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Panchtarni

Voice of Vibrant Community

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Dear All

Namaskar

In the outset I would like to welcome you all on this 1st Kashmiri Musical Gala organized by Kashmiri Pandit Sabha, Panchkula. It gives me immense pleasure to share with you that this type of event can only be organized by share team work & support of all of you. We organized this event in place of annual picnic which we were organizing for the last so many years. We decided to organize this musical gala to keep our own kashmiri culture, language alive and our younger generation to come more closer to our culture.

Organising this event was impossible without the active participation of members of the Sabha & support of all of you. Above all, it could have not been so beautiful without those who have spared their valuable time to be a part of this event. We are also thankful & obliged to those who have encouraged us and helped us financially to make this event a great success.

I would also like to suggest you all that our community is a very small community and on the verge of disappearance as our younger generation is moving away from our rich heritage & culture. I request you all to promote kashmiri language in your family and encourage your children to speak Kashmiri. Make our youngsters aware about our rich culture, ours is the only community in India with average zero criminal record.

I humbly request you all to shun wasteful expenditures for marriages and performing other rituals as this leads to competition among ourselves. Let us utilize our hard earned money for productive purposes .I also request you all to get your emails and mobile no. registered with undersigned (if you are not receiving Panchtarni by email or not receiving SMS alerts from Kashmiri Pandit Sabha—Panchkula)

As you all know that we have our own website www.kashyapvear.com, I request you all to promote this website, advertise matrimonial on this site free of cost for your near & dear ones. With your support , this site can become very popular in India as well in abroad. You can send us your suggestions online through this website and / or through your letters and mails so that we can improve our website & our performance and prove our existence in the world. Youngsters may help us in designing it in a better way.

Panchtarni is a baby of Kashmiri Pandit Sabha Panchkula and we have to take this publication to new heights so to serve the community in a better way. For making this publication more popular, I request you all to contribute articles relating to our community and even on other topics and getting advertisements . We will be delighted to have such articles and/or advertisements from you & your near & dear ones and get them published in our own Panchtarni.

At last I would like to request all to renew your Membership (if not a life member or have not renewed your membership yet)

At the end, I hope you will enjoy this Musical Gala and encourage us in future to organize more and more such events. We too would like to assure you that in future, we shall arrange still better events. We are also thankful to Kashmiri Shayak Sabha—Chandigarh for their co-operation.

TODAY ON THIS EVENT, WE ARE ISSUING THIS SPECIAL PUBLICATION OF PANCHTARNI CONTAINING A DETAILED ARTICLE OF OUR COSISTENT PERSECUTION AND HOW OUR ANCESTERS MANAGED TO PRESERVE THEIR CULTURE DESPITE ALL ODDS AND SUFFERINGS..

Vinod Razdan
General Secretary

WAILING KASHMIR : SEVEN MIGRATIONS OF KASHMIRI PANDITS

Dr Satish Ganjoo

[For detailed study: HINDUS AND HINDUISM IN KASHMIR – A SAGA OF DEATH, CONVERSION & EXILE; Crisis in History: DEATH OF A CIVILIZATION; ABANDONED: Legendary Kashmiri Pandits; A HISTORY OF KASHMIRI PANDIT GENOCIDE; A History of the Kashmiri Pandit Race; SATANIC HOLOCAUST OF KASHMIRI PANDITS; and, Kashmiri Pandits: A FORBIDDEN COMMUNITY – Dr Satish Ganjoo]

The Hindu rulers of Kashmir encouraged the influx of Muslims into the Valley to counter the supremacy of the Pandits (Kashmiri Brahmans). During the reign of Suhadeva (AD 1301-1320) many Muslim adventurers came to Kashmir. The chief among them was a Muslim missionary- Bulbul Shah. Two others were Shahmir from Swat and Rinchana from Tibet. Shahmir came in AD 1313 along with his numerous relations. Suhadeva granted him a jagir in a village near Baramulla. Ramachandra, the Prime Minister and Commander-in-Chief of Kashmir, employed Rinchana and granted him jagir in a village in the Lar Valley. These two adventurers were instrumental in the establishment of the Muslim rule in Kashmir. Another adventurer who received Suhadeva's patronage was Lankar Chak.

Dulucha, a Tartar chief from Central Asia, invaded Kashmir with 60,000 strong horsemen. Suhadeva tried to induce him to retreat by paying him off a large sum of money. For this purpose he imposed heavy taxes even upon the Brahmans who had never before been taxed. But Dulucha refused to retreat and struck terror. He ravaged the Valley with fire and sword. Monstrous miseries were inflicted upon the people including the Brahmans. According to Baharistan – i -Shahi, "Dulucha and his soldiers killed everyone they could find . People who had fled to the hills and forests were pursued and captured. Men were killed, women and children were reduced to slavery and sold to the merchants of Khita (Turkistan), whom the invaders had brought with them. All the houses in the cities and the villages were burnt. The invaders ate as much of the corn and rice as they could . Whatever was left, they burnt and destroyed. In this way the whole of the Kashmir Valley was trampled under foot". Suhadeva fled to Kishtwar, leaving the Kingdom to the cruel aggressors. Dulucha stayed here for eight months and took about 50,000 Brahmans with him as slaves. But all the troops and slaves perished while crossing the Devsar pass. It was a terrible experience for the legendary Kashmiri Pandits.

Dulucha went away from the Valley but left it haunted. The cursed people had lost all faith in their ruler- Suhadeva. Taking the advantage of the chaos and confusion, Rinchana- the refugee from Tibet, occupied the throne with the help of some chiefs . He killed his benefactor, Ramachandra, in the fort of Lar by treacherous means and married his daughter, Kota Rani.

Rinchana, a pseudo- Buddhist, wanted to get initiated into the Brahmanical fold to strengthen his political position. At that time, Shaivism was the most extensively practised religion in the Valley. So he called Sri Devaswami, the religious head of the Shaivas, to indoctrinate himself into the Hindu religion. Devaswami called a secret meeting of the prominent Pandits, who refused to accept Rinchana into Hinduism because of his low birth. Jonaraja says," The King asked Devaswami to initiate him in the mantras of Shiva, but as he was Bhautta (Tibetan), Devaswami feared that the King was unworthy of such initiation and did not favour him". This was a monstrous blunder on the part of Pandits, which turned the course of history. In fact, the Brahmans were not ready to share their privileges with an outsider. Thus deflected, Rinchana wanted to establish a uniform faith of warring sects and creeds in Kashmir with himself as its head. But Shahmir and Bulbul Shah manipulated his conversion to Islam. Ramachandra's son, Ravanachandra, and many others also embraced Islam. A Muslim ruling class came into existence. In this way the Kashmiri Pandits were responsible for the destruction of their own ascendancy and the ruin of their very existence. They are tremendously paying for it till today.

People of inferior origin and subordinate castes were attracted to Islam by gradual methods. This newly established Muslim class slowly consolidated its position and employed various methods to propagate the new faith. However, the Brahmins put a brave front and resisted the tide. After the death of Rinchana (AD 1326), Udyanadeva, the brother of Suhadeva, was installed on the throne of Kashmir and Shahmir was appointed as Commander-in-Chief.

Achala, a Turkish chief, invaded Kashmir during the reign of Udyanadeva, laying waste the territories he passed through. The king fled to Tibet. Kota Rani - the queen, faced the invader, procured his death and saved the kingdom. In this operation, Shahmir played the dominant role. Jonaraja says, "Strange that this believer in Allah became the saviour of the people. As a dried up river allows men to cross it and gives them shelter on its banks, even so this believer in Allah, calm and active, protected the terrified subjects." Shahmir's influence increased tremendously and he further strengthened his position by entering into matrimonial relations with the powerful nobles in Kashmir. A subversive struggle was born between the tolerant Hinduism and the militant Islam. Since the advent of Muslim rule in Kashmir [AD 1339], the legendary Kashmiri Pandits have suffered SEVEN TRAGIC MIGRATIONS so far. The seventh and last one was in 1989-90. A brief description of all the seven migrations is given below:

1. First Migration: In AD 1339, after defeating Kota Rain by a foul strategem and procuring her death, Shahmir ascended the throne of Kashmir under the name of Sultan Shamas-ud-Din (The Light of the Religion - Islam). He got khutaba read and the coins struck to his name. Islam became the court religion. Shahmir became the legitimate author and architect of Muslim rule in Kashmir. With the establishment of the new regime Muslim missionaries, preachers, sayyids and saints penetrated into the Valley. Sayyid Jalal-ud-Din, Sayyid Taj-ud-Din, Sayyid Hussain Simnani, Sayyid Masud and Sayyid Yusuf came to Kashmir to avoid the intended massacre by Timur. Mir Sayyid Ali Hamadani (Shah Hamadan) entered Kashmir with 700 sayyids; and, his son, Mir Muhammad Hamadani, with 300 more. They endured in the Valley under royal protection and disseminated the message of Islam. Mir Sayyid Ali Hamadani (AD 1314-AD 1385) wrote in "Zakhirat'ul Maluk" :

1. Muslim ruler shall not allow fresh constructions of Hindu temples and shrines for image worship.
 2. No repair shall be executed to the existing Hindu temples and shrines.
 3. They shall not proffer Muslim names.
 4. They shall not ride a harnessed horse.
 5. They shall not move about with arms.
 6. They shall not wear rings with diamonds.
 7. They shall not deal in or eat bacon.
 8. They shall not exhibit idolatrous images.
 9. They shall not built houses in the neighbourhood of Muslims.
 10. They shall not dispose of their dead in the neighbourhood of Muslim graveyards, nor weep or wail over their dead.
 11. They shall not deal in or buy Muslim slaves.
 12. No Muslim traveller shall be refused lodging in the Hindu temples and shrines where he shall be treated as a guest for three days by non-Muslims.
 13. No non-Muslim shall act as a spy in the Muslim state.
 14. No problem shall be created for those non-Muslims who, of their own will, show their readiness for Islam.
 15. Non-Muslims shall honour Muslims and shall leave their assembly whenever the Muslims enter the premises.
 16. The dress of non-Muslims shall be different from that of Muslims to distinguish themselves.
- This naturally caused animosity among the Brahmins and resulted in frail rebellion during the reign of Shihab-ud-Din (AD 1354-1373). In order to break the upheaval among the Hindus and to make them prostrate, the Sultan turned his attention towards their temples.

All the temples in Srinagar, including the one at Bijbehara, were wrecked to terrorize the poor Kashmiri Pandits. It seems that by this time, the sultans of Kashmir were perfectly islamized as a result of their contacts, interactions and intercourses with the sayyids. These sayyids came here as absconders in search of safe harbours, but manoeuvred the events for their own cause and fanatic iconoclastic zeal. The Hindus began to feel deserted and alienated in their own land. To consolidate their rule, sultans institutionalized the "policy of extermination" to eradicate all traces of Hinduism in any form. However, the Kashmiri Pandits stuck to their own religion and traditions, ignoring the atrocities, barbarism and cruelties of the privileged ruling class. But there were many from other castes who, either by conviction or in order to gain royal favour, embraced Islam. These new converts were looked down upon by the Kashmiri Pandits as traitorous and treacherous, with no loyalty for time-honored values. This gave rise to a new class rivalry. Suha Bhatt, who after embracing Islam took the name of Saif-ud-Din, became the leader of the fresh converts during the reign of Sikandar (AD 1389-1413).

Sikandar- the Butshikan, was bigoted with fanatic religious zeal to spread Islam in the entire Valley. This fanaticism was stimulated by Mir Muhammad Hamadani. Suha Bhatt - the convert, was appointed Prime Minister by Sikandar and both hatched a deadly conspiracy to persecute the Hindus and enforce upon the Nizam-i-Mustaffa. Jonaraja says, " The Sultan forgot his kingly duties and took delight day and night in breaking images ... He broke images of Martanda, Vishaya, Ishana, Chakrabrit and Tripureshvara There was no city, no town, no village, no wood where Turushka left the temples of the gods unbroken." According to Hassan (History of Kashmir), " This country possessed from the times of Hindu rajas many temples which were like the wonders of the world. Their workmanship was so fine and delicate that one found himself bewildered at their sight. Sikandar, goaded by feelings of bigotry, destroyed them and levelled them with the earth and with the material built many mosques and khanqahs. In the first instance he turned his attention towards the great Martand temple built by Ramdev (the temple was rebuilt by King Lalitaditya, AD 724-760) on Mattan Kareva. For one year he tried to demolish it, but failed. At last in sheer dismay, he dug out stones from its base and having stored enough wood in their place, set fire to it. The gold gilt paintings on its walls were totally destroyed and the walls surrounding its premises were demolished. Its ruins even now strike wonder in men's minds. At Bijbehara, three hundred temples including the famous Vijiveshwara temple, which was partly damaged by Shihab-ud-Din, were destroyed. With the material of Vijiveshwara temple, a mosque was built and on its site a khanqah, which is even now known as Vijiveshwara Khanqah." The stones and bricks which once configured a marvelous and splendid temple or monastery, now hold up mosques. Hassan further adds, " Sikandar meted out greatest oppression to the Hindus. It was notified in the Valley that if a Hindu does not become a Muslim, he must leave the country or be killed. As a result some of the Hindus fled away, some accepted Islam and many Brahmans consented to be killed and gave their lives. It is said that Sikandar collected, by these methods, six maunds of sacred thread from Hindu converts and burnt them. Mir Muhammad Hamadani, who was a witness of all this vicious brutality, barbarism and vandalism, at last advised him to desist from the slaughter of Brahmans and told him to impose jazia (religious tax) instead of death upon them. All the Hindu books of learning were collected and thrown into Dal Lake and were buried beneath stones and earth." Sikandar issued orders that no man should wear the tilak mark on his forehead and no woman be allowed to perform sati. He also insisted on breaking and melting of all the gold and silver idols of gods and coin the metal into money. An attempt was made to destroy the caste of the Aryan Saraswat Brahmans by force and those who resisted were subject to heavy fines. Farishta says, " Many of the Brahmans, rather than abandon their religion or their county, poisoned themselves; some emigrated from their native homes, while a few

escaped the evil of banishment by becoming Muhammedans". To strictly enforce the Nizam-i-Mustaffa, Sikandar established the office of Shaikh-ul-Islam.

According to W.R. Lawrence, the Aryan Saraswat Brahmans of Kashmir were given three choices-death, conversion or exile. "Many fled, many were converted and many were killed, and it is said that this thorough monarch (Sikandar) burnt seven maunds of sacred threads of the murdered Brahmans". As for the statements of Hassan and Lawrence, six maunds of sacred threads of converts and seven maunds of murdered Pandits were burnt. The number of people, to whom these thirteen maunds of sacred threads belonged, might have been tremendously colossal. A mammoth number of the Saraswat Pandits also went into exile, causing the first disastrous mass exodus of the community.

2. Second Migration: Ali Shah - the tyrant (AD 1413-1430), son of Sikandar- the Butshikan, during his short rule of six years, carried on his father's 24-year tyrant reign with homicides, conversions, tyranny and enforced jazia. Suha Bhatta – the convert, who retained the prime ministership continued his earlier crimes and atrocities against the Kashmiri Pandits. Jonaraja gives a graphic account of the plight of the illustrious Kashmiri Pandits in the draconian reign of Ali Shah. He says," Suha Bhatta- the convert, passed the limit by levying fine, jazia, on the twice - born. This evil-minded man forbade ceremonies and processions on the new moon. He became envious that the Brahmans who had become fearless would keep up their caste by going over to foreign countries, he therefore ordered posting of squads on the roads, not to allow passage to any one without a passport. Then as the fisherman torments fish, so this low born man tormented the twice-born in this country. The legendary Brahmans burnt themselves in the flaming fire through fear of conversion. Some Brahmans killed themselves by taking poison, some by the rope and others by drowning themselves. Others again by falling from a precipice. The country was contaminated by hatred and the king's favourites could not prevent one in a thousand from committing suicide A multitude of celebrated Brahmans, who prided in their caste, fled from the country through bye-roads as the main roads were closed. Even as men depart from this world, so did the Aryan Saraswat Brahmans of Kashmir flee to foreign countries. The difficult countries through which they passed, the scanty food, painful illness and the torments of hell during life time removed from the minds of the Kashmiri Pandits the fears of hell. Oppressed by various calamities such as encounter with the enemy, fear of snakes, fierce heat and scanty food; many Brahmans perished on the way and thus obtained salvation." This was the second miserable mass exodus of the Kashmiri Pandits. Jonaraja calls it "Chandh-Dandh" - violent, cruel, brutal and horrible punishment, for the abandoned and vulnerable Saraswat Brahmans of Kashmir. History repeated itself again in AD 1989-1990.

3. Third Migration: Mir Shams-ud-Din Iraqi, who visited the Saffron Valley twice in AD 1477 and 1496, was the founder of Nurbakhshiya order (Shia sect) in Kashmir. His mission was the vigorous propagation of his faith. So, not contented with peaceful preachings, violent methods were employed. In this adventure , Iraqi was helped by the homicidal creature and most dreaded tyrant-Malik Musa Raina, a converttee, whose original name was Soma Chandra. Not only the poor vulnerable Brahmans, but the Sunni Muslims were also violently converted to Shia sect by murderous techniques. This dogmatic fanaticism even crippled the Sunni ruler of Kashmir, Fateh Shah (AD 1510 -1517). A khanqah was built at Zadibal (Srinagar) by Iraqi, which became the nucleus of Shia concentration.

Kashmiri Pandits suffered ferociously under the instructions of Shams-ud-Din Iraqi and Musa Raina. About 24,000 of them were forcibly converted to Shia sect of Islam. Iraqi had even issued orders that everyday about 1500 to 2000 Brahmans be brought to his doorsteps, remove their sacred threads, administer Kalima to them, circumcise them and make them eat beef. These decrees were ferociously and brutally carried out. The Hindu religious scriptures from 7th century AD onwards

and about 18 magnificent temples were destroyed, property confiscated and ladies abused. Thousands of Brahmans killed themselves to evade this horrific barbarism and thousands migrated to other places, resulting in their third tragic mass exodus from the Saffron Valley of Kashmir. Those who stayed behind were not only forced to pay jazia, but their noses and ears were chopped off. To escape the tremendous pain and agony, they cried. "I am not a Hindu."

4. Fourth Migration: The greatness of Akbar lies in his magnificent and fascinating policy of religious tolerance. Jahangir and Shah Jahan were not so tolerant. But their religious enthusiasm cannot be termed as fanatic. During this period, the Brahmans could perform their religious ceremonies after paying some tribute. But the whole scenario changed with the accession of Aurangzeb to the throne. With his bigoted fanatic and dogmatic approach, the Kashmiri Pandits were once again made vulnerable. Iftkar Khan, the Mughal governor of Kashmir during the reign of Aurangzeb, brutally tyrannized over the Brahmans to such an extent that they approached Guru Teg Bhahadur, the ninth Sikh Guru, at Anandpur in Punjab and solicited his personal intervention with the Emperor. This ultimately led to the Guru's martyrdom and made Guru Gobind Singh to create the Khalsa to fight the oppressors. Muzaffer Khan, Nassar Khan and Ibrahim Khan were other governors of Aurangzeb who ferociously terrorized the Kashmiri Pandits. These celebrated scapegoats were once again forced to migrate from the land of their origin. It was the fourth disastrous mass exodus of the Aryan Saraswat Brahmans from Kashmir.

5. Fifth Migration: During the rule of later Mughals, Kashmir witnessed the outbreak of the worst kind of religious intolerance. In AD 1720, Mullah Abdul Nabi, also called Muhat Khan, a non-resident Kashmiri Muslim, was appointed as Shaikhul Islam. In order to assert his religious authority, he asked the Deputy Governor, Mir Ahmed Khan, to start a campaign of persecution of the Kafirs (infidels) - as the Kashmiri Pandits were called. In order to satisfy his satanic ego, the Mulla issued six commandments:

1. No Hindu should ride a horse, nor should a Hindu wear a shoe;
2. That they should not wear Jama (Mughal costume);
3. That they should move bare arms;
4. That they should not visit any garden;
5. That they should not have tilak mark on their foreheads;
6. That their children should not receive any education.

But Ahmed Khan refused to execute the mischievous decree. The Mullah then excited his followers against the Kashmiri Pandits. He established his seat in a mosque, assumed the duties of the administrator under the title of Dindar Khan and let loose the reign of terror. The Hindus were wickedly tormented, their houses burnt and property looted. Hundreds of Brahmans were killed, prostrated, maimed and humiliated. They began to run away in large numbers and hide themselves in mountainous terrain. This was the fifth dreadful mass exodus of the legendary Kashmiri Pandits from their mystic motherland. Those who remained behind lived in the most horrific and terrible conditions generated by the Mullah and his gang.

6. Sixth Migration: The Afghan rule in Kashmir (AD 1753-1819) was a period of cruelty, homicide and anarchy. W.R. Lawrence calls it the "reign of brutal tyranny." The barbarous Afghans employed every wild, inhuman, primitive, ferocious, cruel and brutal method to suppress the Kashmiri Brahmans. A pitcher filled with ordure was placed on the head of a Pandit and stones were pelted on it, till it broke and the unfortunate Brahman became wet with filth. Their brutality and atrocity crossed the extreme limits when Hindus were tied up in grass sacks, two and two, and drowned in the Dal Lake. The victimized Hindus were forced to flee the country or were killed or converted to Islam. There was a horrible mass exodus of the Kashmiri Pandits, sixth one, to far away places like Delhi, Allahabad, etc. Many covered the long distances on foot.

Hindu parents destroyed the beauty of their daughters by shaving their heads or cutting their noses and ears to save them from degradation. Any Muslim could jump on the back of a Pandit and take a ride. Mir Hazar - an Afghan governor, used leather bags instead of grass sacks for the drowning of Brahmans. Turbans and shoes were forbidden for them. The Saraswat Brahmans of Kashmir were also forced to grow beards and tilak was interdicted. The Afghans are now only remembered for their barbarity, brutality, ferocity, tyranny and cruelty. They thought no more of cutting of heads than of plucking a flower.

7. Seventh Migration: With the formation of Jammu and Kashmir State; and, establishment of the Dogra rule in 1846, Kashmiri Pandits were imperceptibly elbowed to the background. Administrators and officials were deputed from Jammu region. Though they enjoyed comprehensive religious freedom and social emancipation, political rights of the Kashmiri Brahmans were confined. On certain occasions, they even became victims of intrigue and suspicions. The vicious communal forces also turned their wrath against them. During the communal disturbances of July 1931, shops and houses belonging to the Kashmiri Brahmans were not only looted but also burnt. Three innocent Hindus lost their lives. This communalism in the state politics aggravated and magnified with the passage of time. It was fed for years with vicious communal propaganda and brainwashing.

After independence and accession of Jammu & Kashmir state to India, Kashmiri Pandits were pushed back to the barbarous Afghan era. They were given the sugarcoated doses of poisonous toxics. Article 370 of Indian constitution just reduced them to cipher and liquidated their population. Under the pretext of economic reforms, their jagirs were confiscated and distributed among the Muslim peasants. The administration of Shaikh Abdullah adopted malicious and pernicious approach towards the Saraswat Brahmans of Kashmir. They were taunted on one excuse or the other. Hindu temples were desecrated, looted and plundered. Minor girls of the community were forced to embrace Islam and marry the Muslim youth.

Shaikh Abdullah tried to create "Shaikhdom" for his dynastic rule in Kashmir. But his dreams were shattered when he was arrested in 1953 for anti-national activities. In 1958, he was released but detained again after three months under the Kashmir conspiracy case. However, the case was withdrawn in 1964 because of political reasons. But he was arrested again in May 1965 for his subversive activities and released in January 1968. Again, in January 1971, a ban was imposed forbidding him to enter the Jammu Kashmir state. This restriction was lifted in 1972.

During 1953-1974 Shaikh Abdullah characterized India as an imperialist power endeavouring to subjugate the people of Kashmir. He asserted that the accession of Kashmir with India was his greatest blunder for which history will never forgive him. He also demanded the right of self determination for the people of Muslim - dominated Kashmir, but ignored the Hindu- dominated Jammu and Buddhist- dominated Ladakh regions. The sophist Shaikh advocated plebiscite and unconditional withdrawal of Indian army from the Saffron Valley. He also campaigned against the import of food grains from India and asked people to eat potatoes grown in Kashmir. For such arguments, Shaikh Abdullah was nick named as "Aaloo Bab" --- Feeder of Potatoes. He made emotional solicitations that after death his body should not be buried in the subjugated Valley, but immersed into the sacred waters of Arabian sea. However, today his magnificent tomb stands on the banks of beautiful Dal Lake in Srinagar and is guarded by the Indian security personnel. By such gratuitous and conflicting statement, his secular credentials evaporated into thin air. The prospect of disloyalty and sedition began to haunt the Saffron Valley. Kashmiriyat switched over to political vandalism and bigoted fundamentalism. Shaikh Abdullah desperately held Indian Prime Minister, Jawaharlal Nehru, a Kashmiri Pandit, responsible for the shattering of his malevolent dreams in 1953. The mortified Shaikh ambiguously decided to retaliate against the whole Pandit community in Kashmir. In vindictiveness, he instigated his associated that while making a choice between a Kashmiri Pandit and dreaded cobra, kill the Pandit first. A vicious campaign of terror was launched against the Aryan Saraswat Brahmans of Kashmir. They were refused entry to government jobs and institutions of higher learning. Besides hurling strong statement against the Government of India and Kashmiri Pandits, the Shaikh decided that the whole lot of Indian army cannot save the Hindus in Kashmir against the

malevolence of Muslims. Farooq Abdullah also employed the same approach towards the crumbled Pandits when his brother-in-law, Gulshah, seized the chief ministership in 1984. The reactionary leaders- Afzal Beg, Maulvi Farooq, Mohi-ud-Din Kara and Maulana Masoodi; ignored the very existence of Kashmiri Pandits during their political adventurism. The Kashmiri Pandits were made to pay for every move on the political chessboard in Kashmir because they represented the pseudo-secularism, incognito- socialism and flowering- democracy of India. They were scolded and emotionally hurt in the Afghan fashion.

But then the whole political scenario in Kashmir took a dramatic turn in 1974, when Indira-Shaikh accord was signed by virtue of which the Shaikh became the Chief Minister of the State after the lapse of 22 years. Ignoring the great expectations he had created among the people in Kashmir and his vigorous campaign for plebiscite, the sophist Shaikh began to speak the language of Indian nationalism, democracy, socialism and secularism. The slogans of plebiscite, self-determination and independent Kashmir melted away. But the Hate- India virus, infused by him into the blood of the Muslim youth in Kashmir, was exploited by other corrupt self-styled politicians for their own interests from time to time. A vacuum was created because the people were betrayed disillusioned, politically raped and left in wilderness by their own leaders.

The programmes and policies of Bakshi, Sadiq, Qasim, Farooq and Gulshah were also damaging for the Kashmiri Pandits. They were continuously haunted by antagonistic, hostile and rebellious elements. Mufti Syed is even believed to be responsible for the anti-Hindu communal riots of 1986, when cows were slaughtered and temples destroyed in Anantnag district. From 1947-1986 about four lac Kashmiri Pandits silently migrated from Kashmir. Hypocritical atrocities and criminal ignorances of political leaders were responsible for these development. Pakistan, to avenge the defeat of Bangladesh, blatantly sponsored the violence and terrorism in the Valley, resulting in the turmoil of 1989-90. The then governor of Jammu and Kashmir, Jagmohan, wrote a detailed letter to the former Prime Minister, Rajiv Gandhi, on April 21, 1990, endorsing the alarming signals. But cowardly Indian leadership was still unconcerned.

“Aay Zalimu, Aay Kafiroo,
Kashmir Hamara Chhouth Dou”

“Bharat Kay Aiwanu Ko
Aag Lagado, Aag Lagado”

The final assault on the Kashmiri Pandits started with these slogans. Barbarous terrorists from Pakistan, Afghanistan, Turkey, Sudan and even Saudi Arabia penetrated into the Saffron Valley. Brutal, wild and barbarous techniques were employed to hound and kill the Aryan Saraswat Brahmans of Kashmir. Even the helpless ladies were not spared. Sarla Bhat, a nurse in Soura Medical Institute, was abducted on 19th April, 1990, by JKLF militants who repeatedly gang-raped her and eventually killed her on 25th April. Girja Tikoo, a teacher from Bandipur, was kidnapped, raped and eventually shred to pieces by a saw mill on 4th June, 1990. Bimla Braroo from the Nai Sarak, Srinagar, who along with her daughter, Archana, was raped in the presence of her husband, Sohanlal, before all the three were killed on 31st March, 1992. There are dozens of such brutal instances. Even wicked Afghans will be feeling sorry in their graves for the sanatic holocaust of the legendary Kashmiri Pandits.

The barbarous murder of hundreds of innocent Brahmans of Kashmir caused their seventh and final agonizing mass exodus from the Valley. This was the final knock down of ethnic cleansing and genocide of the Kashmiri Pandits. The mass massacres at Sangrampora (1997), Udhampore (1997), Prankot (1998), Wandhama (1998) and Nadimarg (2003) were the follow up cleansing operations. Pandits in Kashmir dwindled from 10% in 1947 to fewer than 5% in 1989 and to less than 1% today. The pretended world bodies, contaminated human rights organizations, pseudo-secularists, self-styled leaders, so-called policy makers, tainted political parties and slack bureaucracy have failed to express serious concern at this great human tragedy.

DANSE MACABRE is still going on.

Landmark verdict of Delhi High Court

K.N. Pandita

Independence of judiciary is one of the greatest boons of democracy. Its operative part depends on two crucial factors: One is how far the regime shows it due respect, and the other is how far the honourable judges maintain their integrity.

In developing countries, judiciary is usually under stress owing to the dynamics of economic and social development that ask for upgrading and democratizing existing laws, and enacting and reinterpreting many new laws. Although it is the assembly which has to do the law making business but ultimately it is the judiciary that becomes the custodian of the law and its operator.

As highly conscientious members of civil society, judges cannot be immune to the phenomenon through which the country is passing. It is just possible that at times the actions and decisions of the government may not be fully compatible with the requirements of law and justice. This is a critical situation for the dispensers of justice. By and large, it is found that in such tight situations, upright judges have stood fast by their professional integrity and tried to be just and not partisan.

A case in point is the recent judgment by a Delhi Court in a lawsuit filed by some Kashmiri Pandit employees of the Central Government who, after their retirement, were asked to vacate the government accommodation.

The 170 - page verdict given by Justice Geeta Mittal, of the honourable High Court of Delhi in this specific case is an eye opener of how humanitarian consideration, common sense, natural justice and circumstantial exigency should justifiably supersede cut and dried rules and laws of governance. The verdict restraining eviction from government accommodation may not be the first of its kind, but taking into account the raw deal given by the powers that be to the internally displaced persons from Kashmir valley for last two decades, it is a remarkable piece of adjudication.

It is for the first time that a court of law in India has recognized some vital constitutional implications of internal displacement, which the government condescendingly ignored, circumvented or rejected in the past. Undoubtedly, political considerations always supervened to deny the victims of Theo-fascism their rights and privileges. It is something unexpected of a democratic welfare state, a Ram Rajya state of Gandhiji's dreams.

The verdict is very significant in more than one way and it will have noteworthy bearing on the entire spectrum of internal displacement like status, rights, and privileges of the affected people, and, more importantly, the contentious issue of their return and rehabilitation in the valley.

First of all, cognizance by the honourable court of their status as "internally displaced persons" sets aside the nomenclature of "migrants" arbitrarily thrust on them by the state and the union government. This vindicates the prayer of Kashmiri Pandits to the National Human Rights Commission in early days of their exodus that was turned down obviously on political considerations. The victimized minority community has been stating on national and international fora that it fulfills all conditions set forth by the UN Human Rights Commission for entitlement as "Internally Displaced Persons" because it did not cross national borders. The high court verdict now entitles them to demand not only the proper nomenclature but also privileges and rights that accrue to them as IDPs. They are to be treated as international refugees for all intents and purposes like relief, asylum, concentrated rehabilitation of their choosing etc.

The second major implication is that the verdict of the honourable high court explicitly recognizes that "violent situation forced them to flee (the valley), and forcing them to return to the areas where they were persecuted violates the principles of International Law forbidding expulsion of a refugee into an area where such persons might be again subjected to persecution".

In combination with this observation there is the honourable court's additional declaration that the "Government has failed to ensure their safety there." The two observations namely (a) they were persecuted and forced to flee, and (b) government failed to ensure their safety, invalidate and dismiss government's plan of taking the displaced persons back without fulfilling the pre-requisites of rehabilitation of the refugees. Under international law, to which the honourable court has alluded, these refugees have a right to be rehabilitated concentratedly in an area or a region of their choosing. This is precisely what the UN Human Rights Charter sets forth for the rehabilitation of IDPs. Government of India is a signatory to that Charter. Demand for a homeland emanates from the Charter in question.

The third implication is that the honourable court has asserted in most forceful words that there has been "unprecedented ethnic cleansing of minority community from Kashmir valley on account of the inability of the state to protect them and their property from violence, who, as result were rendered homeless".

The verdict again vindicates Kashmiri IDPs who had made an appeal to the National Human Rights Commission of India to register a case of their genocide in Kashmir but the Commission, again perhaps on political considerations, would not agree though sadistically its verdict stated that "genocide-like conditions were created."

The IDPs from Kashmir have been fighting for their genuine rights with great fortitude on regional, national and international levels. They were able to convince the international community that for long their religious minority community has been subjected to discrimination and persecution, and finally ethnically cleansed of their homeland. But unfortunately, their similar entreaties cut no ice with the central and the state governments. Even when this writer struggled at the UN Human rights Commission in Geneva for several years and was successful in persuading the Minority Rights Group of the Human Rights Commission to incorporate "reverse minority as Kashmiri Pandits" in the body of definitions of Minority, which later on went into all relevant documentation at the UN, the Union Government has been loath to accept it.

Looked from these facts of history, we regret that the government has been willfully undermining the status, rights and privileges of IDPs from Kashmir. It has been all along immune to the human aspect of the case. Disregard of humanitarian aspect still continues. Delhi administration refuses to regularize the services of 230 trained graduate and post graduate Kashmiri IDP female teachers in its education department for last 20 years. Despite equal work load with regular teachers, they are paid not even half the stipulated salary.

The decision of the honourable High Court of Delhi in this particular case is a historic decision and greatly enhances the prestige of judiciary for its human face. It makes space for the refugees from Kashmir to stake their claim for all rights and privileges as IDPs. The court verdict is an indicator and path breaker. Evidently, if the Pandits are able to legally pursue the salient features of this verdict, there should be no doubt that the Government of India will have to revise its Kashmir policy including its present scurvy treatment of this community. (The writer is the former Director of the Centre of Central Asian Studies, Kashmir University)

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