central laws and potential economic investments, it has created a profound "participation gap". The "bureaucratic neutralisation" of federal autonomy implies that local stakeholders have limited influence over policy, leading to a "democratic deficit" where administrative legality exists without social legitimacy.<sup>35</sup> Future stability depends on whether the state can transition from this "administrative authoritarianism" back to a participatory democracy that empowers local institutions rather than merely controlling them.

**The Fragility of "Normalcy"** Finally, the security trajectory remains uncertain. Although official data suggests a decline in terror incidents, scholars warn that the current "silence" should not be mistaken for acceptance. The suppression of civil liberties and the criminalisation of dissent may have temporarily curbed mass protests, but they risk fueling "quasi-violent" resistance and a resurgence of "homegrown militancy" fueled by deep-seated resentment.<sup>36</sup> Sustainable peace will require moving beyond "juridical erasure", where laws are enforced but not accepted, toward a framework of "LIVED" constitutionalism that prioritises Legitimacy, Inclusion, and Voice.

## Conclusion and Recommendations

This study concludes that the abrogation of Article 370 represents a paradigm shift from "asymmetrical federalism" to "centralised unitarism," fundamentally altering Jammu and Kashmir's socio-legal identity. While the extension of central laws, including the *Bharatiya Nyaya Sanhita* (BNS) and *Bharatiya Nagarik Suraksha Sanhita* (BNSS), has standardised criminal procedures and expanded formal rights for marginalised groups like West Pakistan Refugees and women, this legal integration suffers from a profound "legitimacy gap". The study finds that the unilateral nature of these changes has generated deep-seated anxieties regarding "demographic engineering" and the erasure of indigenous political agency, creating a "dangerous silence" rather than genuine social stability.

To bridge the chasm between legal integration and social acceptance, this paper recommends the adoption of a "LIVED" framework prioritising Legitimacy, Inclusion, Voice, Equity, and Dialogue.

- **Democratic Restoration:** The Union Government must urgently restore statehood and conduct free legislative elections to address the "democratic deficit" and replace bureaucratic rule with participatory governance.
- **Capacity Building:** There is a critical need for extensive training of the local judiciary and police on the new BNS and BNSS regimes to ensure these laws facilitate justice rather than confusion.
- **Transitional Justice:** The state should institutionalise a Truth and Reconciliation mechanism to address historical grievances and rebuild the "trust deficit" between the citizen and the state.
- **Protection of Identity:** Policy measures must be introduced to reassure local populations that economic development will not come at the cost of cultural or demographic displacement.

<sup>1</sup> Kumar, A., 2025. Legal Status of Jammu and Kashmir within the Indian Union: Reading from the Texts. In *Kashmir after 2019* (pp. 144-172). Routledge India.

<sup>2</sup> Qadri, N., 2025. Article 370 and Undoing of Federal Asymmetry: Post-colonial sovereignty, State Exception, and the Legal Erasure of Kashmir. *Published by India Study Centre Institute of Strategic Studies Islamabad*.

<sup>3</sup> Haroon, L. and Hussain, N., 2020. Indian Constitutional Rearrangements in Jammu & Kashmir and the Responses of Kashmiri Diaspora. *South Asian Studies*, 35(02), pp.243-260.

<sup>4</sup> Jourdeuil, K., 2026. Territorial justice as structural justice: settler colonialism and territorial rights theory. *Critical Review of International Social and Political Philosophy*, 29(1), pp.118-138.

<sup>5</sup> Cody, Stephen. "Dark law: legalistic autocrats, judicial deference, and the global transformation of national

security." *U. Pa. JL & Pub. Aff.* 6 (2020): 643.

<sup>6</sup> Supra footnote 2

<sup>7</sup> Constitution (Application to Jammu and Kashmir) Order, 2019, C.O. No. 272, Gazette of India, Extraordinary, Part II, Section 3(i) (Aug. 5, 2019)

<sup>8</sup> Declaration under Article 370(3) of the Constitution, C.O. No. 273, Gazette of India, Extraordinary, Part II, Section 3(i) (Aug. 6, 2019)

<sup>9</sup> Jammu and Kashmir Reorganisation Act, 2019, No. 34, Acts of Parliament, 2019 (India)

<sup>10</sup> In Re: Article 370 of the Constitution, (2023) 16 SCC 1617

<sup>11</sup> Ranbir Penal Code, 1989,(India)

<sup>12</sup> The Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023

<sup>13</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46, Acts of Parliament, 2023

<sup>14</sup> The Bharatiya Sakshya Adhinyam, 2023, No. 47, Acts of Parliament, 2023

<sup>15</sup> The Jammu and Kashmir Reorganisation Act, 2019, No. 34, Acts of Parliament, 2019 (India)

<sup>16</sup> ud Din, S.J., 2024. Prospect of Using Technology to Enhance Access to Justice: Comparative Analysis between Pakistan and Indian Legal System. *Law and Policy Review*, 3(2), pp.139-170.

<sup>17</sup> Ahmad, P.A., *State Politics in India: Evolution, Institutions, and Identity*. LexArcheus Publications.

<sup>18</sup> Chandrachud, A., 2019. The abrogation of Article 370. *Festschrift in Honour of Nani Palkhivala (January 2020, Forthcoming)*.

<sup>19</sup> Bajoria, R., 2018. Silent Narrative: Bringing Srinagar to New Delhi. *Public History Review*, 25, pp.12-19.

<sup>20</sup> Yaqoob, M., Shifting Paradigms: Evolving Politico-Administrative Landscape. In *Intersections and Transformations* (pp. 108-133). Routledge.

<sup>21</sup> Choudhry, S., Daintith, T., Marshall, M., Sripati, V., Thiruvengadam, A.K. and Tushnet, M., International Journal of Constitutional Law.

<sup>22</sup> Verma, N.K. and Rawat, R., 2025. Ladakh's quest for autonomy amidst geopolitical and strategic contestations. *Journal of Asian and African Studies*, 60(7), pp.4748-4765.

<sup>23</sup> Hinton, M.S. and Newburn, T. eds., 2009. *Policing developing democracies* (pp. 4-5). London: Routledge.

<sup>24</sup> Manjul, S., Federalism and State Autonomy: An Analysis of Centre-State Relations in India.

<sup>25</sup> Menski, W. and Yousuf, M., 2025. Concluding Analysis—Post-2019 Kashmir: Completing the Partition and Facing New Challenges. In *Kashmir after 2019* (pp. 256-276). Routledge India.

<sup>26</sup> Hawaldar, A., 2020. Analysis of Jammu and Kashmir Domicile Law. *Supremo Amicus*, 19, p.17.

<sup>27</sup> Korbil, J., 2021. From domicile to dominion: India's settler colonial agenda in Kashmir'. *Harvard Law Review*, 134(7), pp.2530-2551.

<sup>28</sup> Kannan, V., 2017. Will the Abrogation of Article 35A Lead to Greater Gender Equality in Jammu & Kashmir. *J. Indian L. & Soc'y*, 8, p.85.

<sup>29</sup> Verma, A., 2021. Freedom of Residence in India: a Study with Special Reference to Article 35A of the Constitution. Available at SSRN 3969826.

<sup>30</sup> Bhat, M.A., 2020. Politics of preventive detention: A case study of Jammu and Kashmir Public Safety Act, 1978. *International Journal of Criminal Justice Sciences*, 15(1), pp.157-172.

<sup>31</sup> Mathur, A., 2021. Countering Terrorism or Suppressing Dissent: A Critical Analysis of the UAPA. *Issue 3 Int'l JL Mgmt. & Human.*, 4, p.5431

<sup>32</sup> Menski, W., 2025. Introduction: States, Leadership, Human Suffering and the Mythologies of Azadi. In *Kashmir after 2019*(pp. 3-23). Routledge India.

<sup>33</sup> Mir, M.A. and Bhat, A.H., 2024. Shifting political landscapes in post-370 abrogation Kashmir: an analysis of emerging dynamics and implications. *Contemporary South Asia*, 32(4), pp.536-543.

<sup>34</sup> Slathia, M., 2025. A History of Special Status: Sovereignty, Citizenship Laws in Princely Ruled Jammu and Kashmir.

<sup>35</sup> Supra footnote 2

<sup>36</sup> Nadaf, A.H., 2020. Digital dissent and censorship in the Kashmir conflict. In *Platforms, protests, and the challenge of networked democracy* (pp. 293-312). Cham: Springer International Publishing.