

The idea of India and core of Kashmir

In a three-part article, Rakesh Kaul, Chairman of Spherenomics and a highly-respected community leader, analyses the recommendations of the Government of India-appointed interlocutors on Jammu & Kashmir

Token but deliberately distributed and diluted stakeholder status means nothing to the Kashmiri Hindus since they have had to live with the consequences of a brutal theocratic majority. As the line of control becomes “invisible” and Pakistan TV is allowed to broadcast in J&K these theocratic pressures are only going to increase. Remember the Kashmiri Pandits had to flee when the Indian armed forces were larger than will be in under the new dispensation, when there were no hardened militants who are now being accepted back in the Valley and when they still were in their homes which now have all been all usurped. Kashmiri Hindus do not need bromides on Kashmiriyat. They practice it in their individual relationships with other communities. They also understand that it does not stop bullets, protect 500 temples from being desecrated, prevent them from losing their home and hearth or ensure non discrimination and non-harassment in daily life. Tokenism will accomplish nothing and it is for the interlocutors to introspect at their failure to explicitly create a fully empowered geopolitical space for the Kashmiri Hindus which will give them security, dignity and liberty to pursue their way of life. In my conversations with Kashmiri Hindus their ask has been for a brand new satellite city, many optimistically hope that it can be modeled similar to the Union Territory of Puducherry or Chandigarh. Puducherry is completely enclosed within Tamilnadu and Chandigarh operates between Punjab and Haryana. The onus is on the Interlocutors to lay out explicitly what are the constitutional inflexibilities in accommodating the survival requirements of the Kashmiri Hindus?

SECTION IV

The heart and soul of the recommendation is the proposed setting up of a constitutional committee which would review all Central Acts and Articles of the Constitution of India extended to the State after the signing of the 1952 Agreement. This is a mind boggling recommendation with very specious reasoning to justify it. To the degree that there are laws which apply to all the Indian States what possible reason could there be that these laws which are presumably working for the welfare of over a billion Indians would be hurtful to 4 million Kashmiris. Let the interlocutors name a single law which has been inimical to the Kashmiris and has diluted its Article 370 status? If this recommendation was restricted to those laws that were specific and potentially prejudicial to Kashmir such as AFSPA, the Armed Forces Special Powers Act, one could understand the point but to use the fallacious argument of a special relationship and abridgement of State Powers and shrinking of democratic rights is to deny the Kashmiri public the protection of these laws and to perpetuate misery on them. As examples Kashmir does not have a minority bill, the only state to not have so. It does not provide any financial powers to its Panchayat



Will the Valley return to real peace anytime soon?

or the substance that amendments 73 and 74 provide in the Constitution of India. There is absolutely no basis for such a retroactive review because there is not a single discriminatory aspect to these laws and the delegate submissions need to be made public to see what articulation supports that the Kashmirian way of life is any different than the Indian way of life unless this is a public display that Indian law is going to turn tail to Shariat law in Kashmir.

This key recommendation also states that Parliament will make no laws applicable to the State unless it relates to the country's internal and external security and its vital economic interest, especially in the areas of energy and access to water resources.

Let us first examine the external and then the internal ramifications of this statement. In this regard Mr. Ghulam Nabi Fai, a convicted agent of the ISI, has made an interesting statement while rejecting the interlocutors report on the basis that it does not give azadi, “If India gives anything to the Kashmiris within the framework of the Indian constitution, how do you guarantee that she will not take it tomorrow? This move will not even need a debate within the Indian Parliament.” Fai is implicitly recognizing that the interlocutors are handing over a lollipop. He is just setting the stage that if the Kashmiris settle then he wants the United Nations to be the independent guarantor of the deal. Hello, third party intermediary!

In terms of the internal ramifications do the interlocutors get the idea of India? Do the interlocutors get the idea of what Kashmir's civilization was and is all about? In one word it is Diversity or Plurality and the interlocutors use it liberally but only for rhetorical effect. It is this that has been under savage attack and it is this that under no circumstances can be abrogated. Let me present two outlier

scenarios which will stress test this provision. Let us say that the Kashmir assembly post passing of this new compact passes legislation that the name of the State be changed to East Pakistan. The argument would be advanced that it will promote unity across the Line of Control, provide psychological closure to the Pakistanis on their loss of Bangladesh and give emotional comfort to the Kashmiris that they are not part of a Hindu India. Since it would only be a name change there would be no reason for India to be concerned. How do we feel about this name change and what are we going to be able to do about it? If this seems like a theoretical construct then take note of two important orders: - order no REV/S/340 of 1981 dated 24/10/1981 and order Number 13 the J&K gazette, 28th October 1982 /6th kas, 1904.729. Through these orders more than 684 villages received new Islamized names in place of historical one. Also, Sankaracharya hill became Suleiman Teng; Anantnag became Islamabad, apart from others. The pressure continues and Srinagar now is increasingly being referred to as Shehar.

Not to get too emotive about the silliness of abrogating sovereignty the country was recently witness to the completely manufactured Amarnath agitation. What if there is legislation passed that the yatra visits will be restricted to two weeks because of the so called fragile ecology of Kashmir? The recent Jyeshtha Ashtami festival gave the world the incongruous images of a grinning Yasin Malik at the Kheer Bhavani temple. Anywhere else in the world except in Kashmir he would be serving a life sentence for his reported crimes. Less visibility was given to two incidents where police pickets guarding Kashmiri Hindus in the Valley were disarmed by militants who took away their weapons. This spread panic among the residual Hindus living in the Valley. Two days before the hun-

dred year old Catholic Church on Srinagar's residency road was set on fire. This is on top of the fatwa against Christian schools passed by a gentleman who heads a self styled Sharia court. Mr. Saleem Pandit, the Times of India reporter, who has put out the story, has received death threats for going against the Janus faced “Don't worry be happy” singsong that now seems to be the refrain out of the Valley. Devolution at all levels has no bearing on the paramount importance of Diversity and to sanctify the blind eye to a State that has failed and continues to fail in this critical regard is to exhibit irresponsibility of the highest order. To officially recommend that the Indian Government and its Parliament formally abdicate its responsibility and authority for protecting Diversity within Kashmir will be a historic error of monumental proportions even exceeding that of the partition of the subcontinent. As opposed to the current trickle in policy the interlocutors need to imbed historical Diversity targets and a good number would be that between 10% to 15% of the population in the Valley has to be from the minority groups, 10% Kashmiri Hindus and 5% remaining. Secularism in Srinagar needs teeth behind it so that the blot on the Indian nation arising from the cleansing that has happened can be erased. Article 370 flexibility may be the constitutional top line but the constitutional bottom line is Diversity. The interlocutors will have to bring the same ferocity that was brought in the Mandal commission and in the recent Educational Ministry directive on private schools for setting aside 25% quota on seats for underprivileged families to achieve this target. If the interlocutors don't put down markers on the bottom line which deliver minimum requisite critical mass then they have not delivered the Indian constitutional bottom line in the core of Kashmir.

Overall, the first half of the report can be summarized as Right Rhetoric Wrong Reality. Its strength is that it demonstrates that India will twist itself into a pretzel to accommodate most ideas on Kashmir; its failure is that it does not accommodate the idea of India within the core of Kashmir. At the end of the day this represents the greatest tragedy for all of the Kashmiris because it formally, visibly and explicitly distances them from the one movement that is of hope in the subcontinent. It is in this sense that the interlocutors in seeking to please most everyone will end up benefiting no one. The proposed dispensations are not built on win win outcomes which means they will not be sustainable and will ultimately be manipulated to breed continuing hate for India. The second half of the report lays out social welfare engineering programs on a scale which is designed to exhaust the Indian nation.

The follow up article Churning the Dal Lake will focus on that and will be published in due course.

*Concluded
rkkaulsr@yahoo.com*

