

# KASHMIR: FROM PRINCELY STATE TO UNION TERRITORY

An E-Book Written by  
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## Preface

Kashmir has mostly been in the news for wrong reasons. The recent killing of Rahul Bhat and Riyaz Ahmad; again brought to our attention the plight of Kashmiris in the face of continuing militancy. The abrogation of article 370 and increased presence of Indian military has not helped the matters in any way. Even at the time of demonitization the argument was that it will curb the militancy in Kashmir. The strategically located Jammu and Kashmir has been the area where violence by terrorists, particularly trained in Pakistan is a matter of great concern. This has not only wrought untold miseries on Kashmiri Pundits but on Kashmiri Muslims as well. It's not only that Kashmiri Pundits had to leave valley, a large number of Kashmiri Muslims had also to leave their home and hearth.

Can the military posting in large number in the area help the matters is a big question. The core problem is the alienation of the people, the need for greater autonomy, which does not seem to be on the agenda of the ruling Government. Atal Bihari Vajpayee's formulation of Kashmiriyat, Insaniyat and Jamhuriyat seems to have been put in the cold storage.

The sufferings of Kashmiri Pundits in particular and all the Kashmiris in general need to be addressed in a dispassionate way through the process of dialogue in particular.

A lot needs to be done in the direction. A lot needs to be deliberated upon. This book, a compilation of my articles over a period of last many years, gives the backdrop of the problem and aims to raise the questions, which need to be addressed on urgent basis. It is a small attempt to take a brief stock of the prevailing situation in the area.

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## Introduction

Kashmir has been a vexed issue due to many reasons. The freedom of India came with the change in status of Princely states, who were asked to either remain Independent, or merge with India or merge with Pakistan. Kashmir decided to remain Independent. It was attacked from Pakistan side for which the Maharaja of Kashmir, Harisingh sought military help from India. This help came after the treaty of accession was signed between Maharaja Harisingh and Government of India. The Indian army, after it captured 2/3<sup>rd</sup> of Kashmir, ceasefire was declared and the matter was taken to United Nations, which that time was an effective International forum.

The articles of this compilation give the complex history which led to rise of militancy, duly supported by Pakistan and later the Pakistan trained militants. The process of democratization remained weak and the only response from India was to send more and more army to deal with the militancy. Intermittently dialogue was initiated with the dissident elements. Pakistan not only had initiated the military action, it kept fuelling the dispute. Pakistan has been guided by 'Two Nation theory' and since majority of people of Kashmir are Muslims, Pakistan presumes that Kashmir should be its part. Pakistan violated the UN resolution by not vacating the aggression. Intermittent process of dialogue gave hope of peaceful solution.

Last few years this process of dialogue has been given a go by leading to more unrest in the Valley. The BJP-RSS combine has been on spree to blame Nehru for all the issues in the area. They have been propagating that Kashmir issue became problematic due to Nehru's mistakes and that had Sardar Patel been handling Kashmir it would have been sorted out by now. The truth is that Sardar Patel was keener on merging Hyderabad in to India. About Kashmir he did state that if Pakistan lets Hyderabad merge into India, he will have no objections to Kashmir merging with Pakistan. Nehru is blamed for article 370; this is also false propaganda as this Article 370 came as an outcome of discussions in which Sheikh Abdullah, Pundit Nehru and Patel were all members. The decision of ceasefire was again taken in the defense committee of the Cabinet in which Sardar Patel was a member. Nehru agreeing to plebiscite was right as that was the norm and even in Junagadh, where Patel was key figure, plebiscite was conducted in which people of Junagadh opined to merge with India.

Some BJP leaders are also brining in Dr. Ambedkar to undermine Nehru. The truth of the matter is Ambedkar was far the Muslim majority part to be going to Pakistan as he outlines his opinion in his collected works (writings and speeches) part 14, part 2, page, 1322.

Sardar Patel said at a public meeting in Bombay on October 30, 1948: "Some people consider that a Muslim majority area must necessarily belong to Pakistan. They wonder why we are in Kashmir. The answer is plain and simple. We are in Kashmir because the people of Kashmir want us to be there. The moment we realize that the people of Kashmir do not want us to be there, we shall not be there even for a minute... We shall not let the Kashmir down". (Hindustan Times October 31, 1948).

One just recalls in Junagardh which was handled by Sardar Patel, similar plebiscite was held after it was merged into India. In Kashmir, this was the part of resolution of UN. (See article below).

Later Article 370 was brought up in Constituent Assembly and it became part of Indian Constitution. Those pointing fingers on Nehru forget that Sardar Patel and all tall stalwarts of freedom movement were part of the Constituent Assembly, which brought in Article 370 as a part of our Constitution. For formulating this article Sheikh Abdullah and his colleague Mirza Afzal Baig were made part of Constituent Assembly. So Sheikh's team along with Nehru and Patel were prime formulators of this provision.

As far referring the matter to United Nations is concerned L.S. Hardenia's article (In Appendix) quotes the correspondence of Patel and Nehru as to how they had similar opinion on the issue. (Patel's letter to Nehru, dates 25<sup>th</sup> February 1950).

On the issue of cease fire, Karan Thapar points out, "However, a decision to ceasefire is not determined by generals alone. In 1948, Nehru had three good reasons for ordering one. He faced international pressure – specifically from the US – which a one-year-old country would have found hard to resist. Equally importantly, beyond the ceasefire line, the terrain and logistics were increasingly in Pakistan's favor whilst the forces our Army would have confronted would be the Pakistan army and not the Pathan Lashkars."

<https://www.hindustantimes.com/columns/did-jawaharlal-nehru-mishandle-kashmir/story-Vvo1NBt6ZMbFT86wJ1dINP.html>

As far as taking the matter to UN is concerned there was every likelihood Pakistan would have taken it to UN. Nehru needed to pre-empt that to ensure our case was heard as "victims" and not as alleged "aggressors". Also, in the late 1940s, referring Kashmir to the UN was viewed as a high-minded and noble gesture. It was before the Cold War started and, therefore, impossible to perceive India would get bogged down in divisive politics.

In case of Junagadh the Muslim ruler was reluctant to merge a Hindu majority state with India. In Kashmir's case a Hindu ruler agreed for accession of a Muslim majority state with India. But the need to corroborate the accession decision with the wishes of the people was the thinking in both the cases.

Many falsehoods are also being spread about Ambedkar's opinion on Kashmir. As such he says *"Give the Hindu and Buddhist part to India and the Muslim part to Pakistan, as we did in the case of India. We are really not concerned with the Muslim part of Kashmir. It is a matter between the Muslims of Kashmir and Pakistan. They may decide the issue as they like."* (<https://thewire.in/politics/jammu-kashmir-ambedkar-article-370>)

BJP accusation that Patel was not taken into confidence about ceasefire is totally fallacious. Volume 1 of Patel's correspondence belies the charge that Patel was not taken into confidence. The record was set out in full by a professional military historian, S.N. Prasad, based on interviews and official records. He was director, historical section of the Ministry of

Defense. *History of Operations in Jammu & Kashmir (1947-48)* was published in 1987 by the history section of the defense ministry. The history's analysis points out "It (Article 370) was *negotiated* for six months from May 15, 1949 to October 16, 1949. The Union's team comprised Nehru and Patel; Kashmir' team included Sheikh Abdullah and Mirza Afzal Beg. It was adopted by the Constituent Assembly of India on October 17. Nehru was away to US. Patel led the Union's team and altered the text along with M. Gopaldaswamy Ayyangar" (Patel's letters dated October 16 and November 3, 1949-quoted in A.G. Noorani <https://thewire.in/history/from-kashmir-and-370-to-partition-bjps-hatred-of-nehru-is-fuelled-by-falsehoods> )

In the same article we can find Noorani stating that, "The Instruments of Accession, signed by all in 1947, adopted the bare federal structure under the Government of India Act, 1935. It was adopted by India as its provisional constitution under the India Independence Act, 1947. All the princely states accepted Part B of India's new constitution. Kashmir alone adopted by another Instrument the Constitution with its Article 370, which it had negotiated with the Centre for five months, only to be deceived five years later."

The decision of ceasefire, as pointed out was the best option at that time. It was not just taken by Nehru; it was outcome of the deliberations of the Defense committee of the Cabinet, which had Nehru and Patel both as members.

This booklet is an attempt to bring out the truth behind the treaty of accession and article 370. Lots of falsehoods are being spread about it. Hope the articles in this digest will help us reach the truth of events to society and help us grapple with the complex truth, which is being undermined by the ruling Government.

While one of the arguments for abolishing Article 370 is that it has been preventing the development in Kashmir as outside industrialists can't buy land, the reality is that the social development indices of Kashmir are much above the national figures.

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## Section I

### Background to Present Situation

#### 1. Kashmir: Looking Back-Looking Forward

In August 2019 the Modi Government abolished the article 370 and split the state of Jammu and Kashmir into two Union Territories, J & K and Laddakh. Two Lt. Governors will rule the state as per the instructions of Central Government. All the major leaders of the state were arrested. The leaders from India were not permitted to visit the state, the state remained shut. Schools and colleges and markets remained shut while a large number of army personnel controlled the state.

The claim was that it will control the terrorist acts in the area. Far from it! Later we witnessed the killings nearly eight Kashmiri Pundits and some military personnel. Even earlier, while imposing demonetization similar claims were floated while the underlying malaise remained.

#### Background

The issue of Kashmir has been a complex one. India's freedom was accompanied by the partition on one hand and the issue of Princely states on the other. These states had Princes as the Sovereigns. They were given the choice to either merge with India or Pakistan, or to remain Independent with many other guidelines in tow. At the time of independence, there were over six hundred princely states. These states were given three options:

- a. To merge with India;
- b. To merge with Pakistan;
- c. To remain independent.

The Princes-Kings were given the guidelines to make a decision based on physical proximity of the states and the opinion of people.

#### Maharaja Hari Singh's Options

While the problem of most of the states was solved, the Princes of Hyderabad, Junagarh and Kashmir showed hesitation in taking decision. Hyderabad and Junagarh were merged into India by military action. Kashmir's King Hari Singh wanted to remain independent and he wanted to



develop Kashmir into Switzerland of Asia.<sup>1</sup> He offered standstill agreement to both India and Pakistan. While Pakistan accepted the treaty, India refused. As is well known Kashmir was one of the princely states without direct rule of the British. Dogra dynasty's King Hari Singh, who ruled Kashmir, refused to join the constituent assembly under the Cabinet mission plan. Eighty per cent population of J&K was Muslim. With India's independence, the Maharaja had two options, one to remain independent, two either to merge with India or with Pakistan. Maharaja was tending to remain independent. The Hindu leaders of Jammu supported Maharaja in this separatist plan. 'J &K Rajya Hindu

Sabha' including the ones' who later on joined Bharatiya Jana Sangh, vociferously argued that "a Hindu state, as Jammu and Kashmir claimed to be, should not merge its identity with secular India".<sup>2</sup> . Balraj Puri writes, 'He was supported by loyal Hindu leaders from Jammu who vociferously argued that a 'Hindu' State, as Jammu and Kashmir claimed to be, should not merge its identity with secular India (Puri, 1993, 5).' They were later to change their stance and wanted the Maharaja to decide in favor of accession to India.

The All Jammu and Kashmir Muslim Conference also wanted Kashmir to remain independent, with a new constitution. Interestingly, those who like Balraj Puri, a seasoned journalist of repute from Kashmir, raised the pro-India voices were dubbed as 'anti-Hindu' traitors. Congress was urging all the States to merge with one or the other dominion, which were going to result due to the partition. Lord Mountbatten also took the same position, urging all the princely States to merge with one or the other dominion, while Jinnah said that these princely States could remain independent if they so wished. Later about Kashmir he was to insist that since Kashmir is a Muslim majority area, it should merge with Pakistan.

Maharaja Hari Singh was fearful of his rights being taken away due to Kashmir's merger and said that he wants to make Kashmir the Switzerland of the East. He opined that the population of the State depends on tourist revenue, so it is the best course for the people of Kashmir that Kashmir remains 'independent' so that people from all the countries can come for tourism with ease. He offered standstill agreements to both India and Pakistan. India refused this offer while Pakistan accepted it. Under the terms of division of the country, central departments of State coming under the Lahore circle were all to come under the jurisdiction of Pakistan. 'Accordingly, Pakistani flags fluttered all over the offices of the post and telegraph department all over the state. (Puri, 1993, page6)' India insisted on prior negotiations and so no agreement could be reached.

## Aftermath of Partition

In October 1947, there started communal riots, as aftermath of Partition of India and the J&K State machinery was ill-equipped to handle the riots.



Since the partition of the country took place in the name of religion, Maharaja Harisingh was concerned that since Kashmir is a Muslim majority area it will be a problem for him. He wanted to convert one of the areas of Kashmir, Jammu, into Hindu majority area. The anti Muslim riots were instigated. As per the report of 10 August 1948 published in *The Times*, London: "2,37,000 Muslims

were systematically exterminated – unless they escaped to Pakistan along the border – by the forces of the Dogra State headed by the Maharaja in person and aided by Hindus and Sikhs. This happened in October 1947, five days before the Pathan-Tribal invasion and nine days before the Maharaja's accession to India." The report adds that as a result of the massacre/migration, Muslims who were a majority (61 per cent) in the Jammu region became a minority. This massacre of Muslims was also used as a pretext to unleash the tribal attack on Kashmir. (<https://scroll.in/article/811468/the-killing-fields-of-jammu-when-it-was-muslims-who-were-eliminated>)

Meanwhile the Maharaja had appointed Bakshi Tekchand to formulate the Constitution of Jammu & Kashmir. It is in the aftermath of anti Muslim massacre in Jammu that Pathan tribal invaders were let loose by Pakistan to march to Srinagar. The Maharaja fled away from Srinagar for personal safety, leaving the security of Kashmir to the National Conference (party) and its leader, Sheikh Abdullah. The invaders were not welcome as Kashmiri psyche was far away from being communal. There were deep-set values of *kashmiriyat*, which refused to give primacy to religion as the determining factor for political behavior. This is where lay the peculiarity of Kashmir. 'Kashmir has been a melting pot of ideas and cultures. It received every new creed with discrimination and enriched it with its own contribution, without throwing away its earlier acquisitions (Puri, 1993, 9).'

Nehru on the request to send the army to counter attack from Pakistan; stated that unless some agreement is signed, India couldn't send its army to a state where it has no legal standing. Accordingly, a treaty of accession was drafted with the article 370 for the safeguard of the

people of the state. According to the accession treaty, its principle was 'Two Chiefs, Two Constitutions'- (*Do Pradhan Do Vidhan*); India was to look after the defense, external affairs, communication and currency while the assembly was to decide all other matters. The provisions of the Indian Constitution were not to be made applicable to Kashmir, as Kashmir was to have its own Constitution.<sup>3</sup> She was to have Sadar-E-Riyasat (equivalent of President), Prime Minister and her own Constitution. On these conditions, India sent its army. By that time Pakistani army had already occupied 1/3 of Kashmir. To avoid civilian casualties, a ceasefire was declared and the matter was taken to United Nations, under the advice of the then Governor-General of India, Lord Mountbatten. As per UN resolution, a plebiscite was to be held under UN supervision after Pakistan withdraws its army and India reduces its military presence.

Pakistan refused to withdraw its army and India also continued with its military there. As per UN resolution; through plebiscite Kashmiris were to be given the option of either to remain autonomous or merge with India or Pakistan.<sup>4</sup> Pakistan declared its part of Kashmir as 'Azad Kashmir' and Indian part had its Prime Minister and Sadar-e-Riyasat. Sheikh Abdullah was elected as the Prime Minister, in the first polls held in the state in 1950.

The accession treaty was signed with the provision of article 370. It was not a merger. Justifying this action Pundit Nehru in a broadcast to the Nation on Nov.2, 1947 said, "...Both the Kashmir Govt. and the National Conference pressed us to accept this accession and to send troops by air, but made a condition that the accession would have to be considered by the people of Kashmir later when the peace and order were established..."<sup>5</sup>. India approached the UN with a request to get the aggression vacated and to supervise in the process of the plebiscite. Multiple factors operated here in due course of time and the holding of plebiscite got postponed sine die.

With this, another process began at home. Jan Sangh Chief Shyama Prasad Mukherjee's insistence, supported openly by the Jan Sangh (previous avatar of BJP), and covertly by some bigwigs in Congress as well, asked for the total merger of Kashmir with India. At this point, Nehru was under the external pressure of Jan Sangh and internal pressure from some of his colleagues in the cabinet to totally integrate Kashmir with India. Nehru pointed out "We have to be men of vision and there has to be a broad-minded acceptance of facts in order to integrate (Kashmir, added) really. And real integration comes from the mind and the heart and not of some clause, which you may impose, on other people."<sup>6</sup>

### **Communal Forces**

The pressure of communal forces to totally merge J&K with India raised a big question mark in Shiekh's mind. Sheikh was already moved due to murder of Mahatma Gandhi by Godse, as he

felt the biggest champion of secularism in India is no more and also realized the strength of communal forces in India. Sheikh, when he had opted for accession to India had the big hope that India's secularism will be the strength for gradual deepening relations with India. This led him to re-think about accession of Kashmir to India. He started thinking whether he has done a right thing in deciding to accede to India. He wanted to be part of a secular polity, but communal teeth of the country started becoming more visible, as Mahatma Gandhi was murdered and minorities' insecurity started becoming obvious. His doubts and their articulation, his opening of talks with Pakistan and China, led to his being declared as a traitor. He was arrested for 17 long years.<sup>(7)</sup> And this is where the process of alienation of Kashmiri people began.

This alienation was duly aided by Pakistan, in supplying arms to disgruntled youth. The matter got worst compounded later in the decade of 1980s, with the entry of Al Qaeda type elements in Kashmir. These elements, whose US-sponsored mission of mainly was join the anti Soviet forces to defeat the Russian army in Afghanistan in due course extended their operations to Kashmir with their mistaken notions of Jihad. They joined in and the earlier struggle in Kashmir, on the grounds of Kashmiriyat, was communalized by them. An atmosphere was created which made the Kashmir struggle as the distorted version of Jihad, undermining its Kashmiriyat.

GMD Sufi in his monumental book Kashir points out that Kashmiriyat is a synthesis of Buddhism, Vedanta and Sufi values. The intervention of Al Qaeda type elements led to the targeting of Kashmiri Pundits. This gave a big handle to the communal elements in India to propagate the separatism of Muslims. (8)

### **Setback to Democratic Process**

Democratic process started getting weaker and weaker as the Indian Government started intervening directly into the affairs of the state. This initiated a process of alienation amongst Kashmiri youth. Even elections were tampered severely. This resulted in the rise of militancy due to the restrictions on the democratic process. The internal dissatisfaction started giving support to terrorism. Taking advantage of this, Pakistan started sending its militants and the problem started getting worse by the day. Again Farooq Abdullah, for voicing the sentiments of Kashmiri people was jailed for seven long years, showing that the central Govt. did not trust the locally elected representatives. The worsening communal scenario in India in the decade of 80's, added fuel to the fire of terrorism in Kashmir. Meanwhile, a communal angle was being given to the harmony prevalent between Kashmiri Pundits and the local Muslim population. Terrorists took advantage of that distortion.

The major issue had been the support to militants from Pakistan, arming them and other logistic support. Later, as seen above the Al Qaeda type elements also joined the militancy in Kashmir. <sup>(9)</sup> Pakistan military rulers so far held that since the majority of Kashmir population is Muslim, it should logically be part of Pakistan. Pakistan occupied Kashmir has been called Azad Kashmir. Pakistan herself had been having a military dictatorship most of the time, so to call occupied Kashmir, as Azad Kashmir is travesty of truth. India's position has been to stick to the treaty of accession between Maharaja Hari Singh and the Indian Government. The flaw on this side is that India has not stuck to the clause of autonomy and there is a heavy military presence in the state. Thus the people of Kashmir have been victims of militancy as well as the atrocities of the Indian army.

## **UPA II Interlocutors**

The things started improving in the first decade of this century. Still, the accumulated agony of Kashmiri youth started manifesting in 'Stone thrower youth' emerged along with a total disenchantment with the state of affairs prevailing in Kashmir. In light of this, the Central Government appointed a team of interlocutors. The recommendations (May 2012) of the group of interlocutors –Dileep Padgaonkar, Radha Kumar and M.M.Ansari -- in nutshell asked for rejection of the return to pre-1953 position, at the same time asking for measures to restore the autonomy of Kashmir. <sup>(10)</sup> The team suggested that the parliament will not make any law for Kashmir unless it relates to the security, internal and external of the state. Significantly it gives the status of 'special' instead of 'temporary' to article 370, which is the bone of contention for the ultra-nationalists like the BJP. Very correctly the team says that the proportion of officers in the state should gradually be changed to increase the weight-age of the local officers. It also talks of creating regional councils with financial powers, and measures to promote cooperation across Line of Control (LoC) while talking of resuming dialogue with Hurriyat and Pakistan both. The UPA Government had been non-committal about it, while the BJP has rejected them on the ground that it is a dilution of the accession of Kashmir to India. The separatists find it insufficient saying that there is no political settlement of the issue.

While calling for debate around article 370, one needs to understand as what the Kashmiris want is to reiterate that a mere assertion from ultra-nationalist tendencies will harm the process of healing of wounds and the march towards a better democratic process in the state. As Nehru had pointed out, what is more important is winning the hearts and minds of people, the laws can follow. Integrating the people by considering their aspirations is what the need of the hour is, while such outbursts are counterproductive for the people at large.

## Exodus of Kashmiri Pundits

Communal forces, including Prime Minister Modi, have been making several statements which at one level are factually inaccurate and at another level, they have communal interpretation through and through. Modi has been stating that biggest blow to the secular fabric of India was delivered from Kashmir from where Kashmiri Pundits were forced out and that the Abdullachs (Sheikh Abdullah, Farooq and Omar) were behind it.<sup>(11)</sup> In response, Farooq and Omar shot back that the exodus of Pundits took place under the President's rule with Jagmohan, a BJP hand, as the Governor of Kashmir. That time it was the V.P.Singh Government at the Centre and this Government was being supported by BJP from outside. The tragedy of exodus of Pundits is much more complex than being attributed anyway to the Abdullah family. Till the entry of Pakistan trained elements the militancy was centered on the concept of Kashmiriyat culture and autonomy of state as promised in the treaty of accession. After the hanging of Maqbool Bhat in 1985 and the entry of Al Qaeda type elements in Kashmir in the aftermath of the Afghan war, this militancy got transformed into being communal. The result was that the Hindus, Pundits, started being targeted badly. <sup>(12)</sup>

Even before 1990, the small exodus of Pundits took place after the partition riots and partly due to land reforms brought by Sheikh Abdullah. This is less well known. Incidentally, the Hindu population in Kashmir had gone through a very complex history of conversion to Buddhism and later to Islam through Sufi saints. The Hindus started being referred to as Pundits from 15<sup>th</sup> Century onwards. This happened after Akbar won over Kashmir and employed the Hindus in his administration. He was impressed by their qualities and conferred the title Pundit on them. <sup>(13)</sup>

The process of 1990 exodus began with communalization of the militancy, a transition from Kashmiriyat to Islamism. Hindu communalist like Modi says that Kashmiri Pundits were driven from Kashmir valley by the Muslim militants and this was a planned move by the Muslim majority Kashmir. The Muslim majority was totally opposed to the harassment of Pundits.

In this militancy, which has multiple roots, including the JKLF, Hizbul Mujahideen type elements, while Hindus were targeted in a big way, even Muslims were not spared. We will have a look at the figures of the casualties and destruction of property in Kashmir by the militants. Thousands of Muslims from different parts of the Kashmir valley also had to migrate to the neighboring Himachal Pradesh in search of employment. Over 40,000 Muslims from Kashmir also live in a refugee camp in New Delhi. They have also taken to various jobs like coolies etc. in neighboring states. One of the Times of India report (5th Feb.1992) based on official figures reported that militants killed 1585 men and women, including 982 Muslims, 218 Hindus, 23 Sikhs and 363 security personnel between January 1990 and October 1992.<sup>(14)</sup>

The wholesale migration of Pundits from the valley was a big blow to the traditions of the valley. The damage by militants was to both the communities and not to Hindus alone. The Pundits were intimidated much more and had considered migration first in 1986 but this decision was held in abeyance due to the appeals of a goodwill mission, which was constituted by reputed Kashmiris, steeped in plural culture. As we saw in 1990 the militancy was stepped up. This time around Mr Jagmohan, who later became a minister in BJP-led NDA Government, was the Governor of Kashmir. Balraj Puri in his book 'Kashmir: Insurgency and After' points out that Jagmohan ensured dissolution of the goodwill mission to Pundits by pressurizing one of the Pundit members of the team to migrate to Jammu.<sup>(15)</sup>

Balraj Puri in March 1990 stated, "I found no hostility among common Muslims in Kashmir against Pundits and that, allegations of gross violations of Human rights by security forces need to be investigated".<sup>(16)</sup> At that time Hindu Communal forces took it upon themselves to spread fear amongst Pundits, "Much disinformation is being spread in Jammu and Delhi that scores of Hindu temples and the shrines have been desecrated or destroyed in Kashmir. This is completely untrue and it is baffling that the Government has not thought it fit to ask Doordarshan to do a program on mandirs in Kashmir just to reassure people that they remain unharmed."<sup>(17)</sup>

All things considered, the problem of Pundits migration is an unfortunate outcome of the alienation of Kashmiri people resulting in militancy, communalization of militancy in the late 1980s, Hindu communalist outfits' baseless spreading of fear psychosis and pressure of Governor Jagmohan and not due to the Hindu-Muslim hostility, not due to Abdullah's. Poet Kalhan of Kashmir, in his classic Rajtarangini, writes that it is only through *punya* (noble deeds) and not force that Kashmir can be won over. We need to remind ourselves of this profound wisdom of Kalhan while making policies about Kashmir.<sup>(18)</sup> Rather than putting the blame on one political stream. The role of global politics, the historical baggage of partition and post-partition problems, the role of global terrorism propped up by US policy of control over oil resources; its influence on militancy in Kashmir and the role of communal forces in spreading fear also need to be kept in mind while commenting on this tragedy of mammoth proportions.

### **PDP-BJP Coalition: Worsening of Militancy**

The December 2015 verdict of Kashmir elections had been fractured, so to say. While PDP emerged as the largest single party, the BJP a close second with a substantial percentage of votes. Interestingly BJP secured most seats and major vote share from the Hindu majority Jammu region of Kashmir. PDP and BJP allied for power and their Government lasted for four years. <sup>(19)</sup> During the rule of this Government the fake encounter of Burhan Wani, a self-proclaimed militant, was the high mark of the rule. The BJP later pulled out of the Government



alleging that militancy has been growing. This has been a very opportunist stand, as all through the rule of nearly four years they were saying that due to the firm policies as proclaimed by Narendra Modi, the militancy has been declining. As such during this period the process of dialogue was done away with, and Government dealt with the protestors only through pellet guns. Close to a thousand youth lost their eyesight and many died during the brutal repression adopted by the ruling alliance.<sup>(20)</sup> The peak of this was the tying of a youth, Farooq Ahamed Dar, as a human shield by Major Litul Gogoi, who was appreciated by the top military officers for this act.<sup>(21)</sup> Incidentally the same major had to face Court-martial for violation of code of conduct on another issue.

Those pelting stones don't seem to be stopping despite the lapse of time. These young men are being looked at in various ways. Farookh Abdullah had stated on the eve of elections that those young men throwing stones are doing so for their nation. <sup>(22)</sup> This statement of his came under scathing criticism from various quarters and section of media and was dismissed by many as a pre-election statement.

Another way of looking at those pelting stones, as gleaned from a section of media, is that these are pro-Pakistan elements. They are being instigated by Pakistan and that they are doing this for money. As such stone pelting has been used as a method of protest in Kashmir since ages but has become glaringly obvious from last few years. Intimidated by the terrorists-militants on one side and the security forces on the other these young men have been resorting to pelting stones as a form of protest and anguish. One can see the clear pattern in worsening repression and an increase in their activities. As such after every major act of hanging-murder, the protests have become more intense e.g. after the hanging of Maqbool Bhat (1984), then after the hanging of Afzal Guru (2013) and now after the killing of Burhan Wani (2016).<sup>(23)</sup>

### **Stone Pelting: Anguished Souls**

Who are these boys who pelt stones? Are these merely Pakistan inspired and funded youth? In the aftermath of state crackdown; hundreds have died, thousands have been wounded and many more have lost eyesight! A section of TV and other media is going hammer and tongs about the role of Pakistan and the funding they receive. The question which needs to be introspected is that will young people risk their life, loss of eyesight or other harm to body just for someone's bidding or some money? Many of them are teenagers, tech-savvy and they are so much full of deep hatred that they are willing to risk their lives, not caring about their future. The degree of frustration among them must be horrific.<sup>(24)</sup>

Only a small section of media has gone deeper into the issue and have interviewed some of them. The stories of their experiences and feelings shatter one's perceptions about law and order in Kashmir. Many belong to families which have given up hope of any type. Most of these

young boys have experienced torture, beating, harassments of sorts and often humiliation. For many of them; stone-throwing comes as sort of catharsis, a feeling of having taken revenge of what has happened to them. It is the only strong way of protest they must be feeling is left for them. Many of them are Pro Pakistan for sure but the basic point remains political alienation which is seeping is deepening. This, in turn, is due to the suffering and pain to which Kashmir has been subjected due to the prolonged military presence in the area.

Post Burhan Wani murder, the Kashmir based PDP, or even national Conference could see the intensity of the situation. Mehbooba Mufti, of PDP, the Chief Minister of the ruling coalition, wanted to go for a dialogue with the dissenters, but coalition partner and the party leading at centre BJP shot down the idea. Mehbooba Mufti felt that dialogue is the only way out but BJP feels that dialogue is a way to befool the people. It seems the ruling BJP wants to take a hard line to deal with dissidence, regards that dissidence is there only due to Pakistan or ISIS and so repression should be intensified.<sup>(25)</sup>

As such the prolonged militancy and intervention of the Indian army has added to the sour wounds of Kashmiri people. At one time RSS had proposed the prescriptions, which demanded that Jammu be made a separate state, Ladakh be made a Union territory and a separate union territory be carved out from the valley for the Kashmiri Pundits. These are the lines similar to what BJP had been demanding when not in power. This betrays their total communal ideology.<sup>(26)</sup> Even in these elections the communal polarization, Hindu Jammu versus Muslim valley is what has been propagating for electoral benefit by BJP, and thus BJP has gained the ground on divisive basis. The issue of Amarnath yatra has also been used to polarize Kashmir along religious lines. Opportunistically, during the election campaign, Modi and company had been talking in a clever way about article 370, while their intentions on the subject are very clear.

This BJP gaining electoral ground in Kashmir is a major blow to the Kashmiriyat culture and is a sign of aggressive policies to abolish article 370 and to bring in the agenda of Hindu Nation. What Kashmir needs is a representative Government, which respects the existing Constitutional provisions and upholds the Hindu Muslim unity, in the form of Kashmiriyat a valuable inheritance of Kashmir's history. Kashmir is standing on the crossroads. It has suffered a lot due to the militancy and the ways of the army in the valley. With BJP in the driver's seat, the plight of Kashmir worsened.

### **Human Rights' Violation**

Amnesty reports emanating from Kashmir tell us the extent of such violations of Human Rights there. Amnesty International's report released in Bangalore begins with defining the scale of human rights violations in Kashmir that have been perpetrated by security forces personnel

with glaring impunity. The report states that from 1990 to 2011, the Jammu and Kashmir state government reportedly recorded a total of over 43,000 people killed. Of those killed, 21,323 were said to be 'militants' 13,226 'civilians' (those not directly involved in the hostilities) killed by armed groups, 5,369 security force personnel killed by armed groups, and 3,642 "civilians" killed by security forces.<sup>(27)</sup>

The AFSPA, which gives army sweeping powers, leads to extrajudicial executions and other human rights violation. Section seven of the AFSPA makes it mandatory to seek the prior sanction of Central and State authorities in order to prosecute any security force personnel in civilian courts. Under the pretext of protecting national security, the excesses of the security forces go unchallenged. 96% of all complaints brought against the army in Jammu & Kashmir have been dismissed as "false and baseless" or "with other ulterior motives of maligning the image of Armed Forces".<sup>(28)</sup>

It is in under these circumstances that every incident in Kashmir has been acting as a flaring point and the youth, in particular, came to streets to protest in large number. Their deeper dissatisfaction with the state of prevailing affairs has been very painful. In the civilian areas, there is a practical army rule, nearly six lakh of army personnel have been deployed there for years. The people of Kashmir do not have the feel of democracy from years and this leads to a deeper dissatisfaction, it is not just a Pakistan inspired problem, while the role of Pakistan in instigating the protests is very much there.

### **Amarnath Yatra**

As pointed out above the turmoil in Kashmir has worsened since the encounter of Burhan Wani



in the year (2016). The ceaseless protests, the handling of protests leading to deaths and blinding of many is very disturbing. To cap this negative development, the July 2017 attack on Amarnath pilgrims added salt to the wounds of the nation. The tragedy struck when one of the buses, which lagged behind due to a burst tyre.<sup>(29)</sup> The terrorists smelling blood first attacked the police bunker and then chased the bus shooting it recklessly. The bus

was from Gujarat, the attack led to the death of seven people including five women. The bus

driver, Salim, in a brave gesture, kept driving despite being wounded, and that prevented the wholesale massacre.

Amarnath yatra is among the most pious of pilgrimages undertaken by scores of Hindus. Amarnath is ice Shiva Linga located in a cave deep in the valley. This was discovered by a Muslim shepherd, way back in the 1850s and since then it is a regular site of the devotees. The yatra is managed mostly by Muslims on the way and reflects the deep imprint of India's syncretic culture. It also is a manifestation of Kashmiriyat.<sup>(30)</sup> Despite the rising militancy in Kashmir, the yatra has mostly been going on, though under heavy security cover. There were instances earlier also when the Yatra was attacked in 2001, 2002 and in 2003. Incidentally, those were also the years when NDA was ruling. What is the correlation between the muscular nationalism practiced by BJP led NDA and such acts is a matter of conjecture.

While there is communalization of Kashmir issue by the Pakistan inspired militants and Al Qaeda type elements who have infiltrated into the area, by and large the deep syncretism of the area has prevailed and the local Muslim population has been of great help to the tourists (yatis) in their hours of crisis, in matters of supply of food when the yatis have got trapped due to natural calamities. Whole of Kashmir and nation condemned the attack in one voice. The nation was pained to no end. The other part of this incident was that the Hindu nationalists who have been on the job to run down and humiliate the liberal and democratic voices in the country.

The solution lay in implementing the recommendations of Interlocutors seriously. Nearly seven decades after the accession of Kashmir to India, there is a need to recall that forcible merger; repression of dissent was never the idea of founders of Indian nation. Let's see what Sardar Vallabhbhai Patel had to say on the matter way back, Deputy Prime Minister Vallabhbhai Patel said at a public meeting in Bombay on October 30, 1948: "Some people consider that a Muslim majority area must necessarily belong to Pakistan. They wonder why we are in Kashmir. The answer is plain and simple. We are in Kashmir because the people of Kashmir want us to be there. The moment we realize that the people of Kashmir do not want us to be there, we shall not be there even for a minute... We shall not let Kashmir down".<sup>(31)</sup>

### **Strife Torn Kashmir: Longings for Peace**

The Green of the valley has been regularly witnessed the blood of militants, Kashmiris, personnel from armed forces and even those of tourists. In the month of May 2018, a school bus was stoned leading to the death of an eleven-year-old child.<sup>(32)</sup> This is the background in which Mehbooba Mufti the Chief Minister of Kashmir, sitting on the lap of a coalition, which was ideologically spilt down to the last, requested for a unilateral ceasefire in Kashmir in the holy month of Ramadan. Kashmir witnessed increased violence as Central Government, which

is calling the shots in Kashmir adopted the iron fist policy substituting the earlier one of being part sensitive to the grievances of the local population. It is during this period that the fake encounter of Burhan Wani unleashed a series of protests, and the disgruntled and alienated youth intensified their favorite method of protest, 'stone-pelting'. Now the frustration levels of the protesters are so high that they are not scared of the consequences of the repressive steps of the state.

The earlier UPA era of 'dialogue with firm handling' gave way to the muscular, hyper-nationalist high handed attitude of the PDP-BJP alliance, which in turn increased the incidences of violence in the valley. In 2018, forty militants, twenty-four soldiers and thirty-seven civilians lost their lives. While PDP earlier was talking separatist language, it tied up with Hindu nationalist BJP, which had been asking for the abolition of article 370, the autonomy clause, for the sake of grabbing power. BJP as such is wearing its anti-minority stance on its sleeves and is out to undermine the Muslim majority of the state. Mehbooba Mufti was in the catch 22 situation, neither could she exercise the policies which can sooth local sentiments nor was she able to counter the high handed Hindutva policies of its ally BJP. While the major implementation of the high handed attitude is from the centre, Mufti seemed to be a mute witness barring probably the lone example of Kathua rape and murder where she could assert and the BJP leaders had to bite the dust.

The scenario in Kashmir was worsening by the day. It affected tourism, which is the prime source of revenue in the state.<sup>(33)</sup> The plight of average Kashmiri needs all the empathy as with BJP rule in the centre things have taken an adverse direction. The simmering discontent, which came out in the form of stone-pelting worsened badly due to lack of mechanisms of democratic protests and the possibility of dialogue from the authorities. Mehbooba Mufti, the Chief Minister, had been calling for dialogue but she was overruled by the BJP, as its interests are to keep up the intimidating dominating attitude for its electoral and divisive Hindu nationalist goals.

Most of the times; all the blame of discontent is passed on to the instigation from Pakistan alone. The fact as seen above is that Kashmiris are dissatisfied due to multiple factors, the role of Pakistan being just one of these. The Al Qaeda clones are another and the attitude of the army is not helping the matters in any way. Army's basic duty is to protect the borders from the enemies. Here a civilian area is under the army's control from decades. Army's attitude was exemplified when Farooq Ahmad Dar, a weaver, who had come to cast his vote, was used as a human shield and army defended the action of the officer who subjected a civilian to such ignominy. He was tied for over five hours and now he stands to live with humiliation all his life. Can such attitudes of authorities let people live their lives in a normal way in such a situation? Earlier there were articulations about autonomy to the state assembly, as promised in the

treaty of accession; it was more on the mind of those in the power. The central hallmark of democracy is the process of dialogue, which is missing in the state.

Many earlier leaders had attempted to bring peace; Vajpayee's famous doctrine was aiming at peace, progress and prosperity in the Valley by bringing in the spirit of *Insaniyat* (Humanity), *Jamhuriyat* (Democracy) and *Kashmiriyat* (Identity of the people of Kashmir).<sup>(34)</sup> It also aimed at improving relations with Pakistan. Mehbooba Mufti did remind the ally BJP of Vajpayee doctrine, but her plea fell on the deaf ears. UPA II undertook a major step by appointing a team of interlocutors –Dileep Padgaonkar, M M Ansari and Radha Kumar. The report lay deeply ignored. It needed to be taken seriously. The BJP's role in the alliance was very negative and has marginalized the Muslim community in a Muslim majority state. Mehbooba Mufti could not assert herself to articulate the democratic aspirations of the people of Kashmir.

The Ramjan ceasefire declared by the Government was welcome, but it was a temporary truce. With BJP pulling out of Government for electoral gains, the matters remain a matter of concern. The situation in Kashmir is critical, and worsening by the day due to the high handed dealings from the centre. The dissidents and those who have been earlier Chief Ministers of Kashmir; need to be listened to seriously in order to have peace in the green valley. The deeper peace can only be won through winning the hearts and minds of the people of Kashmir, ultranationalist formulations don't work in the long run.

### **Abrogation of Article 370: A setback to autonomy Process**



The abrogation of Article 370 and Article 35A has been accompanied by propaganda to justify these drastic steps taken by the Bharatiya Janata Party (BJP) government. As such, this has been on the agenda of Rashtriya Swayamsevak Sangh (RSS) all through and is part of the triad of Hindutva agenda, along with Ram Temple and Uniform Civil Code. The argument being put forward is that due to this special provision for Jammu & Kashmir, the state has remained undeveloped, as outside industrialists could not buy land there and bring in *vikas* (development). Also, it has been alleged that this clause promoted separatism in the region and has been the cause of turmoil in the region.

All this forms the part of the propaganda blitz launched by BJP. As a part of the mass contact programme, BJP working president, JP Nadda, released a video on September 4, 2019,

justifying the abolition of the special provisions for the state and bifurcation of the state into two Union Territories. The 11-minute video concludes with the speech of Prime Minister Narendra Modi saying that the country's first Prime Minister, Jawaharlal Nehru, committed a historic blunder on Kashmir; to which BR Ambedkar and Sardar Patel had strong opposition. This again is totally off the mark as we will see later.

On Article 370, the video says that Sardar Patel successfully merged 562 princely states into India, but Nehru decided to handle Kashmir himself and created the blunder of giving special status to the state leading to all the problems. Most of the part of BJP's statement is far from truth; they pick up one small part of the truth and twist it to suit their ultra-nationalist agenda.

### **BJP's Twisting of Facts**

To begin with, why did Nehru have to handle the Kashmir issue himself? Patel handled all other princely states as those were within the geographical boundaries of India; none of those was attacked by any other foreign power, i.e. Pakistan. Since Kashmir has boundaries common with India and Pakistan, Nehru as Prime Minister and Foreign Minister was duty bound to take responsibility of the issues related to Kashmir. It was not just Nehru's decision. That time Cabinet used to make decision and not just one person.

India was forced to intervene into Kashmir affairs, as it was attacked from the Pakistan side and Kashmir's king, Hari Singh, urged upon India to send the Army to quell the Pakistani attack. In none of the other princely states could Pakistan play such a military role which created such a situation in Kashmir.

In matters of Kashmir, Pakistan was also trying to follow the 'Two Nation theory', as Kashmir had a Muslim majority. As far as Nehru and Patel are concerned, on the handling of Kashmir, i.e. accession treaty, Article 370, declaration of ceasefire and taking the matter to United Nations is concerned; both of them were on the same page, as revealed by the *Ten Volume Correspondence of Sardar Patel*, meticulously edited by the renowned journalist Durga Das.

On the nature of intervention in Kashmir, Sardar Patel said at a public meeting in Bombay on October 30, 1948, (as seen above): "Some people consider that a Muslim majority area must necessarily belong to Pakistan. They wonder why we are in Kashmir. The answer is plain and simple. We are in Kashmir because the people of Kashmir want us to be there. The moment we realise that the people of Kashmir do not want us to be there, we shall not be there even for a minute... We shall not let the Kashmir down". (*Hindustan Times*, October 31, 1948)

Quoting from Patel's correspondence constitutional expert and columnist AG Noorani [points](#) out (35) that the allegation by Rashtriya Swayamsevak Sangh (RSS) that in matters of ceasefire, Patel was not being taken into confidence, is wrong. Noorani says "Volume one of Patel's correspondence belies the charge that Patel was not taken into confidence. In that event, he was man enough to resign from the cabinet."

Article 370 did not drop from heaven. It was the outcome of serious deliberations in the Constituent Assembly (CA). For the explicit purpose of drafting this Article, Sheikh Abdullah and Mirza Afzal Baig were made part of the CA. It was primarily Patel, Ambedkar, Sheikh and Mirza Baig who contributed to the formulation of this provision. To say that Ambedkar opposed it or Patel did not approve it; is the height of falsehood.

Noorani also points (in the article quoted above) out that it was Patel who moved the resolution of Article 370 in the CA, as Nehru was away to the US on an official trip. Patel's letter to Nehru on February 25, 1950 shows that they both had a similar opinion on taking the matter to the United Nations, and they both held that the international body should take a call on that.

As far Ambedkar is concerned, Vice President Venkaiah Naidu and central minister Arjun Ram Meghwal, in their articles, have given a quote in the name of Ambedkar. Their quote says that in a conversation with Sheikh Abdullah, Ambedkar said: "You want India to defend Kashmir, feed its people, and give Kashmiris equal rights all over India. But you want to deny India all rights in Kashmir..." This quote is not part of any official record. It was part of a speech by Balraj Madhok of the Bharatiya Jansangh (predecessor of BJP), which was picked up by RSS-run papers, *Tarun Bharat* and *Organiser*. As such, Ambedkar had also opined that the Muslim majority part of Kashmir should go to Pakistan. He was a strong supporter of plebiscite and Patel himself had gone for the same in Junagadh. As such Dr. Ambedkar had opined that "....We are really not concerned with the Muslim part of Kashmir. It is a matter between the Muslims of Kashmir and Pakistan. They may decide the issue as they like. Or if you like, divide it into three parts; the Cease-fire zone, the Valley and the Jammu-Ladakh Region and have a plebiscite only in the Valley." (36)

As far as *development* of Kashmir is concerned, the first point we should note is that Kashmir is much ahead of national averages as far as social indices of development are concerned. Article 370 in no way stood in the path of development in that sense. Incidentally, while Article 370 has being targeted, Article 371 with similar provisions in the North Eastern states



is promised to be retained as it is, as per the latest statement by BJP president and Home Minister Amit Shah.

BJP's present propaganda of distorting contemporary history is also trying to defame Nehru. Nehru is their prime target. As the 'Architect of Modern India', Nehru laid the foundations of pluralism and scientific temper, the values that RSS-BJP wants to do away with. (Please see the Article of Shri L.S. Hardenia in this book)

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## Section II

### *Kashmir's Misrepresentations*

#### **2. Kashmiriyat Revisited**

On 18th June, Friday (2010), nearly thousands of Kashmiri pundits, including women and children, visited the temple of Mata Kheer Bhavani in Tullamula, 20 Kilometers from Shrinagar. It was the sacred day of Zyeshta Ashthami. Most of the Pundits were visiting the valley after nearly 20 years, since the time they left Kashmir due to various reasons like the separatist militancy and the way whole thing was handled by authorities. The spiritual zest to worship the Goddess Ragnya Devi, to whom this temple is dedicated, was in the air. There was a big congregation of local Muslims who greeted the visiting pundits with cold drinks and Kheer (a dessert made of milk and rice). The Kashmir CM Farooq Abdullah and many other Kashmir Ministers also turned up for this emotional occasion marked by reunion with many a pundits.

The local Muslims and the ministers said that all concerned should work for return of Pundits to the valley, as Kashmiriyat is incomplete without the pundits, who are integral part of the Kashmir's culture and life. Many a pundits also promised to work towards such a goal, to overcome the divides created by the militant and political forces. The return of pundits to the valley had begun, though it is a trickle at the moment. It was a temporary phenomenon.

Kashmir issue has been seen by the two neighbors, Pakistan and India, more as an issue of 'real estate' only. Kashmir has been treated as the territory which has to be won over by any means. The Government of Pakistan has regularly used 'Kashmir' issue to retain their hold on the political power in Kashmir, while in India, for far too long the central Government ignored the aspirations of the local population. In this whole scenario the real essence of Kashmir, Kashmiriyat got undermined and the issue started being presented as a communal one and as the site of dispute between two neighboring countries.

As pointed out above the soul of Kashmir's culture has been a thick interaction between different religious traditions, teachings of Buddha, Vedanta, and Sufi tradition of Islam. Kashmir was the place where Buddhism spread far and wide and most of the population, except the upper caste embraced Buddhism. With attacks on Buddhism in 8th Century the tide turned. Later many Sufis came to Kashmir and preached their version of Islam. The most famous of them has been Nooruddin Noorani, popularly known as Nund Rishi. He was influenced by Lal Dedh, who herself was influenced by the earlier Sufis. Her mystical verses have a Shaivite form. Today both Hindus and Muslims regard her as their own. Like the great Bhakti saint, Kabir,

there is a story that when she died her body turned into a heap of flowers, half of which were consigned to flames by Hindus, while the remaining half was buried by Muslims.

Nund Rishi wrote in appreciation of Lal Dedh, about her syncretic spiritual values which taught that one should not differentiate between a Hindu and a Muslim, one should realize one's own self and that's what God is. On Similar lines Nund Rishi focused on purification of soul. He bitterly criticized Mullahs and Brahmins whose focus is more on rituals than on spirituality and morality of the religions. Nund Rishi's was a sort of mass movement in Kashmir, which affected many Kashmiris and they embraced Islam as taught by him.

Such a rich heritage has come under the threat from last three decades in particular. The vexed Kashmir issue got the communal slant due to the intrusion of Pakistan trained militants. The condition of pundits, living in refugee camps has been quiet pitiable and barring few of them most of them had to face immense suffering. Surely apart from pundits many a Kashmiri Muslims also had to leave the valley due to the twin attack from the terrorist groups and high handedness of the Indian military, which behaved more like an occupation army. Its heavy presence coupled with long years of stay in the valley totally distorted the civic life in Kashmir. The communal forces in India selectively harped on the plight of Kashmiri pundits while the other victims of Kashmir violence were totally left out of their scheme of propaganda. The tragedy is that while communal forces kept talking of the plight of pundits, during many years of BJP led NDA rule hardly anything different was done for the victims of militancy, and the lop sided policies of the leadership, dominated by the policies of central Government continued.

Kheer Temple congregations can be a signal of revival of the spirit of Kashmiriyat, the heart and souls of Kashmir. One hopes and wishes this spirit will strengthen in times to come, aspirations of people of Kashmir will be expressed and implemented through the democratically elected Governments of Kashmir and India-Pakistan are able to cultivate the friendly relations, which is the best guarantee for peace in the region.

### **3. "Kashmir Files"-Half Truths and falsehoods galore**

Major weapon of sectarian nationalism is to spread misconceptions and create hate against the religious minorities. This process which has been going on since long has now got a new tool, a film, "Kashmir Files", released in 2022. As such misconceptions against minorities are based on half truths, selective truths, lies and this film is another addition to that. The slogans-misconceptions against religious minorities have gone through various phases. It began with communal historiography. Here the Muslim kings as tormentors of Hindus, destroyers of Hindu temples and imposing Islam through force had a long run. Add on came with the constructed

fear that Hindus will become a minority as Muslims are procreating fast. Islamic terrorism, the phrase coined by American media, added to the majoritarian propaganda.

The result has been the type of hate displayed in lynching and attacking Muslim youth on the ground of love jihad. The sort of culmination of this was the call for genocide given by Holy Seers in Dharm Sansads, on which the Prime minister kept a deliberate silence. This film 'Kashmir files' (KF) tries to put the blame of Pundits exodus 1990 on Kashmiri Muslims and blames the parties like National Conference and Congress for the same. It depicts the murders of Kashmiri pundits selectively and resorts to falsehoods to harp its point.

In one of the scene during the curfew school girls are shown in school uniforms! Late Squadron Leader Ravi Khanna's widow points this out and says there are falsehoods in the film. Omar Abdullah summed up the partisanship of the film, "Many false things have been shown in 'The Kashmir Files' movie. When the Kashmiri Pandits left the valley, Farooq Abdullah was not the chief minister. Jagmohan was the Governor of Jammu and Kashmir. VP Singh's government was at the Centre, supported by the BJP," (1) Abdullah said. "Why wasn't VP Singh's government and BJP shown in the film? It is not right to play with facts. We condemn the killings of Kashmiri Pundits. But didn't Kashmiri Muslims and Sikhs lose their lives?" (2)

The initial murders were those of pro India elements, Maulana Masud, Abdul Ghani, Wali Ahmad Bhatt were done to death. Gulam Nabi Azad's nephew was abducted. Respectable doctor and thinker Abdul Guru was murdered. Rubiya Saeed; daughter of Mufti Mohammad Saeed, the Home minister was abducted. The V P Singh Government signed on the dotted lines of terrorists and released many of the dangerous terrorists, worsening the atmosphere. Neelkanth Ganjoo, the judge who had pronounced death penalty on Maqbool Bhatt, Tikalal Takloo, the BJP leader and Premnath Bhat (Journalist) were killed brutally. The militants turned their guns against Pundits. Threats to them, asking them to leave the valley started being blared from mosques. Similar leaflets also appeared. Pundit community was in the grip of fear.

With re-appointment of Jagmohan (19 January 1990) as the Governor, Farooq Abdullah resigned. On the same night the security forces searched the houses of nearly 300 people and dragged them mercilessly to the police stations. As a protest thousands came out on the streets and they were fired upon. Nearly 50 protesters died in the worst massacre in Gau Kadal. (3)

The task of the state was to provide protection to the intimidated community and to combat the militants. Jagmohan took another route, he promised Pundits safe exit to Jammu camps. The rumor was that he wanted to have the valley free from Pundits so that he could unleash strong repressive measures against Muslims.

The local Muslims were mostly against the migration of Muslims. We need to distinguish between Pakistan trained militants and local Muslims. Jagmohan generalized all Muslims being

against Pundits and this film does the same. As 3.5 Lakh Pundits migrated, close to 50000 Muslims also had to leave. Can this be called genocide? Genocide means a violence to finish the race off. In the killings by militants the official figures are (RTI inquiry- (27/11/2021)-Pundits 89, others 1635 (Muslims mainly and also Sikhs and personnel of security forces). (4)

The way film has been made it creates anti Muslim hysteria. India has seen massacre of Muslims (Nellie, Mumbai, Gujarat and Delhi) of Sikhs (Delhi); all these in thousands. Films made on Gujarat massacre Perzania was not permitted to be screened in Gujarat. That film made us think and not incite. The KF just selectively shows violence against Hindus and presents local Muslims as collaborators in that. Half truth and falsehood combined! The responses in cinema houses are alarming. The crowds are giving dangerous slogans. Do we need such films which are one sided, based on half truth and some falsehoods and promote Hate?

Omar Abdulla's vision is on the dot when he says, "The pain & suffering of 1990 & after cannot be undone. The way Kashmiri Pundits had their sense of security snatched from them & had to leave the valley is a stain on our culture of Kashmiriyat. We have to find ways to heal divides & not add to them."

After 1990, BJP led NDA has been in power for nearly 14 years. Earlier Manmohan Singh Government started many schemes for Pundits, What has BJP led Government done to rehabilitate them is a matter of introspection. Using them as a political tool is totally unwarranted. What we need is to give justice and rehabilitate the victims of violence, Pundits as well as others.

#### Foot Notes

1. <https://www.hindustantimes.com/india-news/kashmiri-pandits-suffered-terribly-but-shashi-tharoor-amid-kashmir-files-row-101647672153401.html>
2. <https://kashmirilife.net/kashmir-files-why-wasnt-vp-singhs-govt-and-bjp-shown-asks-omar-288737/>
3. <https://thekashmirwalla.com/worst-massacre-in-kashmirs-history-what-happened-on-gaw-kadal-on-this-day-in-1990/>
4. <https://indianexpress.com/article/cities/chandigarh/in-3-decades-militants-killed-1724-in-jk-89-of-them-are-kashmiri-pandits-rti-reply-7673497/>

#### 4. Film 'Kashmir Files': Divisive Agenda

Watching this movie in the theaters is a harrowing experience. It incites the negative, hateful and emotive response from majority of viewers. Someone at the end of the screening starts making the prevalent anti Muslim slogans and hysteria takes over the theatres. It has been recommended by no less than Spiritual Guru Sri Sri Ravishankar, The RSS Chief Mohan Bhagwat, the Prime Minister Narendra Modi and all and sundry. The BJP ruled states have made it tax free. Haryana CM wanted it to be shown in the vast auditoriums free of cost, to which its Director Vivek Ranjan Agnihotri objected as that would have cut into his swallowing pockets. Many followers of RSS-BJP bought the tickets in bulk and distributed it for free among the communities.

It is a gripping film but lacks any sophistication. It shows the raw violence in a horrific way, some supposedly to be based on true stories (like cutting the woman with electric saw). Of course despicable violence did take place. There are stories of Muslim neighbors saving Pundits from atrocities, helping them in various ways also. All that amicable phenomenon of Kashmiri life is deliberately kept out. The film highlights killings of Kashmiri Pundits in a one sided manner.

The director of the film was asked in one interview why he has not shown the killings of Muslims, who also faced the wrath of the terrorists. His response was totally off the mark as he said the in Second World War Germans and Jews both were killed. Only Jews are remembered. He says we need to remember the killings of Pundits in the same manner like Jews in Germany! This is a totally illogical comparison. Germans did not die in concentration camps and Jews who are remembered are the ones who were victims of Hitler's internal fascist policy, and not directly in the war. It is a off the mark comparison just to defend the indefensible, omission of the killings of Muslims by terrorists in Kashmir.

Another BJP leader, one from J&K, asserted that only Muslims killed the Pundits. No Pundit took up arms. This is an attempt to present the whole Muslims community in the color of terrorists. It was terrorists, trained in Pakistan, the ones' who became more aggressive after the rise of Islamism (Zia Ul Haq, Taliban) who indulged in killings and other atrocities of Pundits and pro India Muslims.

The opposition to autonomy clauses and their suppression in due course created dissatisfaction, alienation among Kashmiri youth set in. This alienation went through various phases. Initially it was based on the core values of Kashmiriyat. From decade of 1980, it became anti India and later assumed anti Hindu form. The first political murder was that of NC's Mohammad Yusuf Halwai, even before that of Tikalal Tiplu, the J&K BJP leader. We should

know that it was not communal violence, where two communities were pitted against each other. It was an agenda based terrorist violence.

In case of Kashmir, the sections of militants who turned terrorists under the influence of growing clout of the Taliban, Al Qaeda etc. This dastardly phenomenon emerged from few madrassas of Pakistan. These madrassas were particularly set up with American aid (As per Mahmood Mamdani (Good Muslim: Bad Muslim) US invested 8000 million dollars in this project). They implemented America designed syllabus based on retrograde version of Islam. America also gave 7000 tons of armaments which were used in anti Russia Afghan war (Reference: CIA Documents quoted in 'Good Muslim: Bad Muslim', by Mahmood Mamdani). Kashmiri Muslims need to be distinguished from the breed of gun-bomb wielding terrorists, whose roots in turn lay in process of alienation furthered by the aggressive version of Islam, which dominated the area.

The deliberate 'Only Pundits were killed' is a blatant lie. The film lives to its own dialogue that showing wrong is as dangerous as hiding the truth. It totally hides the murders and exodus of Muslims. The film director in various interviews says that only Pundits had to leave the valley. The truth is that over 50000 Muslims also had to leave.

Then he claims that there are no Pundits in the valley. Again a full throated lie! He deliberately hides the fact that there are close to 800 Pundit families living in the valley. There organization is Kashmir Pundit Suraksha Samiti (KPSS). Its leader Sanjay Tikkoo is now apprehensive that this film may have adverse impact on Pandits living in valley. About the film "he fears, (that it) aims to polarize communities, spread hate, and may even fuel violence that people of Jammu and Kashmir and elsewhere do not want repeated ever again." (1)

He also elaborates the type of bonding between Kashmiri Muslims and the Pundits, "What we call the mass migration began March 15, 1990, onward. Terrorist organizations were making daily hit lists and pasting them inside the mosques. On these lists were Pundits, NC workers, Muslims. As there were cordial relations between individual Pundits and Muslims, the latter after the evening namaaz would inform his [Pundit] neighbor if he spotted the name. He wanted to save his [KP friend-neighbor] and their families." (2)

These are the things unsuitable for the divisive agenda of the director and those recommending and promoting the film. Film also uses the stereotype that Kashmir was inhabited by Pundits/Hindus alone who were converted to Islam by 'Sufi's sword' (Anupam Kher's dialogue in the film). This is far from the truth of spread of Islam in the valley and other parts of India. Just a minimal knowledge about Sufi tradition will tell us that Sufi saints were for spiritualism and love. That's how most of the Sufi shrines till date are visited by Hindus and Muslims both. Conversion to Islam has been more due to caste atrocities rather than the sword of the kings,



as Swami Vivekananda Points out “Religious conversions have not taken place because of atrocities of Christians and Muslims, but because of atrocities of upper caste.” (His letters, one to Pundit Shankarlal of Khetri (20<sup>th</sup> September 1892 and another to Haridas Vithaldas Desai in November 1894 (Volume 5/Epistles-First Series/II, Volume 8/Epistles-Fourth series Nov 1894, respectively).

At the level of Kashmir, Ratanlal Hanglu (‘The State in Medieval Kashmir’, Manoharlal Publication Delhi 2000) affirms what Swami Vivekananda says. Hangloo points out that conversion to Islam in Kashmir was a silent rebellion against Brahminical atrocities.

The film will have negative impact on the carefully nurtured Kashmiriyat in Kashmir and Fraternity which emerged during freedom movement all over India.

Foot Notes

1. <https://sabrangindia.in/interview/kashmiri-pandit-fact-checks-kashmir-files>
2. <https://sabrangindia.in/article/kashmir-files-hate-project-radicalising-people-one-show-time>

## **5. Striving for peace in strife-torn Kashmir**

Killings by Pakistan trained; pro-Pakistan terrorists have been unrelenting in Kashmir. When Modi announced demonetization one of the arguments was that this is aimed at containing terrorism in Kashmir. Later even while abolishing article 370 and 35A this was to be one of the aims. In this background we get the disturbing news of the killing of Rahul Bhat (May 2022), a Kashmiri Pandit (KP) by Kashmir Tigers, a militant pro-Pakistan outfit. The loud mouths from the ruling establishment are silent on this while the WhatsApp University got one more point to blame the Kashmiri Muslims for this brutal killing. As such the brutal act has been done by the terrorist outfit, trained into inhuman methods by the Pakistan based training camps initially funded by America. (1)

The Kashmir issue has multiple factors contributing to the present turmoil. As we have seen alienation of the locals due to erosion of autonomy has been the fertile ground on which the crops of terrorists were grown by the neighbor fully backed by America. America’s goal was to keep control on the oil resources of West Asia. The complementary aspect of geographically strategic importance of Kashmir was also one of the reasons for America to operate through its vassal Pakistan.

Earlier attempts were made even by Atal Bihari Vajpayee to have dialogue with diverse groups of Kashmiri dissidents. As we saw above he very aptly said that the solution to the Kashmir issue lies in ‘Insaniyat, Jamhoriyat and Kashmiriyat’ (Humanism, Democracy and Kashmiri

culture). Later Dr. Manmohan Singh also attempted to have dialogue with dissidents to solve the problem. Today while Vajpayee's meetings with dissidents are put under the wraps, the meeting of Dr. Singh with Yasin Malik is highlighted to project as if Congress has encouraged such dastardly actions.

The act of releasing the terrorists took place when Rubaiya Saeed was kidnapped (VP Singh Government), are put under the carpet and Congress is blamed for the present plight in the region. The most needed process is, of course, that of rooting democracy and restoring autonomy. In turn what is being imposed is the Central Government's rule and undermining the democratic process. The presence of the military in the area is the constant eye sore for civilian life. After 2014, with Modi coming to power the process is going in a reverse direction as far as democratic mechanisms are concerned.

One recalls that during the UPA regime there was a sincere effort to make the Pundits go back to their beloved land. A process was conceptualized to rehabilitate a few pundit families back in the Valley. Good deal of monetary allocation was also provided for this work. One of the most important steps, which by now have been frozen, was the interlocutors report. (Described above)

Abolition of Article 370 has been always on the agenda of BJP and was supposed to be a solution for all problems related to Kashmir. Two years down the line after abrogation of article 370, the civic life is much worse and democratic voices do not have much place in the policy making in the state. The murder of Rahul Bhat has underlined the continuing issues which dog the state.

The present state of democracy (2022) can be gauged from what happened to the protesters who were trying to meet Lt Governor, Manoj Sinha. He did not turn up to meet KPs and other protesters, so they planned a march to the airport. The police fired tear gas shells to disperse the crowd. (2) The manner in which the state is dealing with issues is well summed up in the tweet by Omar Abdullah, who called the move shameful, "It's shameful that legitimate & justified protests are met with a heavy-handed response. This is not new for the people of Kashmir because when all the administration has is a hammer every problem resembles a nail. If the LG's Govt can't protect KPs they have a right to protest." (3)

Pundits in Anantnag, protesting the killing of Rahul Bhat, question whether this is the new Kashmir Modi is talking about. KPs also are thanking Kashmiri Muslims for supporting them in their hour of grief. (4)

While the claims of efficient administration abound, the agitating Pundits highlighted the state of security of the civilians where the militants can enter the Government building and kill the employee. Rahul Bhat's widow Meenakshi Bhat said that PM Modi and Amit Shah are using KP's

as scapegoats; they are using KPs as cannon fodder for their politics. "I challenge them to come to Kashmir and roam around without security," she said. At the same time 350 Pundit employees tendered their resignations for security reasons.

It is not that only Pundits have to face such a plight. In the aftermath of Rahul Bhat's murder Riyaz Ahmed was also murdered. An RTI activist's inquiry is very revealing. Terrorists in Kashmir killed 1,724 people - of whom 89 were Kashmiri Pundits and the rest were "people of other faiths", including Muslims - over the past 31 years. This information comes after a wave of civilian killings in parts of J&K, including Srinagar, in the past few months, in which Kashmiri Pundits as well as many from other communities, including Muslims, and those from outside the union territory, were shot dead. Those killed are mostly pro-India elements.

The communal forces have totally misrepresented the complex processes of Kashmir imbroglio. The killing of Rahul Bhat and Riyaz Ahmed is to be seen as a part of the same process. In the light of the support of Kashmiri Muslims to Rahul Bhat's murder we can clearly see the reality of local population Hindus and Muslims are together at social level.

#### Foot Notes

1. <https://www.newindianexpress.com/nation/2022/may/21/rahul-bhats-killing-kashmiri-pandits-take-out-protest-march-in-srinagar-2456331.html>
2. <https://kashmirobsvr.net/2022/05/13/budgam-killing-police-foil-kps-protest-march-towards-srinagar-airport/>
3. <https://twitter.com/OmarAbdullah/status/1525002866985156608>
4. [http://twocircles.net/protests-kashmiri-panidt-killing/html?utm\\_source=feedburner&utm\\_medium=email](http://twocircles.net/protests-kashmiri-panidt-killing/html?utm_source=feedburner&utm_medium=email)

## 6. Reading the Divisive Agenda of 'Kashmir Files'

Abhinav Kumar (Misreading the Kashmir Files, IE, 16<sup>th</sup> April 2022) takes on the liberals with gay abandon. As per him the secularism in India faces a grave challenge from Islamic fundamentalism of which the conflict in Kashmir is the most egregious example. He ardently defends the film Kashmir Files.

Kashmir Files is in the media and social scenario in a very powerful way. As pointed out above right from the likes of Sri Sri Ravishanker, to RSS supremo Mohan Bhagwat and Prime Minister Modi, all, have highly commended the film as showing the real truth. Many others; who are labeled as liberals or left have perceived the films with an agenda which is strengthening the divisive politics prevalent in the country. One concedes that large sections of society are

swayed by the film. As such their 'Hate for religious minority' has got heightened and the maker of the film Vivek Agnihotri himself says that he is not just a film maker, he has an agenda.

The left liberal strands are worried by the negative impact of the film and its inadequacies, partial truth and one sided projections of the incidents and their interpretation. What Kumar is upholding is a totally fallacious view. It is true that Kashmir did see separatism right from the decades of 1950s, but this had no base in Islamic fundamentalism or Muslim communalism. It was primarily due to suppression of the autonomy which was guaranteed to the people of Kashmir through article 370 and 35A. This separatism talked of Kashmiryat, which Kumar thinks is a fantasy, around which lies were spread. Kumar would do well to understand the nature of Kashmir through works of G.M.D. Sufi (Kashir) or renowned journalist Balraj Puri (Kashmir towards Insurgency, Orient Blackswan 1993).

It was Kashmir where Vedanta, Buddhism and Sufi traditions integrated to create the unique culture which is known and lived as Kashmiriyat. To think that conversions to Islam were through sword is a biased and motivated understanding of Islam in Kashmir and also in India as a whole. Islam spread in Kashmir not due to 'Sufi Sword' (Dialogue used in the film) but to escape the caste atrocities perpetuated by upper caste. Conversion to Islam has been more due to caste atrocities rather than the sword of the kings, as Swami Vivekananda points out "Religious conversions have not taken place because of atrocities of Christians and Muslims, but because of atrocities of upper caste." (His letters, one to Pundit Shankarlal of Khetri (20<sup>th</sup> September 1892) and another to Haridas Vithaldas Desai in November 1894 (Volume 5/Epistles-First Series/II, Volume 8/Epistles-Fourth series Nov 1894, respectively).

As far Kashmiryat; Kumar thinks it is a fantasy as he may not have heard of Nund Rishi (Nooruddin Noorani) or Lal Dedh or festivals like Kheer Bhavani celebrated by people of Kashmir. Kumar may also not have heard of Atal Bihari Vajpayee's famous statement that he wants to solve the Kashmir issue through Insaniyat (Humanism), Jamhooriyat (democracy) and Kashmiriyat (Kashmiri Syncretism).

Kumar is partly right that the nature of terrorism, militancy has changed in the decade of 1980s. This has more to do with the training of youth in Pakistan Madrassas aimed at formation of Al Qaeda, Taliban. This was the project of America implemented through its vassal Pakistan. It is these elements which infiltrated in large numbers in Kashmir and wrought havoc; on Pro India elements like the leaders of National conference (Mohammad Yusus Halwai) and Kashmiri Pundits. The film and also Kumar seem to paint the Kashmiri Muslims in the same brush with which they paint the terrorists trained in Pakistan. These Pakistan trained elements had the mindset where distorted version of Islam taught them to label all those differing with them as *Kafir* and killing them in the name of Jihad. Kumar will do well to know the weapons used by these rogue elements were provided by American project via Pakistan.

As film maker concedes that he has an agenda, so far him wholeness of the truth is dispensable. He tries to blame Kashmiri Muslims for the Pundits exodus; he indirectly blames National Conference and Indian National Congress for the plight of Pundits. That's where one has to remind him about Jagmohan (Who later became Minister in BJP Government) providing the facilities for Pundits to leave the valley, and also remind the film maker and Kumar that it was VP Singh Government supported by BJP when this disastrous decision was taken. The right thing should have been to deal with terrorists and to provide protection to the Pundits.

The film totally ignores that even today 800 Pundit families are living in Kashmir today. Film totally blacks out that over 50000 Muslims had to leave the valley due to the acts of terror, and over 700 Muslims were killed along with nearly 300 Pundits. It has clicked on box office as already social perceptions have been created from last few decades in particular; where one community has been demonized through various conduits. Currently criticizing the left liberals is the favorite game of the most and this article is no exception to that. The writer like the film totally ignores the peculiar problem of Kashmir where the separatism began in historical circumstances when India continuously went on trampling on the autonomy promised to Kashmir all through.

Prey; the author has to tell us how Islamic fundamentalism is changing the secular character of our country? We recall acts of terror like 26/11 Mumbai and other acts of terror during the period of 2006-2008. What is eroding the 'Democratic idea of India' is the rising Islamophobia, built around myths of medieval history (Muslim kings destroyed temples, Islam spread by Muslim kings through sword) and other myths related to their population, the myths which by now have generated immense Hate and are inching to boycott them in trade. And who is turning our religious processions in to occasions to provoke minorities and then rolling the bulldozers on their houses.

Kumar will do well distinguish the roots of terror in Pakistan trained madrassas and not to link it to the average Muslims of our country. He is putting the foot in wrong shoe by blaming erosion of secularism in India due to Islamic Fundamentalism (and Muslims). Allergy for left liberals is leading him to see the reality in the inverted way!

## 7.Nehru being falsely blamed for Kashmir Imbroglia

### On the issue of Kashmir there were no basic differences between Patel and Nehru

*L.S. Hardenia*

Prime Minister Narendra Modi and the Sangh Parivar blame Jawaharlal Nehru for all the ills



plaguing the country, including the Kashmir problem. They also claim that Sardar Patel would have solved the Kashmir problem, had the job been entrusted to him.

But facts do not bear out the allegations of Modi and company. Had Nehru not taken interest in the Kashmir issue, the entire Kashmir would have gone to

Pakistan. Historical evidence proves that Sardar Patel favored merger of Kashmir with Pakistan. An episode related by Maulana Abul Kalam Azad in his autobiography *India Wins Freedom*, proves how dear Kashmir was to Nehru.

The Maulana writes: "We had enough headaches with the Cabinet Mission and its Plan, but a new one was added by the developments in Kashmir. The National Conference, under the leadership of Sheikh Abdullah, had been fighting for political rights for the people of Kashmir. When the Cabinet Mission arrived, he thought he would use this opportunity to press his claims. He raised the slogan of 'Quit Kashmir' and placed his case before the Cabinet Mission. His demand was that the Maharaja of Kashmir should end autocracy and give self-government to the people. The Maharaja's Government replied by arresting Sheikh Abdullah and his colleagues. Some time back, a representative of the National Conference had been taken into the Government and it had seemed that a compromise might be achieved. The arrest of Sheikh Abdullah and his associates dashed these hopes.

"Jawaharlal had always taken a keen interest in Kashmir's struggle for representative Government. When these new developments took place, he felt that he ought to go to Kashmir. It was also thought necessary that some arrangement should be made for the legal defense of the leaders of the National Conference. I asked Asaf Ali to attend to this. Jawaharlal said that he would accompany Asaf Ali and so the two of them left. The Maharaja's Government was irritated by this decision and issued a ban against their entry into Kashmir. When they left

Rawalpindi and approached the Kashmir frontier, they were stopped at Uri. They refused to obey the ban and the Kashmir Government arrested them. This naturally created a great sensation in the country."

As for Sardar Patel's role vis-à-vis Kashmir, there is evidence that Patel wanted Kashmir – a Muslim-majority state – to go to Pakistan. He changed his view after the Nawab of Junagadh, despite it being a Hindu-majority state, wanted to join Pakistan. Patel not only changed his opinion but decided to follow Nehru's Kashmir policy.

Some letters, exchanged between Nehru and Patel confirm this. Ten volumes of Patel's correspondence are available. These volumes have been edited by eminent journalist Durga Das. There is not a single letter in any of the volumes that indicates serious differences between Nehru and Patel over the Kashmir issue. Some letters on Kashmir have been included in the volume covering the period 1947-1950.

One such letter was written by Patel on 23 Feb 1950. In this letter, Patel wrote to Nehru: "As regards specific issues raised by Pakistan, as you have pointed out, the question of Kashmir is before the Security Council. Having invoked a forum of settlement of disputes open to both India and Pakistan as members of the United Nations Organization nothing further needs to be done in the way of settlement of disputes than to leave matters to be adjudicated through that forum."

The BJP often says that Nehru committed a grave mistake by referring the Kashmir issue to the UN. They also say that left to him, Patel would not have done so. But the facts are contrary to this claim. The fact is that Patel totally backed the decision to refer the Kashmir issue to the UN, as the contents of the letter quoted above prove.

I am reproducing extracts (below) from two letters written by Patel to Nehru, which leave no doubt that Patel was in total agreement with Nehru as far as India's decision to refer the Kashmir issue to the UN goes.

The other aspect of Kashmir problem related to the issue of plebiscite. On 29 June 1950, Nehru wrote a letter to Patel saying, "The international situation must have its reaction on Kashmir. What this reaction might be, I do not know. But to talk about plebiscite with the possibility of war facing us, seems to me utterly unreal."

When this letter reached Patel, he was recuperating at Dehradun. Despite being unwell, Patel replied on 3 July 1950. Patel wrote, "It appears that there is marked appreciation of what we have done for the Valley although they naturally feel that they deserve more. In such circumstances and in the wor 1ld situation today, I agree with you that a plebiscite is unreal. Not only that, it would be positively dangerous because my feeling is that once the talk starts,

the non-Muslims in Jammu and Kashmir would start feeling uneasy and we might be faced with an exodus to India. This would be an additional point to emphasize in respect of our stand that the conditions preliminary to plebiscite should be fully and effectively fulfilled before we can talk of it."

These letters convey the message loud and clear that Patel and Nehru were in agreement as far as the approach to the Kashmir issue was concerned.

After scrapping Article 370 and 35A of the Constitution, Prime Minister Narendra Modi declared that "Today, I have fulfilled the dreams of Sardar Patel and Dr Babasaheb Ambedkar".

Nehru-Patel correspondence shows that they had a shared dream about Kashmir. What was Patel's dream is evident from his letters. His only dream was to ensure the well-being of the people of Kashmir.

What about Dr Ambedkar? PM Modi and his colleagues should know that Dr Ambedkar was a great protagonist of Pakistan and he also favored the division of Kashmir and wanted the Muslim-majority area to go to Pakistan.

At the end, I would like to quote yet another letter which Patel addressed to Lord Mountbatten. In this letter, he agrees with Mountbatten that the Kashmir problem cannot be solved to the total satisfaction of both the sides.

Patel wrote to Mountbatten on 16 March 1930, saying that "Regarding Kashmir, events seem to be indicate the wisdom of the line which you suggested in December 1947 but we had not accepted (it) for reasons which you know. However, as you say, the problem can only be solved peacefully to a partial dissatisfaction of both sides. We, on our part, realize it, but recognition of this has to come from the other side."

## **8.Kashmir: Role of US and Britain**

### **L. S. Herdenia**

During his America visit Prime Minister Narendra Modi has repeatedly claimed that democratic blood is flowing in the veins of Indian and American people. It is difficult to claim whether at present it is true or not. It is well known that USA has not made any contribution to strengthen the foundation of democracy in India. On the contrary US has extended all possible help and aid to Pakistan which was ruled by dictators. Help was not only economic but also military. USA made Pakistan member of SEATO. As for Kashmir is concerned, USA along with Britain have



extended all possible help to Pakistan. Because USA was extending all possible military help to Pakistan India had no choice but to spend major portion of its budget on defense. USA betrayed democratic India on three crucial and difficult periods of history. They were during Chinese aggression, Kashmir and Bangladesh.

As for Kashmir is concerned, US and its ally Britain would have remained neutral Kashmir problem would have resolved long back.

On Nehru's suggestion Mountbatten visited Lahore. When he met Jinnah he suggested that both India and Pakistan should withdraw their forces from Kashmir. On this Mountbatten asked about Pathans who attacked in the garb of Pak army. On this Jinnah said if you want their withdrawal there is no scope of any negotiation. On return from Lahore Mountbatten advised that entire matter should be referred to the security council of the United Nations. The moment the Kashmir issue was referred to security council Britain and USA started taking anti-India stand.

Both the countries converted the issue into a dispute between India and Pakistan. Britain and USA started criticizing India in aggressive language and described India as an aggressor. They asked India to agree to ceasefire. A striking feature of the UN discussion was the partisanship of the two countries. The British representative Philip Noel-Baker rigorously supported the Pakistani position. Anglo-American theory was that in the ensuing struggle with Soviet Union Pakistan would be the more reliable ally. It was also better placed with easy access to British air bases in the middle-east. By now Nehru bitterly regretted going to the United Nations. He was shocked. He told Mountbatten to find that why "power politics and not ethics were ruling an organization which was being completely run by the Americans who like the British, had made no bones of their sympathy for the Pakistan case". Within the Indian cabinet pressure grew for the renewal of hostilities to throw out the invaders from northern Kashmir. Was this militarily feasible? A British general with years of service in the subcontinent warned that. When the two countries realized that they will not be able to keep their hold on Kashmir they resorted to new tactics. American president and British Prime Minister sent a formal proposal suggesting mediation. Nehru publicly rejected this proposal. Nehru came to know that both the countries wanted to station their defense forces in the pretext of mediation. Soviet Union also came to know this Anglo-US mischief. Soviet representatives raising these issues in the Security Council stated that for the last four years Kashmir issue has not found solution because USA and Britain somehow wanted to keep their control on Kashmir. Therefore they are making such proposals which may enable them to keep their hegemony over Kashmir through United Nations and may use Kashmir as their military base. After saying this Soviet representative vetoed all such proposals and defeated all Anglo-US desire to use Kashmir as their colony.

In 1957 again Kashmir issue was raised in the Security Council. Participating in the discussion Soviet delegate claimed that the people of Jammu and Kashmir have already resolved that they are part of India and that this is final.

Another incident of blackmailing by US and Britain occurred during Chinese aggression while we were passing through difficulties instead of helping us both the countries put up a proposal to solve Kashmir dispute. America and Britain sent their emissaries to consider their proposal which was out rightly rejected by Nehru. They also asked to be allowed to set up Voice of America's transmitter in India preferably in Kashmir. They asked India to terminate its treaty with Soviet Union. This too was not accepted.

In sum total it can be stated that both USA and Britain instead of extending concrete help to India on Kashmir helped Pakistan in all possible ways. Nehru's tough attitude, in rejecting US and British proposal, figures in the speech which Atal Bihari Vajpayee delivered in Rajya Sabha while paying tributes to Nehru after his death. Vajpayee recalled that while facing Chinese aggression our western friends wanted India to solve Kashmir problem. When I referred this matter to Nehru I found him angry in mood. He made it clear that under no circumstances Kashmir can be solved on the terms suggested by US and Britain. He made it clear that India will fight both on Pakistan and China front but will not take decision under pressure.

Not only on Kashmir America also threatened us while we were helping the Bangladeshi people to face the atrocities by Pakistan. USA threatened us by dispatching seventh fleet. The USA and Britain throughout helped a dictator rather than democratic India.

## **Appendix I**

### **Jammu & Kashmir: PRIME INDICATORS OF DEVELOPMENT**

<https://www.thecitizen.in/index.php/en/NewsDetail/index/4/17423/Development-of-KashmirReally>

| <b>Sector</b>     | <b>J&amp;K</b> | <b>UP</b> |                 |
|-------------------|----------------|-----------|-----------------|
| Potable/tap water | 64%            | 27%       | [ % of pop.]    |
| <b>Toilets</b>    | 51.2%          | 36%       |                 |
| Power consumption | 1199           | 593       | [ units/h'hold] |
| Phones            | 91             | 74        | [per 100 pop.]  |

|                           |   |             |                 |
|---------------------------|---|-------------|-----------------|
| Life expectancy           | 73.5 yrs                                  | 64.8 yrs.   |                 |
| GDP per capita            | Rs.1.02 lakhs                             | Rs.57,024   | [2016-17 figs]  |
|                           | [ The all-India figure was Rs.1.17 lakhs] |             |                 |
| Poverty ratio             | 10.35%                                    | 23.95%      | [2011 census]   |
|                           | [ The all-India figure was 21.92%]        |             |                 |
| Hospital beds             | 1/ 1066 pop.                              | 1/2904 pop. |                 |
| Unemployment              | 5.3%                                      | 6.4%        |                 |
| Total Fertility Rate(TFR) | 1.7%                                      | 3.1%        |                 |
| Birth rate                | 15.7                                      | 26.2        | [per 1000 pop]  |
| Infant mortality rate     | 23  | 33          |                 |
| Sex ratio                 | 917                                       | 912         | [All-India 896] |
| Literacy rate             | 67.2                                      | 67.6        |                 |

## **Appendix II**

### **A LOOK BACK**

#### **A timeline of key events that shaped the unique identity of Kashmir within India**

By [Manavi Kapur](#) August 6, 2019

The restive Indian state of Jammu & Kashmir (J&K), whose political status was dramatically overhauled yesterday (Aug. 5) by the Narendra Modi government, has rarely been free of controversy.

The modification of a constitutional provision that grants J&K special status—a greater degree of autonomy than that enjoyed by other Indian states—has been hotly contested since its creation in 1950.

Those against this provision, Article 370, have argued that all three parts of the state—the Muslim-dominated Kashmir valley, the Hindu-majority Jammu, and Ladakh, which has

considerable Buddhist presence—should not have laws independent of the Indian constitution. India's ruling Bharatiya Janata Party subscribed to this school of thought.

This section also fears neighboring Pakistan's influence on Kashmir and its attempt to capture more territory in the Kashmir valley.

The modern political history of the state itself is a tale of its often changing status beginning in the 19th century, turmoil following India's partition in 1947, and simmering uncertainty since then.

Here is a timeline of J&K and Article 370 through key events in modern times:

**1846:** Maharaja Gulab Singh, a Dogra ruler, buys the region of Jammu & Kashmir from the East India Company after signing the Treaty of Amritsar (pdf).

**1930s:** Kashmiri Muslims are unhappy with the then maharaja Hari Singh's rule and feel his policies are prejudiced against them. This is also the time J&K's first major political party, the National Conference (NC), is born along with its founder, Sheikh Muhammad Abdullah's, political debut. The Quit Kashmir movement against the maharaja is launched.

**August 1947:** India gains independence from the British empire, Pakistan is created as a Muslim-majority country. India's princely states, those not officially with India or Pakistan, are given three choices—stay independent or join either India or Pakistan. Three such states are undecided—Junagadh, Hyderabad, and J&K. Indian home minister Sardar Vallabhbhai Patel works to convince the undecided princely states to join India; Maharaja Hari Singh signs a standstill agreement with Pakistan, effectively opting for status quo.

**October 1947:** Armed tribesmen from Pakistan infiltrate J&K, Hari Singh realises he needs Indian help. He reaches out to prime minister Jawaharlal Nehru and Patel who agree to send troops on the condition that the maharaja signs an instrument of accession (IoA) in favour of India (pdf), handing over control of defence, foreign affairs, and communication. Hari Singh signs the IoA, Indian troops move in. The armed conflict continues.

**January 1948:** India takes the Kashmir issue to the United Nations (UN), raising concerns over Pakistan's forced occupation of parts of Kashmir. The UN suggests a plebiscite, but India and Pakistan can't agree on how to demilitarise the region. The conflict continues through 1948.

**March 1948:** Hari Singh appoints an interim government in J&K. Sheikh Abdullah named the prime minister.

**January 1949:** The UN mediates a ceasefire between Indian and Pakistan—also known as the Karachi Agreement—allowing the two countries to retain control over territories held at the time. No agreement on referendum yet.

**July 1949:** Hari Singh abdicates in favour of his son Karan Singh. Sheikh Abdullah and three colleagues join the Indian constituent assembly to discuss provisions of Article 370 under the Indian constitution that is still being drafted.

**1950:** The Indian constitution comes into force. Under this, Article 1 defines J&K as a state of India, Article 370 accords special status to J&K.

**1951:** The constituent assembly of J&K, the body responsible for creating the state's constitution, convenes. All members belong to Sheikh Abdullah's NC.

**1952:** Kashmiri leaders discuss their relationship with the union of India in the J&K constituent assembly. This leads to a comprehensive Delhi Agreement (pdf) that defines the relationship of the state with the union.

**1953:** Sheikh Abdullah is dismissed as prime minister allegedly because he had lost the support of his cabinet. Bakshi Ghulam Mohammad takes his place.

**1954:** A presidential order extends several provisions of the Indian constitution to J&K's constitution.

**1956:** J&K adopts its constitution (pdf) and defines itself as an integral part of India.

**1957:** The J&K holds its first legislative elections. J&K constituent assembly dissolved, replaced by a legislative assembly. Indian home minister Govind Ballabh Pant visits Srinagar, the capital city of J&K, and says the state is now fully a part of India. This leaves no possibility of a plebiscite.

**1960:** Both supreme court and election commission of India extend jurisdiction over J&K through an amendment in its constitution.

**1962:** China gains control of Aksai Chin region in J&K after a war with India.

**May 1965:** Titles of prime minister and sadr-i-riyasat officially changed to chief minister and governor, respectively.

**June 1965:** Abdullah's NC merges with the Indian National Congress.

**August 1965 to January 1966:** War between India and Pakistan. Indian prime minister Lal Bahadur Shastri and Pakistani president Ayub Khan sign [the Tashkent Declaration](#) marking the end of war.

**1966:** There is a revival of demand for a referendum in J&K and several armed outfits spring up in the region. These include the Plebiscite Front and the Jammu & Kashmir National Liberation Front (JKLF).

**1971:** A third war erupts between India and Pakistan.

**1972:** India and Pakistan [sign the Simla Agreement](#) which ratifies the ceasefire line as the Line of Control.

**1975:** Prime minister Indira Gandhi and Sheikh Abdullah [sign Kashmir Accord](#), reemphasising Article 370, and J&K as an integral part of India. Gandhi says the “[clock cannot be put back in this manner](#)” to pre-1953 relations between the Indian Union and J&K, suggesting that a referendum is not possible. Sheikh Abdullah drops the demands for a plebiscite and resumes power as chief minister of J&K with Congress support.

**1977:** Congress-JKNC split; Congress withdraws support for Sheikh Abdullah’s government, paves way for [central rule](#).

**July 1977:** Elections held in J&K, Sheikh Abdullah re-elected.

**1977 to 1989:** J&K sees a steady rise of militant outfits, several unstable governments, and arrests and killings of militant youth.

**1990:** Kashmiri youth take to streets to protest against Indian administration and hundreds of them die in clashes with Indian troops. Central rule declared just as outfits like JKLF gain strength. Kashmiri Pandits (Hindu Brahmins) flee their hometowns in Kashmir valley in the face of rising militancy. The central government imposes the Armed Forces Special Powers Act, giving armed forces unprecedented powers to counter armed militancy.

**1990s:** Militant insurgency on the rise. Several separatists, including Yasin Malik, arrested. The government of India tries to hold talks with various leaders in J&K. All Parties Hurriyat Conference, an alliance of 26 social and political movements, is established in 1993. A large number of civilians, armed personnel, and militants die in incessant violent clashes.

**1995:** Prime minister PV Narasimha Rao makes a [statement in parliament](#) assuring that Article 370 will not be abrogated. He reiterates that J&K is an integral part of India and that he wants president’s rule to end.

**February 1996:** India bans JKLF.

**September 1996:** Assembly elections held in J&K. JKNC’s Farooq Abdullah forms government.

**November 1996:** The centre [appoints a committee](#) to study the issue of autonomy to J&K.

**1997:** The national human rights commission sets up a J&K chapter to investigate human rights violations there.

**1998:** India and Pakistan test nuclear weapons.

**February 1999:** Indian prime minister Atal Bihari Vajpayee visits Pakistan.

**June 1999:** India and Pakistan (tension, added)... over Pakistan's infiltration in Kargil.

**December 1999:** Indian Airlines flight, IC-814, from Delhi to Kathmandu [hijacked by militants](#). India releases three militants in exchange for the flight and the passengers on board to be brought back safely to Delhi.

**October 2001:** The legislative assembly in Srinagar is attacked.

**December 2001:** Armed militants attack Indian parliament in New Delhi.

**2004:** Indo-Pakistani relationship stabilizes after decades of instability. Indian prime minister Manmohan Singh meets Pakistani president General Pervez Musharraf.

**2005 to 2008:** Clashes between armed forces, militants, and protesting civilians continue in J&K, but not on the same scale as during the peak of militancy.

**November 2008:** Terrorists affiliated to the Lashkar-e-Taiba attack various public places, including prominent luxury hotels, in the port city of Mumbai.

**2010:** Protests erupt in J&K over a young militant's killing.

**2011:** J&K chief minister Omar Abdullah pardons 1,200 stone pelters. The Indian human rights commission finds 2,000 unmarked graves near the LoC.

**2013:** Afzal Guru hanged for his role in the 2001 attack on parliament.

**March 2015:** The BJP forms a government in J&K with People's Democratic Party for the first time.

**April 2016:** Mehbooba Mufti becomes chief minister after the death of Mufti Mohammad Sayeed, her father.

**July 2016:** Burhan Wani, another young militant, killed in shootout with armed forces. J&K state erupts in massive protests. Curfew imposed for several months.

**September 2016:** Armed militants attack Indian Army base in Uri, J&K. The army retaliates with surgical strikes across the LoC.

**July 2017:** Thousands of residents of J&K take to the streets to commemorate Burhan Wani's death. Militants [attack pilgrims](#) on their way to the revered Hindu shrine of Amarnath.

**June 2018:** BJP government [pulls out of alliance](#) with PDP.

**November 2018:** Governor Satya Pal Malik [dissolves legislative assembly](#).

**December 2018:** Central rule declared in the state.

**February 2019:** A vehicle loaded with explosives crashes into an Indian paramilitary convoy, killing 40 personnel. India carries out retributive strikes on terror camps across the LoC [in Pakistan's Balakot region](#). An Indian Air Force pilot captured by Pakistan and later released.

**May 2019:** The BJP returns to power for a second term in India.

**July 2019:** US president Donald Trump offers to mediate the Kashmir issue between India and Pakistan.

**August 2019:** Reports suggest a large number of Indian troops have been moved into J&K. Pilgrims to Amarnath [asked to return](#). This is because a landmine with Pakistani markings has been found along the pilgrimage route.

**August 4:** Prominent Kashmiri leaders, including former chief ministers Omar Abdullah and Mehbooba Mufti, placed under house arrest. [Internet and mobile services curtailed](#), and section 144, which prevents a gathering of more than four people in public spaces, imposed.

**August 5:** Home minister Amit Shah proposes a presidential order to repeal Article 370 and 35A. J&K to be bifurcated as two union territories of Ladakh (centrally administered) and J&K (with its legislative assembly). Opposition parties protest in parliament; complete shutdown in Kashmir valley.



## Videos

1. Ambedkar and Article 370

[https://www.thequint.com/news/webqoof/ambedkar-and-article-370-facts-or-propaganda-to-fit-the-current-discourse?utm\\_source=The+Quint+Daily+Newsletter&utm\\_campaign=4fa59d65a0-](https://www.thequint.com/news/webqoof/ambedkar-and-article-370-facts-or-propaganda-to-fit-the-current-discourse?utm_source=The+Quint+Daily+Newsletter&utm_campaign=4fa59d65a0-)



[EMAIL\\_CAMPAIGN\\_2019\\_09\\_04\\_03\\_05&utm\\_medium=email&utm\\_term=0\\_a705f3f64f-4fa59d65a0-137375005](mailto:EMAIL_CAMPAIGN_2019_09_04_03_05&utm_medium=email&utm_term=0_a705f3f64f-4fa59d65a0-137375005)

2. <https://www.youtube.com/watch?v=i4sYiE9GVk0>

#### Kashmir Hindi

1. Part 1 (Hindi)  
<https://www.youtube.com/watch?v=amiRmNkvVe0>
2. Part 2 (Hindi)  
<https://www.youtube.com/watch?v=Fu0Qc0RJByE>

#### Kashmir: English

3. English  
<https://www.youtube.com/watch?v=tRbVvdJ4WEk&t=6s>
4. Present scenario (English)  
<https://www.youtube.com/watch?v=i4sYiE9GVk0&feature=youtu.be>
5. other videos  
<https://youtu.be/i4sYiE9GVk0>  
<https://www.youtube.com/watch?v=YNN84HmC5ZU&t=96s>
6. Kashmir part 1 (Hindi)  
[https://www.youtube.com/watch?v=pp1\\_HIQWUpw&t=37s](https://www.youtube.com/watch?v=pp1_HIQWUpw&t=37s)
7. Kashmir part 2 (Hindi)  
<https://www.youtube.com/watch?v=yWfrCjtx4WI&t=31s>
8. Kashmir Part 3 (Hindi)  
<https://www.youtube.com/watch?v=h6DxDLcXTIA&t=2s>
9. Kashmir today (English)  
<https://www.youtube.com/watch?v=RSvKwKhLMOI>
10. Article 370 and Article 35 A (Hindi)  
<https://www.youtube.com/watch?v=Ua6CyJi1fb0>

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