

Writers



KASHMIR

Columnists





SELECTED WRITINGS OF C. L. GADDOO

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1.0 CHAMAN LAL GADOO



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2.0 KASHMIR: GREATER AUTONOMY

by Dr. M. K. Teng, C. L. Gadoo

(Joint Human Rights Committee WA-88, Shakarpur, Delhi - 110092)

Terrorism in Jammu and Kashmir has almost broken up the national consensus on major



functional attributes of Parliamentary government in Jammu and Kashmir. There is a deep difference of opinion about the feasibility of a political package on 'greater autonomy' to the State; Hindus and the other minorities, about 46 percent of the population of the State, opposed to any restructurisation of the existing constitutional relations between the Union and the State, and the Muslims uncertain of whether the so-called package of



autonomy would be acceptable to militant regimes as a basis for settlement with the Indian Government. Perhaps, the Government of India believes that it can substitute 'greater autonomy' for the 'right of self-determination', that the Muslim secessionist forces, militarised by Pakistan in 1989-90, have been demanding for the last five decades. The former Prime Minister, Narsimha Rao, went so far as to suggest, that the Congress Government would concede "Azadi, short of Independence" to meet Muslim separatism, at least half-way, exactly in the same manner as the Congress had offered to concede a Muslim State within India, when it accepted the Cabinet Mission Plan in 1946.

The acceptance of the separate identity of the Muslim majority provinces proposed by the Cabinet Mission Plan led to the partition of India in 1947. The acceptance of the 'autonomy of the State', which, evidently, is presumed to be based on exclusion of Jammu and Kashmir State from the Indian constitutional organisation, may lead to the second partition of India.

The Government of India appears to have overlooked the dangerous portent of forcing a restructurisation of the existing constitutional relations between the State and the Indian Union and exclude the State from the constitutional organisation of India, to push it back into the position of isolation in which it was placed from 1947 to 1954. In the new setting created by fundamentalisation of secessionist movements in the State and their militarisation by Pakistan, the exclusion of the State from the Indian constitutional organisation, which the demand for autonomy actually aims to achieve, will be a prelude to the disengagement of the State from India. The recognition of Jammu and Kashmir, as a separate Muslim identity, based upon the Muslim majority character of its population, repudiates the Indian commitment to secularism and integration of the Indian people on the basis of the fundamental right to equality. Perhaps, it is not fully realised that Muslimisation of Jammu and Kashmir, the only Muslim majority State in India, would eventually disrupt the foundations of the Indian political culture and threaten not only the secular values of the Indian nation but its unity as well.

DISTORTION OF HISTORY

Maharaja Hari Singh, the ruler of Jammu and Kashmir State, signed the same standard form of the Instrument of Accession in October 1947, which the other Indian rulers signed to accede to the then Indian Dominion. The Instrument of Accession was evolved by the States Department, headed by Vallabh Bhai Patel, and was based upon the principles the Cabinet Mission had stipulated for the accession of the Indian States to the All India federation. All the rulers of the acceding States retained all the residuary powers of government and the Instrument of Accession they signed underlined the delegation of powers to the Dominion Government in respect of foreign affairs, defence and communications only. Among the other rulers, Hari Singh too retained the residuary powers of the government, and the Instrument of Accession he signed envisaged the delegation of powers to the Dominion Government of India in respect

of foreign affairs, defence and communications. The Instrument of Accession did not bind any acceding State, including Jammu and Kashmir, to accept the future constitution of India.

No separate or special provisions were incorporated in the Instrument of Accession signed by Hari Singh and there was no precondition or agreement, specially accepted by the Government of India to any separate and special constitutional arrangement, to the exclusion of the other acceding States.

That the State Department of the Dominion Government, or the ruler of the State or the Congress leadership accepted any condition that Jammu and Kashmir would be provided a special constitutional position or any particular brand of autonomy or would be recognised as a separate Muslim identity, is a travesty of history. Neither Nehru, nor Patel gave any assurance to the Conference leaders that the Jammu and Kashmir State would be recognised as a separate constitutional entity because of the Muslim majority in its population.

When the invading armies of Pakistan were fast approaching Srinagar, the Prime Minister of Jammu and Kashmir, Mehar Chand Mahajan, arrived in Delhi, with a request from Hari Singh for help against the invaders. Mahajan was instructed to inform the Government of India that the Maharaja had decided to accede to the Indian Dominion and accepted to transfer whatever authority he would be required to make in favour of the National Conference. Sheikh Mohammad Abdullah was in Delhi and neither he nor Nehru laid any conditions on Mahajan in respect of the future constitution of the State. Mahajan too did not make any commitment on the separate Muslim identity of Jammu and Kashmir or its autonomy. Nehru sought a substantial transfer of authority to the National Conference which was in consonance with the pledges that the Congress had given to the people of all Princely States. The Congress was committed to replace personal rule, which characterised the political organisation of the States, by representative institutions on the basis of administrative responsibility which was accepted for the reorganisation of the governments in the Indian Provinces. Jammu and Kashmir was not recognised as an exception here also.

After accession of the State to India, an Emergency Administration, headed by Sheikh Mohammad Abdullah, was constituted by Hari Singh on 30 October 1947, to deal with the situation of crisis the invasion had created. In June 1948, The Emergency Administration was dissolved and replaced by an Interim Government, formed by the National Conference and headed by Sheikh Mohammad Abdullah.

Unfortunately lies have been multiplied during the last four decades to distort the history of those crucial years and lies are being retold to justify the treachery and blackmail, which characterised the atrocious process of forcing the exclusion of the State from the Indian constitutional organisation in 1950, when the Indian Constitution was adopted.

INSTRUMENT OF ACCESSION

The Instrument of Accession, which the rulers of the Princely States executed to join the Indian Dominion, reserved them the right to convene Constituent Assemblies to frame constitutions for their respective governments. The ruler of the Jammu and Kashmir also reserved the right to convene a Constituent Assembly to frame a constitution for his government. The Constituent Assembly of India, was by mutual consensus of the Premiers of the States and the representatives of the Constituent Assembly, entrusted with the task of evolving a model constitution, which the Constituent Assemblies of the States would follow in order to avoid any conflict between the Constitution of India and the constitutions of the States. Constituent Assemblies were convened in the Mysore State, the States Union of Saurashtra and the States Union of Travancore-Cochin.

In 1949, an extraordinary decision was taken by the Premiers of the States in a Conference held in Delhi. They decided to entrust to the Constituent Assembly of India the task of framing a uniform set of constitutional provisions for all the States. The constitutional provisions for the States, the Conference decided, would be incorporated in the Constitution of India.

The National Conference leaders did not accept the decision of the Premiers' Conference and insisted upon convocation of a separate Constituent Assembly for Jammu and Kashmir. Consequently, a Conference of the Conference leaders and representatives of the Dominion Government, in which Nehru and Sheikh Mohammad Abdullah participated, was convened in Delhi, shortly after the Premiers' Conference. A number of issues pertaining to the territorial jurisdiction of the Union, citizenship, fundamental rights and related safeguards, freedom of faith, emergencies arising out of war, rebellion and constitutional breakdown in the States, jurisdiction of the Courts, division of powers between the Union and the federating States, residuary powers between the Union and the federating States, the residuary powers and the institution of the Constituent Assembly in the State, came up for deliberation in the Conference. The Constituent Assembly of India had evolved provisions in respect of the territories of the Union, citizenship, fundamental rights, principles of State policy, jurisdiction of the courts and emergencies. The Constituent Assembly of India had also evolved a scheme of the division of powers between the Union and the States, which it proposed would replace the delegation of powers stipulated by the Instrument of Accession the acceding States had signed.

The Conference leaders stunned Nehru and the other Congress leaders when they refused to accept the application of any provisions of the Constitution of India to the State and instead insisted upon the continuation of federal relations between the proposed Union of India and Jammu and Kashmir on the basis of the Instrument of Accession. In other words they demanded the exclusion of the State from the constitutional organisation of India and its reorganisation into a separate political entity which would be aligned with the Union of India in respect of external relations, defence and communications. In fact, the National Conference demanded the restoration of control over the State army to the Interim Government, which they claimed, would undertake the defence of the State, after the Indian army was withdrawn. The Conference leaders proposed that

- (i) the rule of the Dogra dynasty be abolished;
- (ii) the State be excluded from the constitutional organisation of India;
- (iii) the relations between the Union and the State be governed by the stipulations of the Instrument of Accession;
- (iv) the control over the State army be transferred to the Interim Government of the State;
- (v) the Interim Government would institute a separate Constituent Assembly to draw up a Constitution for the State.

The Indian leaders agreed to leave a wider orbit of authority to the State Government and accepted to vest the residuary powers with it. They agreed to the demand for the abolition of the Dogra rule, and the institution of a separate Constituent Assembly for the State. However, they refused to countenance the exclusion of the State from the Indian Union and its constitutional organisation. Nehru, evidently disconcerted with the proposals the Conference leaders made, told them that he could not accept to deprive the people of the State of the Indian citizenship, fundamental rights and the Directive Principles of State Policy which reflected the pride of the Indian people in the ideological commitments of their liberation struggle.

The National Conference harboured completely different views about the constitutional relations between the State and India. They visualised the State as a separate political entity with its own constitutional organisation, independent of the political organisation of India in respect of which the Union of India assumed the responsibility of defence, communications and external relations within the stipulations of the Instrument of Accession. The Conference leaders were motivated by a subtle consideration that since the execution of the Instrument of Accession by Maharaja Hafi Singh, which the Conference leaders derisively described as "Paper Accession", was subject to a plebiscite, the Muslims in Jammu and Kashmir, had assumed a veto over the accession of the State to India. To retain the Muslim right to veto on the accession of the State, the Conference leaders evaded any fresh Constitutional postulates and agreements with the Indian Union, which would replace the Instrument of Accession or would alter its consequences.

The atmosphere in which Delhi Conference was convened, was pervaded by a deep feeling of uncertainty. A month before the Delhi Conference was held, Sheikh Mohammad Abdullah had thrown a bombshell in the Indian camp when he had told the correspondent of 'Scotsman', that the independence of Jammu and Kashmir would be the most suitable course to end the dispute over Kashmir. In case, Sheikh Mohammad Abdullah maintained, Kashmir was able to establish good neighbourly relations with India and Pakistan, the two countries would settle down to peace and live as good neighbours.

The National Conference leaders made a tactical retreat mainly to bide time and an agreement was finally reached between them and the Congress leaders. The agreement stipulated:

- (i) that Jammu and Kashmir would be included in the territories of Indian Union;
- (ii) provisions of the Constitution of India in respect of citizenship, fundamental rights and related legal guarantees, Directive Principles of State Policy and the Federal Judiciary would be extended to the State;
- (iii) the division of powers between the State and the Union of India would be governed by the stipulation of the Instrument of Accession and not the Seventh Schedule of the Indian Constitution;
- (iv) the administrative and the operational control of the State army would remain with the Government of India;
- (v) a separate Constituent Assembly of the State would be convened to draw up the Constitution for the State; and
- (vi) the Constituent Assembly, after it was convened, would determine the future of Dogra rule.

The agreement was shortlived. Not long after the Conference leaders returned to Srinagar, they made public pronouncements that the Jammu and Kashmir State would not compromise on the issue of autonomy and the Constituent Assembly of the State would evolve a set of separate principles in regard to citizenship, fundamental rights, Principles of State Policy and elections. The Conference leaders gave ample expression to their reluctance to accept the inclusion of the State in the Indian Union and the application of any provisions of the Constitution of India to the State.

The issues came to a head when Gopalaswamy Ayyangar sent the draft constitutional provisions, he had drawn up for the State, to the Conference leaders for their approval. The draft provisions were based upon the agreement reached in Delhi in May 1949, between the representatives of the Government of India and the Conference leaders. After closed door deliberations, the Conference leaders placed the draft proposals before the Working Committee of the Conference. The Working Committee turned down the proposals promptly.

Sheikh Mohammad Abdullah sent an alternate draft to Ayyangar which envisaged exclusion of the State from the Indian Union and its constitutional organisation. The draft stipulated the abolition of the Dogra rule and the reorganisation of the State into an independent political entity which would be federated with the Indian Union on the basis of the Instrument of accession. The draft proposed that the separate political identity of the State would be based upon the Muslim majority character of its population, its separate culture and history and the aspirations of its people for economic equality and political freedom which the Constitution of India did not enshrine.

The Conference leaders were particularly opposed to application of the provisions of the Constitution of India with regard to citizenship and fundamental rights to the State. They disapproved of all forms of safeguards which the provisions of the Constitution of India in respect of fundamental rights embodied, on the pretext that such safeguards would frustrate the resolve of the Interim Government to undertake economic, political and social reforms in the State. The real reasons for the Conference leaders to resist the application of the fundamental rights to the State were, however, different. The right to equality and the right to protection against discrimination on the basis of religion, the right to freedom of faith and the right to property enshrined by the Constitution of India, conflicted with the Muslimisation of the State, the Interim Government had embarked upon, right from the time it was installed in power. The Interim Government enforced the communal precedence of the Muslim majority in the government, the economic

organisation and the society of the State with religious zeal. The discriminatory legislation, which devastated the non-Muslim minorities in the State, worst hit among them being the Hindus in the Kashmir Province, controverted the safeguards the Constitution of India envisaged against discrimination on the basis of religion.

Ayyangar received a jolt when the communication of the Conference leaders, along with the draft proposals drawn by Sheikh Mohammad Abdullah, was delivered to him. On 14 October 1949, he had a long meeting with Sheikh Mohammad Abdullah and Mirza Afzal Beg in Delhi and tried to persuade them to adhere to the agreement they had accepted in the conference at Delhi, earlier in May. The Conference leaders did not relent and told Ayyangar bluntly that they would not accept the application of the Constitution of India to the State.

Ayyangar failed to face the Conference leaders with firmness. He made a vain bid to placate the Conference leaders by offering to exclude fundamental rights and related legal safeguards, from the provisions of the Constitution of India, which were proposed to be extended to the State in his draft. To his consternation, the Conference leaders rejected the modified draft as well. They informed Ayyangar that the National Conference would not accept the application of any provision of the Constitution of India, including the provisions with regard to the territories of the Union and citizenship and that it accepted only the Instrument of Accession as the basis of any relationship between the State and the future Union of India. When Nehru and other Indian leaders insisted upon the inclusion of the State, at least, in the basic structure of the Constitution of India, the Conference leaders broke off the negotiations and threatened to withdraw from the Constituent Assembly.

Fearful of a crisis the resignation of Conference leaders from the Constituent Assembly of India would create in Jammu and Kashmir and its repercussions outside India, Ayyangar beseeched them not to take any precipitate action which would adversely affect Indian interests in the Security Council. A breach with the Conference leaders, he believed, would undercut the support India had among the Kashmiri speaking Muslims who Nehru, still believed, would win the plebiscite for India. The Conference leaders, foxy and sly, used the United Nations intervention, ironically enough, invoked by India to secure the withdrawal of the armies of Pakistan from the occupied territories, to foist on the Indian leaders, a settlement which placed the State in a position outside the political organisation of India.

Nehru was abroad in the United States of America. Ayyangar met the Conference leaders and assured them that the Government of India would accept a constitutional position for Jammu and Kashmir outside the Indian constitutional organisation. He further assured them the Government of India respected the aspirations of the Muslims of the State, and therefore, would accept the institution of a separate Constituent Assembly of the State which would frame the Constitution of the State and also determine the future of the Dogra dynasty. The provisions of the Instrument of Accession, Ayyangar assured them further, would determine the Constitutional relationship between the State and the Union of India.

Ayyangar drew up a fresh draft in consultation with Mirza Afzal Beg. Abdullah pulled the strings from behind the scene. The revised draft, prepared by Ayyangar and moved in the Constituent Assembly of India, envisaged:

- (i) no provisions of the Constitution of India, except Article 1, would be extended to the State;
- (ii) the division of powers between the Union and the Jammu and Kashmir State would be limited to the stipulations of the Instrument of Accession;
- (iii) a separate Constituent Assembly would be convened in Jammu and Kashmir to frame its Constitution;
- (iv) the President of India would be empowered to vest more powers in the Union Government in respect of Jammu and Kashmir in concurrence with the State Government;
- (v) the President would be empowered to modify the operation of the special constitutional provisions for the State on the recommendations of the Constituent Assembly of the State;

(vi) the State Government would be construed to mean, the Maharaja acting on the advice of the Council of Ministers appointed under his proclamation dated 5 March 1948."

The draft provisions were incorporated in Article 306-A of the draft Constitution of India. The draft Article 306-A was renumbered Article 370 at the revision stage.

Article 306-A was circulated in the Constituent Assembly on 16 October 1949. It came up for consideration of the Assembly the next day. Several members of the Constituent Assembly detected an error in the draft provisions, which Ayyangar had overlooked. The draft Article defined the State Government as the "Council of Ministers appointed under the Maharaja's Proclamation dated 5 March 1948." The members of the Constituent Assembly pointed out to Ayyangar that the definition of the State Government envisaged a perpetual Interim Government which would lead to the creation of an anomalous situation of excluding all successor governments from the provisions of the Constitution of India. Ayyangar modified the draft to remove the anomaly and redefined the State Government as the "person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's proclamation dated the fifth day of March 1948."

The Conference leaders took strong exception to the change in the definition of the State Government. Mirza Afzal Beg threatened to move an amendment to the draft provisions of Article 306-A, seeking to alter the definition of the State Government.

Beg had actually sought to include provisions in the draft Article 306-A which envisaged a perpetual Interim Government in the State and which could be used as a lever against India in future. He and the other Conference leaders, were disconcerted with the inclusion of the State in the First Schedule of the Constitution of India and wanted some pretext to block the passage of the special provisions in the Constituent Assembly.

Ayyangar could not remodify the definition of the State Government, in view of strong reaction against it in the Constituent Assembly. He failed to persuade the Conference leaders to condescend to the modifications he had brought about in the draft. When Article 306-A came up for the consideration of the Constituent Assembly, the Conference leaders sulked away and did not join the deliberations on the draft provision till Ayyangar completed his speech. They sat glum when the draft provisions were put to vote and passed unanimously.

Immediately after the draft provisions were adopted by the Constituent Assembly, they sent a sharp rejoinder to Ayyangar demanding the rescission of Article 306-A as adopted by the Constituent Assembly, failing which they threatened to resign from its membership. Ayyangar was stunned. He sent a plaintive note to the Conference leaders entreating them not to take any action which would prejudice the Indian interests, and wait for Nehru's return. The Conference leaders did not resign from the Constituent Assembly, but as the days went by, they launched a surreptitious and widespread campaign to subvert the special provisions of Article 370.

Article 370

Article 370, in its original form, envisaged exclusion of Jammu and Kashmir State from the secular Constitutional organisation of India, and its reorganisation into a separate political identity based upon the Muslim majority character of its population. It imposed a limitation on the application of the provisions of Constitution of India to the State. The division of powers between the State and the Union was also limited to the stipulations of the Instrument of Accession. Article 370, was therefore, not an enabling act. It was, in fact, an act of limitation imposed on the application of the Constitution of India to the State, after the State was included in the First Schedule of the Constitution. The State was included in

the First Schedule independent of Article 370.

CONSTITUENT ASSEMBLY OF JAMMU AND KASHMIR

The Conference leaders sought to use the Constituent Assembly of the State to undermine the special provisions of Article 370 as well as the Instrument of Accession. The elections to the Constituent Assembly of the State were held in 1951. Seventy three of the Conference nominees were returned to the Assembly unopposed. Two of the remaining seats in the 75 member Assembly were also annexed by the National Conference.

In his inaugural address, Sheikh Mohammad Abdullah claimed plenary powers for the Constituent Assembly to determine the final form of the Constitutional relations between the State and the Indian Union, which virtually sought to subject the special provisions envisaged by Article 370 to the verdict of the Assembly. He went further and asserted that the Constituent Assembly, its powers drawn from the people of the State, would determine future affiliations of the State in respect of its accession, in accordance with the options the Cabinet Mission Plan had reserved for the States. In categorical terms, he spelt out that the Constituent Assembly would determine whether the State would remain in India, accede to Pakistan or assume independence. The implications of his statement were clear. Article 370 would be rendered redundant after the Constituent Assembly had taken a final decision on the accession of the State and its constitutional relations with India.

The exclusion of the State from the Constitutional organisation of India and the insistence of the Conference leadership on the right to plenary powers for the Constituent Assembly, caused concern among the Hindus and the other minorities. The Hindus of Jammu reacted sharply against the exclusion of the State from the Indian Constitutional organisation, which they feared was a ploy to undo the accession of the State to India. They also opposed the abolition of Dogra rule, which they alleged would be used by the Interim Government to break the last link between India and the Jammu and Kashmir State.

The Hindus of the Kashmir Province, who bore the rigours of the Muslimisation of the State, also expressed strong disapproval of the Conference demand for a separate political organisation of the State. They had been devastated by the enforcement of Muslim precedence, and virtually reduced to a state of servitude. Their voice was stifled by the Conference gendarmes, who had taken over magistracies in the Valley in the aftermath of the invasion and dispensed justice in the name of Islam. The Conference leaders branded the Hindus as the traitors to the freedom of Jammu and Kashmir and accused them of having supported the Dogra rule in its depredations against the Muslims.

The Hindus made frantic appeals to the Indian Prime Minister and entreated Ayyangar not to accept the exclusion of the State from the Indian political organisation. They pleaded with the Indian leaders that the consequences of the isolation of the State and its reorganisation into a separate political organisation, governed by the commitment of the National Conference to the Muslimisation of the State, would have disastrous consequences in the long run.

History proved them right. Four decades after Article 370 was enacted, the rickety structure of the political instruments envisaged by it, crumbled under the onslaught of the Muslim secessionist forces, militarised by Pakistan. With that were wiped out the Hindus and the other minorities, along with the hollow slogans of secularism with which the successive governments of India had concealed the ugly face of Muslim communalism in the State.

The demonstrations made by the Hindus in Kashmir evoked little response from the Congress leadership. Blinded by the partition of India, which had been brought about by the Indian Muslims, rather than the British, they looked to the Muslims of Kashmir as the sole guarantors of secularism in India. They denounced the Hindus and other minorities for allegedly seeking to communalise the traditionally

tolerant community of the Muslims and applauded the National Conference for its demand to secure the exclusion of the State from the secular political organisation of India on the basis of the Muslim majority character of its population

The National Conference used the Indian State to defend Jammu and Kashmir from the invading armies of Pakistan in 1947. After that was accomplished, they sought to use the United Nations intervention to pull out the State from India. In August 1953, the Interim Government was dismissed and a second Interim Government headed by Bakhshi Gulam Mohammad installed in its place. In 1954, the limitations imposed upon the application of the Constitution of India to the State were partially lifted by a Presidential proclamation, in respect of citizenship, fundamental rights, Government of India, division of powers, federal judiciary and elections to the Parliament. Subsequent proclamations extended more provisions of the Constitution of India to the State. The application of the provisions of the Constitution of India, however, were subject to reservations and exceptions, which mutilated their real content.

TERRORISM AND AUTONOMY

In the broad background of terrorist violence which has ravaged the State for the last six years, the demand for greater autonomy and the wild assurances of the successive Indian Governments to support it, has an ominous portent. The restoration of the 1953 status, which is presumed to be the bottom line the autonomy of the State will necessitate restructurisation of the existing Constitutional relations between the State and the Union of India and the withdrawal of the provisions of the Constitution of India, extended to the State, following the Presidential proclamation of 1954. The restoration of the separate political identity of the State on the basis of the Muslim majority character of its population will reinforce the Muslim claim to a veto on the accession of the State to India.

The insistence on (i) a safer zone to protect the Muslim minority from the dominance of the Hindu majority in India, and (ii) the right of the Muslims to reconstitute the Muslim majority provinces to form a Muslim State, were the two basic planks on which the Muslim League secured the partition of India. The creation of an autonomous state of Jammu and Kashmir placed outside the political organisation of India, will go half-way to substantiate Pakistan's claim on Kashmir. With militant guns booming in the background, India will, sooner or later, be forced to accept a settlement which is acceptable to Pakistan.

The militarisation of Muslim secessionist forces and their reorientation to Pan-Islamic fundamentalism has added a new dimension to the Muslim separatism in Jammu and Kashmir. The consolidation of Pan-Islamic fundamentalism as a basis for a global strategy to unify the Muslim nations into an independent power in the world, with Pakistan as one of its focal centres, threatens the whole northern frontier of India.

The demand for autonomy reflects the unconcealed satisfaction with which its proponents are using the ground earned by militants, to pull out the State from the Indian political organisation. With the Hindus in exile, there is no one left in Kashmir to weep for India. On a midnight hour, sometime in future, India might once again awaken to the reality of a second partition.

3.0 KASHMIR: THE BITTER TRUTH

by Dr. M. K. Teng, C. L. Gadoo

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India That the Princely States of India, including Jammu and Kashmir State, were on the agenda of the partition of India in 1947, is a travesty of history and a part of the diplomatic offensive, Pakistan has launched to mislead the international opinion about its claim to Jammu and Kashmir. The matter of the fact is that the lapse of Paramountcy was a consequence of the dissolution of the British empire in India and the political imperatives of the authority, the British Crown exercised over the princely States. The withdrawal of the Paramountcy was not a concomitant or a consequence of the Indian partition, and neither the June 3 Declaration of 1947, nor the independence of India Act, embodied any provision by virtue of which the partition of India affected the Princely States or the British Paramountcy.

The British colonial empire in India was divided into two separate and different political organisations, the British India constituted of the British Indian Provinces and the India of Princes. The British India was directly governed by the British Government through the Governor-General of India, with each of the Provinces in charge of a Provincial Governor, who in the old British tradition, administered the Provinces, with the help of the Indian Civil Service.

The Princely States were ruled by local potentates, who had carved their independent fiefs and kingdoms in the long and atrocious process of the British expansion in India. Five hundred and sixty two in number, the Indian States formed a conglomerate of widely disparate identities in their territories, population and government. The Princes were British feudatories, who accepted the supremacy of the British Crown, which was symbolized in the person of the Crown Prince, or the Viceroy of India. The relations between the British Crown and the States were governed by what the British called, the "Paramountcy". Paramountcy in real terms, described the extent of the authority the British exercised over the States.

Apparently, the rulers of the States were vested with the powers to rule their States, but in actual practice, the States were administered by the British officers, whose functions were determined by the Viceroy, the Political Department of the Government of India and the British Residents posted in the States. The Princes represented the best of the oriental splendour, with their treasuries held by the British, and their privy purses plentifully provided.

The Partition of India, which loomed larger on the horizons after the failure of the Cabinet Mission and the campaign of "Direct Action" launched by the Muslim League, suddenly pushed the States into the fore-front. Interspersed in the British Indian Provinces, the States were spread over more than one third of the territory of India and constituted about a hundred million people, almost a quarter of the population of India.

The British, the Muslim League as well as the Indian National Congress, for their own interests, did not favour the inclusion of the Princely States, in the constitutional reforms, the Indian liberation movement idealised. The British held the States as a personal preserve, protected the Princes against their people and harnessed the resources of the States to promote the interests of their empire. The Princes, of their privileges and unrestricted power over their subjects, supported the British, to isolate themselves from any constitutional change which prejudiced their position.

The Indian renaissance evoked a widespread response in the Princely States, and the liberation movement in India received as much support from the people of the States as it did in the British Indian

Provinces. In fact, the revolutionary struggle, which followed the Swadeshi Movement in the aftermath of the stormy session of the Indian National Congress at Calcutta in 1906, grew in the States, where numerous revolutionaries received quarter.

The Congress leaders, however, on the insistence of the Princes and the Muslim League, withdrew its movement from the States, and till almost the end of the British rule, refused to integrate the people's movements in the States avowedly inspired by the liberation of India, with the national struggle against the British in the Provinces. The Congress leaders were neither prepared to displease the Princes, who were the mantle of Indian nativity, nor did they dare to disregard the Muslim League leaders, who made the exclusion of the hundred million people of the Princely States, a precedent condition to any compromise on the constitutional reforms in India. The League leaders knew that the inclusion of the people of the States, predominantly Hindu, would reduce the weightage of the Muslim population in the British India in any future scheme of constitutional change.

Throughout the long decades, the Indian national movement evolved, the Congress leadership remained divided on the anti-imperialist struggle in the States and the All-India Congress Committee did not formalise its opinion on the States till the Udaipur session of the All-India States People's Conference held in 1946. By that time, however, much precious time had been lost. The States had almost been isolated from the mainstream of the national movement and stood vulnerably exposed to the machinations of the British, the Muslim League and the Princes to balkanise India.

The Muslim League policy on the States was more involved and shifting, which concealed the designs of the League to grab the Muslim ruled Hindu majority States as well as the Muslim majority States for the separate Muslim State of Pakistan, the League demanded for the Muslims in India. The All-India States Muslim League, an appendage of the Muslim League, constituted to co-ordinate the Muslim movements for Pakistan in the States, demanded in 1940, the integration of all such Indian States in the Muslim homeland of Pakistan as were ruled by the Muslim rulers as well as all such States as were inhabited by Muslim majorities. The Lahore Resolution of the League, claimed a separate homeland for the Muslims in India, which was constituted of the Muslim majority Provinces of Sindh, the Punjab, Bengal, North-west Frontier, the Chief-Commissioner's Province of Baluchistan and the Hindu majority Province of Assam for its geographical contiguity to Bengal, besides the Princely States which were either ruled by the Muslim rulers or populated by Muslim majorities.

The Congress awoke to the dangerous consequences of the isolation of the States almost after it had virtually accepted the partition, when it realised that the British, in collaboration with the Muslim League, were conspiring to break up India into several imbecile political entities with the Muslim State of Pakistan strategically placed at their epicentre. That was precisely what Jinnah, Conrad Corfield, and the Political Department of the Government of India visualised as the future constitutional composition of India. The Cabinet Mission Plan also, by and large, envisaged the division of India into several political identities which were confined within the territorial jurisdiction of a united Indian Dominion. The Cabinet Mission precisely accepted the separate identity of the Princely States and rejected any proposition to transfer the Paramountcy to the federal government. The Mission insisted upon the agreements between the federal authority and the Princely States, as a basis for any future relations between the States and the Indian Union which would follow their accession and withdrawal of the Paramountcy.

At the time, when the British and the Muslim League settled down to decide the fate of India, the Congress turned to the people in the States, whom they had neglected throughout the long history of Indian struggle against the British. Once again the Congress leaders fell prey to their own indecision and made a half-hearted plea for the right of the people of the States to determine their future. Not backed by conviction, the Congress demand made little impression upon the British and the League. The Princes were disparaged and opposed the right of the people in the States to determine their future. The League leaders turned the bend at the most appropriate time and in an astute move, pledged their support to the British designs to exclude the States from the constitutional arrangements envisaged by the partition and

the withdrawal of the Paramountcy, to restore to the Princes, the powers which the British Crown exercised over them. The Muslim League realised that most of the States were populated by Hindu majorities and any arrangements to transfer Paramountcy to the two Dominions, would definitely place them in India. After the lapse of the Paramountcy, the Muslim League shared the optimism of British about independence of the States and their eventual alignment with the Muslim State of Pakistan, as a counterweight against India.

The Congress resolve, having been broken by the partition and the Congress leaders, still groping for a new rationale of the Indian freedom, after their basic commitment to the unity of India was abandoned, did not stick to their demand for the right of the State's people to determine the future disposition of the States. Instead they acquiesced, without demur, with the British proposals to terminate the Paramountcy and restore the Princes the powers to decide their future affiliations with the two successor Dominions of India and Pakistan. The States were thus removed from the agenda of the Indian partition on the insistence of the British, the machinations of the Muslim League as well as the unconditional acceptance of the lapse of Paramountcy by the Congress.

The conspiracy proved to be deeper and though the British Government refused to accord the status of British Dominions to the Princely States, it left the door open for separate negotiations with their rulers. Mountbatten informed the Princes, that he would forward to the British Government any requests from anyone of them to establish direct relations with Great Britain.

When Jinnah met Mountbatten, a day before the acceptance of the partition plan was announced, he was triumphant. He had after all, carved out a Muslim State and also destroyed the bond of unity between British India and the Princely States. Jinnah did not conceal his satisfaction on the vivisection of India, which the Partition Plan, in fact envisaged." His delight was unconcealed", Mountbatten reported to London. "The Long campaign" the Viceroy mentioned in his report, "was virtually over There would be no Hindu government of an undivided India."

In fact, not only Jinnah, but the entire Muslim League accepted the creation of Pakistan on the terms the British offered. In the League Council, the Muslim League accepted by 400 votes to 8, the separation of the Muslim majority regions and the British provinces into an independent and separate Muslim State. The League Council did not include the Princely States in the settlement with the British which created Pakistan.

So clear was the line drawn in the Partition Plan, between the division of the British India Provinces and the Princely States, that the Secretary of the State for India, refused to accept any interference with the lapse of the Paramountcy or its consequence on the States or the two Dominions. The Viceroy wrote to the Secretary of the State to insert a clause into the Indian Independence Bill, limiting the powers of the Princely States which would revert to them with the lapse of the Paramountcy. The Secretary of State, straightway rejected the suggestion to the satisfaction of both the Political Department of the Government of India as well as Muslim League. The British as well as the Muslim League, sought the reversion of Paramountcy to the Princes, as a part of the transfer of power, to leave any future alignments in India, in which the Princes would participate to be determined primarily by them, of course, with the Muslim State of Pakistan backing them up in what they decided to do.

The partition plan, envisaged by the June 3 Declaration, did not apply to the Indian States, which were left out of its procedure as well as its consequences. States were never placed on the agenda of the Partition of India, and therefore, the claim made by Pakistan to complete the agenda of the partition, by forcing India to cede the Muslim majority State of Jammu and Kashmir to it, has no historical or political relevance. Neither Pakistan nor India, laid any claim, to any Princely State on account of the partition, which was strictly limited to the agreement between the British, the Congress and the Muslim League to divide the boundaries of the British India and create the State of Pakistan.

The transfer of powers of India in 1947, involved the division of the British Indian Provinces, into two dominions, India and Pakistan and the liberation of the Indian States from the British Paramountcy. The two processes were distinctly separate and underlined political change, which led to different consequences. The Provinces were reorganised into two independent dominions; the States were released from the obligations of the Paramountcy and the rulers of the States were empowered to adhere to either of the two Dominions, irrespective of the communal division, the Indian partition underlined. The State Departments of India and Pakistan, headed by Sardar Vallabhai Patel and Sardar Abdur Rab Nishtar respectively, opened negotiations with the Princes, for separate political settlement, with them. Neither Patel nor Nishtar demanded, at any time, the adherence of any State to either of the Dominions on the basis of the partition of the British India.

Sardar Abdur Rab Nishtar offered whole-hearted support to the independence of the States, including the State of Jammu and Kashmir and strongly opposed any political arrangements, which were sought to be reached with the Princes on the basis of the division.

The Hidden Hand

It was again the invisible hand of the British, which sought to alter the balance and this time, it was no other person than Mountbatten himself, who, perhaps, having realised the force of the States People's movements for unity with India, sought to prepare the ground for a division of the Princely States between the two Dominions on the basis of the partition. Mountbatten realised that none of the Princes, whose States were geographically situated within the territories of the Indian Dominion, would be able to hold out against the will of his subjects and the States would sooner or later join the Indian Dominion. He did not share the optimism of the British officers in India and at home and the leaders of the Muslim League, to save the Muslim ruled States from India. Instead he feared that the tide of the events would wipe off the Princes and India would absorb the States, perhaps sooner than anticipated.

He was more concerned about the Princely States, situated within the proposed boundaries of Pakistan, among which the ruler of the Kalat State, refused to accede to Pakistan. He was also apprehensive of the Jammu and Kashmir State, which would be left with contiguous borders with both the Indian Dominion and Pakistan and of which the ruler was not favourably disposed towards settlement with Pakistan. His fears about Jammu and Kashmir were confirmed by Hari Singh, the ruler of Jammu and Kashmir, who refused to accept his advice to arrive at an agreement with Pakistan.

Mountbatten went to the extent of ensuring India a viable border with Pakistan and played safe in the division of the Upper Bara Doab, and favoured the inclusion of the districts of Amritsar and Gurdaspur in India. On the States, Mountbatten had a different commitment, which was dictated by the interests of the British empire. By the close of the month of July 1947, while the partition had begun to assume effect, Mountbatten was convinced that the borders of India should be confined to the Punjab, leaving the northern frontier of Jammu and Kashmir in safer and more friendly hands of Pakistan.

In his last address, he delivered to the Princes on 25 July 1947, in Delhi, Mountbatten spelt out certain broad guidelines for them to follow in the determination of the future disposition of their States. He advised the Princes to accede to either of the two Dominions on the basis of the geographical contiguity of their States and the composition of their population. In his endeavour to extend the partition to the States, he utilised V.P. Menon, who had a few months earlier prepared the blue-print for the partition of India, which formed basis of the transfer of power.

The Muslim League leaders scoffed at the advice of the Viceroy to the Princes and secretly counselled the Muslim Princes to ignore his address. They communicated to the Princes their readiness to support them in their independence. The Indian leaders, with V. P. Menon pulling the strings from behind, walked into the trap and entrusted the task of the negotiation with the Princes to Menon and Mountbatten. Mountbatten, deliberately avoided to take a bold initiative on the Muslim-ruled States and Jammu and Kashmir to bring about their integration with India. Junagarh acceded to Pakistan; Hyderabad refused to

join India and Jammu and Kashmir was pushed into the oblivion. Menon succeeded where the going was easy, with Mountbatten adding an element of diplomatic intrigue to an otherwise versatile comedy which the Princes enacted to accede to India. Mountbatten provided a long handle to Pakistan which that country is still using in Kashmir with devastating effect.

The British were no votaries of the Indian Unity and in the negotiations with the Indian leaders, preceding the acceptance of the partition of India, they kept the door open, for the Princes, to form a third, fourth and even a fifth estate in India, which in the new balances of power, between the two Dominions. Conrad Corfield and the Political Department of the Government of India as well as the Secretary of the State, were determined to keep the States apart from the division of the British India and the transfer of power to the two Dominions.

The record indeed is straight. The lapse of Paramountcy released the Prince from the British tutelage and they were ensured the right to determine the future of their States by the British which assumed effect with their withdrawal from India. Pakistan had no right to any claim the Princely States which did not form a part of the British India. The Indian leaders in fact should have decisively claimed the States as a part of the colonial empire liberated from the British tutelage. They knew that Princes were only the shadows of their British masters, and they would neither dare to join Pakistan nor remain out of India after the British had boarded their ships for home. The only factor, which the Dominion of India could not overlook in regard to the States was the geographical location of several Princely States, within the territories, of which Pakistan was proposed to be constituted. No Government of India could have consciously taken the responsibility of seeking islands of territory inside the boundaries of Pakistan with all the military responsibility any such possession would entail. The Indian leadership, understandably made no efforts to save the State of Kalat, where the ruler refused to accede to Pakistan and sought the help of the Indian leaders to save him from being swallowed by the League. Kalat was eventually smothered into submission by the continued pressure of the British, who backed Pakistan to acquire the States, contiguous to its territories which incidentally, included Bahawalpur as well.

Jinnah and the other leaders of the Muslim League had greater stakes in the States ruled by the Muslim Princes than they had in the Muslim majority of the Jammu and Kashmir State. They sought to keep the option open for the Muslim rulers to join Pakistan. And they did not close the option for the ruler of Jammu and Kashmir either. In fact, they offered to support Maharaja Hari Singh, in case he decided to opt for the independence of the State. Hari Singh saw through the game and refused to be used as a pawn in the British-League plan to keep the Muslim ruled States out of India.

Accession to India

The Jammu and Kashmir state was contiguous to both India and Pakistan and had hundreds of miles of contiguous border with East Punjab and the Punjab Hill States, which had already decided to join India. Pakistan's propaganda has considerably clouded the real facts of the division of the Punjab. The division of the East Punjab from the west Punjab was not subject to the whims and caprices of the League leaders. They could not be ceded all the territories in the Punjab on which they laid their hands. They perpetrated a myth that the inclusion of the district of Gurdaspur in the East Punjab, contrary to their claims, was aimed to open up Jammu and Kashmir to India.

The division of the Punjab was entrusted to an independent Boundary Commission which the British constituted and which was headed by an Englishman, Sir Cyril Radcliffe, a lawyer of considerable repute. Besides its Chairman, the Commission constituted of four other members, two of them Din Mohamad and Mohamad Munir who represented the Muslims, Mehar Chand Mahajan represented the Hindus and Teja Singh represented the Sikhs whose culture, history and religious heritage were inextricably linked with the Punjab.

The Commission could not follow standards different in demarcating the Muslim majority regions in the west of the Punjab and the Hindu majority regions in the east of the Punjab. Pathankot, was a Hindu

majority Tehsil and it could not have been included in West Punjab by any stretch of imagination. The district boundaries were not strictly adhered to by the Boundary Commission as the basis of the division of the Punjab and there was evidently no reason why a Hindu majority Tehsil, which was contiguous to the Punjab Hill States should have been excluded from the East Punjab.

Pathankot apart, the whole of the district of Gurdaspur was strategically important not only from the view-point of a defensible Indian border, a major consideration, the Boundary Commission recognised in demarcating the boundaries of the East Punjab from the West Punjab but also in view of the future of the district of Amritsar which would be almost isolated into an island of Indian territory in the West Punjab. Amritsar was by no means a Muslim majority district and it could not be separated from the east Punjab for its significance to the Sikh Community. Amritsar symbolised the principal centre of the Sikh religion. Sikhs were by far the more important of the parties to the partition of the Punjab, because, a major part of their population was uprooted from the West Punjab where their main assets and lands were located and secondly the most sacred of their religious shrines were situated in the Muslim majority districts, which could not be retained in the East Punjab Gurdaspur formed the most strategic flank of the district of Amritsar.

The ruler of the Jammu and Kashmir State, Maharaja Hari Singh, had his own interests in the final delimitation of the new boundaries of the east and the west Punjab. Several of the Hindu leaders in the Punjab, among them notably Sir Shadi Lal and Bakhshi Tek Chand, kept him intimately informed of the proceedings of the Boundary Commission. The British were apprehensive about him, but through many of his British contacts, he had managed to convince the Political Department that he would not take any precipitate action, which would bring him into conflict with Pakistan. Hari Singh, did not hide his interest in a balanced order with India and Pakistan and open access to the two Dominions. He conveyed to the British Resident and the Political Department a veiled threat that he would be forced to deal directly with the Indian Government, if any attempts were made to isolate his state in the boundary demarcation of the Punjab, irrespective of the consequences his actions would have.

The Muslim Commissioners, Justice Din Mohamad and Justice Mohamad Munir insisted upon the division of the Upper Bari Doab, with a view to assume control over the Ravi Canal head-works at Madhopur and encircle the district of Amritsar and also cut off the fair weather track between Madhopur and Jammu.

The Radcliffe award was announced three days after the transfer of power. Expectedly Gurdaspur was included in the east Punjab. Pakistan raised a hue and cry on the decision of the Boundary Commission, though the accredited Muslim members of the Commission had committed themselves to accept the award.

The actual game plan of Pakistan to grab the Muslim ruled States with the support of the British and the Muslim majority States with the support of their Muslim subjects unfolded on 14 August, 1947, the day power was transferred in Pakistan and the Nawab of Junagarh, a Hindu majority State situated in the midst of the Kathiawar States, acceded to Pakistan. Pakistan had secured the accession of all the Princely States, situated within its territorial limits, including the State of Kalat, which had resolutely resisted accession to the new Muslim State. A secret understanding had also been reached with the Nawab of the Hyderabad, to support him against India till the Nawab was able to accede to assume independence and then align himself with Pakistan.

The Indian leaders failed to respond to the threat Pakistan posed to the Kathiawar States and instead of trying immediate counter- action against the Nawab of Junagarh, they feebly complained to Pakistan against the decision of the Nawab and proposed that the final disposition of the Junagarh State be determined by a reference to the people of the State. The bogey of referendum was actually raised by Mountbatten to enable him to execute his design; to divide the States on the basis of the partition.

The Congress leaders walked into the trap. Perhaps, unsure of the British reaction and unable to face Mountbatten, they did not dare take advantage of the people's wrath against the rulers of Junagarh and Hyderabad. In Hyderabad, feverish preparations were afoot to declare the independence of the State and a secret understanding had already been reached between the Nawab of Hyderabad and the League leaders, which assured the Nawab, the support of Pakistan for an independent Hyderabad. Contrary to the avowedly pro-Pakistan stand of the rulers of Junagarh and Hyderabad, Hari Singh maintained scrupulous silence on the issue of accession. Hari Singh told the Viceroy as well, and in plain terms, that he would take such a decision on the accession of the State as would be in the interests of his people. Indeed, Mountbatten denounced him for his indecision and accused him of stupidity in reacting to the situation in a way which the British did not approve. Hari Singh offered a standstill agreement to both the Dominions on 12 August 1947.

India had a claim to all the three States, mainly because of their geographical contiguity to the Indian Dominion and their strategic importance to its security and territorial integrity. Neither the partition nor Pakistan was a factor in this determination of the future of Junagarh and Hyderabad which were embedded in the heart of the Indian Dominion and Jammu and Kashmir, which formed the traditional frontier of India in the north.

The indecisiveness of the Congress leaders to act promptly in Junagarh had a far-reaching impact on the Kathiawad States. Some of the rulers warned the Government of India that its prestige in Kathiawad had been irreparably impaired by its inability to save Junagarh and the two smaller States of Babriawad and Mangrol. The warning administered a jolt to the Indian leaders. Mountbatten Laughed in his sleeves, for he realised that Pakistan had assumed the initiative in using Junagarh as a pawn for a bargain on Jammu and Kashmir as well as Hyderabad. Pakistan followed the course Mountbatten had visualised. Acceptance of a plebiscite would, in effect mean the deferment of the accession of Hyderabad and Jammu and Kashmir and the continuation of the status-quo in Junagarh indefinitely, for how would the proposed plebiscite be conducted and by whom, more specially in a situation when the Nawabs of Junagarh and Hyderabad, were under no obligation to accept an agreement between the two Dominions which impinged upon their rights.

The Indian leadership was broken into factions which were led by decrepit and small men, who had lost the courage to face the problems, the partition had created. Nehru put himself at the mercy of the Viceroy, who exhibited determination to tackle the problems of the partition, which Nehru himself, was hardly prepared to face. Gandhi had obsolete views on the States and had lost contact with the stupendous developments, which rocked the Princely India.

Inside the Congress, the debate on the viability or otherwise of non-violence and non-intervention, immobilised whatever initiative India still possessed to retrieve the situation in the States of Junagarh, Hyderabad and Jammu and Kashmir, which were still outside the fold of the Indian Dominion. For India, the question of the Princely States was crucial, after the Muslim majority provinces and regions of the British India had seceded to form a separate Muslim State.

The further separation of the States into a third confederacy, Jinnah had visualised, was bound to balkanise India sooner or later. Junagarh with a long sea-coast, which provided it access to Pakistan, posed a grave threat to whole Kathiawad peninsula Hyderabad was in the heart of India, and was boiling in internal distrust, which had dangerous portent for the country in the south. Jammu and Kashmir formed a part of the warm Himalayan hinterland, and if it was lost to Pakistan, the whole of the Indian frontier in the north, would suddenly disintegrate. The Jammu and Kashmir State was crucial to the existence of India and not Pakistan, the one basic fact, the Indian leadership failed to emphasise.

After the transfer of power in India, the Dominion Government of India extended the time for accession, to the two States of Jammu and Kashmir and Hyderabad, which had offered a standstill agreement, to continue the relationship already subsisting between the States and the British India. The

standstill agreement was of the same standard pattern, which the State Department of India had evolved for all the States. The standstill agreements, it needs to be noted, had no political implications and were restricted to the continuation of arrangements, which had governed the relation between the Princely States and the British Government of India.

While Pakistan kept the fire hanging in Junagarh, it prepared fast to deliver another stunning blow to India. On 21 October 1947, hardly fourteen days after Pakistan had sternly warned India against any intervention in Junagarh. It launched a massive invasion of the Jammu and Kashmir State. Thousands of armed tribesmen and irregulars, led by the crack Tochi Scouts, easily identified by their brown tunics, stormed into the State, with the twin objective of occupying the Kashmir Valley and attacking Jammu from across the Sialkot border to cut off the only communication line connecting the State with Madhopur in the Punjab, which the State Government had ordered to be repaired into a more serviceable highway for communication with India. Even at that time, Pakistan claimed that the invading forces were the Muslim subjects of the State, who had risen in revolt against the Dogra rule and the Afridi and the other tribesmen had only joined their brethren in the war of their liberation.

Junagarh was already in Pakistan. The Nawab of Hyderabad was eagerly waiting for the crucial movement to sneak into its protectorate. The Tochi troops and the Afridi tribesmen, who had delivered a blitzkrieg attack on Jammu and Kashmir, were close to their military objectives. After Jammu and Kashmir was reduced, Pakistan could negotiate a settlement on Junagarh and Hyderabad from a position of strength. M.A. Jinnah, had forestalled Mountbatten in his bid to divide the States on the basis of the partition. No one in Pakistan, not even the Governor-General of that Country had any intention to invoke partition as a basis for any settlement of the Princely States, including Jammu and Kashmir.

Hari Singh upturned the whole gameplan of Pakistan. He offered accession to India, while the invading armies of Pakistan were fast converging on the capital city of Srinagar. The Government of India, which had received the reports of the invasion in the morning of 22 October 1947, took five long days to accept the accession of the state and send military help to Kashmir to save it from the invading forces poised to launch the final assault on the State capital. Mountbatten opposed on expeditious military decision, mainly to delay the deployment of the Indian troops in the state and allow Pakistan to complete the occupation of, at least, the Kashmir Valley and the frontier of Battistau and Ladakh. The Indian leaders allowed precious time to pass by in squabbles among themselves and with Hari Singh on how the authority of the government would be transferred to the National Conference, which opposed the accession of the State to Pakistan and exercised powerful influence among the Kashmir-speaking Muslims in the State. Together with the Hindus and the other minorities, a million in number, the Kashmir-speaking Muslims in the state. Together with the Hindus and the other minorities a million number, the Kashmir-speaking Muslims constituted almost the two thirds of the population of the State.

While V. P. Menon, The Secretary of the state in Department of the Government of India, ran back and forth from Srinagar to Delhi to finalise a settlement with Hari Singh, the real batter for the State was fought by the troops of the State army. Already depleted by the desertion of its Muslim ranks, the state army offered dogged resistance to the invading hordes at held them at bay till their last hour, earning moments of reprieve for Menon as well as the Maharaja Brigadier Rajinder Singh, the commander of the state army and his valiant men laid down their lives in the battle but cut off the advance of the enemy till 25 October 1947. The invaders entered Baramullah, the next day and settled down to regroup for their final assault on Srinagar. On the morning of 27 October 1947, airborne Indian troops arrived in Srinagar. Few men of the Indian soldiers of the First Sikh, who went into action that day, returned home.

The Indian Government threw away the initiative, the accession of the State had earned it, when it offered to refer the accession of the state to its people, a principle which the Indian leaders had been forced to abandon by the British as well as the Muslim League.

The lapse of the British Paramountcy and the right of the Princes to determine the disposition of their states was a precedent condition which the British and the Muslim League had recognised as a part of the transfer of power in the states. The Congress leaders, unnerved by Hyderabad and Junagarh sought to build a balance between Jammu and Kashmir on the one side and Hyderabad and Junagarh on the other, a policy inspired by Mountbatten, which ultimately proved disastrous for India.

While the Indian armies were fighting back the invasion, the Government of India committed another blunder and invoked United Nations intervention to end the aggression committed by Pakistan against Jammu and Kashmir, little realising that United Nations intervention would involve the internationalisation of not only Kashmir, but Hyderabad and Junagarh as well. The British pulled the strings from behind the curtain. Jammu and Kashmir was strategically important for the defence of their interests and the interests of their western allies, because the steady advance of the communists in China confronted them with a new danger, which a combine of the communist regimes in Asia posed.

In the Security Council, India found itself face to face with a world in which the sense of self-righteousness with which Gopalaswami Ayyangar pleaded the Indian case, had little credibility. Pakistan triumphed and the Security Council foisted a resolution on India which envisaged a plebiscite to determine the final disposition of Jammu and Kashmir. In January 1949, a cease-fire agreement was concluded between India and Pakistan. Almost half of the State was left under the occupation of the enemy.

4.0 HUMAN RIGHTS VIOLATIONS IN KASHMIR

by Dr. M. K. Teng, C. L. Gadoo

The Kashmir Valley is in grip of terrorist trauma engineered by Pakistan. In fact, it is a low cost proxy war declared by Pakistan against India to grab Kashmir. The grimmest fallout of this atrocious Pak operation is the total exodus of the Hindu minority from Kashmir Valley. It has threatened the unity of India and the very survival of Kashmiri Hindu minority. They have been uprooted from Kashmir Valley. The future is bleak and their existence is in danger. The following census figures speak volumes:

Year	Muslims	Hindus	Others
1941	83%	15%	2%
1981	92%	5%	3%
1991	97%	0.1 %	2.9%

At present over 300,000 of them (about 78,000 families) are either residing in temporary relief camps at Jammu, Delhi, Chandigarh or Amritsar or have made their own arrangements in various parts of India. This figure of over 300,000 excludes over 10000 Muslims, who also have been forced by the denial of free expression and circumstances to leave the Valley of Kashmir to seek refuge in India.

PREFACE

We hold no brief for any one violating human rights anywhere. All we submit is that the small and helpless community of Kashmiri Pandits, along with Kashmiris of other communities suffering for their belief in secularism, nationalism and democracy, are the worst victims of human rights violations in Kashmir. They continue to suffer the aftermath of this tragedy, living a miserable life in townships of tattered tents, and other camps, in Jammu and other parts of the country. But nobody hears their anguished cry while the terrorists, their supporters in the state and Pakistan have succeeded in generating worldwide awareness about the hardship faced by some Muslims in Kashmir for harboring and helping terrorists. Organizations like the Amnesty International and Asia Watch while raising howls about the difficulties of Kashmiri Muslims make no more than passing references to the inhuman brutality with which the Muslim terrorists in the state massacred large numbers of Kashmiri Hindus and indulged in rape, arson and plunder forcing them to flee their homes of hundreds of years. The latest incident is the shooting down of a hundred year old Kashmiri Pandit in Wanpora in the first week of June, 1993. All this is sought to be hidden behind the smoke screen of "human rights violations by the security forces" and basic questions are clouded in a desperate attempt to keep the world in dark about the actual happenings in the name of insurgency against the Center.

It is therefore essential to make a proper assessment of violations of, whose human rights in Jammu and Kashmir. While doing so, facts must be treated as sacred and not twisted for dramatic effect to serve sectarian political ends. Unfortunately, the assessments made by some of the Human Rights organizations are faulted in their very fundamentals because such assessments have been based on avowedly partisan evidence. Most of the evidence has been collected in Pakistan-occupied part of the Jammu and Kashmir State and from other sources close to the terrorists. Some of these "watch dog" groups make little attempt to conceal the fact that they are functioning as apologists for Muslim terrorists operating in the State at the behest of Pakistan.

Nothing else can explain their studied indifference to the plight of more than three lakh Hindus whose "rights", such as they were in a regime which was already Islamic except in name, were trampled under the jack-boots of the Pakistan-aided marauders in collaboration with local Muslim fundamentalist and secessionist elements. The magnitude of misdeeds of the terrorists have been of such proportions that Asia Watch found it difficult to completely conceal them and had grudgingly to concede that they were guilty of excesses in the name of violent opposition. It is a tragedy that even after the Asia Watch report was made public certain people in this country fell prey to the Pakistani and terrorist disinformation and have developed a mind-set totally indifferent to the plight of Kashmiri Hindus who have been reduced to beggary in their own country for their patriotism, tolerance and secular ideals. The flood of publicity mounted by the mentors submerged the sad tale of their suffering, so much so that when the specter of "demographic change" was recently raised, nobody asked: Has demographic change not already been brought about in the state? Has it not been made a totally Muslim Kashmir now with the elimination of the Pandits?

Design To Break Up India

Terrorism is a violation of human rights, whatever its political objectives. Terrorism in Jammu and Kashmir motivated by ideological commitments to a Muslim crusade is a greater violation of human rights. The Universal Declaration of Human Rights, it must not be forgotten, was adopted by the world community precisely to save mankind from the scourge of crusades; the second world war was a war of crusades.

There is an imperative necessity for a bold and unconventional endeavor to identify the content and contours of violence which has ravaged Jammu and Kashmir State and describe the perspectives in which the infringements of human rights deserve to be assessed. Any enquiry and assessment restricted to parameters predetermined by political considerations and social motivations and preconceived notions of the nature of the violence and strife in the state, is bound to be self-defeating. Human judgments which are presumed to be universal, as the Universal Declaration of Human Rights, underline generally accepted norms and standards of human behavior and not such norms and standards which are arbitrarily devised. There is always a danger in shifting parameters and judgments in respect of human rights because shifting parameters and judgments are incompatible with and destructive of the universality of such rights.

It will be a travesty of human history to ignore the crucial factor of terrorist violence in Kashmir which must ultimately determine the context in which the violation of human rights has taken place. The boundaries of state action to contain terrorism must be viewed in the broad context of the United Nations Charter, the International Covenants and the resolutions of the General Assembly and the Security Council on terrorism. An enquiry into human rights violations in Jammu and Kashmir cannot be confined to narrowly local and narrowly dated frames of reference.

The terrorist violence unleashed in Jammu and Kashmir by various terrorist organizations and the state of Pakistan, is by itself a violation of human rights. The Muslim crusade which seeks to exterminate the religious and ethnic minorities in Jammu and Kashmir and establish the primacy of Islam in the government and the society of the state, contravenes the principle of the due process of law which is the basis of the Universal Declaration of Human Rights. Political terrorism, whatever its ideology and objectives, is a crime against International Law, a crime against humanity, a crime against the law of war and a crime against the Universal Declaration of Human Rights.

Terrorist violence in Jammu and Kashmir has several dimensions which have a direct bearing on human rights in the state.

In the first place, terrorism in Jammu and Kashmir is a process of political violence which has specified political commitments aimed to separate Jammu and Kashmir state from India and secure its annexation to Pakistan. It is the culmination of the Muslim struggle in pre-partition India for the homeland of Pakistan, which claimed Jammu and Kashmir on account of the Muslim majority character of its population. It is a religious crusade to complete the partition of India which it is claimed is 'incomplete' so long as Jammu and Kashmir is not merged with Pakistan. It must clearly be understood that this terrorist violence is not aimed at effecting any change in the existing political system, economic organization or social relationships. It is neither an expression of political dissent, nor is it apolitical movement aimed to replace the existing sets of political instruments in the state. It has an international content as it is aimed at cutting off a part of the Indian nation and secure its annexation to the state of Pakistan.

The Muslims in Kashmir are the ruling elite of the state. They dominate its entire economic organization and enjoy communal precedence in all social forums. Islam is virtually the official religion of the state. Whereas the Muslims constitute a little more than half the population of the State, they possess three-fourths share in legislative bodies, administrative organizations and all the local Government Institutions. In the Kashmir province, the Hindus have no elected representation in the State Legislature, nor do they have any elected representation in the local bodies. They constitute less than five per cent of the administrative services of the State and have less than one per cent share in the higher cadres of the state administration. Muslims monopolize 94 per cent of the state services in Kashmir. The Hindus of Kashmir province have absolutely no share in the decision making clusters of the state Government, which have always been constituted by the Muslims of the Kashmir Province. More than 90 per cent of the admissions to professional, technical and other educational Institutions are reserved for Muslims in one form or the other purely on communal basis. The Hindus, Sikhs and other minorities share a bare 8 per cent of the educational facilities that the State provides.

The Muslims own and control the entire economic and Industrial structure of the Kashmir Province. They own 96 per cent of the agricultural land, orchards and other urban landed estates. They enjoy a monopoly over the entire industrial organization, trade, commerce, financial resources and exports of the province of Kashmir. They have complete monopoly in trading in fruits, carpets, shawls, wood-work, woolens, silk etc. The Hindus in Kashmir have never been allowed to have any share in the tourist industry, the transport organization, concessionary contracts for the construction of the State property, roads and buildings and the licenses for Imports and exports which the state Government has been lavishly distributing among the Muslims.

Evidently, terrorist violence in the State is not local in content or outlook. Its objectives have transnational implications and its aim is the separation of Jammu and Kashmir State from India and, as a consequence, open the way for the disintegration of the Indian Union.

Violation of Human Rights

The political content of the terrorist violence has a direct effect on human rights as it involves militants' strategies which cannot but infringe the principles which form the basis of human rights. These strategies include:

1. Liquidation of the Indian support structures in the state, involving elimination of the people of all communities including Muslims who constitute such support structures;
2. suppression of all political dissent and opposition by fear,
3. oppression and mental torture of people who do not support terrorism;
4. liquidation of civil population which extends help to security forces in their operations against terrorists;
5. communalization of the society aimed to suppress opinion opposed to the secession of the state;

6 . conduct of military operations by the terrorists against the security forces of the state in violation of the laws of war.

The second major dimension of terrorism in Jammu and Kashmir is the terrorists' aim to exterminate Hindu population in the Kashmir valley because Hindus do not accept the secession of the state from India and its annexation to Pakistan nor do they accept to be governed by the authority which derives its sanction from the law and precedent of Islam. The Hindus have always supported accession of the state to India. They have, undeniably, formed the most powerful support base for India in Kashmir. Hindus in the valley rose unitedly against the invasion of the state in 1947, and fought shoulder to shoulder with the Indian soldiers against the infiltrators from Pakistan in 1965. They were always in the forefront of the struggle against secessionism, communalism, fundamentalism and the various movements for annexation of the state to Pakistan.

In the present turmoil the strategies used in the terrorist operations against the Hindus in Kashmir include:

1. The extermination of Hindus;
2. Subjection of Hindus to brutal torture to instill fear among them in order to achieve their submission to the terrorists and their exodus from Kashmir;
3. Flushing out such Hindus who refuse to submit to the terrorist dictates, by force, fear of death, fear of conversion and criminal assault on their women;
4. Destruction of the residential houses of the Hindus Who migrate and the appropriation of their business establishments to ensure that they do not return;
5. Attachment of their landed property;
6. Destruction of the social base of the Hindus by desecration and destruction of their places of worship, shrines and temples;
7. Appropriation of the property of the Hindu shrines and its attachment to the Muslim religious endowments;
8. Declaration of a religious crusade against the Hindus.

Pakistan Factor

The third and the most crucial aspect of terrorism in the State is the participation of Pakistan in the terrorist violence. Pakistan has a history of sponsoring terrorist violence in its neighboring countries including India. It is openly committed to the export of Islamic revolution to non-Muslim states and militarization of pan-Islamic fundamentalism in South Asia. Pakistan has always used Islam as an ideological instrument for its territorial expansion. It has claimed Kashmir in the name of the Muslim nation and the unity of the Muslims Ummah. Pakistan is at present a conventional, organized and international base for the militarization of pan-Islamic fundamentalism and Muslim terrorism in Asia. There is enough proof of the complicity of Pakistan in the terrorist activity in Jammu and Kashmir, which cannot be disregarded.

The induction of terrorism in Jammu and Kashmir by Pakistan is its third attempt to cut off Jammu and Kashmir from India and annex it to its territories. In October 1947, Pakistan sent thousands of armed forces and irregular commandos into the State to annex it. Were it not for the heroic resistance of the state troops led by the Chief of the Army Staff of the State, Brigadier Rajender Singh, who resisted the advance of invading forces till the State acceded to India and the Indian troops joined the battle, the story of the State would have been different. About thirty thousand Hindus and Sikhs were slaughtered by the invading hordes in the territories of the State overrun b them. Hundreds of thousands of them

were uprooted and displaced. That story is still untold. In 1965, Pakistan inducted thousands of its trained commandos in the garb of local Muslims into the State to unleash a Muslim rebellion against India. The infiltrators spread all over the valley, penetrated into Srinagar. but due to the lack of support from local Muslim population and prompt military action taken by Government of India, the infiltrators sneaked back to Pakistan after war broke out between the two countries.

The present terrorist violence in Jammu and Kashmir is the third attempt by Pakistan to break up India and annex Jammu and Kashmir. This time the technique of military intervention is different; the flanks of terrorist organizations are recruited from the local Muslim population and after being trained and armed in Pakistan are reinducted into the State, to carry on the Islamic crusade, Jihad, against India. Large numbers of armed commandos consisting of personnel of the army and intelligence services of Pakistan, and the various troop formations raised in the occupied territories of so-called Azad Kashmir have also been inducted into the State to help the terrorist elements.

The consolidation of the pan-Islamic fundamentalism and its militarization in South Asia has been effectively used by Pakistan to export Islamic revolution' to Jammu and Kashmir. Once the Jihad or the Islamic crusade for the liberation of the State triumphs, Jammu and Kashmir will as a part of the fundamental unity of the Muslims, join the Muslim nation of Pakistan. That is the reason why Pakistan projected Jammu and Kashmir Liberation Front in the first phase of terrorism in Kashmir, ostensibly to create an impression that the Muslims have launched an armed struggle in the State to liberate it from India. The truth is that Jammu and Kashmir Liberation Front was sponsored by Pakistan to impart a more militant direction to demand for plebiscite in the State. It received arms and funds from intelligence agencies of Pakistan and always acted under the instructions of the intelligence services of that country. Once the terrorist violence in the state spread, Pakistan inducted the more powerful terrorist flanks into the state, like the Hizbul Mujahidin, the militant outfit of Jamaat-i-Islami, Al Badar, exclusively entrusted with the task of liquidating the Hindus, and the other terrorist organizations like Al Umar, Allah Tigers, Janbaz Force, Hizb Ullah and several other terrorist groups all committed to the accession of the state to Pakistan.

Mass Massacres

The terrorist violence in Kashmir has involved mass massacre of the people of the State, destruction of their property and genocide of Hindus and their exodus from Kashmir. The death and destruction of innocent people, genocide of minorities and conduct of a war of attrition in violation of the laws of war are crimes against humanity and international law, besides being violation of human rights. The terrorist violence in Jammu and Kashmir, on a well designed pattern, has led to several consequences which are inextricably interlinked with the violation of human rights. The pattern in which terrorism has manifested itself in Jammu and Kashmir has several aspects, some of which are characteristically original to the political violence unleashed by the various terrorist organizations and Pakistan in Jammu and Kashmir. These aspects are

- (a) mass massacre;
- (b) genocide of Hindus and
- (c) atrocities committed by terrorists.

It is generally presumed that mass massacre involves a hundred or more political killings. Mass murder is not a precise term. It is arbitrarily defined here as something approaching "a hundred or more political deaths". In Jammu and Kashmir terrorism has involved the liquidation of thousands of people, including the Hindus, the Muslims, the security personnel and the strategic staff of the State government and other administrative bodies. A computation of the data on the terrorist killings from the local newspapers published from

Srinagar and other townships in Kashmir reveals that the number of the people, other than Hindus, killed by the terrorists, runs into several thousand.

The main targets of terrorist violence in Kashmir, have been

1. the Hindus;
2. the Muslims opposed to secession, the Muslims accused by terrorists of acting as "agents of India" and "informers" and those alleged to have spied for the security forces of the state;
3. Hindu employees of the State government, the Hindu employees of the government of India posted in the State, Hindu technical staff of Government of India installations of communications, police, radio and television, Hindu technical staff of the industrial corporations and the Hindu personnel of the security organizations of the state as well as the personnel of the Central paramilitary forces deployed in the State.

The Hindus of Kashmir, among them mainly the Kashmiri Pandits, have been killed in large numbers irrespective of their age, profession and political commitments. The killing of Muslims has been specifically selective and except for a few doubtful cases most of the Muslims killed have been those who have been opposed to secession and who did not support Pakistan's claim to Jammu and Kashmir State. More notable of the Muslims who have been assassinated by terrorists include Maulana Masoodi, a veteran freedom fighter and a close associate of Sheikh Mohammad Abdullah; Maulvi Farooq, Mirwaiz of Kashmir;



The masked terrorists in Kashmir: Pawns in a bigger game.

Mir Mustafa, a former member of state Legislature; Pir Hissam-ud-Din Bandey and Abdul Jabbar, former ministers of the State government; Abdul Sattar, Ranjoor, General Secretary

of the Communist Party of India in the State; Mohd. Shaban, Editor, Al Safa, an Urdu daily; Prof. Mushir-ul-Haq, Vice-Chancellor of Kashmir University; and Mohd. Din Bandey, the Muslim Gujjar who reportedly gave the first information about the ingress of infiltrators from Pakistan in 1965. Among the many other Muslims killed by the terrorists are former members of the State Legislature, National Conference and Indian National Congress activists, and officers of the State police.

Terrorism has taken a very heavy toll of the personnel of the security organizations of the State. Barring variations in official account of the security personnel killed and the account given by the local press as well as the figures made public by the terrorists themselves, a fairly large numbers of the personnel of the para-military forces and the Indian army have been killed in the hit and run guerrilla attacks mounted on them by terrorists. The attacks have involved sudden assaults on para-military pickets in civil areas, ambush of army and para-military convoys, mine blasts, rocket and bomb blasts on police stations and other security installations.

Genocide Of Hindus

Genocide is the destruction in whole or in part of a national, ethnic, racial or religious group. The United Nations General Assembly approved a resolution on 11th December, 1946, declaring genocide a crime under International Law. A convention on the Prevention and Punishment of Genocide adopted by the General Assembly came into effect on 12th January, 1951. The Convention proclaims genocide as a crime against International Law. The Convention lists destruction of an ethnic, racial or religious group as genocide. Specifically, genocide includes:

1. Killing members of a community or a group because of their affiliations;
2. Causing bodily or mental harm to the members of a community or a group;
3. Deliberately inflicting conditions on the community or the group to bring about its physical destruction;
4. Imposing measures to prevent births in the community or the group;
5. Forcibly transferring children from one group to another.

The terrorist organizations in the State and those operating from Pakistan have unleashed an organized campaign to exterminate the Hindus in Kashmir. Besides the obligation to prosecute a religious war against them, terrorists have sought to achieve several tactical advantages in eliminating Hindus. Hindus used to form a vital and powerful base for India in Kashmir. They have fought the secessionist movements in the State with their bare teeth. They alone have resisted the onslaught of the pan-Islamic fundamentalism as well as the Islamization of the Government and the society in the State. They have always been instrumental in keeping the feedback channels of Government of India open and maintaining a regular and uninterrupted flow of information to its agencies.



Terrorist leader with bodyguards.

The mass attack on the Hindus began in January, 1990, and by the onset of August, 1990 more than eight hundred of them had been murdered in cold blood. Most of the victims were innocent people who lived in poverty and persecution under the Muslim dominated constitutional organization of the State. Among those killed, were people from all sections of the society, lawyers, political activists, mediemen, intellectuals, shopkeepers, errand boys and men of small means.

The terrorists killings have been accompanied by torture unheard of in the annals of human history, which tantamount to grave crimes against all law and against humanity. In sheer disregard of the norms of political behavior, generally recognized by civilized nations and now embodied in several international Covenants, the charter of Human Rights Declaration and resolutions of the United Nations General Assembly, the terrorists have inflicted grievous hurt, injury and death / torture on hundreds of Hindus and other dissenters. Torture deaths have been brought about by inhuman practices described below:

1. Strangulation by using steel wires;
2. Hanging;
3. Impaling;
4. Branding with red hot irons,
5. Burning alive;
6. Lynching;
7. Draining of blood in contrived terrorist underground hospitals;
8. Gouging of eyes before assassination;
9. Slicing;
10. Dismemberment of body;
11. Breaking of limbs;
12. Drowning alive;
13. Dragging to death;
14. Slaughter.

Brij Nath Shah was kidnapped on 27th April, 1990 from his home at Sadhu Ganga, Kupwara in Kashmir. Two days later his body was found hanging by a tree. His lips had been stitched.

Sham Lal of Chiragam in Anantnag, Kashmir was kidnapped in May 1990. The hands and the feet of the unfortunate man were chopped off and his skull battered. Sham Lal's dead body was stuffed in a sack and left on the threshold of his house, wherefrom it was recovered by his brother.



Innocent victims of Pakistan's Terrorism.

Pran Nath of Uttarsu in Anantnag District was kidnapped on 27th May, 1990. His body was found impaled; his chest and feet nailed.

Three officials of the Life Insurance Corporation of India were kidnapped in Srinagar. They were subjected to torture and then confined in an abandoned Kashmiri Hindu migrant house. The house was set ablaze. Two of the officials were burnt alive while the third official escaped with more than 50 percent burns.

One Bhushan Lal of Ompura in Badgam, Kashmir was kidnapped on 27th April 1990. He was tortured and then strangulated to death. His body was found the next day.

Girja, a school teacher at Bandipora, was kidnapped from the house of a Muslim colleague. The unfortunate woman, after being gangraped, was sliced on a mechanical saw.

Scores of the bodies of Hindus were recovered from River Jhelum. Most of them were drowned.

Brij Nath Koul of Hermani of Shopian, an employee of the Agricultural Department and his wife were tied to a speeding vehicle. Their mangled bodies were recovered ten kilometers away from their home. The dead bodies of several Kashmiri Hindus were salvaged from various places in Kashmir. Their heads had been severed off.

Several dead bodies of Kashmiri Hindus were recovered, which had been branded by hot irons before death. Several bodies were found with eyes gouged out.

The most dastardly and inhuman acts of terrorism were those committed in the hospitals where the Hindus brought in for treatment were either allowed to die for want of treatment or brutally murdered by the doctors and others who collaborated with the terrorists. A number of cases have been reported where injured Hindus were allowed to bleed to death.

Scores of cases have been reported where kidnapped Hindus were drained of their blood and their lives were terminated.

Among the dead in Kashmir, the state Government is yet to disclose the identity of about four hundred dead bodies, recovered by the police and disposed of at its will. The State government is keen to cover the anti-Hindu character of the terrorist violence and has tried to play down the massacre of Hindus. But the fact remains that most of those killed and still unidentified are Hindus. A survey of the migrant population reveals that there are several hundred Kashmiri Pandits, who are missing and are presumed dead.

The worst sacrilege to which the Hindus have been subjected, and the process continues still, is that the kith and kin of the Hindus killed in Kashmir, were not allowed to carry the dead bodies to Jammu for cremation according to Hindu rites. Evidently, the cremation of Hindus in Kashmir could not be carried out according to Hindu rites because the terrorists forbade Hindus to accompany the dead to perform their last rites. The Hindus' dead bodies were actually disposed of by the State police on their own and in total disregard to the injury and hurt the cremation of the dead bodies by the state police, caused to the religious feelings of the bereaved Hindu families.

Exodus in Panic

The rising terror which consumed hundreds of innocent Hindus, the deliberate indifference of the state apparatus infested by pro-Pakistan agents and infiltrators and the failure of Government of India to take effective and firm measures against the terrorists as well as their harbourers, particularly in the ranks of the administrative organization of the state, compelled the Hindus to flee for their lives to Jammu and beyond. By July- September, 1990 more than two lakhs of Hindus had evacuated from their homes leaving their property, land, trade and business behind them. After the exodus, all the Hindu property has been looted and thousands of Hindu houses burnt down. Several Hindu shrines have also been burnt down or destroyed by explosives.



The refugee camps for Kashmiri Pandits at Jammu.

Terrorism is a negation of life, and violation of the norms of human behavior recognized by all civilized people of the world. All value-based violence, which contravenes generally accepted norms of social order, human behavior and right to life and equality of all men, is retrogressive. Judgments which are based upon preferences which violate life, equality of all men and freedom, do not have any revolutionary content. The political violence motivated by ideological commitments whatever their value-content is necessarily retrogressive. There is no freedom which impinges upon freedom, no equality which upholds inequality. There is no life which portends death. Political terrorism even if it is for a religious crusade is as heinous a crime as any other crime against humanity. All political terrorism is organized crime.

Terrorist violence cannot be justified on the ground of its political and ideological motivations or value-basis. International conventions and treaties, even those pertaining to human rights, do not recognize terrorist violence as legitimate political action, arising out of any ideological or political commitments or any value basis. Commitment to separation of Jammu and Kashmir from India to further the cause of Islam and in the name of Muslim unity and brotherhood, to ensure the Muslims in the state the right to decide the future disposition of the state as envisaged by the United Nations Resolutions; commitments to "complete the partition of India" by the accession of the state to Pakistan or commitments to liberate the Muslim majority state of Jammu and Kashmir from India or commitment to establish a Muslim State of Jammu and Kashmir based upon religious precept and precedence cannot legitimize and validate terrorism in Kashmir.

International Law and Terrorism

There is a growing corpus of Municipal as well as International Law and precedent to deal with politically motivated terrorism. The civil jurisprudence and International law generally identify political terrorism as a crime, more serious than traditional civil and international crime. Murder of innocent people, torture deaths, kidnappings, abduction and rape of women are heinous crimes which do not come within the traditional definitions of crime. Many countries have extended their penal codes to most terrorist offenses. Legislation has also been undertaken to provide for special police powers and special judicial procedures to deal with terrorist crime. New special anti-terrorist organizations have been created within

police departments and other international security organizations. In many states military participation in police functions has increased. Special military units for possible use in anti-terrorist operations have been created in a number of countries. All these measures have been necessary to combat terrorism and safeguard the lives of law-abiding citizens and innocent people and save states from being broken up by sponsored terrorism. Nations with long democratic traditions including the United States of America, one of the foremost super-states supporting human rights, have always demanded the adoption of severely stringent measures against political terrorism.

It is relevant to note that the United State of America proposed a set of highly stringent rules to deal with terrorism in the draft of an International Convention submitted by the United States Government to the ad-hoc committee of the United Nations on International Terrorism in 1973. Understandably, most of the Muslim States disapproved of the draft convention.

United Nations On Terrorism

The United Nations lists killings, kidnappings, torture and abduction as a crime. According to resolutions of the General Assembly of the United Nations on measures to prevent terrorism, the Nations General Assembly:

1. **Unequivocally condemns as criminal all acts, methods and practices of terrorism wherever and by whoever committed including those who jeopardize the friendly relations between states.**
2. Deeply deplores the loss of innocent human lives which results from such acts of terrorism.
3. Further deplores the pernicious impact of acts of international terrorism on relations and cooperation among states including cooperation for development.
4. Appeals to all states that have not yet done so to consider becoming party to the existing international conventions relating to various aspects of international terrorism.
5. Invites all states to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism such as the harmonization of domestic legislation with existing international conventions, the fulfillment of assumed international obligations, and the prevention of the preparation and organization in their respective territories of acts directed against the states.
6. Calls upon all states to fulfill their obligations under International Law to refrain from organizing, instigating, assisting or participating in terrorist acts in other states, or acquiescing in activities within their territory directed towards the commission of such acts.
7. Urges all states not to allow in any circumstances to obstruct the application of appropriate law enforcement measures, provided for in the relevant conventions to which they are party, to persons who commit acts of international terrorism covered by those conventions.
8. Further urges all states to cooperate with one another more closely, especially through the exchange of relevant information concerning the prevention and combating of terrorism, apprehension and prosecution or extradition of the perpetrators of such acts, or the incorporation into appropriate bilateral treaties of special clauses, in particular regarding the extradition or prosecution of terrorists.

The security Council adopted a resolution on 18th December, 1985 urging upon all the States to undertake appropriate measures to bring to an end hostage taking, abduction and other forms of terrorism. In the operative part of the Resolution, the Security Council

1. condemned unequivocally all acts of hostage-taking and abduction;
2. called for the immediate safe release of all hostages and abducted persons wherever and by whoever they are being held;
3. affirmed the obligation of all States in whose territory hostages or abducted persons are held, urgently to take all appropriate measures to secure their safe release and to prevent the commission of acts of hostage-taking and abduction in future;
4. urged the further development of international cooperation among States in devising and adopting effective measures which are in accordance with the rules of international law to facilitate the prevention, prosecution and punishment of all acts of hostage-taking and abducting as manifestation of international terrorism.

A number of other resolutions and conventions of the United Nations General Assembly and the Security Council, the Adhoc Committee on International Terrorism, various reports of the Secretary General of the United Nations and the Covenants of various inter-state organizations on political and international terrorism, have urged the members of the international community to undertake stringent and effective legal and administrative measures to combat terrorism. The recommendations envisage the institution of fresh political instruments and modified penal procedures to check terrorism. The Council of Europe produced a Convention on terrorism in 1977, which stipulated that amnesty available to political offenses should not apply to terrorist violence associated with all forms of terrorist acts, assassinations, bomb outrages, rocket attacks and killings by other explosive devices, kidnapping, taking of hostages, hijacking and such other offenses.

Human Rights

In the Charter of the United Nations, the peoples constituting the United Nations, express their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and nations large and small. In 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights as a common standard of achievement for all people and all nations. In 1966, it adopted the United Nations Covenant of Human Rights.

The Universal Declaration of Human Rights stipulates, in several sets of its articles, the inalienable rights of all members of human family. These inalienable rights are grouped around six main principles- Equality of man; Freedom of thought; expression and faith; Due process of law; Freedom of peaceful assembly and association; Representative basis of state power, and Right to a share in the social and economic organization of the state.

The equality of man is fundamental to the Declaration of Human Rights. The Declaration affirms that human rights are universal and applicable without any discrimination. If all human beings, professing different faiths, are born free with equal dignity and rights, no religious, social or political injunction can impose a reservation on the equality of man and discrimination against any people of the world. The equality of man transcends all religious precepts and precedent, social sanction, all ideological commitments and political limitations.

All human beings, the Declaration proclaims, are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. All people are entitled to all rights and freedoms envisaged by the Declaration, without any distinction of any kind, such as race, color, sex, language, religion, political or other status. Every human being has right to life, liberty and security of person. No one shall be subjected to torture or cruel inhuman or degrading treatment or punishment. All people are equal before law and are entitled without any discrimination to equal protection of law.

Due Process Of Law

Due process of law is the basis of the Declaration of Human Rights. Due process embodies seven principles which are basic to all rights. These principles are redressal against the state, no less against the private citizen; freedom from arbitrary arrest; fair trial; presumption of innocence till proved guilty; protection against ex-post facto penalty; respect for privacy and freedom of movement.

The Declaration of Human Rights envisages the freedom of thought, freedom of conscience and religion, freedom of opinion and expression, freedom of peaceful assembly and association. The Universal Declaration of Human Rights proclaims that the will of the people shall be the basis of the authority of the Government which shall be expressed in periodic elections conducted on the basis of universal adult franchise.

The Declaration of Human Rights embraces freedom from want no less than freedom from fear, and envisages for all people right to social security, the right to work, right to free choice of employment, right to just and favorable conditions of work, right to rest and leisure, right to adequate standard of living and right to education.

The Universal Declaration of Human Rights and the United Nations Covenants adopted by the General Assembly in December, 1966, underline themes which involve universal recognition of human rights and not mere juridical protection. The rights envisaged by the Declaration as well as the Covenants are universal in content and therefore, the obligation of their protection is not limited to the authority of the State, but extends to all social and political instruments as well as international organizations. The Declaration and Covenants signify the recognition of a juridical political organization of the world community in which the equality and dignity of man is acknowledged and as a consequence, it is accepted that man has a fundamental right to free movement in search of truth and the attainment of moral good and justice besides the right to a dignified life.

The Universal Declaration of Human Rights is not a partial guarantee and it does not envisage protection for a specific community or a section of the people of the world. The safeguards for human rights are universal and are available to all people of the world irrespective of their nationality, the regime by which they are governed and the religion and the race to which they belong. The Universal Declaration of Human Rights does not envisage protection of the rights of any single community in the world and insulate it against the infringement of the human rights. It does not provide protection only to the Muslims in Jammu and Kashmir against violation of their rights; it extends protection to all the communities in the state, more so, the Hindus and other minorities, who are more exposed to religious, political and economic dominance of the Muslim majority of the State. Genocide, forced mass exodus of minorities from their homes, and torture are grave violation of human rights. The Universal Declaration of Human Rights protects the Muslims in Jammu and Kashmir against the infringement of their rights, but it also envisages protection for Hindus and other ethnic and religious minorities in the State against extermination, religious persecution and slavery because they refuse to submit to precedents of a Muslim State. The Declaration is a guarantee against all ideological aggrandizement including precedence claimed by the Muslims in a Muslim State.

The Muslim terrorist crusade in Jammu and Kashmir is aimed to:

- a) merge the state into the Muslim nation of Pakistan on the basis of its Muslim majority;
- b) convert it into a Muslim State governed in accordance with the religious precepts of Islam; and
- c) restrict human rights of all ethnic and religious minorities within the injunction of the Muslim State.

The crusade is a negation of human rights. All religious crusades which seek to establish religious precedence including the Muslim Jihad and the militarization of the pan-Islamic fundamentalism violate the Declaration of Human Rights. The rights envisaged by Declaration of Human Rights are irreconcilable to all political regimes which are based upon religious precept and precedent. Fundamental Rights, including human rights, conflict with restricted citizenship and all forms of religious protectorate.

The Declaration of Human Rights does not underline the guarantees against civil jurisdiction alone. The human rights are fundamental rights; they are also civil rights. The protection envisaged by human rights imposes a limitation on the arbitrary exercise of state power; it also imposes a limitation on the exercise of authority by all regimes including instruments of social control, private citizens, foreign states and international organizations. The terrorist organizations in the State, the Muslim crusade for a second partition of India and the state of Pakistan cannot escape the liability for the violation of human rights in the Jammu and Kashmir State.

The responsibility of violation of human rights in the Jammu and Kashmir state rests upon –

1. All the terrorist organizations in the State;
2. The Muslim organizations and the para-military outfits which aid and support terrorism;
3. The political regime in the part of Jammu and Kashmir occupied by Pakistan; and
4. The State of Pakistan.

Political terrorism is condemned by the United Nations as a crime against the rights of man. Terrorist killings, kidnapping, torture, hostage-taking, abduction are listed as grave crimes against humanity. The General Assembly denounces all acts of terrorism which endanger or take innocent lives, jeopardize fundamental freedoms and impair the dignity of human beings.

Failure of the Indian State

The Jammu and Kashmir Government and Government of India have failed to take adequate and necessary measures to suppress terrorism in the state. In spite of increasing terrorist violence during the fall of 1989, the State Government stubbornly refused to take any action against the growing terrorist menace. During 1989 sixteen hundred violent incidents including 351 bomb blasts took place in Kashmir province. During the first eighteen days of January 1990, 319 violent incidents, 21 armed attacks, 114 bomb blasts and 112 acts of arson and 12 outbreaks of mob violence took place in the state. The Government reaction to the terrorist violence is reflected by the fact that when Shabir Ahmed Shah a militant leader was arrested in September 1989, the Deputy Commissioner refused to sign the warrant of detention; later on the Deputy Commissioner of District Anantnag to which Shah belonged also refused to sign the warrant. The treachery against the Human Rights did not end there. The Advocate General did not appear before the Court to represent the case, shifting his responsibility to the Additional Advocate General and the Government Counsel. They too refused to appear before the Court.

The terrorist violence spread death, and hundreds of innocent Hindus were mowed down by the terrorist bullets but none of the high officials of the state Government was brought to book for having abetted the terrorist assault on human rights.

State's Inaction

The State Government and the Government of India have an obligation under the Universal Declaration of Human Rights, the various international Covenants and the United Nations Resolutions, to deal firmly with terrorist violence. Neither the State Government which is vested with the powers to maintain law and order in the state in the Indian federal division of powers, nor the Union Government which assumed all powers of the administration to itself in consequence of promulgation of President's rule in the State, adopted any of the measures mentioned above to deal firmly with the terrorist violence. Terrorist crime is still dealt with as an ordinary crime. Trial procedures have not been changed to meet the threat of crimes committed by the terrorist; no special anti-terrorist organizations have been instituted within the police department or within the security structures of the State.

TADA is a farce. None of the existing penal laws and procedures have been amended to cover crimes committed outside the State and reach the training nests in Pakistan. No special organization has been established at the national level to coordinate national efforts against terrorists. Both the State Government and the Union Government have not opted for military participation in police functions nor have any special military units for possible use in dealing with the terrorists been constituted. No special powers except those provided to deal with the extraordinary situation of terrorist violence, have been vested with the security forces and no security organization has been empowered to take any pre-emptive action against terrorist violence, so much so that the police force is empowered to fire only when they are attacked, leaving the initiative of surprise with the terrorists. All this is being done in spite of the internationally recognized obligation to change the existing penal law and procedures to meet the terrorist threat.

Thousands of innocent lives could have been saved, if the State and Union Government had taken adequate measures which the world community, the civilized nations have adopted to deal with the political terrorism.

The local newspapers are a testimony to the death and destruction of Hindus and other innocent civilians who have been victimized by the various terrorist flanks and who could be saved if powers were given to the security forces to take pre-emptive action. Thousands of innocent lives have been taken by the terrorists and thousands of Hindus have been uprooted from their homes. They are languishing in refugee camps in Jammu and other parts of India. Their right to life, their homes and their freedom is as sacrosanct as any other human right listed in the Universal Declaration of Human Rights.

APPEAL

We appeal to all Human Rights Organizations.

We appeal to the conscience of the world to prevail upon India to:

a) put an end to political terrorism in Jammu and Kashmir so that the extermination and death of Hindu minorities and other innocent people is stopped immediately and hundreds of thousands of Hindus refugees are able to return to their homes in Kashmir, and

b) indict pan-Islamic fundamentalist organizations and terrorists organizations in Jammu and Kashmir which are responsible for terrorist violence in Kashmir, and the State of

Pakistan which has sponsored these organizations by providing training, arms and funds to the terrorists in Kashmir, for crimes against humanity and International Law and crimes against Human Rights.

5.0 ALTERNATIVE STRATEGIES IN PRESENT POLITICAL SCENARIO

Future of Kashmiri Pandits

Kashmir is no more a normal place now. It is facing a number of problems, the most important is that it is a place that lives without a huge part of people – Kashmiri Pandits (Kashmiri Hindus). The valley is in the grip of terrorist trauma engineered by Pakistan. Three regular wars 1947-48, 1965, 1971, Kargil mis-adventure in 1999 and ongoing low cost proxy war, simply to grab Kashmir from India. The martyrs for Kashmir came from every nook and corner of the country from Kashmir to Kanya Kumari. There is hardly any place in Kashmir which is not wet with the Indian blood. Terrorist violence in Kashmir has threatened the unity of India and the very survival of Kashmiri Hindu minority. During 1989-90, terrorist killings were accompanied by rape, torture and atrocities unheard of in the annals of human history. 24,000 residential houses and 14430 business houses were destroyed. About 12500 orchards of Hindus were grabbed by Muslims. 400,000 Kashmiri Hindus had to flee to save their lives and honour of womenfolk. They migrated primarily to Jammu and Delhi, during dark hours of night without any of their belongings. Kashmiri Pandits became refugee in their own country!

The exodus of the Hindus from Kashmir was followed by wide-spread depredation of their places of worship. The Minister of State for Home, Govt. of India, stated in the Parliament on 12th March 1993 that 28 temples and Hindu shrines were demolished and desecrated in Kashmir during the year 1989 to 1991, while actual number of the temples demolished and damaged was much larger. 68 temples and Hindu shrines located in remote villages were burnt and demolished or damaged, about which reports were never collected by the State government. In the aftermath of the demolition of Babri structure, erupted into widespread attack on the Hindu temples and places of worship, 77 temples were demolished, burnt or damaged and desecrated. The destruction of the temples and religious institutions was evidently aimed to destroy the Hindu religious traditions and culture, thereby to pave the way for the total Islamisation of Kashmir.

The ethnic cleansing of Hindus from Kashmir, is a part of the game plan by the Muslim fundamentalists to change the demographic composition of Kashmir province and the Muslim majority districts of Jammu province. A small number of Kashmiri Hindus were left behind in the nineties. Those were also threatened from time to time. Cold blood massacres took place, even women, old and children were not spared. In March 1997 Sangrampur (7 persons), January 1998 Wandhama (23 persons), March 2000 Talwani (5 persons), November 2001 Hugam (3 persons) and March 2004 Nandimarg (24 persons) were killed mercilessly. Now, there are hardly 6654 persons living there.

Genocide of the Kashmiri Hindus is the violation of not only the Human Rights, but also our Constitutional Rights. In a report on Kashmir by Amnesty International released in December 1993, it said, "Armed opposition groups in Jammu and Kashmir have been responsible for numerous and grave human rights abuses, including hostage taking, assassination of politicians and their families, deliberate killing of civilians including journalists, torture and rape It urged all such groups to release all hostages and respect human rights and humanitarian standards."

The National Human Rights Commission (NHRC) in a ruling on the 11th June 1999 stated that, "The Commission is constrained to observe that while acts akin to genocide have occurred with respect to Kashmiri Pandits...." UN Secretary General at the 60th session of the Commission of Human Rights in Geneva on 7th April, 2004 observed, "When civilians are deliberately targeted because they belong to a particular community, we are in the presence of potential, if not actual genocide". It is a pity, that in spite of our repeated requests, no enquiry commission has been constituted by State or Central government so far to bring culprits to book who are responsible for genocide and ethnic cleansing of Kashmiri Pandits, nor the Hon'ble Supreme Court of India has acted so far.

During the last 15 years, terrorism in Kashmir has achieved the following objectives :

1. A complete ethnic cleansing of Hindus from the whole Kashmir province and thus changed the whole demographic profile of the province.
2. De-stabilised the Hindus in the Muslim majority districts of Jammu province also.
3. Prepared ground for the international intervention in Kashmir to force India to accept the disengagement of Kashmir province and the Muslim majority districts of Jammu province from India.
4. Prepared ground for the exclusion of the State from the Indian Constitutional jurisdiction under the cover of 'greater autonomy' and restoration of 1953 position of the State, as demarcated by the National Conference.

There has been a continuous disinformation campaign about terrorist violence in Kashmir that the Muslims were subjected to economic deprivations which resulted in wide spread poverty among them. The Jammu & Kashmir is a prosperous state which in terms of per capita income is placed third among the Indian states. The per capita growth registered between 1970-71 and 1985-86 was from Rs. 548 to Rs. 2204 at constant price level of 1970-71. The prosperity of Muslims accounted for a greater share in the figure cited above due to more favourable allocation of financial resources for the Kashmir division, varying between 65 to 69 percent as compared to 35 to 31 percent allocated to the two divisions of Jammu and Ladakh. According to an estimate done in 1989-90, central financial assistance to state has been more than Rs. 70,000 Crores (Rs, 700 billion). Again according to National Sample Survey, Kashmir has the lowest poverty ratio as compared to any state in India. Only 3.5 percent of Kashmir's population was below poverty line in 1999-2000. The national average was as high as 26.1 percent. Maharashtra is the second richest state in India, but its poverty ratio is 25 percent whereas Orrisa has highest poverty ratio at 47.2 percent.

Hindus in Kashmir, who formed the main support base of India in Kashmir and who were ceaselessly working for the consolidation of pro-India forces in the State, became enemies of Muslim fundamentalists of Kashmir. Within the broad framework of the special status envisaged by article 370, which isolated the State from rest of India, it was easy for the secessionist elements to infiltrate into administrative cadres of the State government. The Muslimisation of the various political and economical processes had begun earlier and the minorities in Kashmir were at the receiving end. State government changed the names of 684 villages, which had Hindu names by a Government Order No. REV.S.340 of 1981 dated 14.12.1981. There was almost total employment blockade of Kashmiri Hindus. Also their lands were taken away. For economical survival, a slow and steady migration of Kashmiri Hindus started.

At present, Muslims are ruling elite in Kashmir. They dominate the entire economic organisation and enjoy communal precedence in social forums. Islam is virtually the official religion of the State; they have three-fourth share in legislative bodies, administrative organisations and all the local government institutions. In the Kashmir province, Hindus have no elected representation in the local bodies. They constitute less than 5 % of the administrative services of the State and have less than 1 % share in higher cadres of the State administration. Muslim monopolise 94 percent of the State services in Kashmir. More than 90 percent of the admissions to professional, technical and other educational institutions are reserved for Muslims in one form or the other. In financial sphere, the Muslims own 96 percent of agricultural lands, orchards and other urban landed estates. They enjoy monopoly over the entire industrial organizations, trade and commerce, financial resources and exports of the province of Kashmir. Jammu & Kashmir State has three divisions – Hindu majority Jammu, Buddhist dominated Ladakh and predominantly Muslim populated Kashmir valley. Hindu minority has been uprooted from Kashmir. The following census figures for Kashmir Valley speak volumes:

Year	Muslims	Hindus	Others
1941	83%	15%	2%
1981	92%	5%	3%
1991	97%	0.1%	2.9%

Kashmir valley has a majority of Muslims, but does not mean that they alone have a right to live there. But Muslims can live in India where not the majority but practically the entire 86 percent population comprises of Hindus. No wonder, we have as many as ten million alien Muslims from Pakistan and Bangladesh living in secular India.

The future of the Hindus of Kashmir, their return to the homes, the physical security, political security and economic security in terms of ground realities prevailing in the State has not improved as claimed by few Kashmiri Pandits. They are welcome to Kashmir as tourists only, nothing beyond that. There is no doubt about the desire of the community of Hindus to return to Kashmir to which they actually belong, where roots and temples are and where is the mother of their culture and their history. At present the gun-culture, which has over-whelmed Kashmir for more than 15 years, has made no big changes. The political class is making use of this culture to make its point, reasonable or otherwise. This is true for elected government in the State as also the Hurriyat Conference. Once the gun-culture is cracked without any hesitation, the political class of Kashmir will see the light at the end of the tunnel and function accordingly. Peace will return to Kashmir only after terrorist guns are silenced. At our end, we have to develop a cohesive approach towards our political and economic rehabilitation. We need our representatives in Parliament and Legislative Assembly for our political survival. We have been sidelined by political parties, as we do not constitute a vote bank. In a democratic set up, vote-bank politics has become a compulsion for political parties. We must voluntarily seek mass enrolment in voter's list of Jammu & Kashmir and seek photo-identity cards from Election Commission. Secondly, we must get State Subject Certificate, so that we do not lose our identity.

We need economic development and a package for displaced community. We need share in the Central government aid of Rs. 24000 crores given to the State. Healing touch policy should be for victims of terrorism and not for terrorists.

Nothing has been done to improve the living conditions of the camps in the last so many years, resulting in high death rate and low birth rate of displaced community. Kashmiri Pandits have become forgotten people now. Their basic constitutional rights have been ignored. They need to be heard :

1. No decision or return of Kashmiri Pandits including employees to Valley should be taken without its deliberations with KP leadership.
 2. Involvement and consultation of Kashmiri Pandits in all Peace processes and discussion on Kashmir.
 3. Declaration of Kashmiri Pandits in exile as refugees.
- Let us join hands to improve quality of life of our community members. Let us co-ordinate and raise our voice and speak truth about Kashmir.
God willing, we will be heard.....

6.0 AUTONOMY AND MINORITY IN KASHMIR

In October, 1947, when Jammu and Kashmir acceded to India., the ruler of the State, Maharaja Hari Singh signed the same standard form of the instrument of Accession, which the other major Indian States signed. The accession of the State to India was not subject to any exceptions or pre-conditions to provide for any separate and constitutional arrangements for the state. Neither Nehru, nor Patel gave any assurance to Hari Singh or the National conference leaders that Jammu and Kashmir would be accorded a separate and independent political organization on the basis of the Muslim majority character of its population.

The demand for a separate political organization of Jammu and Kashmir, independent of the constitutional organization of India, was made by the National Conference leaders, when India and Pakistan accepted the Cease-fire in the State in 1949 and more than one-third of its territories were left under the occupation of Pakistan. The National Conference claimed rest of the state for the Muslim Nation of Kashmir.

The Conference leaders, indulged in double-talk, which later became the main feature of their political outlook and while on the one hand they accepted that they supported the accession of the Jammu and Kashmir State to India, they proclaimed the Muslims of the Sate as a Muslim nation in India, which had a right to freedom and choice to determine its future, irrespective of the instrument of Accession Maharaja Hari Singh had signed. Many of the Conference leaders openly claimed that the right of self-determination, embodied by the United Nations resolution, left the choice open for Muslims of the State to determine its future affiliations and the Muslims would in no case abnegate from the rightful obligation to exercise it. The Conference leaders, accused the Hindu communal forces in India, which sought to merge the state into the Indian constitutional organization to end the Muslim majority character of its population and bring about its subjection to the dominance of the Hindu majority in India. The Indian leaders were perhaps unable to perceive the real motives behind the damage and the duplicity of the conference leaders caused to the public mind in the state. Whereas the Muslims were gradually awakened to the awareness of a new future, which promised a second Muslim homeland to them in Jammu and Kashmir, after the creation of Pakistan, the Hindus and the Sikhs as well as Buddhists in Ladakh, were quickly led to the realization of their doom, which a second partition of India would unfold. In the Muslim homeland of Jammu and Kashmir, they would meet no better a fate than the Hindus and Sikhs had met in Pakistan and in the occupied Kashmir.

After a long deliberation a settlement was finally reached between the conference leaders and the Indian leaders. The Delhi Agreement of July 24, 1952 between Sheikh Abdullah and Jawahar Lal Nehru defined the relationship between the Union and Jammu and Kashmir. The agreement stipulated that Dogra rule would be abolished and the ruler would be replaced by an elected head of the State, who would be recognized by the President of India. The Jammu and Kashmir State would have separate national flag, a separate official language, and a separate national emblem. It was also agreed that the residuary powers would remain with the state and constituent Assembly would frame a constitution for its governance. The Hindus in Jammu constituting a majority in Jammu province protested against the Delhi Agreement, which they claimed amounted to the exclusion of the state from the Indian constitutional organization. The Praja Parishad reactivated its cadres for a civil disobedience movement, which they pledged to launch if the government of India did not put an end to the wide spread political uncertainty which prevailed in the state and integrate it with rest of the country. The Parishad emphasized that India was one nation and Jammu and Kashmir state, an integral part of Indian nation, could not be governed by separate constitution, by a separate flag and have a separate President.

Article 370 of the constitution was included in the temporary and transitional provisions of the constitution of India. Evidently, the special position accorded to the Jammu and Kashmir State was

presumed to be of a temporary nature and subject to change. It was, in fact, an act of limitation imposed on the application of the constitution of India to the state, after the state was included the first schedule of the constitution. The state was included in the First Schedule independent of Article 370.

The conference leaders were particularly opposed to non-application of the provisions of the constitution of India with regard to citizenship and fundamental rights to the state.

They disapproved of all forms of safeguards on the pretext that such safeguards would frustrate the resolve of the interim government to undertake economic, political and social reforms in the state. The reasons for conference leaders to resist the application of fundamental rights to the state were, however, different.

The right of equality and right to protection against discrimination on the basis of religion, the right to freedom of faith and right to property enshrined by the constitution of India conflicted with the Muslimisation of the state, the interim government had embarked upon right from the time it was installed in power.

After the interim government was instituted, and the Conference leaders secured undisputed mastery over the government of state, they initiated several measures, which had a devastating effect on the Hindus and other minorities.

- I. The conference cadres, under the cover of land reforms, to dispossess the Hindus of their land put a widespread land-grab into operation.
- II. All interests in property, industry, trade and commerce, transport etc. were extinguished in the name of nationalization of property to establish a class-less society, but in reality to exclude the Hindus and other minorities from Industry, trade, transport and commerce and forge a new, politically motivated Muslim middle class.
- III. An undeclared moratorium was placed on the entry of the Hindus and the other minorities into the employment of the state, to rectify the communal imbalances alleged to have been fostered by the Dogra regime.
- IV. The moratorium was extended to the admissions of the Hindus and the other minorities to educational institutions, grant of scholarships and nominations to institutions of higher and technical education outside the state.
- V. Hindus and other Non-Muslims were removed from any responsible positions, which they held, to exclude them from all decision-making bodies of the state government.
- VI. Islam was virtually recognized as the official religion of the state and all rational commitment to secularism was interpreted in terms of the 'principles of religious tolerance' Islam enshrined.

During the years that followed, the secessionist movement in the state gathered greater strength. A whole generation of the Muslim youth was socialized to the Muslim quest for freedom from India and the unification of the state with Pakistan. The autonomy of the state, envisaged by 'Article 370' provided the political context, in which Muslim separatism was recognized as a legitimate expression of Muslim aspirations to freedom.

The demand for 'greater autonomy' after 30 years of the Kashmir Accord between the Late Smt. Indira Gandhi and Sheikh Mohammed Abdullah on February 24, 1975 has once again brought into sharp focus the machination and double talk of National conference. The Hindus and the Buddhists expressed sharp disapproval of any compromise with the National Conference on the issue of autonomy. The Hindus of Kashmir, smoldering in exile, denounced the conference demand for the restoration of 1953, status, as a

tactical maneuver to prepare the ground for the separation of the Kashmir Valley and Muslim Majority regions of the Jammu Province from India, for which the inspiration came from several western powers. Interestingly, the Muslim secessionist forces and militant organizations expressed subdued disapproval of the demand of 'greater autonomy' reiterating their claim for self-determination, expressing doubts about the ultimate advantage, the autonomy of the State would provide to them.

The Creation of an Autonomous state of Jammu and Kashmir, placed outside the political organization of India, will go half way to substantiate Pakistan's claim on Kashmir with terrorists guns booming in the background. India will, sooner or later, be forced to accept a settlement, which is acceptable to Pakistan.

7.0 KASHMIR PEACE INITIATIVES AND REALITIES

In early seventies, Ping-Pong diplomacy brought the U.S. and China closer and recently cricket diplomacy has brought India and Pakistan closer together. Peace on the two sides of border, which has suffered all these years, has now generated deep and sincere goodwill and excitement among the people of India and Pakistan. Both the governments on either side of the border have started recognizing this ground reality and working step by step towards peace.

Kashmir has been at a boiling point since the birth of Pakistan. Factually the state of Jammu and Kashmir was carved out of the territories of the Sikh kingdom after the Sikhs were defeated in the first Anglo – Sikh war in 1846. The Dogra Rajput chieftain of Jammu Raja Gulab Singh paid the British war indemnity on behalf of Sikhs and in return he was recognized the ruler of new state of Jammu & Kashmir- including Ladakh. The British Government transferred all the mountainous territories with its dependencies situated to the eastward of river Indus and the westward of river Ravi, including Chamba and excluding Lahul to Maharaja Gulab Singh of Jammu. The Lahore State under the Treaty of Lahore ceded these to it. The treaty between British and Maharaja Gulab Singh took place at Amritsar on 16th March 1846 and is known as the Treaty of Amritsar. At a later stage Maharaja Gulab Singh had one more treaty with Lahore Durbar in 1847. He surrendered hilly areas between the Indus and Jehlem Rivers to Lahore Durbar in exchange of some parts of the plains of Punjab, which he annexed with his state. Earlier, Raja Gulab Singh's army chief Zoravar Singh had marched towards Tibet after conquering Ladakh and Baltistan. But he was killed on the banks of Mansarovar Lake during Dec. 1841. On Sept.15, 1842 a peace treaty was signed between the government of Raja Gulab Singh (Jammu) and the government of Dalai Lama (Lhasa), thereby making Ladakh a part of Raja Gulab Singh's empire. This treaty is usually known as 'Leh Treaty of 1842'. The Hindus in Kashmir had opposed British intervention in 1889, when Maharaja Pratap Singh 3rd Maharaja in the lineage was set aside by the British and the government of the state was taken over by them. Kashmiri Hindus were fearful of the British designs to depose the Dogras and hand over the state to Muslims. By 1891, Colonel Durand, as the head of Dogra and Gorkha troops, had reached the northern point of British rule, Misghar, occupying Hunza and Nagar also. In 1893, Queen Victoria made Pratap Singh Grand Commander of the Star of India. By 1905 Lord Curzon had stabilized relations with Afghanistan and created the Northwest Frontier Province (NWFP) and the British restored Pratap Singh his throne.

During the Indian National Movement, which primarily was an Indian struggle against the British for Independence also, gave rise to the Muslim movement in India for a Muslim homeland. In this connection several Congress and League leaders visited Kashmir. Jinnah spent the summer of 1944 in Kashmir. On May 10, 1944 he was accorded a reception by National Conference. Sheikh Abdullah described him as 'a beloved leader of the Muslims of India.' On the same day, in another reception accorded by the Muslim Conference in Srinagar, Jinnah directed Muslims of Kashmir to join Muslim Conference because "Muslims have one platform, one KALMA and one God ...I am a Muslim and all my sympathies are for the Muslim cause".

After the British government approved the partition plan of British India, Lord Mountbatten returned to India on May 31, 1947. In the crucial meeting on June 2, 1947, the Congress and the League approved the plan. On June 3, 1947 the partition plan was made public. The next day Mounbatten announced that the British would transfer power to India by August 15, 1947. He made another momentous announcement that day. The British Paramountcy would lapse with the transfer of power. Under the Indian Independence Act of 1947, accession of Indian states to India or Pakistan was by the completion and signing of the standard instrument of accession by the ruler and its acceptance by the Governor General which made it final.

Mr. Jinnah, in his statement of July 1947 confirmed the sovereign right of a ruler to accede according to his wishes. On the contrary, during midnight Oct.21-22, 1947 Pakistani - tribal hordes entered the state of J&K and forcibly occupied the strategic Kohala Bridge and the town Muzafarabad. They moved rapidly towards Srinagar with the help of Muslim soldiers of the state army who joined the invaders. The Maharaja of J&K state signed the Instrument of Accession to India on Oct. 26, 1947 and Lord Mountbatten, the Governor General of India sent his acceptance of accession on Oct.27, 1947. The accession of Jammu & Kashmir State imposed an obligation on the dominion of India to defend the state. That same day, airborne Indian troops were sent to Kashmir; which saved Srinagar and turned the tide against the invaders who had killed thousands of Hindus, raped women and destroyed huge amounts of property. Few men of the Indian soldiers of First Sikh who went to action that day returned home. Mountbatten proposed a UN supervised plebiscite in Kashmir to Nehru instead of all out war with Pakistan. In a meeting between the Governor-Generals of India and Pakistan on Nov.1, 1947 Mohammed Ali Jinnah rejected Louis Mountbatten's offer of a plebiscite in Kashmir as "redundant and undesirable." Jinnah claimed that accession of Kashmir to India was based on violence; Mountbatten replied "the accession had indeed been brought about by violence but violence came from tribesman for whom Pakistan not India was responsible." Jinnah declared that Kashmir was in his pocket. On same day, Gilgit Scouts, a local Muslim militia raised by British for the defense of Gilgit Agency revolted and declared the accession of Gilgit Agency to Pakistan. Major Brown, a British adventurer who commanded the Gilgit Scouts, hoisted the flag of Pakistan over the agency. The Governor of Gilgit, Gansara Singh was put into prison. The state army garrison at Bunji in Askardu, mostly Muslims, followed the Gilgit Scouts, opening the way for the invading forces of Pakistan which reached within a day to take hold of Baltistan. While the Indian armies were fighting back the invasion, the government of India proposed to the UN that they intervene to end the aggression committed by Pakistan against the Jammu and Kashmir state on December 31, 1947. The Security Council, in accepting India's complaint, did indirectly recognize the accession of the Jammu and Kashmir State to India. Deliberations in the Security Council led to the establishment of the United Nations Commission for India and Pakistan (UNCIP). The UNCIP resolution of August 13, 1948 accepted by both Pakistan and India provided for - I: -- a cease-fire, II-- a truce agreement which directed Pakistan to withdraw all its forces from the territory of the state of Jammu and Kashmir, and III-- only thereafter ascertaining of the will of the people of the state in a peaceful manner. After debates in the UNO, a cease-fire agreement was concluded between India and Pakistan, which came into force on January 1, 1949. The cease-fire divided Kashmir first into two, then into three. Jammu and Kashmir has a land area of 86,000 square miles and India splits it into three-- Pakistan, 39,000 square miles, and 17,000 control now 30,000 square miles by China. The valley of Kashmir, Poonch Town and the adjoining small areas of Kargil, Ladakh and Jammu regions are with India. The whole of Gilgit, a major portion of Baltistan and whole of Mirpur, part of Poonch and Muzaffarabad town are under forcible occupation of Pakistan. Some portion of the border Pakistan gifted to China. The treaty on the delimitation of the frontier between Kashmir and Sinkiang was signed in May 1962. Pakistan ceded territories to China. India protested and continues to claim them. The treaty stated specifically that "on the settlement of the Kashmir dispute between India and Pakistan, border areas might come under the control of a third state (China)." Apart from these territories of Kashmir granted to China by Pakistan, China remains in effective control of the Aksai-- Chin region. Pakistan directly controls the northern territories of Gilgit and Baltistan.

For Islamabad, Gilgit is of prime importance because the Karakoram Highway, which links Pakistan to China and Central Asia, runs through it. Also, the numerous glaciers in Gilgit make the area the world's second largest water resource apart from the poles. Pakistan is solely dependent on water that runs from Kashmir, so it is imperative to keep Gilgit and other water resources of Kashmir under control. The Indus waters treaty was signed in 1960. The treaty divided The Indus River Basin with Pakistan; Pakistan has control of the three western rivers – Indus, Jhelum, and Chenab – and India has control of the three eastern rivers – Ravi, Sutlej and Beas. The division provided Pakistan with 56% of the Indus catchment area and India with only 31%. The J&K State is rich in its water resources and has enormous hydropower potential. The Indus at the point it crosses the LOC has a yield of 11 million Aft (measure of water in reservoirs); Chinab 20 .6 million Aft and Jehlum 7 million Aft .The power potential has been estimated at

15000 MW which is equivalent to about 30 million tons of oil! Pakistan also objected to two ambitious projects that would have benefited Kashmir: the "Bhagliar Project" and the "Wular Barrage." In March 2003, the Prime Minister of Pakistan-occupied Kashmir, Sikandar Hayat said in a seminar that, "the freedom fighters of Kashmir are in reality fighting for Pakistan's water security." Recently, MS Sherry Rehman (Pakistan People's Party, member of the Foreign Affairs committee in Parliament) wrote in one of India's leading dailies, "Pakistan's interest in Kashmir arises not just from concerns about the right of Kashmiri self-determination, but also from hard-core territorial vulnerabilities on the apportionment of its main Indus water system, with India controlling the headworks...No government can survive in Pakistan with a potential water famine arising even partly out of Indian treaty violations ."

Justice Owen Dixon of Australia was an UN-appointed mediator between India and Pakistan over Kashmir from May to September 1950. His proposal was that inhabitants of each region in the pre-1947 state of Jammu and Kashmir would decide their own future by regional plebiscite and then partition accordingly. India and Pakistan rejected it both. The proposal for geographical delimitation and regional plebiscite in the valley was similar in part to one that Karan Singh proposed in 1964 when he was still Sadar-I-Riasat during 1952-64. The same year he became the Governor of J&K. Mr. Gunnar Jarring of Sweden in 1957 said in his report that one cannot hold India to the plebiscite promise after a such a long delay caused mostly by Pakistan's unwillingness to implement Parts A and B of the UN resolution of August 1948. Even UN Secretary --General Kofi Annan has accepted this position. He has said that the UN resolutions are no longer implementable because the resolution was meant to be applied to the entire state of Jammu and Kashmir including the areas of Pakistan-Occupied Kashmir and areas given by Pakistan to China. Unless those areas that had originally acceded to India were restored to it, a plebiscite under UN resolutions is unpredictable and unimplementable. The clock cannot be put back, one must look forward only. The two countries fought several wars over the region during 1947-48, 1965 and 1971 which led to the creation of Bangladesh, the Kargil misadventure in 1999 and the ongoing low-cost proxy war and high-cost limited war around the Siachen Glacier in North Kashmir. But these wars have not resolved the issue. The 1972 Simla Agreement between India and Pakistan stated with reference to Jammu and Kashmir: "In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by sides without prejudice to the recognized portion of either side. Neither side shall seek to alter it unilaterally irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line."

The agreement reached at Simla on July 2, 1972 is in fact a Peace Treaty and a culmination of the UN cease-fire of 1948 and Tashkent declaration of January 10, 1966. Few things have to be understood well, as one cannot protect his future without knowing the past. India is a secular democracy. It has more Muslims than Pakistan...Kashmir is older than Pakistan. Jammu and Kashmir has three regions. There is a Hindu-dominated Jammu region, Buddhist-dominated Ladakh, and Muslim-dominated Kashmir valley. The original inhabitants of the land, the Hindus of Jammu, the Buddhists of Ladakh, the Hindus of Kashmir, and minorities like Sikhs, Jains and even Shia Muslims want abrogation of Art. 370 and full integration of the state with the Indian union. They oppose second partition of India on the basis of religion, which they realize will upturn India. It is by and large Sunni Muslim community of the valley, which is supporting terrorism in the state. Muslims are ruling elite in Kashmir. They are responsible for uneven economic development of various regions of Jammu and Kashmir state and the misuse of central aid. It is an irony of fate that Kashmiri Hindus have become refugees in their own country and not heard either by the Central government or by State government; thus their future is dark.

The Jammu and Kashmir state enjoys special status under Art. 370 of the Indian constitution and has its own Constituent Assembly which unanimously adopted a new Jammu and Kashmir Constitution on November 17, 1954. The basic feature of the constitution is, "The state of Jammu and Kashmir, is and shall be an integral part of the union of India [Section 3]."

On February 22, 1994, both Houses of Parliament of India unanimously adopted a historic resolution regarding the state of Jammu and Kashmir, reiterating inter-alia the nation's resolve to resist "any

attempt to separate it from the rest of the country...by all necessary means " and declaring that "India has the will and capacity to firmly counter designs against its unity, sovereignty and territorial integrity." In spite of all these realities about Kashmir, there has been Track II Diplomacy, people to people dialogue, Indo-Pakistan cricket, cinema, and even health tourism. Simultaneously, there have been many peace proposals by different organizations and individuals to have permanent peace in Jammu and Kashmir state. Many people have advocated turning the LOC into an international border with small adjustments here and there for the lasting peace and prosperity of the state. The Dixon plan, Kathwari plan, and the Musharraf plans are similar, asking for a regional plebiscite and then partition accordingly. Kashmiri Pandits historic resolution for Homeland [Margdharshan ,1991], Prof. Balraj Madhok s Trification Plan, Arundhati Ray s Neelam Plan, and so on... There are examples of a "Good Friday" agreement that would entail an India–Pakistan inters –governmental commission, porous borders, and greater autonomy within Jammu and Kashmir. India and Pakistan would have to accept some version of joint responsibility. Another example is the Treaty of St. Germain on Sept. 10, 1919 that gave South Tyrol to Italy, despite German majority. The French province of Alsace-Lorraine was constantly caught in wars between France and Germany and changed its nationality four time. Sweden and Finland settled a tiff over the predominantly Swedish Aaland Islands under the auspices of the League of Nations on June 27, 1921. Finland promised to preserve Swedish language, culture, and local traditions.

Former Pakistan Prime Minister Benazir Bhutto said, 'While the concept of soft borders, territorial unity, or territorial settlement is not possible, the concept of social unity is possible.' The President of National Conference, Omar Abdullah, said, "We believe in soft borders between two parts of Jammu and Kashmir coupled with autonomy". Soft borders mean full flow of Pakistani nationals to J&K State. The Resettlement Act 1982 allows all those who migrated to Pakistan between 1947 and 1954 to return and claim their rights as Indian citizens. The Act also provides resettlement of all those who choose to return to state .The Act had been adopted by the State Legislature in 1982, but the controversial Act was referred to the then President Giani Zail Singh , who referred it to Supreme Court seeking an opinion about its constitutional validity.

There is strong feeling in Jammu that the implementation of the Act could bring more than 200,000 Pakistanis including descendants of those who were born in Pakistan and many those trained under the Taliban .It is unfortunate, Hindu and Sikh refugees who have been living in Jammu for more than 55 years have not been settled so far.

Of late, the Srinagar–Muzaffarabad bus service will bring the two people living on either side of LOC closer; they in turn will access each other's democratic freedoms, self–governance, land reforms and development of respective regions .It is unfortunate that people living on other side of LOC have not tasted much of these realities. Sardar Shaukat Ali Kashmiri, Chairman, United Kashmir People s National Party, and Secretary General, International Kashmir Alliance, while quoting the July 2004 report of the Human Rights Commission of Pakistan said, "fundamental rights such as freedom of movement, freedom of expression, freedom of assembly and freedom of association are often fringed. There is limited tolerance of divergent views. There are seven or eight political parties in Azad Kashmir but the State's constitution and election laws debar those who do not subscribe to the so-called accession of Azad Kashmir to Pakistan, from participating in election. Handpicked nominees of the military regime in Islamabad are thrust upon the people as the head of the government ,disregarding people's wishes." Comparatively, Indian side of Kashmir is much better off politically and economically. The only fear is that once people realize this fact, the terrorists will become panicky. Secondly, the bus service is primarily aimed at uniting divided families on the either side of LOC. There is hardly any valley-based, Kashmiri speaking divided family. So the cross-border bon – homie may become cross-border terrorism. At that point of time, it is the duty of the J&K police to check and curb terrorism in the state in the same manner as the Punjab police was the major factor in the cessation of terrorism and secessionism in Punjab rather than army. The army is trained to win wars; special efforts by J&K police and CRPF will be able to defeat terrorism.

The Pakistan government invited Hurriyat leadership to visit POK and other parts of Pakistan, most of who readily accepted. However, Pakistan has denied the visit of 10 leading politicians of the J&K State including Deputy Chief Minister Mangat Ram Sharma, PDP president Mehbooba Mufti, National Conference president, Omar Abdullah and others. All these leaders are from various mainstream political parties and elected representatives of the people of state. It is unfortunate, that at the insistence of Pakistan, Hurriyat, an amalgam of Pro-Pakistani groups which is sponsored, aided and patronized by Jihadis as well as by Pakistan's government is given undue preference. Hurriyat leaders have never ventured to fight any of the elections but have become a powerful weapon in Pakistan's armory. Former Pakistan Prime Minister Choudhary Shujat Hussain publicly said Hurriyat leaders alone were not the representatives of the Kashmiri people. Pok prime minister Sikandar Hayat Khan, responding to queries in the state assembly on June 24, 2005, said All Parties Hurriyat Conference led by Mirwaiz Molvi Umer Farooq came from a specific area and there was no one from Jammu and Ladakh divisions. "We cannot blindly leave our fate in the hands of others. How can we accept any decision on Kashmir by those who do not have unity and unanimity among themselves and lack representation of all regions?" One truth came to light while Hurriyat leaders were in Pakistan. At a function in Islamabad on June 13, 2005 Yasin Malik, Chief of the Jammu Kashmir Liberation Front had said, "I would say that in the initial days of the Kashmir movement, the guy who had a front role was he (Sheikh Rashid Ahmed, Pakistan's information minister). Nobody knows that when we were brought on this soil, about 3500 boys were accommodated at his farmhouse."

Successive central and state governments have sidelined pro -Indian and patriotic Kashmiri Hindus. They have no role in the on-going peace process or in any dialogue; they are at the receiving end fighting a grim battle for their SURVIVAL within and without Kashmir. All patriotic forces of the state have to consolidate themselves and play vital role in on-going peace process.

The bus journey from Srinagar to Muzaffarabad is merely the start of a long and much awaited Peace journey.

8.0 KASHMIR AND RELIGIOUS DEMOGRAPHY

Census of India 2001

The idea of population census in India is very old. In ancient India from times immemorial some estimates of population was recorded in different manuscripts and scriptures. Rigveda records a 'Low Density' population in and around villages. Where as 3000 years BC, we had 'high density' population during Harappa and Mohenjodaro civilization. When Alexander came to India (327 BC) the population density was still higher. Chandergupta Maurya had an army of 700,000 soldiers. This clearly shows that there was some system of census in India with details of civilians and soldiers. Kautilya's Arthashastra details population statistics for purposes of taxation. It also elaborates methods of conducting population, agriculture and economic censuses. During the Mughal period the ownership of land, land revenue and population census were also maintained. However, during British rule, census operation picked up gradually.

From the time of East India Company, there had been growing need for population statistics for tax purposes. The British Parliament was also keen on the estimates of population in the overseas territories. Between 1816 and 1839, some efforts were made to estimate populations of India. There are some records available e.g. Ward and Conner's 'Memoris of the Survey of Travancore and Cochin State' (1816-1820), Sir John Malcolm's "Report on the Province of Malwa and Adjoining Districts" (1822), R. Montgomery Martin's 'Compilation, Statistics on the colonies of the British Empire' (1839) etc. But it was in 1865 that the Government of India and the Home Government agreed in principle that a general population census would be taken in 1871. The actual collection of the data for this census was done from 1867 to 1872. This census is usually known as 1872 census which, provided important economic information and comprehensive record of Religious Demographic data. However first complete census of the Indian population was conducted in 1881. The year 1881 is watershed in the history of Indian census. Since then census has been conducted after every 10 years. In the history of Indian census of 130 years, only twice census operations have been suspended in the parts of the country. Assam in 1981 and Jammu and Kashmir in 1991. Census operations were not suspended in 1941 in the midst of World War II nor in 1951 soon after partition. After Independence, the Census Act was passed in 1948. In 1949, the Government of India took two important decisions (1) to initiate steps for the improvement of registration of vital statistics (2) to establish a single organization at the Center under the Registrar General to deal with vital statistics and census.

India has distinction of being the land from where certain great religions of the world namely - Hinduism, Buddhism, Sikhism and Jainism originated. Muslim and British rule brought Islam and Christianity to India. The Muslim rule in India lasted for 567 years (1190-1757) and British rule lasted for 190 years (1757-1947). During 757 years, the population of Muslims has risen from 0.4 million in 1200 to 9.5 million in 1947. The population of Muslims in this period has grown to 25 percent and Hindu population has fallen from 100 to 75 percent. After Independence also, the growth rate of Muslims during 1947-2001 has been higher than the growth rate of Hindus. Muslim population has risen from 9.5% to 13.4% and Hindu population has fallen from 86.64% to 80.5%. The Indian population stands at 1028 million in 2001, against 347 million at the time of independence i.e. almost three times of 1947 (August) estimates. Incidentally, demographics and economics have changed social equation. The Indians below 34 years are 728 million almost 70% of the total population. There is a major young force in making and the country has its social responsibility. There is hardly any representation of young members in Parliament. Out of 543 sitting Lok Sabha members, only 12 are born after 1970. Although literacy rate has gone up and stands at 64.8 percent, but the poverty ratio stands at 36 percent and 100 million are unemployed in the country despite economic growth (GDP growth of 6.1 percent a year during 1990-98, according to National Accounts, NAS) whereas China's poverty ratio of 4.6 percent has been achieved in 1998 itself despite of its population growth.

The menace of population explosion is very grave in our country. The sooner it is curbed better it is. Global research shows that fertility drops when women enter the work force and earn money. Once a woman starts earning, having a child means a temporary stoppage of income, hence they opt for smaller families. Empowered Women the world over give more attention to education, health and small families. The Times of India (Sep. 7,2004) records : "Here is India by the numbers, And by religion. Hindus continue to comprise an overwhelming majority of the country 80.5%, although their growth rate has declined by 4.5% in the period 1981-91 to 1991-2001, from 25.1% to 20.3%. Muslims account for 13.4% of the population, but their growth rate has nudged up by 1.5% from 34.5% to 36%. In other words, for every Muslim there are Six Hindus in the country".

The National Commission for Minorities has observed that conversion to Christianity has taken an alarming proportion in North - Eastern States. In Tripura, during 1991-2001, the Hindu population grew by 15 percent, while christian population grew by 121 percent. In Meghalaya according to 1991 census, the christian population was 11,46,092, within a span of 10 years, the number rose to 16,28,986. The increase was 4,82,894. In Mizoram the population increase was 1,81,467. NCM report describes the following facts :-

- From 1991 to 2001, the growth rate of Christian population was 22.6 percent. At present the Christian population is 24 million, i.e. 2.3 percent of total population.
 - Nagaland, Mizoram and Meghalaya have the highest percentage of this community - 90 percent in Nagaland, 87 percent in Mizoram and 70.3 percent in Meghalaya, 25.2 percent to total population is in Kerala.
 - There are eight states where Christian community exceeds one million - the states are Kerala, Tamil Nadu, Nagaland, Meghalaya, Andhra Pradesh, Jharkhand, Maharashtra and Karnataka.
- According to National Family Health Survey (NFHS) during 1998-99, 17.9 percent of Hindus have a low standard of living as compared to Muslims who are only 12.9 percent female literacy rate of Hindus is 86.7% where as Muslims is 85.5%, almost same.

Religious demographic changes have changed the destinies of many countries, leading to large scale killings, abduction, destruction of religious places, uprooting of millions of people and unspeakable violation of Human Rights. Religious intolerance made Parsis to leave Persia (Iran) as early as in 13th century. In Soviet Union before its collapse, the Muslims sustained a birth rate of five times that of non-Muslims. While Muslims constituted only 16 percent of Soviet population, they counted a 49 percent increase in the total population between 1979-1989. (The demographic of Islamic Nations, p 13). Similarly, Lebanon turned from Christian - majority to Muslim - majority state by the higher birth rate of Muslims. (Ann Sheety Report 1990, p 15). It is a world wide fact that any increase in Muslim population invariably leads to violent struggle for Independence, secession or division of parent country. That has been the history of India, Lebanon, Bosnia, Cyprus, Chechanya and many other countries. In 1947, Hindu population in West Pakistan was 23 percent and today it is less than one percent and Hindu population in Bangladesh (East Pakistan) was about 30 percent and now it is hardly 7 per cent. Afganistan has largely become Hindu-less so also Kashmir. Muslim fundamentalism and terrorism is fast spreading in India. Even Christianity is making in-roads in North-Eastern States, mainly by conversion. This is very dangerous for the integrity, security, unity and future of the country.

Population is no doubt a very powerful factor in democratic politics. The delimitation of constituencies and re-adjustment of seats in the state legislatures and Lok Sabha every ten years are based primarily on census data. But in India, vote-bank politics has become dirty game. Kashmiri Hindus who are living refugees in their own country since 1990, and donot constitute a vote-bank have become victims of this trend. Frankly speaking, Kashmiri Hindus have a long history of persecution, torture and unending sufferings. There were about 8 Lakh Hindus living in Kashmir during Hindu rule till 14th century. With the advent of Muslim rule the situation changed drastically. During the period 1339 to 1819, there was large scale persecution of Hindus and forcible conversion. Maharaja Ranjit Singh conquered Kashmir from

Pathan's in 1819. Within four months of Sikh rule census was conducted in Kashmir. The census figures of population are alarming. The population stood at 6 Lakhs and out of that only 28,000 were Kashmiri Pandits rest were converted or decimated.

Prof. Buhler published a fascinating thesis on Kashmiri Pandits in his report in 1877, the extracts (13) "The Brahmins or Pandits, as they are usually called, are the only native of Kashmir who have preserved their ancient faith, while all the other castes have embraced Mohammedanism. Their number probably does not exceed 40,000 to 50,000. Babu Nilambar Mukarji told me that a late census of the town Srinagar had shown 24,000 for the city, and that the remainder of the country probably did not hold more than the same number". According to 1931 census Kashmiri Hindus were 63088 and 1941 census records 78,868 and total population was 17, 28, 705 in Kashmir Division.

After Independence, census figures of Kashmiri Hindus were by and large manipulated. The 1971 census recorded the number of Hindus in Kashmir at 1, 11,311 and 1981 census at 1,23,828. Thus the population of Hindus in Kashmir Division registered only 6.75 percent decadal growth during 1971 - 1981, as against the growth rate of 27.29 percent as a whole. There was no census in Jammu and Kashmir in 1991. The census of Jammu and Kashmir in 2001 shows total population - 10,143,700. Males 5,360,926 and females 4,782,774. sex ratio 892 per 1000 males, whereas Kashmiri Hindus total 1,00,962. Male 90,870 and female 10,020! These census figures of Kashmiri Hindus are inaccurate and totally distorted with unnatural and abnormal sex ratio. The figures have been deliberately kept vague. The district wise break up of Hindu population in Kashmir valley is as follows :

Name of District	Total Population	Male	Female
Kupwara	12708	12419	289
Baramulla	15191	13691	1500
Srinagar	48853	43262	5591
Badgam	6533	5988	545
Pulwama	6088	5242	846
Anantnag	11589	10340	1449
	100962	90942	10020

During 1990, there was ethnic cleansing of minority community from Kashmir valley. Kashmiri Hindus took refuge in Jammu and other parts of the country. Government of Jammu and Kashmir started registrations of displaced families at Jammu which was conducted by other state Governments as well. In Jammu division total number of 28561 families got registered. Out of these 25215 were Hindus families and 21199 families were registered else-where in the country. Almost equal number of families could not get registered due to official apathy and many with firm belief that they have to return back soon to their homes. At a later stage Kashmiri Hindus approached National Human Right Commission with a list of fresh registration but it is still kept in abeyance. About 50,000 families are already registered and a large chunk of families are still lying un - registered. As such there are about 100,000 families comprising about 500,000 Kashmiri Hindus taking an average of 5 persons per family who are lying dispersed throughout country. Another fact recorded in census 2001 (Jammu & Kashmir) is shown below :

	Total	%
A. Number of census Houses	2,768,552	100.00
A-1. Vacant census Houses	240,003	8.7
A-2. Occupied census Houses	2,528,549	91.3

This is a factual position that most of the vacant census houses belong to Kashmiri Hindus. Hence the number of persons who have been hounded out is much more.

There should be a National Register which will account for total number of persons of Kashmiri origin and properties left behind. Secondly, till Kashmiri Hindus return home they should be treated in the same manner and on the same analogy as for the people of Sikkim as per Article 371 F (f) of the Constitution which states "Parliament may, for the purpose of protecting the right and interests of different sections of the population of Sikkim make provision for the number of seats in legislative Assembly of the state of Sikkim which may be filled by candidates belonging to such sections and for delimitation of the assembly constituency from which candidates belonging to such sections alone may stand for election to the legislative assembly of the state of Sikkim". Similarly Art 331 and Art 333 provide nominations of representatives of Anglo-Indian Community in parliament and legislative assemblies. President nominates not more than two members of the community to the Parliament and state governors nominate one members of the community to the assembly.

Kashmiri Hindus have time and again demanded that every Kashmiri Hindu should be registered and photo-identity cards issued to all such persons so that their identity and state subject will not get ablated. Recently, they have started this practice them-selves and needs Government's support. Census 2001 is on eye opener, every citizen of this country needs to be registered and issued photo-identity card so that millions of Pakistani and Bangladeshi nationals who are illegally living in India can be identified and sent back to their respective lands. This is very important to save India from further religious demographic imbalance.

Kashmiri Hindus despite of having suffered untold miseries, in the past have maintained distinct community features. Kashmiri Hindu is a class-less society of Brahmans without any further caste and creed. A Kashmiri Hindu farmer, a trader, a doctor, a teacher, and an advocate an employee everyone is of the same class i.e., "Kashmiri Pandit". Perhaps this is the greatest strength of its survival! The Class-less society will be boon for Indian Society as whole.

9.0 TEMPLES OF KASHMIR

ORIGIN OF TEMPLES

According to Hindu Dharma , time is divided into four 'yugas' namely 'Satya Yuga' , 'Treta Yuga' , 'Dwapara Yuga' , and 'Kali Yuga' . It is said in the 'Puranas' 'Satya Yuga' -- Age of perfect virtue, there were no temples , for the Gods appeared to the people and helped them directly . In the second Yuga namely 'Treta Yuga' , virtue diminished in quality and effect, the Gods appeared in their normal forms to the virtuous and in the ionic forms to others. There were no temples. The pious sages installed ionic forms in their own homes and worshipped them. In the third Yuga, 'Dwapara' , when virtue and vice almost vied with each other with equal ardour, the sages installed ionic forms in remote jungles and built shrines over them for the benefit of the pious. In the final and present stage, 'Kali yuga' , when vice dominates over virtue, need for the temples was found for people to worship, since it is only the presence in an ionic form that people could seek communion with Gods and invoke their blessings.

The Hindu temples are the abodes of God, where man and God commune. In the Hindu temples 'Param Parmeshwara' is worshipped in forms . The Hindu temples are not prayer houses. In the temples people worship God in its ionic form and establish communion with the absolute being. Hindu Dharma does not accept of any unbridgeable distance between God and man. Infact the whole concept of realization and the unity of the ' Astitiva,' in man and the absolute being God is the essence of the Hindu Dharma. Devotion in Hinduism is known as Bhakti. It is the essence of worship in the temples. Bhakti assumes expression in temples, where the bond of love, is reflected in form of divinity. Hinduism views existence as composed of three worlds . The first world is the physical universe, the second world is the subtle astral or mental plane of existence in which "Devas" or angels live. The third world is the spiritual sphere of the 'Mahadeva', the Deities , the Gods. The path of Karma is of two kinds. The first is Vedic 'Karm-yoga' where all actions are without the desire for fruits thereof. The second kind is 'Tantric Karmyoga' wherein the mind by worship, salutation and the like becomes riveted on the Lord. The first is possible only for those with greater stability of mind, while the second is accessible to all and easy to start with. It is this second kind that is known as image worship in Hinduism. Image worship is considered to be one of the best aids to realization. This worship is called ' Puja ' . Devotees behold the Spiritual presence of their divine Lord in the holy image . Worship is a direct link between the man and Master. It is the voice of the soul. Grace is received from the God when one is consistent in his worship, consistent in discipline, consistent in Bhakti and consistent in devotion. With such a foundation in life, a great Shakti, a force or power, will come from the Lord. This is grace. It is uplifting. It comes unexpectedly. When grace comes, your mind may change and your heart may melt. Your sight will become clear and penetrating. Many have prayed and been answered! Each form attributed to a Hindu god is a symbol of philosophical ideas. Hindu iconography is a perfect science connecting art and religion. The conception of Nataraja is the greatest work of religious art in the scientific world. The dance of Shiva represents the rhythm and movement of the world spirit. One can witness the dance of Shiva in the rising sun, in the waves of the ocean, in the rotation of the planets, in the lighting, in the thunder and in cosmic ' Pralaya' . The whole cosmic play or activity or 'Lila' is the dance of Shiva. All the movements within the cosmos are His dance. Without Him, no one moves. He dances quite gently. If He dances vehemently there will be 'Pralaya' . He dances with eyes closed, because the sparks from His eyes will consume the entire universe. A great seer has written that "the dance of Lord Shiva takes place in the heart of every individual." Temples are the cradles of the Indian culture. Science and Arts in ancient India have originated and flourished mostly in temples. Indian society is basically temple oriented. Worship of the holy image is morally purifying, aesthetically charming ,emotionally satisfying and spiritually elevating. Regular worshiping in temples [Mandir] with faith and devotion can pave the way for 'Moksha' or release of the soul in its embodied state from all its physical, mental , temporal ,spatial and causal limitation . People who attend temple regularly , tend to feel better than those who do not, are less prone to stress and have happier

marriages, says a report published in September 1998 by a federal agency of Canada . The report is consistent with other researches indicating Bhakti to be beneficial for mental health . Mahatma Gandhi said that "Mandiras and images remind us to renew our renunciation and dedication from day to day life."

In India the worship of Lord Shiva and the Shakti is indefinitely old . The worship of Vishnu is perhaps more modern . In between is the worship of Sun God and 'Ganesha'. We find monumental Sun temple of Konark in Orissa , Modhera in Gujarat, Katarmal in Almora and unique , magnificent Sun temple at Martand in Kashmir. In Rigveda ,Sun is termed as the eye of the universe, which oversees all happenings. It is also the source and sustainer of life on earth. Sun-god or Surya was worshiped by Muni. He has ordained that Vedic Mantra Gayatri, addressed to Sun-god as Savitr, be muttered while standing in the morning facing east till sunrise and in the evening in a sitting posture facing west till stars appear in the sky. But the worship of Sun in temples could not last long. 'Ganesha' worship is quite common .Ganesha, the son of Lord Shiva and goddess Parvati is a god to whom every Hindu offers worship on every auspicious occasion. In any Yajna first of all Ganesha is invoked and worshipped. He is the bestower of prosperity and remover of obstacles. He is the Lord of intelligence and accomplishment. The origin of Shiva worship in India is untraceable. The number of Shiva temples from Kashmir to Kanyakumari surpass all temples put together. According to Rudra-Hridaya Upanishad, the combination of Uma and Sankara is known as Vishnu. In the universe, the males represent Maheshwar and females represent Bhagwati Uma . The apparent universe is in itself the form of Uma and non-apparent universe the form of Maheshwar. The union of apparent – Uma and non-apparent Shanker is known as Vishnu. The word Har +e becomes Hari . Shakti is nothing but purified Buddhi of man which perceives the whole cosmology as manifestation of Shiva Himself. Shiva and Shakti are inseparable, like moon and moonlight.

Many religious and spiritual leaders have stressed the importance of religion and temples. Swami Vivekananda has said the greatest source of strength for any society is in its faith in God. The day it renounces such faith will be the day that society begins to die. By introducing collective Ganpati Puja, Lokamanya Tilak aroused a unique sense of cultural and national awareness among the people which helped greatly in achieving our independence. Similarly, Kashmiri Pandits launched a major agitation during 1967, to restore a girl, from Shital Nath temple.

ANCIENT TEMPLES OF KASHMIR

"Kashmir ---land of pilgrimages.... It would require endless space to attempt to give list of places famous and dear to all Hindus." Wrote Sir Walter Lawrence in his 'The valley of Kashmir'. Kashmir is full of temples,shrines and pilgrim centers of pilgrimage or 'Teertha'. Almost every mountain peak , cave and spring has a temple dedicated to Lord Shiva and the different forms of Divine Mother Bhawani . Similarly , different temples are on the two banks of river Vitasta (Jehlem). Kashmiri Pandits are known for the worship of Shiv-Shakti .

Temples of Kashmir exhibit unique and distinctive architecture suited to its geographical and climatic conditions. The main features are (1) The temple faces east or west. (2) The temples have straight-edged pyramidal roofs in two tiers instead of the curvilinear superstructure of the southern temples. (3) The triangular pediments enclosing trefoil niches, is on all the four sides of the main shrine. (4) The double-chambered gateway matches the central shrine in scale and design. (5) The cellular layout with the row of pillars is also a peculiar style not found elsewhere. The temple building was a ritual and every stone laid was consecrated to God by the holy chant of the Brahmins. The temple at Lodhau situated 20 kms from Srinagar is in midst of a spring . This temple is said to be the earliest remaining stone structure. There are many more temples which are either in a spring itself or adjacent to it, but most popular and sacred is at Tulamula, dedicated to Maa Ragina. A great phenomena observed here is that the colour of the water of the spring changes occasionally with time .There is great faith among the devotees that changing of colours indicate impending good or bad coming days. In Kashmir a Chinar known as "BOUIN" a broken word of Sanskrit " BHAWANI", the Goddess who is worshipped by all, is largest , coolest and healthiest tree . Its large hollow trunks have been used by meditators for meditation

over time. The chinar is considered sacred and planted generally at places of worship. The next stage of temple development is found in the temple at Narsathan, in district Pulwama, 40 kms. from Srinagar. It has triangular canopies, sunken trefoil niches and the enclosure wall with a prominent gateway. Dr. Ernst Neve, the famous medical missionary of Kashmir, observed "Ancient India has nothing more worthy of its early civilization than the grand ruins of Kashmir which are pride of Kashmiris and admiration of travelers. The massive and elegant in architecture may be admirable in parts of India but nowhere is to be found counterpart of the classically graceful yet systematically massive edifices as in Kashmir temple ruins." The famous Shiva temple known as Shankaracharya temple stands in the heart of Srinagar on the hill top of 'Gopadari', overlooking the famous Dal Lake of Kashmir. It was built by king Gopaditya who reigned Kashmir from 308-328BC. The temple is on a high octagonal platform and approached by an imposing flight of steps. The temple has a low parapet wall, inner side of which has the recesses. The shrine is circular inside. The most powerful Hindu ruler who ever ruled Kashmir Lalitaditya (701-737AD) built a number of new towns with great temples. Pandit Kalhan writes in his Rajatarangini "There is no town or village, no river or lake, no island where the king did not build a sacred foundation." He built the famous and elegant Sun temple at Martand and Parihasakesva at his capital Parihasapura. The Sun temple of Martand is a wonder in stone. Lalitaditya is said to have built four Vaisnava temples—the Muktakesva, Parihasakesava, Mahvaraha and Govardhanadhara besides a Buddhist monastery and a grand caitya. Once an important center, little of it remains now except the plinths of a Buddhist monastery, a caitya that once enshrined a colossal Buddha image and a great stupa. In fact, he had as his prime minister a Chinese Buddhist named Tsiang-Kiun whose name translated in Sanskrit, was Cankuna. The prime minister constructed a lofty stupa and gold images of Jina (Buddha). A gigantic statue of Muktakesava (Vishnu) was made of gold weighing 84,000 tolas (980 tonnes)! Another statue of Parihasakesava was built with 3,36,000 tolas (3,919 tonnes) of Silver. Lalitaditya built another colossus of Buddha with 1,01,64,000 tolas (11,855 tonnes) of bronze. The second golden age of temple building was during rule of Avantivarman (855-883AD) the founder of Utpala dynasty. The king established his capital at Avantipura and built two temples one dedicated to Shiva and other dedicated to Vishnu. The Shiva temple is of the panchayatana type, with the main temple at the center of the Court and four subsidiary shrines at the four corners of the main sanctum. Vishnu temple repeats the plan of Martanda on a smaller scale. The final refinement of form and a more polished look is seen in temples built by Sankarvarman (883-902AD) who succeeded Avantivarman. He shifted his capital to Sankarabattnam (Pattan) and built two temples, Sugandhesa and Sankaragaurisa. These structures reveal a refinement in handling of material, treatment of ornamentation and have a more polished look. By the beginning of the 10th century, the growth of style had come to an end but small shrines continued to be raised. Among the surviving temples of this period, one at Buniar is still preserved. There was a tradition in Kashmir of building temples of wood also. But there is not a single surviving ancient wooden temple. While concluding "Kashmir and Related Schools" in "The Art of Ancient India" Susan Huntington records "The Buddhist and Hindu art of Kashmir came to an abrupt end when the Muslims became the dominant political force in the region around 1339, when Shah Mirza, a Muslim adventurer, overthrew the Lohara dynasty and major patronage was no longer available."

SARADA TEMPLE

*NAMASTE SARADA DEVI, KASHMIRPUR VASANI I
TANWA AANH PRARTHANAY NITY, VIDYA DAAN DEHMAY II*

O, Goddess of Learning, Sarada, Your Abode Being Kashmir, II, Salute Thee and Pray You Always To Bestow Knowledge Unto Me"

In the ancient times in Kashmir, there was a great temple called Sarada or Saraswat temple. In the temple premises there existed one of the best manuscripts on Saraswats and their way of living. According to Prof. Bhuller, the manuscript of Kashmir were found in this very temple. Kashmiri Pandits are offspring of Rishis and belong to the order of Brahmins, the Saraswats. Kalhan's Rajatarangini records in the chapter 'The Shrine Of Sarada' as "The temple of Sarada rises in prominent and commanding

position above the right bank of the Madhumati on the terrace-like foot of a spur which descends from a high pine-clad mountains to the east . Immediately below this terrace to the North West is the spot where the waters of the Madhumati and the Kishanganga mingle . There, on a sandy beach , the pilgrims perform 'Shradhas' to their ancestors. From the height of the staircase, which forms the approach of the temple from the West, an extensive view opens . To the South East, the valley of the Mudhumati is seen narrowing gradually into a gorge between precipitous spurs through which passes the direct route to Kashmir . In the North East from where the Kishen ganga flows, successive ranges of barren steep mountains with snowy peaks behind them seem to close all passages . To the North , a narrow chasm in the rocks marks the debaucher of the Sangam river, the Kankatotri of the map , which flows from the mountains towards Cilos and falls into the Kishenganga a short distance above the Madhumati." It is the Saraswati of Kalhan's description, still known by that name to local traditions. Excerpt from the news report in The Daily, Nov. 12, 1999, "The Saraswati emerged as a mighty river from the Himalayan glaciers about 10,000 years ago. It coursed through north-western India and drained into ancient Arabian Sea before vanishing into oblivion after 4,000 years of glorious existence." According to ' History Of The Dakshinatya Saraswats 'Saraswats are from the banks of the Saraswati.... This river is found to be more important in vedic period than other rivers including the Ganga . The Vedas were composed ` mostly on its banks and it is described as the most mighty river .The veda describes her as "limitless, undeviating, shining and swift –moving." The Vedic Brahmins were Kashmiri Pandits and are identified as belonging to the group of Saraswat Brahmins. Saraswati called Sarada is the goddess of learning , music and beauty. Sarada in Sanskrit is an appellation for Saraswati as well as Durga . It is said that goddess Sarada esponded to prayers descended on the peak facing the Madhumati - Kishanganga in Kashmir to ensure 'Bhoga' and 'Moksha' for the 'Sadhakas'. The goddess enables its worshippers to be both creative and communicative so as to understand religion and its philosophy. Sarda temple became epicenter of religious philosophy.

Kashmiri scholar, Bilhana fellow – poet of Kalhana mentions in his description of Pravarapura (Srinagar) about Sarada tirath Shrine and Sarada Peet as great center of learning. He left Kashmir in 1066AD during the reign of king Kalsa (1063 to 1089) to become chief pandit of Karnata (Mysore). Bilhana has mentioned this Shrine with great devotion and Jain Scholar Hem Chandra (AD1088-1172) has also mentioned in 'Prabhavakacarita' about this great temple. Another reference to Sarada by Jonaraja , a writer of 14th and 15th century 1389-1459 AD who updated Rajtarangini mentions in his chronicle, Zain-ul-Abidin (Badshah) visited shrine , in 1422 AD to witness the miraculous manifestations of the Goddess. In 16th century , Abdul Fazl writes , " At two days distance from Hayahom is the river named Madhumati, which flows from the Darda Country. On its banks is a stone temple called Sarada, dedicated to Durga and regarded with great veneration. On every eight tithi (Ashtami) of the bright moon, it begins to shake and produces the most extraordinary effect." Kalhana indicated the exact location of the shrine where, in course of time, " a huge temple complex came up." Some chronicles mention presence of an idol of Sarada made of wood inside the temple The shrine of Sarada stands on a hexa-angular Spring (19'-13') which is covered with a stone slab .The temple had been surrounded by a wall 11 feet high .The main temple stood in the middle and in architecture, it resembles Kashmir Temples. It had a square plinth , 24 feet in length .From ground level, it was 5 feet high. The temple door faced the setting sun. One had to traverse stairs to enter the temple. The stair was 5 feet wide . A 4 feet varanda supported by two pillars lead to the door. The pillars were 2 feet 4 inch square and reached a height of 16 feet. The prayer room of temple was 12 feet 3 inch square . In the middle is the covered spring .This is the place where devotees worship and the sacred spot where the goddess appeared in her divine form is marked by a stone slab 7feet long, 6 feet wide , half a foot thick. The stone is supposed to cover a 'Kunda' or spring from where the goddess rose and gave Darshan to Muni Shandalya then finally vanished in. The saint Shandalya with Maa Saradas blessings became great Rishi and Gotra Pravartak. He composed many hymns and wrote stotras on Sarada Devi. This seat and Sri Chakra are worshiped in the shrine. Sri Chakra form of Mother Goddess, in her form of Shakti, is associated with Chakrashwari (Hari Parbat). Sri Chakra is worshiped at Hari Parbat also in the cosmic form of Divine Mother. As per our religious scriptures this form is cosmic yoga of the Goddess, tantric in nature, which is adopted while fighting evil. Close to temple there had been a great center of learning as Sarada used to be the abode of scholars

and Pundits of high vedic learning .Adi Sankara had also visited this temple. There he vanquished many learned disputants and seated himself triumphantly on the throne of omniscience. The famous Vedanta scholar Acharya Ramanuj also visited this temple and great place of learning in 12th century AD. Dr . Max Mullar, the great German Sanskrit scholar writes, it was the only Sarada learning center in India where there was arrangement for teaching Indian philosophy which we call six systems of Indian philosophy. A prestigious education center based on Gurukul system flourished here. When and who built this grand and majestic temple at Sarada remains a mystery .The temple was repaired by Maharaja Gulab Sing under whose orders Col. Gundu , the Zildar of Muzaffarabad erected a shingle roof over the temple for its protection. The Maharaja also settled a small bounty of seven rupees "chilki" per mensem on the family of Gotheng Brahmins who claim the hereditary guardianship. This holy shrine is situated between 34 degrees 48' North and 74 degrees 14' East longitude, on banks of Kishanganga now called Nelam in Pakistan. It is about 100 kilometers from Srinagar and is situated at a height of about 3400 meters. The shrine is now in Pakistan occupied Kashmir. The pilgrims approached it through two principal routes of Kupwara and Muzaffarabad (POK). Nobody has visited this holy shrine for a long time now.

Shakaracharya Temple

One of the oldest stone temples of Lord Shiva in Kashmir is Shankaracharya temple. It is located in Srinagar on a hilltop about 1000ft above the ground level, overlooking Dal Lake with beautiful surroundings. Swami Vivekananda visited Srinagar in 1897.He described this most conspicuous temple : "Look ! what genius the Hindu shows in placing his temples !He always chooses a grand scenic effect ! See, the hill commands the whole of Kashmir."

The temple was originally built by King Sandhiman of the Gonanda Dynasty of Kashmir in (2605-2540 BC) . He gave the name "Jeshteshwara " and the hillock "Sandhiman Parbat". According to Dr. Stein, King Gopaditya (369-309 BC) repaired the temple and the hillock was re- named "Gopadari" or Gopa Hill. However, the name of the temple remained unchanged. King Lalitaditya (701-737 AD) repaired it again. The temple is a massive stone structure built on a high octagonal plinth about 30 feet high. The basement is of 13 layers of stone and is about 20 feet high on the solid rock. The square building of the temple is supported by the basement. It has 84 recesses on its exterior and is surrounded by a parapet enabling devotees to have the Parikrama of the temple. The stairs leading to sanctum sanctorum number 36, first flight of 18 steps followed by 12 steps and again followed by 6 steps on either side of the landing terminating the second flight. The present structure, the interior of which is about 4 meters in diameter, is said to have been built by an unknown Hindu devotee during the reign of Emperor Jahangir. The original Shiva Lingam in the temple, along with over 300 precious idols of Gods and Goddesses therein and other structures around the temple, were destroyed by Sultan Sikandar (the Iconoclast) who ruled Kashmir (1389-1413 AD). It was repaired during Sikh regime and latter by Maharaja Ranbir Singh, the second Dogra ruler of Kashmir. The Maharaja of Indore electrified it. The temple was originally connected with the river Jhelum near the temple of Goddess Tripurasundary on its right bank known as Shudashyar Ghat by a finely sculptured stone stair upto the top of the hill . This flight of steps was got dismantled by Emperor Jehangir and the stones were used by his queen, Noor Jehan, to built a huge mosque, known as Pathar Masjid. This mosque was never used for prayers by Sunni Muslims as it had been built by a Shia woman. In her book "The Cities Seen in East and West", Mrs. Walter Tibbits says in the chapter "The City of Sun" that ;"The hill is rough and jagged as the path of Yoga. The elements have stained it every shade of ochre, the colour sacred to the Lord of the universe. Sharp rocks break the path as the trials of the way cut and wound the feet of the aspirant to knowledge. On its summit stands in simple, solemn dignity a small fane of grey stone. Its columns are fluted, its doom is round, surmounted by a trident, Inside is one thing only, an upright black stone... The Lingam is the oldest religious symbol in the world . It is also the simplest." The British researcher Sir Walter Lawrence has remarked "while the old Hindu buildings defy time and weather, the Musلمان shrines and mosques crumble away."

Sri Adi Shankaracharya , a great philosopher, a saint of high order exponent of Vedanta , visited Kashmir in first quarter of 9th century (788-820 AD),for advancing his Vedantic knowledge. He along with his

party camped outside the city of Srinagar without any boarding and lodging arrangement. Seeing the plight of visitors, a virgin was sent to meet Shankara. She found the party uneasy and frustrated because of not being able to cook as no fire was made available to them. The first glimpse of Shakti was exhibited to Shankara by this girl, when Shankara expressed his inability to make a fire, in reply to girl's question that you are so great, can not you make fire. The girl picked up two thin wooden sticks into her hands, recited some mantras and rubbed the sticks and fire was produced to surprise of Shankara. Later a religious discourse was arranged between Shankara and a Kashmiri Pandit woman. This discourse continued for 17 days. Sri Adi Shankaracharya yielded before the woman in discussion and accepted the predominance of Shakti Cult. He composed the well known hymn called Soundarya Lahari in praise of Shakti, at the top of the hill, known till then as Gopadari Hill. Kashmiri Pandits dedicated this hill and temple in honour and memory of his visit to Kashmir, thereafter it is known as Shankara-charya hill and Shankaracharya temple. The Shiva linga which is now worshiped in the temple is the modern one and was installed in 1907. The original image which existed was a linga encircled by a snake. Koshur Encyclopadia published by J & K Academy records ; "Behind Shiv Lingam at Gopadri (Shankaracharya temple) is statue of Adi Shankaracharya, which has been installed in 1961." By Shankaracharya DwarkaPeeth.

During April 1903, Sri Aurobindu, a great seer and Yogi visited Kashmir. He described the glory and divinity of Shankaracharya temple in a poem Adwaita and is reproduced as;

*"I walked on the high-wayed seat of Solomon,
where Shankaracharya's tiny temple stands,
Facing infinity from Times edge alone,
On the bare ridge ending Earth 's vain romance,
Around me was a formless solitude All had become one strange un nameable,
An unborn Sole Reality World ---nude,*

Topless and Fathomless, for ever still, A silence that was being's only word, The unknown Beginning and the voiceless end, Abolishing all things, movement---seen or heard, On an incommunicable Summit reigned, A lonely calm and void unchanging peace, On the dumb crest of nature's mysteries".

Sun Temple Of Kashmir

There are very few Sun temples in India. The most important Sun temple is Konark in Orissa. Modhera in Gujarat and Katarmal in Almora (Uttanchal) are equally important. Sun temple in Kashmir at Martand is unique, magnificent and architectural marvel. Martand is one of the earliest and yet largest of the Kashmiri stone temples known to have a chain of pillars. On its right and left are some rooms meant for meditation. In the central temple, the images are desecrated and broken, but this central portion is exquisitely grand beyond description. According to H.Cole, Martand temple was built by Samdha Arya (35BC) .Some believe that it had been the Raja Ramdev of Pandva dynasty who first built the original temple devoted to Sun God. Many subsequent kings repaired and renovated the temple complex. The remains at Martand probably date from the period of Lalitadita (701-737 AD). The Rajatarangini is quite explicit on the subject, for in the section on Lalitadita it states that "That liberal king built the wonderful (shrine) of Martanda, with its massive walls of stone within a lofty enclosure (prasadantar)," further it reveals that the temple was dedicated to the deity of the sun, Surya, who is called Martanda in the text." Martand is about 64 kms to the south-east of Srinagar. The temple at Martand dedicated to the Sun is the most perfect construction with high technical accomplishments. The proper temple is 63 feet in length by 36 feet in width at the eastern end. The width at the entrance end is only 27 feet. It consists of a courtyard with principal shrine in the middle and a colonnaded peristyle. The latter is 220 feet long and 142 feet wide. It has 84 fluted columns facing the courtyard. The peristyle is the largest example of its kind in Kashmir. In main shrine, there are three distinctive chambers; the *mandapa*, the *antara* and the *garbhagriha* .Another distinctive feature is the imposing gateway, as imposing as the main shrine. The walls of the gateway are profoundly decorated internally and externally, the chief motif of decoration being rows of double pedimented niches. Most of these niches contain single standing figures of Gods.

Other rectangular panels contain sitting groups, floral scrolls, pairs of geese etc. Susan Huntington wrote in "The Art Of Ancient India," about the Sun temple that it is rectangular in plan, consisting of a *mandapa* and a shrine. Two double shrines flank the *mandapa* on the western end. It is enclosed in a vast courtyard by a peristyle wall having 84 secondary shrines in it. Its courtyard was often used for defence purposes in the ancient past, a sort of a fort and a place of refuge. According to Rajatarangini, it was King Kalsha (713-750) who had taken refuge in this temple and had installed the idol made of gold. Fergusson speaks of King Jaisima (1128-1149) who also had taken refuge in this temple.

According to W.R. Lawrence, "The ruins of the Hindu temple of Martand, as it is commonly called, the Pandav-Koru House-the Cyclopes of the east are undoubtedly occupying the finest position in Kashmir. This noble ruin is most striking in size and situation of all the existing remains of Kashmir grandeur." He further writes, "There are in all eighty four columns, a singularly appropriate number in a temple of the sun. The number eighty four is accounted sacred by the Hindus in consequence of its being the multiple of the number of days in the week with the number of signs in the Zodiac."

The Kashmir temple to all intents and purposes is a manifestation of an independent ideal.

MYSTERIOUS CAVE TEMPLE OF SWAMI AMARNATH

Pandit Kalhan, the greatest and earliest historian-poet completed in AD1150, his immortal work of 7,844 verse Rajatarangini-"River of kings", the history of ancient Kashmir in a detailed manner. According to Rajatarangini the most famous pilgrimage in Kashmir is the cave of Amarnath and mentions that King Ram Deva is stated to have imprisoned the debauch King Sukh Deva and to have drowned him in the Lambodheri (Lidder) among the mountains of Amarnath about 1000BC. It also mentions in Tarang II, Samdimat (Arya Raja) 34BC-17AD, a great devotee of Shiva who rose from the position of a minister to be the king of Kashmir, "used to worship a Linga of snow above the forests, which is not to be found elsewhere in the world during the delightful Kashmir summers," it further states in verse 267 that Shushram Naga (Sheeshnag) is seen to this day (i.e. 1148-49AD) by pilgrims proceeding to Amreshvara." As per ancient literature cave temple of Amarnath was worshipped by devotees of Lord Shiva from time immemorial. It is recorded that Himalayan caves have been abode of celestial beings and great sages used to meditate for hundreds of years in these caves. It is also recorded that the Himalayan mountain range especially the northern range is indeed the first and the sublimest symbol of divinity. "Of the mountains, I am the Himalaya" says Lord Krishna in the Bhagwat Gita. Someone asked Swami Vivekananda, "Why have we so many Gods and Goddesses?" He promptly replied, "Because we have Himalaya." The music of the Himalayan streams brought divine feelings to the seers. The rushing streams fall like thunder with the sound of *Vyom, Vyom* on the rocks and the flow out in frightening speed with the sound *Hara, Hara*. Probably Adi Shankara, inspired by snow clad Himalayan peaks and ice Lingam of Shiva at cave temple of Amarnath wrote of Shiva ; "Oh, Shiva, Thy body is white, white is Thy smile, the human skull in Thy hand is white. Thy axe, Thy bull, Thy earrings, all are white. The Ganga flowing out in foams from your matted locks, is white. The crescent moon on Thy brow is white. O, all-white Shiva, give us the boon of complete sinlessness in our lives." Swami Vivekananda wrote about Shiva of Amarnath;

*For whom all gloom and darkness have dispersed,
That radiant light, white beautiful,
As bloom of lotus white is beautiful,
Whose laughter loud sheds Knowledge luminous*

The worship of the Linga according to Vivekananda, was originated from the famous hymn in the Atharva-veda Samhita sung in praise of the Yupa-Stambha which represented the 'Eternal Brahman'. The fire, the smoke, the ashed, flames, the blackwood and the ox connected with this Vedic sacrifice gave place to the conceptions of brightness of Shiva's body. His tawny matted- hair, His blue throat and the riding on the bull of Shiva and so on---just so the Yupa-Stambha gave place to the Shiva-Linga and was

deified as the high Devahood of Sri Shankara.....In the Linga-Purana the same hymn is expanded in the stories meant to establish the glory of the great Stambha and the superiority of Mahadeva.”

In ancient scriptures, it is recorded that Maharishi Bhrigu was the first person to sight and identify the cave temple of Swami Amarnath where Lord Shiva had narrated the secret of Amartav to his consort Parvati and got himself transformed into ice Lingam on Sharavan Purnimashi. This sacred day falls every year on the night of the full moon in the month of Sawan (July – August) on Shrawan -Purnemashi, when sun is in Leo, 'Simha' Rashi and Chandrama, moon in Kumb 'Aquarius' Rashi, this yoga makes the Shiva-Lingam darshan very auspicious. A pair of snow pigeons over heard Shiva's discourse and became immortal. Thus Amarnath , the Lord of Immortality and Deathlessness became Amreshvara. !” On August 2, 1898 Swami Vivekananda had Darshan of Amarnath . When he entered the shrine, a profound mystical experience came to him and latter he said, 'Shiva Himself had appeared before him'. He further said; “ the ice Lingam was Shiva Himself. It was all worship there. I never enjoyed any religious place so much, so beautiful, so inspiring .” Swami Ramatirtha, on having a glimpse of the 'Amareshwara Linga' uttered in ecstasy an Urdu couplet, which means; *“Where ice is bedecked in formless movement, There stands supreme-consciousness as Amar Linga”* The cave temple is located in South Kashmir (34.12' :75.07') at an altitude 12,720ft about 140 kms from Srinagar. The huge natural cave is about 25 meters high and enough to hold hundreds of devotees where a self-forming 'Ice Lingam' waxes and wanes with moon. The holy cave is 50' long 25' wide and 15' high approximately. The cave is nature's temple where 'Ice Lingam' is completely filling the right corner of the cave, the top of the Lingam touches the base of the cave. The base of the cave is also covered with ice, like a carpet . Here Shiva is worshipped by nature in the purest way. Shiva is snow-white and pure. Lingam is formed by drops of water falling from the top of the cave and two other small 'Ice Lingams,' are also formed, believed to be the symbols of Goddess Parvati and Lord Ganesha. The dripping that followed from the feet of 'Ice Lingam' or 'Shiva Lingam' took form of a stream known as Amuravati. According to Bhrngish Samhita a person who bathes in the waters of Amuravati and rubs himself with the ashes gets Moksha.

Pandit Kalhana describes in verse 267 of Rajtarangni; ' The lake of dazzling witness (resembling) a sea of Milk,which he created (for himself as residence) on a far off mountain, is to present day seen by the people on the pilgrimage to Amreshvara.'

Francios Bernier, was the French physician who accompanied emperor Aurangzeb to Kashmir in 1663. He has mentioned about cave temple, “a magnificent cave full of wonderful congelations”. Vigne in his book'Travels in Kashmir, Ladakh and Iskardu'(1842) says; “The ceremony at the cave of Amarnath takes place on the 15th of the month of Sawan(28th July)....not only Hindoos of Kashmir but those from Hindoostan of every rank and caste can be seen, collecting together and traveling up the valley of Lider towards the celebrated cave.” Lawrence mentions in 'Valley of Kashmir' ; “Pilgrims to Amarnath were joined by Brahmins of Mattan and further up to Batkot the Maliks used to take charge of the pilgrimage. ”

On the night of the 11th day of the bright fortnight of Sawan (July-August) all pilgrims assemble at Pahalgam. Swami Vivekananda describes the on going pilgrimage as; “The procession of several thousands of pilgrims in far-away cave of Amarnath, nestled in a glacial gorge of the Western Himalayas, through some of the most charming scenery in the world, is fascinating in the extreme. It strikes one with wonderment to observe the quiet and orderly way in which a canvas town springs up in some valley with incredible rapidity at each halting place with its bazaars and broad streets running through the middle and vanishing as quickly at the break of dawn, when the whole army of gay pilgrims are on their march once more for the day. Then again the glow of the countless cooking –fires, the ashes covered Sadhus under the canopy of their large geru (orange) umbrellas pitched in the ground, sitting and discussing or meditating before their dhunies (fire) , the Sanyasis of all order in their various garbs, the men and women with children from all parts of the country in their characteristic costumes, and their devout faces, the torches shimmering at night fall, the blowing of conch-shells and horns, the singing of hymns and prayers in chorus, all these and many other romantic sights and experiences of a pilgrimage, which can be met with nowhere outside India, are most impressive and convey to some extent an idea of

the overmastering passion of the race for religion. Of the psychological aspect and significance of such pilgrimage, done on foot for days and days, much could be written. Suffice it to say, that it is one of those ancient institutions which have above all, kept the fire of spirituality burning in the hearts of the people. One sees here the very soul of the Hindu nation laid bare in all its innate beauty and sweetness of faith and devotion."

According to Amreshvara Mahatmaya some of the important places where pilgrims had to perform ablutions while on pilgrimage were Anantnaga, Mach Bhawan (Mattan) , Ganeshbal (Ganeshpora,6800ft) Mamleshwara (name of Lord Shiva), (Mamal, 7300ft), Nilganga, Chandanwari, Shusshram Naga (Sheshnag),the pilgrims have to cross at Vayujana (Vowjan), from Lidar to Sind valley,then to Panjtarni, and finally to Amuravati. Nowadays the journey starts from Pahalgam (7500ft). The next halt which is at Chandanwari (8500ft) is 10kms.away. The old name of the place is 'Sthanuashrama'. 'Sthanu' is an epithet of shiva and literally it means 'a pollard'. Lord Shiva sat in samadhi like a pollard in the lap of Himalaya where 'Deodar' grew. From Chandanwari to Pisu Gathi (12200ft) is steep hill of 2kms.and then 7kms. away is Seshnag (13148ft) the next halting point. The Seshnag lake 25sq.kmrs. in area, is fed by the Kohenhar glacier(5178 mtrs.) which looks like hood of a cobra. The milky-water of the lake is seen just 200mts. Down in a trough-shaped basin. The mountain around Seshnag is covered with snow and it has seven peaks which resemble the seven heads of mythical Seshnag. From Seshnag to Panchatarni (12230 ft) is about 7kms. In between is 5kms climb, to Maha-gunas, the highest peak in the whole track. This is the last halting place for pilgrims. From Panchatarni to holy cave (12729ft) is 6kms. Panchatarni is a wide plain among the mountain ranges, where five streams flow side by side. Going across these streams there is the sixth stream in which pilgrims perform 'Shradha.'

The whole Amarnath pilgrimage procession is conducted under the auspices of Chhari Maharaj. Bringesha Samhita records, that Rishi was once approached by the people praying to show them the path to salvation. The sage advised them to take pilgrimage to cave temple of Amarnath and pray to Shiva Lingam. To ensure safe journey to cave temple ,Bringesha Rishi prayed to Lord Shiva, he was graced with Holy mace pair. Ever since this became symbol of protection for the yatris and has now taken the form of Chhari- Maharaj----the holy mace, and leads the annual yatra. The Chhari generally used to leave after performing the Puja at Dashnami Akhara (Srinagar) on the 4rth day of the bright fortnight of Sawan. During Sikh rule in Kashmir 'Chhaari Maharaj' used to start from Amritsar, during Dogra rule from Srinagar and now after the exile of Kashmiri Pandits from valley it is from Jammu. The Mahants who wield the divine command of holy place carry the two holy maces and when the Mahant after the prayers at the cave temple takes his seat a Sadhu holding one of the mace stands on his right and other on his left. Despite the terrorist activities in Kashmir and their targeting Yatra, large number of pilgrims throng to Holy Cave Temple of Swami Amarnath, year after year.

10.0 MARTYRDOM OF GURU TEGH BAHADUR AND KASHMIRI PANDITS

The martyrdom of Guru Tegh Bahadur has a multi-dimensional significance in the annals of Kashmir, especially for the survival of Kashmiri Pandits. Aurangzeb was very eager to convert India, "the land of the infidels into the land of the faithful". The Brahmins preserved the Hindu religion and their wholesale conversion to Islam would have helped him in bringing the rest of the Hindus into Muslim fold. He thought of converting Brahmins to Islam because they form the core of the Hindu religious tradition. So he started persecuting them.



Guru Tegh Bahadur

Picture Courtesy: Koshur Samachar

Kashmiri Pandits were renowned for their learning and orthodoxy. When the Mughal emperor turned his eyes towards them, he encountered stiff resistance. During 49 years of his reign, Kashmir was administered by 14 governors. Iftikhar Khan was the most fanatic and bigoted of these. He ruled Kashmir from 1671 to 1675. He was using force ruthlessly to convert Pandits to Islam. Faced with an ultimatum, many of them began to flee Kashmir. Those who stayed back and refused to accept Islam were put to sword.

Some Kashmiri Pandits met under the leadership of Pandit Kripa Ram of Mattan and decided to go to the Swami Amarnath cave temple and invoke the mercy of Lord Shiva. At the holy cave temple, one of them saw Lord Shiva in a dream Who told him to go to Tegh Bahadur, the ninth Guru of Sikhs, and ask for help to save the Hindu religion. He spoke to his companions about the revelation and they all decided to appeal him.

Guru Tegh Bahadur was a multi-faceted genius. He was a Prophet, a Saviour, a Mystic, a poet, a martyr and a great visionary. A visionary who could understand reality in its totality. He was saviour of the Hindus. He fought against fanaticism and championed the cause of religious freedom. He was one of the greatest liberator of mankind. His hymns gave a clear idea of his vision of life and have been a source of spiritual solace to millions of men and women. Mystics have a vision of life and the Guru was a mystic visionary as well as a revolutionary. He was a fearless man and an enlightened soul. He was a saint, a yogi, a soldier and a prince. He dressed like a prince, took part in hunting, participated in battles, but was basically a saint. He was a true yogi who led the life of a householder. He fought in self defence and when he deemed it fit, he laid down his life in defence of helpless Kashmiri Pandits.

Guru Tegh Bahadur was leading a secular movement and was immensely popular. He attracted large crowds wherever he went. Out of 11 years of his spiritual reign, he spent almost 8 years in traveling through Bengal, Bihar, Assam, Orissa, Uttar Pradesh and Punjab. He visited almost all the places earlier visited by Guru Nanak Dev Ji to propagate the message of humanity. During his tour, he came across and exchanged views with Brahmins, Vaishnav saints, Sufis and all those who had been upset by Aurangzeb's increasing oppression. The Guru came to be admired by them. He was all compassion for the suffering humanity and people flocked to him in large numbers. The Guru maintained an open kitchen. To serve the congregation the residents of the villages voluntarily collected food stuffs, milk and butter for Guru's langer. It was his identification with the people and his love and compassion for them, which created the popular perception of the Guru as a hero who could come to the rescue of the down-trodden. They took him as their saviour. He became a source of spiritual solace for the suffering people and they saw in him their protector against tyranny. That is why the Kashmiri Pandits felt that he could help them and protect them from the tyrannical rule of Aurangzeb.

The Mughals ruled India for more than two hundred years. Earlier Muslim dynasties had very short span of life. The Khalji dynasty ruled for 30 years (1290-1321), the Tughlaq dynasty for 94 years (1321-1414), Sayyads for 37 years (1414-1451) and the Lodis ruled for 75 years. The Mughal emperor Aurangzeb wanted to convert India-the land of 'infidels' into an Islamic country. He considered conversion to Islam as a part of his imperial policy. He demolished temples and humiliated Hindus. He tried to make the Mughal state a Muslim theocracy. In November 1665 he issued orders that Holi not be celebrated and in the same year Diwali was also banned. In 1668 Aurangzeb banned the holding of Hindu festivals in pilgrimage centers. In 1668 he banned music and dismissed musicians. Taxes were imposed on Hindus in almost every field. Pilgrim tax was imposed in 1679. Jizya was re-imposed in the same year. It was an attempt to humiliate the Hindu elite. Abu Talib was sent to the friendly state of Jaipur and he reported that he had demolished 66 temples at Amber. During his march to Deccan the emperor ordered the destruction of all the temples en-route. He celebrated his victory over Golkanda by destroying temples at Hyderabad. In 1692 he ordered that the temple at Rasulpur should be destroyed. Hiteshwar Mandir at Barnagar in Gujjarat was destroyed in 1693. In 1696-97 temples at Sorath in Gujarat were demolished. He stopped the public worship of idols at Dwarka. Prominent Hindu temples demolished on orders from Aurangzeb; Lalita Temple at Delhi, Temples of Malirana (Jaipur), Vishhvanath temple and Gopi Nath temple at Benaras in August 1669. Vallabhcharya temple at Mathura. At Surat the Brahmins were asked to pay a large sum of protection money. In 1707 Hindus were not allowed to burn their dead on the banks of river Sabarmati at Ahmedabad. Fireworks of all kinds were prohibited as per Fatwa-e- Alamgiri. Almost the whole of the Muslim period in the history of India was a crusade against Hindu religion and culture. In March 1671 a Muslim officer was sent to Ujjain to demolish Hindu temples. The Hindus of Ujjain rose in protest. They rioted and killed the officer and many of his soldiers. There were many other stray attempts by Hindus to resist the high handedness of the emperor. It was Shivaji who was the lone protector of Hinduism. He fought many battles and finally founded Maratha Empire.

The Hindu centers of pilgrimage were citadels of Hinduism. Aurangzeb focused his attention specially on Kashmir, Kuruksheta, Varanasi and Haridwar. He ordered that the Brahmins of these places should be brought into the fold of Islam. According to Macauliffe, 'The Sikh Religion' Vol. IV. P369." The experiment of wholesale conversion was first tried in Kashmir. The Kashmiri Pandits were well known for their

scholarship and converting them to Islam would encourage other Hindus to embrace Islam. Surrounded as they were with Muslim lands, they could be threatened with war and complete annihilation. The peaceful Kashmiris could not be expected to resist the Muslim military might. The emperor also felt that he might succeed in tempting the Brahmins from Kashmir into accepting Islam by promises of money and government appointments." Koer Singh Kalal, the author of 'Gurbilas Patshahi Das', Chapter IV. Says that "there was piled up a heap of a maund and quarter of janeus (sacred threads) of the Hindus who had embraced Islam under the command of Iftikhar Khan. Many of the Brahmins who did not accept Islam under the threat of death managed to escape from Kashmir and under the guidance of Kirpa Ram, they reached the Darbar of Guru Tegh Bahadur."

On May 25, 1675, when 500 Brahmins from the valley led by Pandit Kripa Ram (a Sanskrit teacher in Gobind Rai) came to Anandpur to narrate their story of repression and woes to Guru Tegh Bahadur. The Guru was moved by their entreaties and told them that their problem could be solved only if some soul of truthfulness and integrity offers himself for sacrifice. His son, Gobind Singh, who was at that time just nine years old, said; "Who else can be more truthful and sublime than you! You alone can protect the Hindu religion. You alone are that graceful and sublime." Guru Tegh Bahadur was delighted to hear the brave words of his son. He told the Kashmiri Pandits to go and tell the emperor that if he could be able to convert the Guru to Islam, they would gladly follow him. This resolve of the Guru and his ultimate sacrifice brought tremendous change in the body politic of India, leading in turn to the establishment of the Khalsa by his brave son Guru Gobind Singh, the decline of the Mughal supremacy and re-establishment of religious tolerance.

Malcolm writes in 'Sketch of Sikhs, P.33' ;" The Sikhs stung by a deep sense of injuries listened to the Guru with all the ardour of men commencing a military career of glory. They listened with rapture to a son glowing, with vengeance against the murderers of his father who taught a doctrine suited to his troubled state of mind, called upon his followers by every feeling of manhood, to lay aside their peaceable habits, to graft the resolute courage of the soldier on the enthusiasm of the devotee to swear eternal war with the cruel and haughty Mohammedans."

On November 11, 1675, Guru Tegh Bahadur attained martyrdom at Chandi Chowk, Delhi. It is known as Gurdwara Sisgunj Sahib. Three of the Guru's devotees, Bhai Mati Das, Bhai Sati Das and Bhai Dayala, had been tortured to death a day earlier on the very spot on which the Guru was martyred. Before these fearless followers of the Guru had their tryst with divinity, the Guru had blessed them and said, "All my blessings are with you --- my noble disciples. What greater joy and pride can I have than the thoughts that my dearest disciples were with me."

Guru Tegh Bahadur's martyrdom is an event of greatest importance in the evolution of the Indian ethos, especially the history of Kashmiri Pandits. In his supreme sacrifice can be perceived the triumph of the eternal glory of the Indian spiritual tradition.