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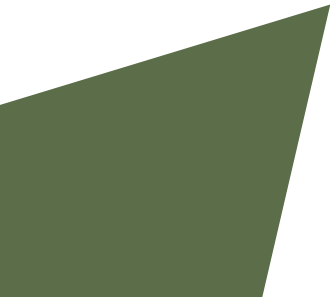
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Return of the Kashmiri Pandits to the valley: a dream or reality?

Kinjal Sharma

ABSTRACT

The early 1990s proved to be devastating years for a section of the Kashmiri population. Those few years instilled an unceasing sense of un-belonging in the Pandits of Kashmir. More than a hundred-thousand Kashmiri Pandits fled, leaving behind not just their homes and lands but their very culture. Those who have lived through the experience have tales of pure horror and disgust, ones that appeal to the pathos of any person who would hear them re-counted. The exodus was, undoubtedly, a gross violation of human rights. These violations, some documented, some existing as horrifying memories of those that survived it, are seen, accepted and even capable of being understood by most people. There was, however, another aspect to this which is unfathomable for anybody but those who belong to the valley. In answering the question of where they belong, and with whom they belong, people of the valley- both Muslims and Pandits- have had to confront the question of identity. Further, this crisis is not limited to the generation that lived through the exodus but is also felt by the subsequent generations that only have a second-hand understanding of their culture.

INTRODUCTION

"When one feels like a nomad wherever one goes, even after having created a life in a different city, when you still feel lost and long for home, yes #HumWapasAayenge."

Jammu and Kashmir does not have one history. Its history is different for every historian that studies it, each presenting competing views — Sunni, Shia, Hindu, Sikh, Buddhist, liberal and conservative versions.² The most conspicuous is, however, the conflict over whether the Pandit-centric Hindu version or the Muslim version is the 'right' one. Kings from several ethnicities, even and especially those not having origins in Kashmir, have ruled Kashmir over the last five millennia (Hindus, Buddhists, Muslims, Afghans, Sikhs, and Dogras).³ A brief understanding of this history indicates years-long oppression and exploitation on the Kashmiris starting way before the modern Indian state came into being. It hasn't been ruled by a native ruler since its annexation by Mughals in 1589 AD.⁴ Therefore, the issue of under-representation and un-representation have always existed as the Kashmiris continue to feel suppressed.

With its complex past, historical and political, it must be realised that there is no single correct approach to understanding Kashmir. However, a peek into the perception of reality of the Kashmiris themselves may be instrumental in understanding occurrence or non-occurrence of some events that have shaped the history of the valley. The mid to late 1900s was a period of a plethora of incidents, both in the rest of the country as well as in Kashmir, which have led to some historical decisions affecting life in Kashmir. While 1948 brought its accession to India, there was a rise in the sentiment of Kashmiri Nationalism in the immediately following period. Leadership changed hands. Sentiments changed. Then with the late 1980s came the episode that altered the very fabric of the Kashmiri society. More than a hundred-thousand Kashmiri Pandits fled, leaving behind not just their homes and lands but their very culture.⁵ Those who have lived through the experience have tales of pure horror and disgust, ones that appeal to the pathos of any person who would hear them re-counted. In 2019, with the abrogation of Article 370, there arose expectations

¹ *Twitterati showers support as #HumWapasAayenge trends*, OUTLOOK: THE NEWS SCROLL, <https://www.outlookindia.com/newscroll/twitterati-showers-support-as-humwapasaayenge-trends/1711265> (last updated Jan. 17, 2020).

² Srijan Shukla, *Kashmir Was Never Just A 1947 Problem, It Is A 5,000-Year Old Battle Of Histories*, THE PRINT, Aug. 11, 2019.

³ *Id.*

⁴ Tamoghna Halder, *Kashmir's Struggle Did Not Start In 1947 And Will Not End Today*, AL JAZEERA, Aug. 15, 2019.

⁵ Sajid Iqbal, Zoheb Hossein, et. al., *Reconciliation and Truth in Kashmir: A Case Study*, 56 SAGE JOURNALS 51, 53 (2014).

among the Kashmiri Pandits of returning to the valley. However, the undertones to the issue run far deeper and the history greatly influences the relationship between the two communities.

Thus, this paper aims to answer the following question:

Is the smooth return of Kashmiri Pandits to the Valley is a practical reality today?

WHAT HAPPENED IN KASHMIR AT THE END OF BRITISH RULE IN INDIA?

THE ACCESSION

P.N. Bazaz says in his book, *Inside Kashmir*: “*Speaking generally and from the bourgeois point of view, the Dogra rule has been a Hindu Raj. Muslims have not been treated fairly...contrary to all professions of treating all classes equally, it must be candidly admitted that Muslims were dealt with harshly in certain respects only because they were Muslims.*”⁶ Accordingly, Dogras were confronted by several uprisings, particularly in the years 1865, 1924 and 1931.⁷

A no-tax campaign was launched in the Poonch region in 1947 to which the Maharaja responded by strengthening arms in the area, with Sikhs and Hindus.⁸ During this period, Muslims in the district were ordered to give up all weaponry and this move, in the wake of already existing communal tensions in the area, provoked the Muslims. In turn, weapons were procured by the Muslims from the North-West Frontier tribes.⁹ It is through this that the Poonchis got in contact with the tribesmen who lived in the mountainous territory bordering Pakistan and Afghanistan.¹⁰ The Maharaja could not quell the tribal attack that followed, and losing the British as his guarantor (who had helped subdue previous revolts) was acting to his detriment. In his book ‘*United States of India and Pakistan*’, William Norman Brown describes the Maharaja’s standing after August of 1947 as “precarious”.¹¹ He was averse to becoming a part of India because of the democratisation and did not want to be a part of Pakistan because it was a Muslim nation, he therefore desired independence.¹² But the tribal attack led him to request assistance from the Indian army by

⁶ P.N. BAZAZ, *INSIDE KASHMIR* 250 (Gulshan Publishers 2011).

⁷ Sajid Ali, *How, on this day 72 years ago, Jammu & Kashmir agreed to become a part of India*, THE PRINT, Oct. 26, 2019.

⁸ M. Ilyas Khan, *Partition 70 years on: When tribal warriors invaded Kashmir*, BBC NEWS, Oct. 22, 2017.

⁹ CHITRALEKHA ZUTSHI, *KASHMIR HISTORY, POLITICS AND REPRESENTATION* 80 (Cambridge Univ. Press 2017).

¹⁰ VICTORIA SCHOFIELD, *KASHMIR IN CONFLICT: INDIA, PAKISTAN AND THE UNENDING WAR* 41, (Bloomsbury 2000).

¹¹ William N. Brown, *United States of India and Pakistan* (Harvard Univ. Press 1963).

¹² *Supra* n.7.

acceding to India on 26th October 1947.¹³ The negotiations that took place for this membership culminated in Article 370 of the Indian Constitution.¹⁴

After the suppression of the attack, it was eventually discovered that Nehru and Sheikh Abdullah had different goals for Kashmir. While the former wanted to ensure Kashmir's integration with India, the latter was leaning towards an autonomous state.¹⁵ Accordingly, Abdullah demanded a plebiscite to ascertain the inclination of the people, but such requests were turned down. He persisted in his demands and even approached the United Nations on this subject.¹⁶ Unsurprisingly, in the year 1953, he was incarcerated for treason, which gave rise to widespread nationalist protests.

GROUND REALITIES POST-ACCESSION

The ongoing dispute regarding the territory of Jammu and Kashmir and the guarantee by the United Nations of a plebiscite augmented the insecurities of the minorities in the region. There was a fear that the Muslims, who formed the majority of the population, would vote for Pakistan and such a fate would make the political future of the minorities vulnerable.

Hindus were a strong presence in some regions like Jammu, Poonch, Rajouri and so on. Rightist Hindu groups in these areas drew on the fears and a potent agitation in 1952-53 was led by the 'Praja Parishad' against the National Conference, as they demanded integration with India on the basis of '*ek vidhan, ek nishan, ek pradhan*' (one constitution, one flag, one president).¹⁷ The Indian state during the mid-1950s through the 1960s, to ensure the complete integration of Jammu and Kashmir, established several unrepresentative governments in J&K, while simultaneously keeping them satisfied with perpetual funds which on the one hand supported this structure and on the other hand led to the formation of a class that was loyal to India.¹⁸ This monopoly of benefits, primarily economic, in the hands of regimes sponsored by the Indian state left the vast majority, comprising the middle and lower classes of the J&K population dissatisfied. These were predominantly the Muslims. This section, thus, went on to form the support base of the Plebiscite Front.¹⁹ However, the government introduced stringent laws and the more candid supporters of

¹³ Balraj Puri, *Kashmiriyat: The Vitality of Kashmiri Identity*, 4 CONTEMPORARY SOUTH ASIA 55, 55 (2007).

¹⁴ A.G. NOORANI, ARTICLE 370: A CONSTITUTIONAL HISTORY OF JAMMU AND KASHMIR 2 (Oxford Univ. Press).

¹⁵ Karan Arakotaram, *The Rise of Kashmiriyat: People-Building in 20th Century Kashmir*, 1 THE COLUMBIA UNDERGRADUATE JOURNAL OF SOUTH ASIAN STUDIES 26, 37 (2015).

¹⁶ *Id.*

¹⁷ GOWHAR GEELANI, KASHMIR RAGE AND REASON 253 (Rupa Publication India 2019).

¹⁸ *Supra* n. 9 at 101.

¹⁹ *Supra* n. 9 at 102.

Plebiscite Front faced persecution.²⁰ The oppression machinery was increased by the state expansion of the police department, creation of police battalions equipped in brutal methods of torture.²¹ Peace Brigade, a gang of mafia-style thugs aided the police in “inhuman interrogations to silence opposition.”²²

In this tyrannical setting, the members of the Plebiscite Front drew connections between the Wilsonian concept of self-determination to the ideas of *haq* (rights), *insaf* (justice) and *izzat* (dignity) that were innate in Kashmir’s earlier discourses on freedom.²³ The notion of freedom as the birth-right of each individual was popularized through distribution of pamphlets and newsletters, as the Kashmiris were implored to give up their lives for the attainment the dignity which was being snatched from them by India.²⁴

‘KASHMIRIYAT’: THE IDENTITY OF KASHMIRIS

In an interview, Prof. Shafi Shauq, head of the Kashmiri Department in University of Kashmir, said,

*“Kashmiriyat is the distinct cultural identity which comes from our language, local traditions and perception of outside rule as ‘other’ which form the constituent of Kashmiri Nationalism.”*²⁵

As evident from the word itself, it alludes to the ‘Kashmiri-ness’ of those living in the Kashmir valley. *Kashmiriyat*, a rather politically charged notion, has been invoked time and again in the endeavours to revive the “non-communal Kashmiri culture”²⁶ for resolving Hindu-Muslim conflicts in Kashmir. The concept, however, stands for different things according to different scholars.

Some argue that *Kashmiriyat* has its roots in the religious ‘**syncretism**’ in the valley, predominantly between the Sufi Islam and the Shaivite Hindus.²⁷ The Islam of Muslims in Kashmir is largely inspired from the practices of ancient Kashmiri culture. The Kashmiri Muslims shared many inhibitions, superstitions, and idolatrous practices with the Hindus of the region, unknown to

²⁰ *Supra* n. 17 at 120.

²¹ *Supra* n. 9 at 102.

²² All India Congress Committee Papers. 1957. *Resumption of Repression by National Conference Office Bearers*, 2nd Installment, F. No. 3589. New Delhi: Nehru Memorial Museum and Library.

²³ *Supra* n.9 at 103.

²⁴ Muhammad Nooruddin, *Freedom is our Birth Right*, MAHAZ ISLAMI, Oct. 17, 1964.

²⁵ Khalid W. Hassan, *Migration of Kashmiri Pandits: Kashmiriyat Challenged?*, ISEC BANGALORE- WORKING PAPER NO. 237 (2010).

²⁶ *Supra* n. 9 at 248.

²⁷ *Supra* n. 25; *Supra* n. 6; G.M.D. SUFI, KASHIR, BEING THE HISTORY OF KASHMIR FROM THE EARLIEST TIMES TO OUR OWN, University of Punjab (1974); MD. ISHAQ KHAN, KASHMIR’S TRANSITION TO ISLAM: A ROLE OF MUSLIM RISHIS’ (FIFTEEN TO EIGHTEEN CENTURY, Manohar Publishers (1994).

widely practiced 'Islam'.²⁸ Similarly, the Hindus in the valley or the Kashmiri Pandits followed Shaivism in a manner which assimilated various tantric rituals, atypical and unorthodox to the usual Brahmin.²⁹ Common points of cultural reference developed through years of shared practices and propagated by the Rishis and Sufis in the valley contribute immensely to the fostering of ethnic collectively consciousness in the secluded geography of Kashmir. Other scholars are of the opinion that the Hindu and Muslim communities of Kashmir have been always two distinct communities to the extent of their religious practices. Such scholars focus on **pluralism** in conceptualising *Kashmiriyat*. Pluralism understands *Kashmiriyat* as the fact that despite being aware of their different preferences, both economically and politically, while also remaining conscious of their separate religious identities, the two communities lived in harmony with tolerance towards each other.³⁰ The example that T.N. Madan gives illustrates, that social interactions between the Pandits and the Muslims, say in case of weddings or other functions, was not due to syncretic culture but by the sheer fact of co-residence and economic dealings.³¹

While changing the name of Muslim Conference to National Conference in the late 1930s and thereby attributing to it a more 'secular' nature, Shiekh Abdullah used the concept of *Kashmiriyat*.³² Post 1947, fragments of a common culture were "compiled" for the construction of an identity which would appeal to the Pandits and the Muslims alike.³³ This was used as a point of difference from the Indian State, and one common to both communities, in order to reinforce the demand for an autonomous Kashmir. It is important to note here that the usage of the concept by Kashmiri Nationalists was equivalent to nationalism and not 'sub-nationalism' as Indian State understood it.³⁴ The members of Political Conference and the Plebiscite Front, which were active in popularising *Kashmiriyat*, continued to be unjustly incarcerated, but this only reinforced "insurgent consciousness" in the Kashmiris.³⁵ Much later, after the signing of the Sheikh-Abdullah accord, it came to be used to evade criticism by the public. Come 1989, *Kashmiriyat* emerged again, but as a slogan of the National Conference against the self-determination demands of radical militant groups. This, Farooq Abdullah explained in an interview with a local newspaper, was because these

²⁸ *Supra* n.6.

²⁹ HENRY SENDER, *THE KASHMIRI PANDITS: A STUDY OF CULTURAL CHOICE IN NORTH INDIA*, OUP India (1988).

³⁰ *Supra* n. 25.

³¹ T.N. MADAN, *FAMILY AND KINSHIP: A STUDY OF THE PANDITS OF RURAL KASHMIR*, OUP India(1989).

³² Chitralekha Zutshi, *Kashmiriyat: The death of an Idea*, THE SCROLL, Sept. 16, 2019.

³³ MRIDU RAI, *HINDU RULERS, MUSLIM SUBJECTS: ISLAM, RIGHTS AND HISTORY OF KASHMIR*, Princeton Univ. Press(2004).

³⁴*Supra* n. 25.

³⁵ Idreas Khand, *Social Roots of Insurgency in Kashmir in VIOLENCE IN SOUTH ASIA: CONTEMPORARY PERSPECTIVE* (Pavan K. Malreddy, et.al)(2019).

militant groups threatened the “social and cultural harmony” existing in the valley due to *Kashmiriyat*.³⁶

THE EXODUS OF KASHMIRI PANDITS

“*Ralive, Tsaliv ya Galive*” (either convert to Islam, leave the valley, or die)³⁷ – Kashmir Valley echoed with this slogan on the 19th of January 1990. The period immediately following this saw a colossal fracture of Kashmir, both as a society and a concept.

The event was not, however, unforeseeable. The Centre had constantly interfered with and rigged elections in the valley to place their own pawns and thereby retain control over the functioning of the Valley.³⁸ This happened until 1977 when Governor LK Jha presided over the elections and led to a “free and fair” Lok Sabha, dominated by the National Conference.³⁹ After the death of Sheikh Abdullah, his son Farooq Abdullah also won by a sweeping majority in 1983. Within two years of this, however, the Centre was instrumental in breaking down the National Conference and Ghulam Mohammad Shah was installed as the Chief Minister.⁴⁰ Discernibly, discontentment and a period of political instability followed. A year later, in 1986, the allowing of *puja* in the Babri Masjid by the Rajeev Gandhi government further stirred up dissatisfaction. In the next three years, governments changed in Kashmir at the behest of the state, while the numerous clashes continued to be ignored.⁴¹ The Farooq-Gandhi accord in 1987 added fuel to things as he was accused of “selling-out” *Kashmiriyat*.⁴² Democracy was dramatically eroding. The “disillusion and frustration” birthed by this progressive erosion of democracy thereby impeding representation of diverse public interests was led the young activists like Yasin Malik, leader of Jammu and Kashmir Liberation Front (who eventually became the leader of Hizbul- Mujahideen), to resort to armed conflict.⁴³ After this, more and more Kashmiris crossed over to Pakistan for military training.⁴⁴ By 1989 the press was completely censored by way of the Jammu and Kashmir Special Powers (Press) Bill. The ultimate tipping point came with the kidnapping of Rubaya Sayeed, the daughter of the

³⁶ *Supra* n. 25.

³⁷ *Exodus of Kashmiri Pandits: What happened on January 19, 26 years ago?*, INDIA TODAY, <https://www.indiatoday.in/fyi/story/exodus-of-kashmiri-pandits-january-19-jammu-and-kashmir-304487-2016-01-19> (last updated Jan. 19, 2016).

³⁸ Ahmad Ali Fayyaz, *A Kashmiri Journal Explains the History of Militancy in the Valley*, THE QUINT, Feb. 7, 2020.

³⁹ *Id.*

⁴⁰ Nirupama Subramanian, Explained: The Kashmir Pandit tragedy, THE INDIAN EXPRESS, Jan. 24, 2020.

⁴¹ *Supra* n. 38.

⁴² Aherjit Bhadwar, *History of Kashmir is a tortuous web of intrigue, reconciliation, deception and revolt*, INDIA TODAY, May 31, 1989.

⁴³ Sten Widmalm, *Rise and Fall of Democracy in Jammu and Kashmir*, 37 ASIAN SURVEY 1005, 1022 (1997).

⁴⁴ *Id.* at 1023.

Home Minister Mufti Mohammed Sayeed in December 1989 by JKLF, for whose release five separatist activists were released.⁴⁵

In consideration of alternate factors influencing the outbreak of violence, economic decline may be eliminated as it did not precede but was in fact, followed by the violence. The age-old problem of over-representation of Pandits in sophisticated professions may be pertinent.⁴⁶ This, however, has not been empirically proven. While aid by Pakistani government cannot be overlooked, a claim that the Indo-Pakistan conflict was a cause for the attack lacks concrete evidence.

With the exodus, the societal composition of Kashmir changed forever as hundreds of thousands of Kashmir Pandits fled from the valley, leaving behind not just their homes and lands but their very culture. Instances of rape and molestation,⁴⁷ disappearance, unlawful detention, torture and custodial deaths and harassment of political figures as well as civilians are numerous, and according to Human Rights Watch, the responsibility lies on both, the militants and the military.⁴⁸ The Pandits were scattered. Some took refuge in other parts of the state, others moved to different parts of India. Most Pandits found immediate asylum in the vile ‘migrant camps’ at Jammu.⁴⁹

REVOCATION OF ARTICLE 370

On 5 August 2019, the revocation of Article 370 of the Indian Constitution was announced by the Government. The Government explained this to be a “long-overdue measure” that would prove instrumental in stabilising the conflict-ridden Kashmir situation.⁵⁰ The attainment of this goal remains debatable till date. It was announced that Jammu and Kashmir is to be split into two Union Territories by way of this decision. The Constitution requires Article 370 to be modified with consensus of the state legislature of Kashmir, which had been practically non-existent in the state since June 2018. President’s rule was imposed in the state and it was under this that the decision for revocation was made. The expert opinion on the validity of this decision is sharply divided.⁵¹

⁴⁵ *Supra* n. 42 at 1023.

⁴⁶ Prem Shankar Jha, *Frustrated Middle Class: Roots of Kashmir's Alienation* in SECULAR CROWN ON FIRE: THE KASHMIR PROBLEM, (Asghar Al Engineer)(1991).

⁴⁷ CHARU WALIKHANNA, *WOMEN SILENT VICTIMS IN ARMED CONFLICT: AN AREA STUDY OF JAMMU AND KASHMIR*, INDIA 110 (Serials Publications, 2004).

⁴⁸ Human Rights Watch, *Everyone Lives in Fear: patterns of impunity in Jammu and Kashmir* (2006) at 62, 96.

<http://www.hrw.org/sites/default/files/reports/india0906web.pdf>.

⁴⁹ *Supra* n.10 at 151.

⁵⁰ *Article 370: What happened with Kashmir and why it matters*, BBC NEWS, Aug. 6, 2019. <https://www.bbc.com/news/world-asia-india-49234708>

⁵¹ *Id.*

The on-ground situation in Kashmir was chaotic post the announcement. People began stockpiling essentials while tourists hurriedly left the state apprehending a terrorist attack.⁵² Thousands of armed personnel were deployed in the region, the Amarnath Yatra stood cancelled for the year, educational institutions were shut down and telephone and internet services were suspended, regional political leaders were placed under house arrest- the State faced a complete lockdown.⁵³ The Kashmiri Pandit community welcomed the decision of abrogation with the hopes of being reinstated in the valley. Among the second generation Pandits, who have grown up elsewhere, some are hopeful while other remain sceptical on grounds of security as well as economic opportunity.⁵⁴ Nonetheless, the aspect of returning to their homeland is looked forward to by the community. The Rashtriya Swayamsevak Sangh (RSS) has demanded from the government the safe and speedy return of the Pandits to Kashmir while also ensuring adequate means of livelihood for them.⁵⁵ They have also asked for inquiries to be made into illegally occupied lands for restoration to the original owners. The Union Defence Minister has also claimed that the revocation of Article 370 will ensure that “no power can stop them from returning to their homes.”⁵⁶

RETURN TO THE VALLEY: A DREAM?

Kashmir, with its rich cultural heritage also carries baggage of a complicated and politically fragmented history. The politics in the valley, especially during the Dogra rule and up until the exodus is laden with issues that concern the question of identity of the Kashmiri populace. Establishment of an identity entails the acknowledgment of differences which are socially recognised.⁵⁷ These differences become crucial to the very conceptualisation of the identity. It follows from this that the identity of the ‘self’ or the ‘group’ must be recognised with reference to

⁵² Um Roommana, Kashmir’s Dark Year, THE DIPLOMAT, Jul. 1, 2020, <https://thediplomat.com/2020/06/kashmir-dark-year/>.

⁵³ *India revokes Kashmir’s Special Status*, AL JAZEERA, Sept. 4, 2019. <https://www.aljazeera.com/news/2019/09/india-revokes-kashmir-special-status-190904143838166.html>

⁵⁴ *Valley of hope? What Kashmiri Pandits feel about the abrogation of Article 370*, THE NEW INDIAN EXPRESS, Aug. 6, 2019, <https://www.newindianexpress.com/nation/2019/aug/06/valley-of-hope-what-kashmiri-pandits-feel-about-the-abrogation-of-article-370-2014977.html>.

⁵⁵ Rahul Sampal, *Build Kashmiri Pandit colonies in J&K, return properties — RSS sends ‘wishlist’ to Modi govt*, THE PRINT, Nov. 17, 2019.

⁵⁶ *No power can stop Kashmiri Pandits from returning to Kashmir: Rajnath Singh*, INDIA TODAY, <https://www.indiatoday.in/india/story/no-power-can-stop-kashmiri-pandits-from-returning-to-kashmir-rajnath-singh-1640729-2020-01-27>.

⁵⁷ William E. Connolly, *Identity Difference: Democratic Negotiations of Political Paradox*, University of Minnesota Press (1991).

an ‘other’.⁵⁸ Further, Will Kymlicka argues that cultural identity is dynamic and not static.⁵⁹ During at the Dogra rule, as the Hindu rulers treated their Muslim subjects unjustly, there came about a series of uprisings to confront this difference in treatment based on religious identity that led to the tribal invasion, which might be considered as a tipping point for the decision of acceding to India. Similarly, every other move taken in the Kashmiri polity may be observed from the perspective of identity through the lens of a narrative of ‘us’ and ‘them’. The instant question pertains to the issue of return of Kashmiri Pandits to Kashmir.

As discussed previously, *Kashmiriyat* ruled the identity discourse in Kashmir in various forms since the 1930s. Before the exodus, for the longest time, the Kashmiri Muslims and Hindus identified with each other sharing cultural commonalities, as evident from their lifestyles as well as their revered culture, the most prominent being their shared legacy of Lal Ded and Nund Rishi.⁶⁰ The Pandits considered themselves to be different from the Hindus in the rest of India (hence, “pandit”), placing themselves higher in hierarchy while also recognising the difference in religious and lifestyle practices (the pandits consumed *halal* meat while most Brahmins are generally vegetarians).⁶¹ After the exodus, however, *Kashmiriyat* as an idea underwent changes insofar as the people understood it. For Muslims, there were internal and external factors resulting in this change. The former was radicalisation of Islam to propagate a more puritan form of the same. *Kashmiriyat* was looked at as “diluting” the Muslim identity of the Kashmiri Muslims.⁶² External factors like the Iranian revolution, the Palestinian intifada and the Afghan war against the Soviets are also likely to have been instrumental in the formation of the sentiments of ‘us’ versus ‘them’. For Kashmiri Pandits, on the other hand, the idea was always to locate *Kashmiriyat* within Indian nationalism. Post migration, their perceptions about the reality of *Kashmiriyat* also underwent transformation. While the more radical groups of Kashmiri Pandits, like the Panun Kashmir, regard it as “*nothing but a bundle of half-truths and brazen lies regarding historical facts about the Valley*”⁶³ other pandit groups have emphasised the origins of *Kashmiriyat*, claiming to be the original founders of the concept (as well as the original populace of the valley).⁶⁴ Their perception of their

⁵⁸ *Identity Politics*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY, <https://plato.stanford.edu/entries/identity-politics/#Iden> (first published Jul. 16, 2002).

⁵⁹ WILL KYMLICKA, *MULTICULTURAL CITIZENSHIP: A LIBERAL THEORY OF MINORITY RIGHTS*, OUP UK (1997).

⁶⁰ *Supra* n. 9 at 248

⁶¹ *Supra* n. 25.

⁶² *Supra* n. 25.

⁶³ *Kashmiri Hindus Denial of Dignity & Security*, THE HINDUSTAN TIMES, Jan. 7, 1996; Security, Honour & Dignity: What It Means For Kashmiri Pandits, PANUN KASHMIR, http://www.panunkashmir.org/sec_hon_dig.html.

⁶⁴ K.L. Bhan, *The Kashmir Series - Paradise Lost Seven Exoduses of Kashmiri Pandits*, KASHMIRI PANDIT NETWORK, <https://ikashmir.net/exodus/chapter5.html>.

distinct identity has shifted from “Kashmiri” Pandits to being a part of the larger ‘Hindu identity’ of the Indian majority.⁶⁵ Coupled with this radical shift in the sentiment surrounding the notion of *Kashmiriyat* is the trauma from the exodus, lingering in the minds of both the communities. There also exist groups like Panun Kashmir have radicalised their stance and demand that ‘Panun Kashmir’ be carved from the valley and placed under the administration of the Pandits, the original inhabitants of the Kashmir. Manisha Gangahar, in her book, demonstrates that the term as well as the discourse around it, quite like Kashmiri identity itself, was so weighted down by schisms that it has disintegrated to the point of meaninglessness.⁶⁶

Another factor to be considered in the changing perception of the ‘other’ is the very act of revocation of Article 370 as well as the reactions that followed. The revocation took place in a midnight sweep with Kashmir being put under curfew with little warning.⁶⁷ With the curfew situation- internet and telephone lines being cut,⁶⁸ there remains no space for dissent while the decision itself was taken without any consultations with the public. In the backdrop of the ideological framework of the ruling party along with the series of decisions that have been made by it within the Hindu majoritarian narrative, there is a general sentiment of uneasiness among minorities, especially the Muslims.⁶⁹ The suddenness of the decision for revocation followed by the imposition of curfew in the manner as has been, only has tendencies to add fuel to fire, by strengthening the ‘us’ versus ‘them’ discourse.

Further, the demands by RSS of locating the illegal occupants of land to restore their properties to the Kashmiri Pandits though a good faith demand, seems impractical due to the fact of the exodus which left the pandits with no documentation as proof of residence. The practicalities of the situation make the inhibitions about employment, residence, and safety more real. The anticipated move of the government to establish the pandits in separate communities on the one hand does not guarantee safety and on the other hand, does not fulfil the desire of the pandits to be restored to their original place in the valley.

The animosity and the frustration have not been alleviated in the years since the exodus and the identities that have been formed as a consequence of the many conflicts.⁷⁰ While books like Rahul

⁶⁵ Riyaz Punjabi, *Kashmir: The Bruised Identity in PERSPECTIVES ON KASHMIR* (Raju Thomas) (1992).

⁶⁶ MANISHA GANGAHAR, KASHMIR'S NARRATIVES OF CONFLICT: IDENTITY LOST IN SPACE AND TIME,

⁶⁷ Alisha Matharu, #RightSideUp: Revoking Article 370 'a Triumph of Hindutva', THE WIRE, Aug. 7, 2019.

⁶⁸ *Supra* n. 52.

⁶⁹ Billy Perrigo, *The Indian Government Is Revoking Kashmir's Special Status. Here's What That Means*, TIME, Aug. 5, 2019. <https://time.com/5644356/india-kashmir-article-370/>.

⁷⁰ JEAN-LOUP AMSELLE, MESTIZO LOGICS: ANTHROPOLOGY OF IDENTITY IN AFRICA AND ELSEWHERE, STANFORD UNIV. PRESS (1998).

Pandita's 'Our Moon has Blood Clots'⁷¹ indicate that some members of the Pandit community acknowledge the involvement of only a section rather than the entirety of the Muslim population of Kashmir in the exodus, others have not been able to forgive and forget. An incident at the screening of Vidhu Vinod Chopra's film 'Shikara' bears testimony to this.⁷²

Though the larger discourse indicates that neither community pointedly blames the other for the misfortunes of their respective communities, there remains a lingering doubt about the possibility of co-habitation of the two communities.

CONCLUSION

The return to the valley is a dream for most Kashmiri Pandits. The realisation of this dream, however, requires the resolution of a complex set of issues. The situation as reported from Kashmir continues to be fragile and may only prove to be detrimental to the cause of the current residents of Kashmir. It is not unlikely that this in turn would result in retaliations, keeping in mind the tumultuous history of frequent revolts and uprisings in Kashmir due to unjust laws and policies. Apart from the politics of identity, there are also the very legitimate questions of sustainability of the Kashmiri economy as well as the environment. The delicate ecology of Kashmir when exposed to growing population and thereby increasing shelter, food and energy demands may have a very damaging effect, as is evident from the already deteriorating environmental conditions.⁷³ Further, the economy-ecology interaction in Kashmir is significant. Primarily an agricultural economy, in order to accommodate the economic interests to people, the environment would necessarily be affected.⁷⁴

Due to the interplay of all the aforementioned factors, the return of the Pandits to the valley seems to be a dream, though perhaps not as distant as earlier. Adequately considered policy measures need to be taken to ensure minimum damage to the ecology and the economy. The reinstating of Pandits in Kashmir requires the allaying of fears, inhibitions and hostility between the two communities, while also building a confidence in the Kashmiri residents that the government will treat them with fairness. A premature step is likely to be detrimental to both parties.

⁷¹ RAHUL PANDITA, *OUR MOON HAS BLOOD CLOTS: A MEMOIR OF A LOST HOME IN KASHMIR*, Penguin Publishers(2014).

⁷² *Kashmiri Pandit woman lashes out at Vidhu Vinod Chopra at Shikara screening: I disown your film*, INDIA TODAY, Feb. 8, 2020. <https://www.indiatoday.in/movies/bollywood/story/kashmiri-pandit-woman-lashes-out-at-vidhu-vinod-chopra-at-shikara-screening-i-disown-your-film-1644396-2020-02-08>.

⁷³ Zahoor A. Nengroo, *Measuring urban sprawl of Srinagar city, Jammu and Kashmir, India*, 6 JOURNAL OF URBAN MANAGEMENT 45, Dec. 2017.

⁷⁴ *Impact of terrorism on Jammu & Kashmir's ecology and economy*, EUROPEAN FOUNDATION FOR SOUTH ASIAN STUDIES, May 2017.