

Why Minorities in Kashmir are Celebrating the Removal of Article 370

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Growing up in Srinagar, the summer capital of the State of Jammu and Kashmir (J&K), during 1950's I always considered myself very fortunate. As a student of a prominent Christian missionary school, I was surrounded by a Christian headmaster, excellent Pandit (Hindu) teachers, and able Muslim administrators. The classroom also showed a similar mix though the number of Christian students was relatively small. My best friend, when I joined the primary school, was a Christian boy named Vijay Prashar whose father was our school medical doctor and whose lunch box was always filled with more goodies than mine. It was fun to share our meals together. My other friend Mohammad Arif, whose father was a dentist, and I always walked together to the school, even though he lived closer to the school but would wait for me to join in the walk.

My father was a modest businessman dealing in distribution of medical supplies and life was both easy and fun. I was mildly aware about the politics of Kashmir and how it had become a subject of UN debates. But I was mostly unaware of the rigor of animosity between India and Pakistan particularly along the demarcation line now called the Line of Control (LOC). None of that violence on the borders affected our day to day life. I never thought of Article 370, Kashmir's autonomy, its separate flag or its separate Constitution. I thought I was a Kashmiri like any other child growing up in Kashmir.

When I thought of a career in those budding days, I always imagined that I would live a life in Kashmir and become a doctor to help my father with his business since I was the only child of my parents. But in 1960 something dramatic happened. The Regional Engineering College (REC) opened in Srinagar. This news was so exciting that I decided to pursue engineering studies instead as that was my true inclination but until then there was no engineering school in Srinagar. The school offered 180 seats each year – 60 each in three major engineering branches, with 50% quota for the State and the remaining 50% for students from the rest of India. I put my heart and soul into hard work for the F.Sc. (pre-engineering) degree at the Amar Singh College, which was near my home, and completed the course in the top 10% of the class. My family celebrated my success – after all, my seat in the REC was assured.

So imagine my shock followed by dismay when I found out that I was not admitted by REC. None of my relatives worked for the government nor did we have enough money to bribe anyone. So notwithstanding the efforts of my father and other relatives, I was denied a seat in the college even though I met the requirements based on merit.

Much later I found out that I was not alone in having suffered such a setback. Many other qualifying Pandit and Christian boys (and possibly Sikh boys but I did not know any) had been rejected because we belonged to religious minorities in Kashmir. In 1962, I got my first lesson of life as to what being a minority meant in Kashmir.

As I grew older, I came to know more about how minorities were being mistreated by the Muslim majority led government in the State. Unlike other states in India, J&K had neither a ministry in-charge of minority affairs nor a State Minority Commission to redress minority concerns. The elected leaders, who strangely belonged to a few families and always won elections by large margins – later determined to be rigged to the point that even ordinary Muslims felt violated - were able to retain their "feudal like" control over the State (and especially the valley) through Article 370 which allowed the state to have a separate Constitution and laws that in some cases were undemocratic and lacked both accountability and transparency. Extraordinary powers were vested with the Chief Minister and with his cabinet of ministers whereby mind boggling favors were dispensed like providing

uncontested large government contracts, patronage jobs in government institutions, and even distribution of government land to friends and relatives. This largess was also available to others for a price that went directly into the public officials pockets. It should be pointed out that the State passed a law in 1950 to confiscate all privately owned lands, and in 1951 under the umbrage of Article 370 decided that no compensation will be paid to the land owners. The Transparency International (TI) has judged J&K to be the most corrupt state in India, and annual reports of the Comptroller and Auditor General of India (CAG) provide explicit examples of malfeasance and irregularities in the governance of the State. Needless to say, such reports are conveniently ignored by both the ruling party as well as by the opposition in the State.

The relationship between the Muslim majority and the Pandit minority took a major turn for the worse in 1967 when Pandits accused a Muslim family of having poached a Pandit girl, converted her to Islam and then married her to a Muslim family member. In spite of the fact that many Pandits died in that agitation, the whole affair was hushed up by the majority community and the Government in New Delhi. It finally dawned upon Pandits, the indigenous and proud people of Kashmir, that they had become second class citizens in their own land under a tyrannical majority which exercised brutal force through a legitimate and a legal instrument called Article 370. The ideals found in the Indian Constitution were only a dream because the State was legally run by its own freewheeling rules and regulations.

The tyranny of the "ruling class" was not only felt by Pandits but by disfranchised Muslims as well. Anyone not towing to the ruling dynasties would be jailed and subject to human right abuses. The state law and order authority rested with the State Government and whenever the going got rough for the rulers, they conveniently diverted attention by finding new ways to abuse, harass or intimidate Pandits.

One such incident took place in 1986 when the dueling political families (one ruling and the other in opposition) decided to create mayhem in the state to bring down the State government. Kashmiri Pandits in the South Kashmir district of Anantnag became fodder for such a duel resulting the death and destruction of Pandits, their homes (about 300), and their temples.

The state government subsequently changed hands from one feudal family to the other, but strangely no one, either in the State or at the Center in New Delhi, made an issue of the tragedy that befell on Pandits in Anantnag. It was only after I wrote to the New York Times that their correspondent in New Delhi replied me confirming that such a tragedy had indeed occurred. (I still have the NYT letter which is posted on my website).

But the silence in 1986 proved to be just the calm before the storm. The state government was getting extremely unpopular with the Muslim majority for poor governance, massive corruption and blatant exhibition of feudal tendencies, and so it played the "Islamic Card" by inviting radical foreign Islamists to visit the valley. For the first time in Kashmir's history, Wahabi/Salafist preachers started a mass conversion movement from existing "Sufi" culture to "Arabic" culture among Kashmiri Muslims. It was also the time when Afghan fighters and *Mujahideens* from various Islamic countries, fresh from their victories against Soviets in Afghanistan, were injected into Kashmir by Pakistan's ISI.

The result was devastating for the minorities (non-Muslims) in Kashmir, especially Pandits who have a reverence for religious icons which can be found in their temples dotting all over the valley, much in the tradition of Sufi culture that respected, and in some cases, followed the Kashmiri Pandit faith. (It should be noted that local Kashmiri Muslims are converts from Hindu faith which happened in early 14th century at the hands of invading Arab and Persian Muslims, some of whom also chose to stay in Kashmir. Thus Kashmir, mostly populated by Pandits until the beginning of the 14th century, turned Islamic and surviving Pandits who somehow resisted conversion were reduced to a miniscule minority by mid 14th century.)

By 1989 a deadly combination of organically evolving Islamic zealotry, Islamic terrorists pushed into Kashmir by Pakistan's ISI, and a despotic governance by feudal ruling families in Kashmir led to a total breakdown of Kashmir's law and order situation resulting in eventual intervention of the Central government that dismissed the State Government in 1990.

But for the Kashmiri Pandit minority, it was too little and too late. As many as a thousand or more Pandit children, women and men (representing a significant fraction of this miniscule minority) perished in the jihad in Kashmir. Survivors barely managed to flee from the valley with nothing more than clothes that they were wearing, and nearly the entire population of remaining Pandits became refugees in their own country by 1990. The victims never picked up a gun or resisted marauders with any violence. The supreme price that Pandits paid was only for one reason and one reason alone – they were “infidels” in the eyes of Islamic warriors, both organic and foreign. My parents fled from Srinagar in July 1990. Our family home was looted and subsequently torched in August or September 1990.

The situation in Kashmir has been simmering since 1990's. Poor governance, non-performing state institutions, and opportunistic local leadership have contributed to a steady deterioration in public safety and the rule of law. Pakistan compounded state's misery by promoting cross-border terrorism and eventually the safety of state subjects fell on Indian security forces. This caused some excesses by security forces and many human rights organizations have accused India of a dismal performance in this regard.

But what about the human rights of Kashmiri minorities languishing away from their ancestral lands for the last 30 years? In spite of repeated efforts by the Central Governments (both by the Congress Government and the BJP Government), the majority Muslim community in Kashmir has resisted return of Kashmiri Pandits. Under the umbrage of Article 370, the slow erosion of Kashmir's Sufi identity into a vocal Islamic identity among the Muslim majority led to ethnic cleansing of Kashmiri Pandits some 30 years back. Subsequently, the same Article 370 has become a convenient tool in the hands of the feudal rulers of the State for resisting any efforts to reverse the ethnic cleansing and make the return of Kashmiri Pandits possible.

It is no wonder that Pandits and other minorities are celebrating world-wide as the government in New Delhi found a legal way to abrogate Article 370. The instrument of repression of Kashmiri minorities is no more.

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