



**THE HINDU CENTRE**

*for*

Politics and Public Policy

Interview

## **AFSPA is a great issue for the Kashmiri, not Art. 370; 10-12 States enjoy similar protection: Moosa Raza, former J&K Chief Secretary**



SAPTARSHI BHATTACHARYA



PDP supporters dancing during an election rally in Chadoora Budgam district central Kashmir on Saturday, April, 13, 2019. Photo: Nissar Ahmad

*The conflict in Jammu and Kashmir (J&K) has seen many elections. The State sends six MPs to the 543-strong Lok Sabha but 'Kashmir' adds significantly to the electoral rhetoric of political parties that battle for power. In this General Election, the ruling Bharatiya Janata Party (BJP) pitched the abrogation of Article 370 and the terror attack in Pulwama to the centrestage of the election campaign. This in turn has resulted in shrill positions in the public domain.*

*Moosa Raza, former Chief Secretary, J&K, who hails from Tamil Nadu, served as an Indian Administrative Service officer in Gujarat before being posted to J&K, and a Padma Bhushan awardee in 2010, is in conversation with Saptarshi Bhattacharya, Senior Coordinator, The Hindu Centre for Politics and Public Policy, Chennai, on the manner in which the Kashmir conflict in particular and Hindu-Muslim enmity in other parts of the country such as Gujarat, have been allowed to fester.*

*Raza gives the historical backdrop and the political relevance of Articles 370 and 35-A, the steps that were proposed during his tenure as Chief Secretary to address the issues relating to the rise and spread of militancy, and the manner in which the decades-long conflict should be approached both by political leaders and the general public for effective conflict resolution.*

*Excerpts from a 90-minute interview held in Chennai on April 23, 2019:*

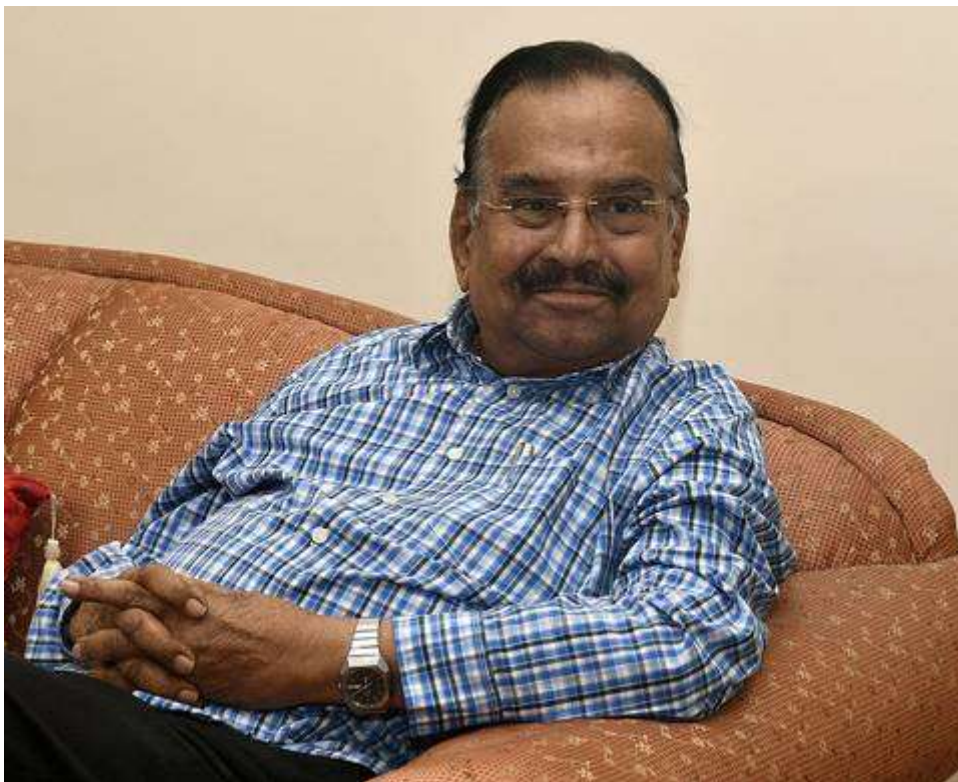
**India is facing a general election. The political discourse has witnessed heated debates over Article 370 of the Constitution, which provides special status to the State of Jammu and Kashmir, and Article 35-A which defines permanent residency in that State. What does Article 370 mean to Kashmir and to the rest of India? And how well-founded are the apprehensions over Article 370 outside the valley, which has given rise to the narrative that Kashmir is pampered and enjoys more benefits and rights?**

You got to look at Article 370 from a historical background. In July [1947], the then government of Britain decided to give independence. Lord Mountbatten called a meeting of all the princes and made a speech there saying that paramountcy is going to lapse, that all the princes were going to become independent, and that the government of Britain would have no responsibility for their protection or anything else. “We will withdraw completely. You will be on your own. What is the solution for you? The solution for you is that you can accede the state—because you are going to become absolute rulers after we withdraw—either to India or to Pakistan,

depending upon the contiguity and other considerations. Therefore, I am advising you to take a view in this matter at the earliest.”

At that point of time, Maharaja Hari Singh [of Kashmir] dilly-dallied. He did not commit himself. He was wondering what to do, whom to accede to. If he goes only by the contiguity part, it should be Pakistan. And Kashmir at that time had a relationship with Pakistan. Supplies were coming in across the border. Also, religiously, a majority of the population of Jammu and Kashmir were Muslims. Therefore, they had, according to the belief at that time, more affiliation to Pakistan than to India. This was one consideration. But Hari Singh did not want to accede to Pakistan.

The second alternative before him was to accede to India. But he did not like India because Jawaharlal Nehru and Mahatma Gandhi were supporting the agitation of the Muslims, directly or indirectly, for devolution of power to them. And Sheikh Abdullah was having some kind of affinity with Jawaharlal Nehru. Jawaharlal Nehru wanted to enter Kashmir to defend Sheikh Abdullah. All these things inclined Hari Singh against India.



**Moosa Raza, former Chief Secretary, Jammu & Kashmir. Photo: R. Ragu**

The third alternative was independence. He was more inclined to go for independence. It was at that time that Jinnah sent in all those tribesmen to create a big ruckus in Kashmir. Sheikh Abdullah was totally shaken as a result of the invasion. Maharaja Hari Singh made a hurried departure from Srinagar with 200 cars carrying money and this and that. He went away to Jammu for his safety because he was afraid that if the tribesmen took over Srinagar, his life will be in jeopardy. Sheikh Abdullah had also mobilised people—militia—to defend Srinagar. That was the kind of situation. Therefore, Hari Singh thought that in this critical situation he had to obtain help from the Government of India. The message had been given to him very clearly that unless he acceded to India, the government will not be able to legally send in any forces. So he signed the Instrument of Accession.

Now, the Instrument of Accession very clearly laid down—and Lord Mountbatten in his speeches and his letter had clarified—that the accession to either of the two states [India or Pakistan] would be only on three subjects. Therefore, when he signed the instrument of accession, he made it clear that “I am acceding to India only on these three subjects of defence, communication, and foreign affairs.” The residual powers still remained with the Maharaja, which means the State of Jammu and Kashmir, because he was the ruler.



**Prime Minister Jawaharlal Nehru with National Conference founder and Prime Minister of Jammu and Kashmir Sheikh Abdullah, an undated file photograph. Photo: The Hindu Archives.**

There was a lot of anger and resentment. Liaquat Ali Khan, at that time, fulminated against the Instrument of Accession being signed with Government of India. Things were in a state of disequilibrium. It was under those circumstances that Lord Mountbatten wrote a letter, which is there on record, stating that the Instrument of Accession was signed and the accession of Jammu and Kashmir to India will be

reviewed after things had stabilised and the wishes of the people will be taken into account.

Therefore, the Government of India was compelled, more or less—and Gopalswami Ayyangar said so in the Constituent Assembly—that under these circumstances some special protection has to be given to Kashmir so that Kashmir does not go away practically. Article 370 was enacted. The preamble of that Section even today says that it was an interim and temporary measure. That is what everybody is now talking about.

Justice A.S. Anand—then only Justice Anand; he was not Chief Justice at that time—very clearly says that temporary does not mean that it was applicable only at that point of time. What it meant was that it was temporary only for the purposes of accession. Once the accession has taken place, this temporary expression does not have much significance. He said so in his book on the governance of Jammu and Kashmir which he wrote way back in the early 1950s. Thus, Article 370 became a part of the accession, part of the basis on which Kashmir became a part of India.

The people of Jammu and Kashmir still believe that they have been treated specially, separately from the other States of India. They have been given protection under Article 370 and that Article 238 of the Constitution, which governs the relationship with other States of India, will not be applicable to Kashmir. They don't have to surrender any of the residuary powers they have been enjoying in the past. They believed, right from 1948 when Sheikh Abdullah became the Prime Minister, that they enjoy a special status and the accession is based on Article 370. So Article 370 is the protection which they get.

Today, you can't simply say that that should go, because if that goes, then the whole accession comes under question. Jammu and Kashmir's agreement with India was

---

*Today, you can't simply say that Article 370 should go. If that goes, then accession comes under question.*

---

that Article 370 will ensure that the State will not be deprived of all the residuary powers that the State had, though, in practice, those powers slowly got eroded over a period of time one by one. Again, the Article 370 itself says that no part of the Constitution of India or the rules thereunder will be made applicable to Jammu



and Kashmir without the agreement of that State. Who represents the State? The head of the State. The head of the State after the amendment came into existence is the *Sadr-e-Riyasat* at that time, the *Sadr-e-Riyasat*s advised by the Council of Ministers. That is there in the Constitution.

Unfortunately, many of the dilutions have taken place during the rule of the Governor who has no advisory council; the Cabinet is not there. Therefore, legally, that is a questionable agreement. The local authorities ask how the Governor could, without the consent of the people, agree to apply constitutional rules of India to Jammu and Kashmir. This is the legal aspect. Practically, what does it mean? Practically, I have noticed even at that time, and I continue to notice, that the common man is not even aware of Article 370. The ordinary Kashmiri, during my interaction with him, never talked of Article 370 at all, never talked of dilution of any powers.

What are the powers that were basically diluted? Take for example, application of the judiciary—the Supreme Court, High Courts, and the laws of the judiciary—to Jammu and Kashmir. General people are very happy that the Supreme Court's jurisdiction has been extended to Jammu and Kashmir. They had a protection, actually. It is not a negative rule. They have less confidence on the local judges and the local courts than they have on the higher judiciary of India. This is one aspect.

Take for example, the Income Tax Act. The Income Tax Act was made applicable to Jammu and Kashmir after 1953 when Sheikh Abdullah was arrested and moved from the scene. That, too, has not affected the common man. Who pays the Income Tax there? Only the top echelons have been affected by Income Tax. The common man never paid Income Tax at that time, they do not pay Income Tax now as well.

So, what are those powers that have been eroded in Kashmir? For the common man, nothing. He is quite happy at the moment. Therefore, all this talk about Article 370 as far as the Kashmiri is concerned is theoretical, according to me. There is no practical applicability to this opposition to the removal of Article 370 in Jammu and Kashmir.

As far as the rest of India is concerned—I will talk about Article 370 as well as 35-A together—perhaps they are not aware that 10-12 States of India enjoy similar protection. In the whole of the Northeast, you can't go and buy land there and settle down. You can't get a job there unless you are a citizen of Manipur, Tripura, or of Arunachal. I was the Collector of a district called Dangs in Gujarat and nobody can buy land there. It's a tribal district. So, land was protected. You could not even start a shop in Dangs at that time. I don't know if there has been dilution now.

I was the Collector of a district called Dangs in Gujarat and nobody can buy land there. It's a tribal district. So, land was protected. You could not even start a shop in Dangs.



People hold placards during a protest rally against the petitions filed in the Supreme Court challenging the validity of Article 35A and 370, at Nowhatta in Srinagar on August 10, 2018.  
File photo: Nissar Ahmad

[Special] Protection is there [elsewhere too]. Gujarat and Maharashtra have got special laws applicable. Your whole gamut of Article 371—A, B, C, D, E, F, G, H, I, and J—are all the sections that give different kinds of protections to different States; special protection to the culture, to the local laws. Articles 371A, 371B, say that Government of India and Parliament will not apply any laws that adversely

affect the tribal laws and the traditional laws of the Nagas, Mizos and so on. They enjoy that. When they can enjoy that, why can Kashmiris not enjoy Article 35-A? There is a question there. ‘Why can’t I have protection for my territory, my area?’, that’s what the Kashmiri says. ‘So, treat me as you are treating all those 10 or 12 States where you are giving special protection to those States. I am asking the same thing.’

Section 35A is very interesting. Again, you look at the historical background. It was not enacted *ex nihilo* [out of nothing]. There was a background to it. In 1927 or 1932, the Maharaja himself had passed an Act saying that you cannot buy land in Jammu and Kashmir, that only the State subjects will be able to get jobs here. So what happened was that under the Instrument of Accession, it was made clear that all the laws that were in existence in 1948 when the Instrument of Accession was signed will remain intact.

This was a law that was intact at that point of time. Only thing is that Article 35A gave protection to those Acts which were there at that point of time. It was nothing new. Why are you then talking of Article 35-A as something new or something special? Article 35-A is applicable in some form or the other in all those 10-12 States in India, in some form or the other. For example, in some States you are allowing land to be bought in the city. There are restrictions: you can buy only up to 240 square feet or whatever. So, if that is so, then why are you talking about Article 35A removal from Kashmir? This is what the Kashmiri wants to know.

**As a former Chief Secretary of Jammu and Kashmir, how have you seen Article 370 operate with respect to the relations between the State and the Centre? And where is it heading now?**

Article 370 was never specifically invoked by anybody, neither the Government of India nor the State government. Nobody talked of Article 370 when I was Chief Secretary there. Nobody said, “This we are going to do under Article 370. This you should not do.” I went as a Chief Secretary from outside the State. Normally they always have somebody from within the State. I went under special circumstances at that time when the then Chief Minister Farooq Abdullah, was not able to handle the



administration because of cleavages taking place and battles between two groups there—the locals and the outsiders.

Two groups had been formed in the State and there was a battle. So, administration was in the doldrums. He approached [Prime Minister] Rajiv Gandhi and said that he wanted somebody from outside the State. Rajiv Gandhi told B.G. Deshmukh, who was then Cabinet Secretary, to look at somebody. B.G. Deshmukh, in turn, asked

---

*During my entire two years, I never came across anybody talking about Article 370. Nobody said we have to do this or that under Article 370.*

---

M.K. Narayanan, who was the Director, Intelligence Bureau, to find out an officer who can be sent to Kashmir. DIB (Director, Intelligence Bureau) focussed on me and said Moosa Raza is the best person. My dossier was prepared and I recall that M.K. Narayanan showed me, though he didn't allow me to read it. I raised two-three names because I was not keen to go. I suggested why not A, or why not B. He pointed out that if I were to accept your suggestion of A, within three days he will be sitting in Islamabad negotiating Kashmir with them. He is that kind of a person. I was reluctant to go there because I was quite happy in Gujarat. I was doing a very good job. I had personal problems. My wife could not stand cold and she did not want to go to Kashmir. I showed my reluctance to go to Kashmir.

B.G. Deshmukh came to Baroda to persuade me personally. I don't think there is any case where the Cab. Sec. came to persuade a junior officer to go to a State. Even after his visit, I showed reluctance. He called me to Delhi and showed me a letter which Farooq Abdullah had written to Rajiv Gandhi stating, "I had a meeting with Mr. Moosa Raza, and in spite of my persuasion he is not willing to come to Kashmir. So, you will have to find for me an alternative." Rajiv Gandhi, in red ink, had written on the margin, "B.G., if you are unable to persuade Moosa, ask him to come and meet me." That was the end. Nobody wants to go and meet the Prime Minister and say no. So I told the Cab. Sec. that I don't want to meet the PM and I'll go to Kashmir.

I went to Kashmir [in 1988] and, in two years, I managed to settle all those differences between the groups. During the entire two-year period, I worked with the Chief Minister on site, the then Governor Jagmohan, and Governor Krishna Rao.

These three people were the ones with whom I interacted mostly; of course, with other Ministers and other civil servants and so on. During my entire two years, I never came across anybody talking about Article 370. Nobody said we have to do this under Article 370 or do that under Article 370. Article 370 was not an issue during my period.

**That is strange because in day-to-day activities and administrative work, it does not appear to be having any impact. Yet, it has become such big part of the narrative these days.**

Absolutely no impact, not at that time and not even today.

**Which is why it is surprising that it has become so important a part of the political narrative today. For example, several leaders of the BJP, including the Prime Minister himself, have openly stated that they would like the Article 370 to be abrogated and Article 35A to be annulled, that it is important that we look forward and that these are archaic laws and they don't offer level playing field. Firstly, is it constitutionally or legally possible? And secondly, what impact will it have in Kashmir-India relations?**

As I said, Article 370 is not an issue as far as Kashmiris are concerned or Indians are concerned in general. Neither of the two ordinary peoples are concerned about Article 370. Most of the time, it has been raised politically both by the Indian politicians as well as the Kashmiri politicians. They have raised a big hullabaloo about Article 370. The moment you say that we are going to remove Article 370, there is a reaction in Kashmir. They say no, we will then stand up for Article 370. That is the one which gives us protection. What protection has Article 370 given to Kashmir, I don't know. In the last 70 years of its existence, Article 370 has not been as issue.



Prime Minister Narendra Modi at an election campaign rally at Kathua on April 14, 2019.  
Photo: The Hindu.

For example, one of the things that even today is riling the Kashmiri is the Armed Forces Special Powers Act. That is a great issue for the Kashmiri, not Article 370. You talk to ordinary Kashmiris, they know it, they talk about it, and they are affected by it, each one of them. But by Article 370, no one is affected there. Therefore, according to my assessment, Article 370 is being purely raised for political purposes, both by the leaders of political parties of India who have been battling for it as well as the Kashmiri leaders, the separatist Kashmiri leaders who think that this is a threat to them. Both of them are using Article 370 broadly for political purposes.

**Article 370 was gradually watered down. You were mentioning that ordinary people were happy with several laws of India being extended to Kashmir, like the judiciary and the Income Tax. Could you elaborate a little on that and tell us what are the other things that could have made an impact, positive or negative, in this process of systematic watering down of Article 370 and extending India's residuary powers to Kashmir?**

Article 35A is relevant and it flows out of Article 370. If Article 370 is abrogated, then Article 35-A will automatically go because the powers of the President to make an amendment in the Constitution flows from Article 370, not by itself. Therefore, the threat, I would say, for a Kashmiri is greater from the abrogation of Article 35A

than of Article 370, because if Article 35A is abrogated, then the Kashmiri is afraid that his land would go away.

All kinds of people will come and buy land in Kashmir and he will be rendered a landless labourer in his own land. Two, all the jobs in Kashmir will go away to people from outside who are better qualified than the Kashmiri if Article 35A goes

---

*[T]he threat, I would say, for a Kashmiri is greater from the abrogation of Article 35A than of Article 370.*

---

away. This is his apprehension. It may or may not come true, but the apprehension is there that all scholarships will be given to people from outside the State. So what will I get as a Kashmiri? I will get no protection. This is the point which is much more important for the Kashmiri than watering down of Article 370 in its generality.

**You have interacted with people across the State, you have travelled greatly to rural areas along with T.N. Seshan, by yourself, and with B.G. Deshmukh, implementing several schemes. Based on these interactions, could you give us a glimpse into the Kashmiri mind?**

Kashmiris are like any other people in the rest of India. Most of the time they are concerned with the issues of day to day living. I have sat across with people in the villages. What were the concerns of the villagers? Schools for girls not having bathrooms. This is what was raised before me. A group of girls came up to me and they said, “Sir, we have got problems, we have our special needs. What can we do when we are attending a school where there are no bathrooms?” This was a very serious concern. I have written all these in my [forthcoming] book—nomad schools, no black boards, no means of transporting black boards and other things to the meadows of Gulmarg and Pahalgaoon where they had to migrate during summer, the public distribution system not functioning, they were not getting food, corruption, that every time we have to go to a government office, the tahsildar wanted money, the sub-inspector wanted money. These were the concerns of the people there.

Nobody ever talked to me about Article 35A or Article 370. No rural area person was aware of Article 370, not even aware of Article 35A, but he was aware of the possible consequences of 35A not being there. The whole agitation which you referred to with regard to the Amarnath *yatra*, was actually, basically 35A. They

were afraid that if you once opened the door for giving land for the building of facilities, it will open the Pandora's Box.

**We will come to the Amarnath yatra in a bit. The National Conference had advocated some sort of autonomy, if not the provisions that are available under the Constitution. But even the Vajpayee government, which was perceived as a government that dealt with the Kashmir issue maturely, had turned it down. The present disposition have been quite vocal about even abrogation of Article 370. Now, where do you think the common ground in this autonomy-abrogation debate could be?**

If I were the Prime Minister of India, I will not talk about Article 370 or Article 35A. It is not relevant at all to the relationship between India and Kashmiri. India is not interested, to the best of my knowledge, in imposing anything on Kashmir that the Kashmiris did not want. The Kashmiris had the full freedom to enact whatever they wanted to enact. Never was there any restriction on the freedom of the Kashmir government to enact laws to protect their forests, laws to protect their water ways, laws to protect their livelihoods. None of them was interfered with. Nobody from Delhi ever told anything when I was the Chief Secretary. The Cabinet Secretary never told me, "Moosa, don't pass this law or don't do this". There were areas where I thought that important recommendations made by me—and this applies to all other States—were bureaucratically rejected, not under these Article 370 or Article 35A. There is a crass bureaucracy sitting there.

I can give you a very important example. Militancy was on the rise in 1988 and, at that time, the government of India (GoI) under Rajiv Gandhi was under pressure because of the communal riots taking place that the police force there was not balanced. It didn't have any Muslims. There were accusations against the Government of India that they were not having any Muslims in the police force as the result of which the police force was acting arbitrarily and communally. This was an issue that came up in Parliament in discussions. At that point of time, the government announced that they were going to raise 55 battalions of CRPF. At that time, the militancy statistics with me indicated that about 3,000 youth in the Kashmiri Valley were about to cross over and go for training to Pakistan. So, I called the local CRPF chief and said why don't you recruit these 3,000 people in three



battalions. Take them out of Kashmir and let them train for CRPF and distribute them among all the other battalions of CRPF.

They were raising 53 or 55 battalions. I only wanted three out of those battalions to be Kashmiris, not necessarily in single battalions. Recruit them and distribute them so that every battalion has got a few Muslims. He told me, “Sir, I cannot do it because in our recruitment drive, we discovered that most of the Kashmiris don’t fulfill the minimum requirements of chest measurement and height. We require 5’6” and they fall short by one or two inches. So, in our recruitment drive, we have to reject all of them practically, except the half a dozen or so we recruited.”

This was very serious. I made some investigation and discovered that exemptions for this minimum requirement have been given to both Gurkhas and Dogras, the very people from Jammu. So, I prepared a detailed scheme and sent it to the government. There was no response. I flew down to Delhi and went and met Kalyan Krishnan, who was the then Home Secretary, and I told him that this is an issue. Home ministry has to issue an exemption order that the Kashmiris also will be treated at par with the Dogras and the Gurkhas. He threw it out immediately.

I took the matter to Sarla Grewal, who was the principal secretary to Rajiv Gandhi. She did not do anything. I took it to the then Prime Minister, Rajiv Gandhi. I told him that 3,000 people were going to become militants. If you can give them jobs,

---

I told [Rajiv Gandhi] that 3,000 people were going to become militants. If you give them jobs, take them out of Kashmir, give them national training, they will come back as responsible citizens to Kashmir.

---

take them out of Kashmir, give them national training, they will come back as responsible citizens to Kashmir. They would learn

what is happening in rest of India.

He said yes, this is a very good idea. He called Mrs. Grewal and asked her to follow it up. She said she would talk to me. Nothing happened. There was no follow up.

**It is said that almost all democratic means of political assertion were blocked by New Delhi and the aggrieved people took to militancy. How do you perceive it and how have you tried handling it as the executive head of the State?**

The main grievance of the people, whomever I interacted with, was that the GoI and the political leadership respected the political dispensations in the rest of India, but

they did not do the same in Kashmir. Their very first Chief Minister, Sheikh Abdullah, was the most popular leader. He was arrested and kept out of the State for several years. No other Chief Minister has been treated in that manner, and that too by a democrat like Jawaharlal Nehru.



**Jammu and Kashmir National Conference (JKNC) president Farooq Abdullah at an election rally in Srinagar, Monday, April 15, 2019. Photo: PTI/S. Irfan**

No government succeeding Sheik Abdullah was allowed to function in a state of total freedom. Even Bakshi Ghulam Ahmad, who was a great favourite of Jawaharlal Nehru, had to toe the line of GoI. Similarly, Ghulam Mohammed Sadiq had to do the same thing. Farooq Abdullah became the Chief Minister; Jagmohan threw him out in 1984 and brought his brother-in-law, Ghulam Mohammed Shah. He did not succeed and was thrown out. Elections were held in 1987. No democratically elected government of Kashmir has been allowed to function freely as in the rest of India. This is one grievance.

The second grievance is that almost all elections in Kashmir were rigged by this party or that party. I made an inquiry in 1988 about the 1987 election. The Muslim United Front headed at that time by Syed Ali Shah Geelani, and supported by Jamaat-e-Islami and all those other people, were fighting the elections. They got four seats. They claimed that if there had been free elections, they would have got 20 seats, which is not true. There was an election officer in the State working under me. I called him to my chamber and I asked how much of rigging did you do in 1987,

how many seats did you rig. I said, "Tell me honestly. I am not going to take action against you. This is over. More than a year has passed." He said, "Sir, I personally did rigging in three seats in Kashmir valley and one seat was rigged outside the Valley." So, if those seats had not been rigged, the MUF would have got eight seats instead of four. It was very foolish on the part of the ruling dispensation to have rigged for eight seats. If MUF had got eight seats, there would have been no problem for the government as it still would have been able to have a majority. NC was still having the majority. Congress still would have got the number of seats they got. Only four seats would have gone to them additionally. But they did rigging unnecessarily. So I asked him, "Why did you have to do this rigging, what was the reason?" He said two of those people were the stalwarts of the NC, and one was a Congress stalwart. "Had I not rigged, they would have been defeated. So, I was told that these three have to be rigged."

So, the grievance was that, on the one hand, you did not allow even democratically elected governments to function in a calm, peaceful atmosphere, you were always keeping them under tenterhooks, and, on the other hand, you are rigging the elections.

**Do you think there is a lack of understanding of the complexities of the Kashmir issue among the lawmakers and bureaucrats in India?**

Undoubtedly. I believe, and these are written in my book. There is a gentleman still alive in Srinagar called Agha Ashraf Ali. Agha Ashraf Ali's son Agha Shahid Ali is a very famous poet in America. There is a prize in a university named after this man. Agha Ashraf Ali was a great educationist of Kashmir. He came from a very distinguished family. His brothers and sisters were all in high positions and I was told that this man knows Kashmir very well. When I was the Chief Secretary, he invited me for a dinner at his house and I spend about one and half to two hours with him.



**PDP President and former Chief Minister Mehbooba Mufti during an election rally in Chadoora Budgam district central Kashmir on Saturday, April, 13, 2019. Photo: Nissar Ahmad**

Amongst so many other things, he told me one very important thing—why are the Kashmiris disgruntled with the government of India, with the government of India’s leaders, with the bureaucrats and so on. He gave me an example. He said, "Mr. Raza ... all the leaders of India, whether they were journalists, bureaucrats, political leaders, opinion makers, MPs, MLAs, had all treated Kashmir like a call girl. They came here, they looked at the beauty of Kashmir, the valleys and the rivers, the mountains and so on. If they had the power, like the ministers, they threw a few crores of rupees and went off. They never were concerned with understanding the aspirations of the people of Jammu and Kashmir. They never bothered to sit with them or tour the rural areas, neither the bureaucrats nor the political leaders. They came only up to Srinagar, or they went to Pahalgam or Gulmarg. Did they ever go to the villages of Kashmir? Did they sit across the villagers and found out what was ailing them? They didn’t. How would they understand what makes the Kashmiris

tick?" This is the alienation between the people of Kashmir and the leadership of Indian politics.

**A little while ago you mentioned the Amarnath row and how it is related to the fears of Article 35A being annulled. The growth of militancy coincides with the increase Islamisation of the Kashmiri narrative. But it is the Amarnath land row in 2008 that kind of drove a wedge through the State, where you always had a Hindu majority Jammu and a Muslim majority Kashmir. These two regions were always at loggerheads, but it was never to the extent that erupted post-2008. Do you see a kind of reconciliation possible?**

Some of the political leaders of the ruling party—and I pointed this out to the powers that be—go on making extremely irresponsible statements, and those statements rile the Kashmiri. If you go on constantly saying that you are going to remove Article 370, you are going to remove Article 35A, the Kashmiris generally get frightened that you are going to take over Kashmir in the sense that you are going to change the demographic nature of Kashmir.; that you are going to bring in people from outside, you are going to construct houses for them; that you are going to impose veterans on us—retired police officers, retired army people, and so on—to suppress us more. You already have half a million soldiers inside Kashmir, but they will go away later. However, these people you are going to build houses for will settle here. That is the fear.

Therefore, so long as you continue to harp on these things, I don't see any reconciliation possible. You stop this talk of abrogation of Article 370, you stop this talk of abrogation of Article 35A, you stop this talk of demographic changes, and you stop this talk of cleavages between Ladakh, Kashmir, and Jammu. You talk of other issues that are much more important: what is to be done with the people of Kashmir, how are you going to give them a better administration, how are you going to give them a corruption-free administration.

---

You stop this talk of abrogation of Article 370, you stop this talk of abrogation of Article 35A, you stop this talk of demographic changes, and you stop this talk of cleavages.

---



An example: the Kashmiris are paying through their nose for power. The Kashmiris say you are using our water flowing through our rivers and you have constructed Dul Hasti Hydroelectric Plant, you have constructed Uri Dam—all that you have done under your aegis. We are getting only 10-15 per cent of the power for which we are paying. Why not you handover those things to us? Give us at least these two power plants. That recommendation was made long back by even C. Rangarajan. I was a member of that committee. It has not implemented after 10-15 years. The other day, Dr. Rangarajan came to our college. I told him that the Government of India has still not given Dul Hasti Hydroelectric Plant and Uri to Kashmir. He said even Manmohan Singh did not give, why are you talking about this government.

**Caught in the Hindu Muslim binary are the Kashmiri Pandits. That's a very critical issue that, from time to time, even the BJP has raised. The killings and their subsequent exodus from the Valley has become a major poll plank for the BJP. You had also led a delegation to Jammu and Kashmir in 2003 to facilitate the return of the Kashmiri Pandits at the behest of the National Commission for Minorities. What did you see there? Why did their return never take place?**

Two reasons. When the Kashmiri Pandits exploded out of the Valley, they were a frightened lot. Some of their leaders had been shot; a judge had been shot, and two or three people had been shot. Jagmohan should have handled their fear by giving them assurance of safety. He did not. He allowed them to go away. In fact, the belief amongst the Kashmiris was that he encouraged—I don't know to what extent this is true. The Kashmiris believe that Jagmohan encouraged the Kashmiri Pandits to go away so that he can cordon the remaining Muslims and beat them. It is the belief of the Kashmiri Muslims that he did not want to have the Kashmiri Pandits in the midst of the Muslims when he could not discriminate between a Pandit and a Muslim. Therefore, if the Pandits go away, he could deal with the Muslims separately. This was their belief. I could not find any evidence for it. I talked to several Kashmiri Pandits later. I asked them directly whether there was any encouragement. They denied it. They said there was no such encouragement. When they went to Governor and asked for some transport, he made arrangements to help them get the transport. He didn't ask them to go away. This is the answer I got.

Second reason: When they were going away, many of them sold away their properties to Muslims on a regular basis. There were registered documents on the basis of which their properties were sold to the Muslims. Now, if they go back, how are they going to solve the legal tender on the property having gone to a Muslim, the Muslim having paid the money with proper registration? No claim was made that they were compelled to sell the property. They said the property was lying in a village or two villages here and there, and there is nobody to look after. They were afraid the property will get dilapidated and be lost. Therefore, they preferred to sell it.

Third Reason: After they went into a diaspora outside Kashmir, many of them found their own niche. They got jobs, then they got education, they were given subsidies by the State government to educate themselves in Delhi and Allahabad and so on. Then they got jobs there. Why would they, in the last so many years having found a proper niche outside Kashmir, go back into that cauldron of hate and shooting? Nobody's willing. I would not go there if I were a Kashmiri Pandit. Therefore, even though the separatists made a joint appeal for the Kashmiri Pandits to come back, they said they will not. When I presented the report to Tarlochan Singh, who was the chairman of the National Commission for Minorities at that time, and at whose request I gone to Kashmir, he invited the Kashmiri Pandit leaders, showed them my report and said that here is the appeal from the Valley. Why don't you go back? They said they are not interested.

**You said "why would they ... go back to the cauldron of hate". This means that there was an element of hatred between the two communities and it is not as it is made out to be that they lived together happily as neighbours, and suddenly one night there was an attack by people from across the border. The wedge was driven and it was getting only deeper. The attacks were a flash point. Is that what you are trying to say?**

You must not forget that in India, historic memories do not get erased. Take the entire situation around Babri Masjid. Almost 90 per cent of the Hindus, or may be 99 per cent of the Hindus, believe the claim that Babur came and demolished a temple and built a mosque there. Whatever evidence you might be able to muster to disprove that claim, they are not going to accept it. I have got my own take on the

2002 riots of Gujarat. Why did those riots take place in that extensive manner? A lot of people have written lot of essays and articles and analyses. I have got my own analysis. This goes back to the year 1120, when Mahmood Ghaznavi came and attacked Somnath. Many of the subsequent Muslim historians, who were more loyal than the king and who are all toadies of the then kings/emperors, said Mahmood was a great Muslim stalwart, an iconoclast. He destroyed the Somnath Temple, which was not true historically. Romila Thapar has written a book called *Somanatha – The Many Voices of a History*. She demolished these myths. He was none of that. In fact, he had a regiment of Hindus in his army. Even today, there are burial grounds where the Hindu commanders have been buried in Kabul—you can go and see them—according to many writers.

But the Muslim historians and poets wanted to extol all these rulers as great people, stalwarts of Islam who protected Islam, who extended Islam, who destroyed *budshikand*. *Budshikand* means idol destroyer. *Budfarosh* means seller of idols. Iqbal wrote a poem called 'Shiqwaa' where he said, "*Budfaroshi ke evaz budshikani kyun karte.*" Why would we have destroyed idols instead of selling idols? We need not do it. We here means Muslims. All these had been done at that time—1120.

Subsequently, the Sultanate rulers like Ahmad Shah and Mahmud Begada went and conquered Junagadh. The ruler of Junagadh was a man called Ra Khengar. He was arrested and brought in chain and imprisoned in a fort in Ahmedabad called Bhadra. Today if you go to Ahmedabad, you can see fort Bhadra. He went and conquered Pavagadh, which was also another native State, and he has built a mosque there which is still surviving. All the Sultans did such things. They were rulers. They were wanting to have money and power and authority and so on. It was not because of Islam. It was because of power. Power corrupts, absolute power corrupted them absolutely. In Saurashtra particularly and central Gujarat, there is a clan of people known as Charan. They are equivalent of the Mirasis and Jogis in the Mewat area. These Charans were itinerant bards. They used to go from village to village, entertain people and get money, donations.

What were they singing? Most of them used to sing about the depredations of the Muslim rulers on the Hindus. This was going on for centuries. These Charans, every evening, will go to a village. In the village *chaupal*, all villagers would gather. These

---

So, hatred was there amongst the Hindus against the Muslims for what they did over so many years. Then came Mahatma Gandhi. Gandhi suppressed this hatred.

---

fellows would sing of Mahmud Begada and his reign of terror, what Kalapi did, and how this was destroyed by the Muslims,

how that was destroyed by Muslims, how local temples were destroyed etc. So, over a period of time, hatred was built up against Muslims in Gujarat. Then came K.M. Munshi. He wrote a famous novel called *Jai Somnath*, which had a great impact. I read it also because it was prescribed literature. There again, there was mention about Mahmud Gazni doing this, that and the other. So, hatred was there amongst the Hindus against the Muslims for what they did over so many years. Then came Mahatma Gandhi. Gandhi suppressed this hatred. He could not eliminate, he suppressed. He tried to bring about reconciliation between the Muslims and the Hindus and he diverted and changed the focus of the people towards independence. During the period of the independence movement, the internal hatreds were subdued.

I have written one instance before. I was posted from Tamil Nadu to Gujarat. I was travelling from Palanpur to Radhanpur; it was in the north of Banaskantha area. There was a metre gauge train going from there to Kuchchh. On route is my Radhanpur where I was posted as a Sub Collector, Assistant Collector. In those days, I am talking of 1961, we were still under the aegis of the British mindset. A Sub Collector had to go and take over charge in his suit and tie. So, I put on my suit and tie and got into the first class compartment. The first class compartments in those days were not air conditioned. At a place called Deesa, a *vyapari* (trader) came in his white long coat and cap. He looked askance at me. He must be saying, "What is this suited, booted man doing in a god-forsaken place like Banaskantha?"

He was bubbling with curiosity but he didn't muster enough courage to ask me. After sometime, he couldn't suppress his curiosity. He said, "*Namaskar* sahib." So I said, "*Namaskar*." He said, "Are you going to Kuchchh?" I said, "I am not going to Kutch. I am going to Radhanpur." I was speaking broken Gujarati. He said, "Why are you going to Radanpur?" I said, "I am going there as Sub-Collector." "Oh! *Namaskar*

*saheb, namaskar saheb.* You don't look like a Gujarati. Where are you from?" So, I said from Tamil Nadu. "Oh! You are from Tamil Nadu. What is your name, sir?" I know that in Gujarat, if I say Moosa Raza, nobody understands. They are not able to pronounce. I usually say Moosa Raja. "Oh, Raja *saheb.*" He thought I am a Hindu from Tamil Nadu going as Sub-Collector. Then he said, "*Saheb,* you are going to Radhanpur. You have to be very careful of the Muslims there in Radhanpur." I asked why. He said the Muslims were very dangerous everywhere, and in Radhanpur as well. At one point, they wanted to go with Pakistan. So most of those fellows were Pakistani Muslims there.

"Particularly, there is a lord there called Kaale Khan. You must be very careful of that fellow. He will try to defeat you and see that you don't succeed." He talked, fulminated, against the Muslims. I asked if this was only Radhanpur Muslims. He said, "No, sir. All Muslims of India are like Kaale Khan. They are all Kaale Khans." So I said, "All Muslims of India?" He said yes. Then he said, "Sir, the biggest blunder was when Jawaharlal Nehru became the Prime Minister of India. If Sardar Patel had become the Prime Minister of India, the problem of Muslims of India would have been solved even in 1948." I asked, "How would he have solved it?" He said, "Sir, he slaughtered 10,000 Muslims in one night in Delhi." That was the perception of a Gujarati Hindu travelling in the train with me in 1961. The 2002 riots is the outcome of all this hatred which had been building up. Aggregation of hatred. Then, Narendra Modi was sent by Atal Bihari Vajpayee to Gujarat with a mandate that he has to win the election, because just before he went there, the BJP was losing all elections. They had lost cities and panchayats and municipalities. Keshubhai Patel had not done well at all and they were going downhill. He was told that he had to go and do something to retrieve the situation. In one year's time how could he retrieve the situation? Godhra happened. He thought it was an excellent opportunity. He took advantage of that and the party also took advantage of it.

### **And they're reaping the benefits even today?**

Exactly. The indiscriminate slaughter of Muslims cruelly has this historical background of 800 years.



## **Can we apply the same logic with the Kashmiri Pandits?**

Correct. That's what I'm saying. The Kashmiri Pandits had treated the Muslims, during the Dogra rule especially, very badly. The Kashmiri Pandits were the rulers and Muslims were not the rulers. They remember all the historic wrongs that they had suffered under the Kashmiri Pandits and the Kashmiri Pandits realised that suppressed hatred.

**For about 600 years, Kashmiris were not ruled by themselves. Mughals, Sikhs, Afghans, and Dogras, who continued under the aegis of the British. Islamisation of the Kashmir issue was a natural phenomenon because socio-economic differences and religion overlapped. The Muslims were the workers who were poor and oppressed and the Hindus, Pandits in particular, though minorities, were in leading positions. Then why didn't Islamisation happen in the beginning?**

The reason was really obvious because you must remember that the Kashmiri Muslim was a successor of the Kashmiri Pandit. He traced his origin from the Kashmiri Pandit. If you look at the Kashmiri Islam at that time when Kashmir got converted to Islam, it was not like other places. There, it was a slow process over a period of time. And for a long time, the Kashmiri Muslim continued to live like a Kashmiri Pandit.

If today you go and look at the mosques in Kashmir, they are not like the mosques in Tamil Nadu or Hyderabad or Uttar Pradesh. All are like that Buddhist Stupa types.

All the religious buildings of Kashmir don't have minarets. They all have Pagoda-like structures, including the Jama Masjid in Srinagar. When Mir Sayyid Ali Hamadani came and converted the Hindus of Kashmir to Islam, the Hindus had been accustomed to a certain form of worship. One is coming into the temple and ringing the bell. Two, they sat down and recited *bhajans* after the regular ritual, did *aarti* etc. There was participation by the congregation into the worship.

[If today you go and look at the mosques in Kashmir, they are not like the mosques in Tamil Nadu or Hyderabad or Uttar Pradesh. All are like Buddhist Stupas.](#)

The Muslim prayer is totally different. There was a bare place and the leader stands there in the niche and the audience stands in rows behind. They don't touch each other, they are separate. Whereas, in a Hindu temple, the congregation will be together, the men and women and so on. Here only the men would be there. Not only that, the whole prayer will be conducted in 10-15 minutes. The leader would do the recitation. The others don't even join in the recitation. The Muslims who were converted from Hinduism to Islam were dissatisfied. What kind of a prayer was this where they were not even able to participate? So Hamadani introduced a book called *Aurad-i-Fathiyya*, meaning the opening recitations. What this means is that after the Morning Prayer was over, the congregation sat and resided this *aurad* together. In the evening prayer, too, after the *Magrib*, they will do the same thing. *Fajar* and *Magrib* will be followed by *Aurad-i-Fathiyya*, which is not there anywhere else in India, only in Kashmir.

**So that's a religious shift brought about by culture.**

Exactly. Cultural need. The Muslims of Kashmir were basically Kashmiris converted from Hinduism. They followed many of the Hindu practices. In the beginning, at least, they were completely going to the *rishis*, going to dargahs, accepting gurus, taking *nazrana* to dargahs and presenting them. They are similar to *prasad* offerings in temples. There was no difference in the rituals between the Hindus and the Muslims. Therefore, there was no cleavage between the two.

**There is a belief that the Islam that is followed in Kashmir has descended from Sufism.**

Yes, that is why the gurus like Hamadani and Nooruddin Wali and so on all Sufis. Even today, they go to *ziarat*. In spite of Islamisation, the influence of the Sufis have not got gone away. To that extent, there was no rebellion against the Pandits. Then, the Jamaat-e-Islami and the Jamaat Ahle Hadees came in and opened schools, mainly in the rural areas and small towns. By collecting funds from the community, they gave clothing, food, and books to the students who were coming to these schools. A lot of people sent their children to such schools where, the poor people particularly, were going to get free food, three times a day, clothing, a place to stay, books, and would be taught Islam.

I realised that this was a very dangerous situation. So, I prepared a detailed scheme. I said we should also open up secular schools in the same pattern, give them food,

---

I realised that this was a very dangerous situation. So, I prepared a detailed scheme. I said we should also open up secular schools in the same pattern. We are spending millions on keeping police and army, why not build good, state-of-the-art schools.

Anil Bordia was the then Union Education Secretary. I invited him. He came. A very enlightened man. He said “give me a proposal on this, how many schools, what will be the cost”. So I prepared a complete detailed project and gave it to him. Nothing happened till today.

**Let me quickly go into the crackdown on Jamaat-e-Islami. Ahle Hadees had never been in the forefront. But the Jamaat-e-Islami has had a solid political foundation. The crackdown seems to have angered not only the separatists but also people from the other side of the fence. And Jamaat seems to have found favours with people like Omar Abdullah as well. What kind of impact will the crackdown on Jamaat-e-Islami have on the Kashmir-India relations?**

Jamaat-e-Islami has got its own ideology. Many of the Kashmiris don't agree with that ideology, a majority doesn't. They (Jamaat) are totally against *pir-muridi* business, totally against going to these dargahs, which is called *Ziarat* in Kashmir, and so on. But people respect them.

For example, I have got friends among Hindus. I have got a very good friend of mine who is a *swamy*. He runs an Ashram. I go and attend that Ashram from time to time. In fact, he comes here and sits with me and talks with me, I might go and speak in his Ashram and so on. I am not a Hindu. There are many areas where I do not agree with him in the ideological part. But he happens to be a much respected man. I respect him very highly. He's a guru. I shake hands with him. He shakes hands with me.

Similarly, the Muslims in Kashmir may not agree with the Jamaat-e-Islami, but they have got regard and respect for the leaders of the Jamaat. So, if somebody goes and hurts my *swamiji*, I feel really upset.

I will stand up to defend him. Why are you hitting this man? He has not done any harm to you. That's what I

---

*Similarly, the Muslims in Kashmir may not agree with the Jamaat-e-Islami, but they have got regard and respect for the leaders of the Jamaat.*

---

would say. Jamaat-e-Islami is teaching all these Islamic things. They have not been active in fomenting trouble except that they joined the separatists. Therefore, if you crackdown on the Jamaat-e-Islami and Ahle Hadees, naturally resentment will be there.

**After Pulwama and the subsequent Balakot airstrikes, there has been a huge upsurge in nationalism and jingoism across the country. So evidently, it is a Kashmiri who is caught in the web.**

**What do you think should be a realistic target for de-escalation of tensions by the government? What line should the government toe rather than the one that they are toeing right now, ideally?**

I have written in my book one very important point. The solution to Kashmir lies in empathy with the Kashmiri. Empathising with them means speaking with them in their language. Not Kashmiri language, what I mean is in their spiritual language. Talk to them about Sufism, talk to them about poetry, talk to them about literature, talk to them about Persian verse, talk to them about Hafiz Shirazi and Allama Iqbal. Use arguments from all these to explain to the Kashmiri. He immediately falls in line with you.

One of my secrets of good standing with the Kashmiris is that I have talked to them in their language. I have talked to them in the language of religion, I have talked to them in the language of Islam, I have talked to them in the language of poetry. If I go and talk to them, in the language of *danda* (the stick), I'm not going to be able to solve Kashmir.

Therefore, in Kashmir, if you go on wearing your jingoism on your sleeve, go on repeating the Kashmir is an *atoot ang* (integral part) of India, it doesn't work. We

---

Therefore, in Kashmir, if you go on wearing your jingoism on your sleeve, go on repeating the Kashmir is an *atoot ang* (integral part) of India, it doesn't work...Nobody is going to take Kashmir away from India.

---

know it is an *atoot ang* of India. We know Kashmir is not going to go away tomorrow. Nobody is going to take Kashmir away from

India. Today, in the world there is not a single country, a single government that will support the Kashmiris' aspiration of breaking away. Why are you so worried about it? Don't be worried about it. Take it in a very calm, cool manner. That is the solution. If you go on repeating Balakote, Pulwama, we'll do this, we'll do that, the Kashmiri gets worried. He says they are going to beat me.

**How much ever you talk to a Kashmiri, like you said, with empathy or talk to them about poetry or about spiritualism or about Sufism, there is one hard reality that the government has to face, which is boots on the ground.**

**What kind of de-escalation measures should there be? If I'm not wrong, when the UPA II was in power, there was a suggestion to look at confidence building measures like the withdrawal of AFSPA from two districts abutting Srinagar, which were not very significant administratively but would actually send a very strong signal across. But the government was not willing to do that.**

**You have boots on the ground, you have AFSPA; if you talk poetry, will it work?**

I agree with you. It has to be a combined approach; an approach in which you stop using pellet guns, you stop using sniper rifles, you stop AFSPA, slowly withdraw from areas where you can withdraw. I'm not saying do it overnight. Remove the visibility of the army. Let them not be standing at every corner with a gun. You don't stop the flow of traffic on the highway; allow the traffic on the highway to go. Instead of the Army helping the pilgrims to go to Amarnath, utilise the Kashmiris to support them to go to Amarnath. There are any number of Kashmiris who would be willing to help take Amarnath *yatris* to Amarnath. Instead of that you are sending trucks and policemen and so on. That means you are creating a cleavage between the Kashmiris.

You don't trust the Kashmiri. You think that the Kashmiri will kill all the *yatris*. You are not allowing the *yatris* also to feel one with the Kashmiris. If I were the ruler, I would create a militia among the Kashmiris and entrust the safety and security of the Amarnath *yatris* to these Kashmiris. If necessary, I might even arm them, the trusted people.

**But Kashmir's experiment with armed militia, like Ikhwan, has been traumatic.**

It was a wrong choice. This is what the problem is. You are not trusting the Kashmiri. Take for example a man like Pervez Diwan, a man like M.S. Pandit. These are the civil servants who I utilised during my period. Very good people. Pervez Diwan is a Kashmiri Brahmin. M.S. Pandit is a Kashmiri Muslim. Gulam Rasool Shekh is a Kashmiri Muslim. There are umpteen number of people like that in Kashmir. I would ask them to go and recruit some militia—protection force, guards, armed guards with lathis. And I will tell them to escort the Pandits to Amarnath. Not armed guards from the military, not CRPF.

The moment you make the CRPF visible, you are bringing about a cleavage between the two. Remove AFSPA from some of the areas of Kashmir, reduce the visibility of the armed guards, police, army and so on, don't indiscriminately use the Public Safety Act (PSA) putting all those who are dissenting behind bars.

---

People throwing stones, you are putting them behind bars. You are creating militants yourself. Don't create new militants.

---

People throwing stones, you are putting them behind bars. You are creating militants yourself. Don't create new militants. You have enough of that. This is my point. If I were the administrator there, I would follow this.

[**Saptarshi Bhattacharya** is Senior Coordinator, Programmes and Administration, The Hindu Centre for Politics and Public Policy. He is a former Chief Sub-Editor and a former Chief Reporter of *The New Indian Express*. He had been a journalist for the past 20 years, most of which were spent as a reporter with *The Hindu* and a Correspondent for national television channels *Aaj Tak* and *Headlines Today*.

He can be contacted at [saptarshi.bhattacharya@thehinducentre.com](mailto:saptarshi.bhattacharya@thehinducentre.com)]