

# Ultimately, Nationalism Triumphs



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**Dr. Mookerjee Smruti Nyas**

## Foreword

With an eye on elections, the PDP and the National Conference joined hands with separatist and anti-national elements to raise an unwarranted controversy over the allotment of land on lease to the Shri Amarnath Shrine Board (SASB) for providing conveniences and facilities for stay and rest of the pilgrims who thronged in lakhs to the shrine for about two months in a year. The Board is not a private Hindu organization, but a J&K Government nominated body headed by the State Governor. The case for allotment of land was mooted by the then PDP Minister for Forest and Environment. He had rejected the apprehension of the concerned Divisional Forest Officer about threat to environment. The allotment was approved unanimously by the Congress-PDP alliance government. Yet the PDP had the cheek to oppose it on flimsy grounds. There, then, seemed to be a race among Valley's political parties for aligning with the separatist, terrorist and anti-India elements who opposed the allotment.

To appease the separatist elements, the Congress government led by Shri Ghulam Nabi Azad made haste to retrace by making the Governor, as Chairman of the SASB, unilaterally write to the Government saying that the Board did not need this land. This he did without calling a meeting of the Board and consulting its other members. This decision burst out into an open violent protests against this injustice to the people of Jammu who were already smarting under continuous neglect by successive Governments at every stage, be it in the matter of representation in the State assembly, cabinet, development or public appointments. For over two months there was complete hartal in the Jammu region.

People defied the curfew. A number of them died in police firing.

Ultimately, a good sense prevailed and the Government decided to restore the land to the SASB for the duration of the yatra. Had the government acted in right earnest and not fallen prey to the machinations of anti-national, pro-Pakistan stance of the elements in Kashmir, precious lives and damage to property and economy could have been prevented. What a shame that the State government and the UPA government at the Centre remained a silent spectator to the anti-national activities of certain sections of the people who raised pro-Pakistan and anti-India slogans holding Pakistani flag aloft in their rallies! In contrast, the protesters in Jammu held high the Indian national flag raising slogans like Bharat Mata ki jai throughout their agitation.

Further, the Government has so far failed to take action against those who indulged in crimes of sedition and treason. The only redeeming feature is that the matter, for the time being, has ended well and peace has returned to Jammu. The Shri Amarnath Shrine Sangharsh Samiti has temporarily called off the agitation.

We are publishing a collection of reports, articles and editorial comments on the issue by leading writers and opinion-makers on the issue to make the readers understand the issues involved.

**Publisher**

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**September 2008**

## From trigger to truce over shrine land

- May 26, 2008:** J&K State Govt & Centre agree to transfer 100 acres of forest land to SASB
- June 22:** Protests against land transfer start In Ganderbal & spread to most parts of the Valley
- June 25:** Counter protests begin in Jammu against separatists
- June 26:** PDP threatens to quit govt, Omar Abdullah asks SASB to return land "on their own"
- June 28:** PDP withdraws support to Azad-Ied coalition govt.
- June 29:** Governor N.N. Vohra abandons SASB's claim on land
- June 30:** Protests, bandhs begin in Jammu against cancellation of land allotment.
- July 1:** Curfew Imposed in Jammu after violence
- July 7:** Azad resigns as CM without facing confidence vote
- July 8:** Shri Amarnath Yatra Sangharsh Saml (SAYSS) constituted to spearhead strike
- July 29:** A civilian tries to end life in support of agitation
- August 1:** Army called in Jammu and Samba districts, curfew Imposed after two die in firing

- August 2:** Curfew imposed in Udhampur too, Army deployed on highways for safe movement of truckers plying to and fro Srinagar
- August 5:** Mob damages rail track between Ghagwal and Kathua, burns offices and police post
- August 6:** PM chairs all-party meeting in New Delhi
- August 8:** All-party delegation reaches Jammu. Abdullah and Mufti dropped from delegation
- August 14:** Another civilian ends life on 23rd day of bandh.
- August 18-20:** SAYSS begins three-day 'Jail bhara andolan'
- August 22:** Curfew clamped and Army called out In Hiranagar as mob torch a truck & fight cops
- August 23:** Violence in Poonch; curfew imposed, Army called. 3 rounds of Talks held between Vohra's panel and SAYSS, Govt seeks 2-3 days' time
- August 24:** Samiti extends bandh till August 31. Another youth attempts suicide in Bishnah
- August 25:** Violence erupts in Jammu and Kathua districts
- August 28:** Bandh for 37th day. Talks deferred.
- August 30:** Govt. panel and SAYSS meet for fourth round and ink an agreement.



Letter written by Leader of Opposition (Lok Sabha) Shri L. K. Advani to Prime Minister.

## UPA not serious about finding a solution to Amarnath issue

Dated: August 13, 2008

Dear Prime Minister,

It is with a deep sense of disappointment that I am writing to you with regard to the issue relating to the transfer of land to Shri Amarnath Ji Shrine Board for the purposes of providing facilities to the pilgrims who visit the holy shrine each year. It appears that the government is completely out of its depth in dealing with this issue. We are also convinced that the government is not very serious about finding a solution to this problem.

The people of Jammu division have suffered from a gross discrimination in the matters relating to the governance of the State. The census is not fairly and regularly done. The delimitation is deferred; there is discrimination in the matter of public employment, disbursement of funds and development of the region. They are told on each occasion that the Kashmir valley has a 'psyche' and therefore the government is to submit to that 'psyche' and if fairness is shown to the people of Jammu, the 'psyche' of the valley will be hurt. Recent events have shown that the people in Jammu are now determined to assert in order to claim their fair share in the matter of both governance and development of the region.

Let it be clearly understood. The problem in J&K today is not Hindu versus Muslim; nor is it even Jammu

राजनाथ सिंह  
जनता पार्टी  
Rajnath Singh  
Member of Parliament



अध्यक्ष  
भारतीय जनता पार्टी  
President  
Bharatiya Janata Party  
Date : 27/06/2008

Dear Shri Manmohan Singh Ji,

I would like to draw your attention to the issue of allotment of nearly 40 hectares of land to the Shri Amarnath Shrine Board (SASB) which has led to the current spate of violence being unleashed by certain vested interests.

Recent media reports indicate that the Government might consider revoking the allotment on this issue. Such a decision could lead to serious implications which in turn can vitiate the atmosphere of communal harmony throughout the country.

I would like to bring to your notice that the decision to allot land to SASB was taken by the Jammu and Kashmir Cabinet earlier this year. By withdrawing the allotment the Centre could further send a signal that the Government has buckled under pressure and surrendered to the pressure tactics being applied by certain separatists and anti-social elements within the state.

It would be prudent to also note that as part of our secular fabric, if there is no opposition to the Huj subsidy being provided by the Government, then how can the Government even appear to vacillate on such a sensitive issue of allotting land to the SASB. The Government needs to ensure that it does not discriminate between any religion or community when it comes to the issue of facilitating the devotion of millions of pilgrims.

I hope that you will consider all aspects on this issue and thereafter direct the state government to end this current impasse. In the absence of the Government failing to resolve this current crisis, it would not only snowball into a bigger controversy but can also further strengthen those elements who are inimical to the unity and integrity of India.

With regards,

Yours sincerely

  
(Rajnath Singh)

Dr. Manmohan Singh  
Hon'ble Prime Minister of India  
7, Race Course Road  
New Delhi.

region versus the Valley. It is essentially nationalists versus the separatists. The people of Jammu supported by the rest of the country, strongly feel that the revocation of the Cabinet order with regard to Amarnath was purely under separatist pressures. There is a huge sense of hurt and injury in Indian public opinion which has resulted in the nationalist opinion being alienated because the separatists have to be pleased.

The protest of the people of Jammu has been nationalist; they hold the national flag to their heart, even when they protest. They raise slogans in support of our motherland and also the Indian army. It is for this reason that both the army and security forces are finding it difficult even to enforce the curfew. Can this group of nationalists be equated with the separatists who foment trouble in our country. This precisely is the mistake that the government is committing.

A question is being raised as to how the current problem is to be resolved. If the government is really serious about resolving the problem it must just act straight. Follow the law and follow the judicial orders and you will reach the correct solution.

There is an Act of the Jammu & Kashmir legislature, called 'The Jammu and Kashmir Shri Amarnathji Shrine Act, 2000'. This Act which provides for the constitution of the Shrine Board, also defines the duties of the Board. Section 16 of the Act reads as under:

#### **16. Duties of the Board**

Subject to the provisions of this Act and of any bye-laws made thereunder, it shall be the duty of the Board:-

- (a) to arrange for the proper performance of worship at the Holy Shrine;
- (b) to provide facilities for the proper performance of worship by the pilgrims;
- (c) To make arrangements for the safe custody of

- (d) the funds, valuables and jewellery and for the preservation of the Board Fund;
- (d) To undertake developmental activities concern the area of the Shrine and its surroundings;
- (e) To make provision for the payment of suitable emoluments to the salaried staff;
- (f) To make suitable arrangements for the imparting of religious instructions and general education to the pilgrims;
- (g) To undertake, for the benefit of worshippers and pilgrims:
  - (i) the construction of buildings for their accommodation;
  - (ii) the construction of sanitary works;
  - (iii) the improvement of means of communication.
- (h) To make provision of medical relief for worshippers and pilgrims;
  - (i) to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Holy Shrine and the Board Funds and for the convenience of the pilgrims.

It is clear that it is the duty of the Shrine Board to provide facilities for performance of worship by pilgrims, development activities around the Shrine, to undertake construction of buildings for accommodation of the pilgrims to provide sanitation facilities to the pilgrims; to provide for communication, medical relief etc to the pilgrims. It is the duty of the State to enable the Shrine Board to become effective in order to discharge its duties in an effective manner.

This Act is in consonance with the secular polity of India. The government does not run religious institutions nor does it manage them. This function is best left to the institutions of every religious denomination.

This mandate emanates from the provisions of Article 26 and 27 of the Constitution which are reproduced hereunder :-

Article 26 Freedom to manage religious affairs:

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right-

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.

Article 27 Freedom as to payment of taxes for promotion of any particular religion.

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religious denomination.

All faiths deserve equal respect. And the State should not discriminate between followers of different faiths. This is the meaning of Indian secularism. It enjoins on us to create proper amenities, with necessary infrastructure, at the pilgrimage centres of all communities. There can be no double standards in this matter.

The mandate of Article 26 is that it is for the religious denomination to establish and maintain its religious places and to manage the affairs of their religion. It is entitled to acquire movable and immovable properties and administer them in accordance with law. It is precisely on account of the mandate of Article 26 that the SGPC manages the affairs of Sikh religious institutions, the Wakf Board look after the affairs of Muslim

religious institutions and Shrine Boards as also the various religious endowments are managing Hindu religious institutions under various statutory enactments.

The spirit of Article 27 makes it clear that a secular State does not spend the taxpayers' money on religious purposes. It is the contributions of that particular religious denomination which will be used for running the affairs of the religion's activities. It is precisely for this reason that the Jammu & Kashmir Shri Amarnath Ji Shrine Board set up under the Act requires to be strengthened so that the Shrine Board itself can discharge the functions of providing facilities to the pilgrims and managing the religious shrine. This duty is necessitated because of the climatic conditions at such heights where the Shrine is located. It is the duty of the State to allocate land to the Shrine Board so that the provision of facilities can be made by the Board.

Any decision of the government the effect of which is that the Shrine Board will not provide these amenities and that they would be provided by the Tourism Department of the government is both contrary to the letter and spirit of Article 26 and 27 of the Constitution as also 'The Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000'. Since the State of Jammu and Kashmir was not allocating any land to run the functions of the Shrine Board effectively, a writ petition was filed in the Jammu and Kashmir High Court in which the High Court passed a detailed judgement on 15-4-2005 wherein a Single Judge of the High Court issued certain directions to the government. With regard to the provision of amenities the High Court Single Judge held that:

"Since the Board intends to upgrade the infrastructure across the tracks and at different places, the State shall immediately permit the user of land by the Board

if already not allowed to carry on developmental activities for the benefit of the Yatra. I am informed that the Forest department has already granted permission to the Board for this purpose. Let necessary steps in this regard be taken immediately before the Yatra commences this year. The effective steps are to be taken by the concerned State authorities for effective implementation of the decision of the Board and no interference is caused by any of the State agencies on implementation of the decision of the Board."

An appeal was filed by the State of Jammu & Kashmir against this order of the Single Judge. But this part of the judgment was not stayed by the Appeal Court. On 17/5/2005 the Division Bench of the High Court passed an interim order wherein it issued certain directions with regard to the Yatra. A fear was expressed that the Shrine Board would transfer land allotted to it for user of the third parties. The Division Bench clarified this and stated as under in its interim order :

"The land to be allotted by the Board would be only for the purposes of its user and would remain allotted for the duration of the yatra. The board shall also identify the sites to be allotted for the purposes of 'Langar', erection of detachable pre-fabricated huts and toilets etc. which would not be permanent in nature and which are liable to be removed after the yatra is over. The Board shall identify the person/agency to whom the site would be allotted so as to enable the State Government to screen the activities of such person/agency....."

It is thus clear that to discharge its obligations under the Act, the State Government has to allocate land to the Shrine Board. The Shrine Board can allot it further to third parties only during the tenure of the yatra for the purposes of erecting temporary and pre-fabri-

cated structures for providing amenities to the pilgrims.

The above is the present state of the legislation and the judicial orders. Can any body dispute that a law passed by the State Assembly should not be implemented? Does the Govt. of India or the Governor of the State have an option not to implement the judicial orders?

A joint reading of the legislation and the court orders leads to a clear conclusion. The duty of providing amenities to the pilgrims is of the Shrine Board. The government has to give land to the Shrine Board for user. The Shrine Board may request others to put up temporary structures during the tenure of the yatra. The revoked Cabinet order precisely sought to implement the legislation and the judicial directions.

The decision of the Governor to return the land allotted to the Shrine Board back to the government is contrary to the provisions of 'The Jammu & Kashmir Shrine Board Act'. The Governor as the Chairman of the Board has no power to alienate the rights of the Board. He acted contrary to the law by not consulting the Board. Land given to the Board was pursuant to the direction of the High Court. The decision to cancel the land allotment to the Board is a violation of the High Court orders and amounts to contempt of the orders dated 15.4.2005 and 17.5.2005.

Is it the Govt. of India position that because of separatist pressures the legitimate court orders and the legislation cannot be implemented? Is it the Government's perception that the pilgrims going on Amarnath ji Yatra will not be or cannot be allowed amenities and that the State would manage the affairs of the religious place rather than a legally empowered Shrine Board. It appears that the Government of India has misread the nationalist mood of the people of Jammu which is also

supported by strong public opinion in the country. This is the first time in history that the Government has succeeded in even alienating nationalist opinion. The court orders need to be complied with. The mandate of the legislation has to be obeyed. The constitutional right to religion of the pilgrims has to be made effective. The myopic attitude of the Government and its snail like speed in finding a solution has allowed the situation to escalate.

I feel greatly saddened by the loss of so many lives, be it in Jammu or in Kashmir Valley. The Government should, at least at this late hour, recognise the gravity of the situation and speedily take a just and fair decision, rather than adopt a do-nothing policy.

We urge the government to act immediately and to restore the original Cabinet order, which sought to enforce both the law and the judicial orders.

With regards,

Yours sincerely,  
(L. K. ADVANI)

Dr. Manmohan Singh,  
Hon'ble the Prime Minister  
Government of India  
New Delhi.

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## BJP Minority Morcha protests against SASB land cancellation

*In a letter sent on August 12, 2008 to Her Excellency the President of India, Smt. Pratibha Patil, BJP Minority Morcha President, Shri Syed Shahnawaz Hussain MP has protested against cancellation of allotment of land to Shri Amarnath Shrine Board and requested for the restoration of the allotment. Here is the full text:*

Respected Madam,

Through this Dharna, BJP Minority Morcha expresses its protest against the cancellation of allotment of land to Amarnath Shrine Board by the State Govt. of Jammu & Kashmir.

Your goodself will appreciate that we are a peace loving nation and we are proud of our culture and heritage. We have been respecting the sentiments of our fellow citizens who have a different faith or culture. This mutual respect and tolerance is the real characteristic of Indian Society. The state of Jammu & Kashmir has always been an epitome of this.

Amarnath Shrine and Vaishno Devi Temple are prominent religious centers where lacs of Hindu devotees visit from all once the country. The Muslims have always been extending all help and services to the pilgrims so as to make their voyage more comfortable.

Due to the increase in the number of pilgrims to the Amarnath Shrine and to provide better facilities for them, the J & K Government allotted a piece of land to the Amarnath Shrine Board after clearance from Forest Department & Tourism Department there. It was a joint decision of the Congress Party and its coalition partner, the PDP. It was not a case of allotment of land to an individual, nor was it for a commercial venture. It

was simply meant to serve the needs of pilgrims. Similar allotments are being made by the Govt. all over the country but no one objects to it.

The later protest by separatist groups and anti social elements is no argument for the cancellation of land for Amarnath Shrine Board. The present allotment of land, as stated above, is simply to provide shelter and other facilities to the pilgrims who have to travel a long distance under adverse weather. The development of infrastructure in the region for the pilgrims would also be beneficial for the local population which would get its benefit round the year.

Not only the people of Jammu, but the entire country is aggrieved over the matter as it hurts their sentiments. The Muslims of the country stands beside their elder brother, the Hindu, because they understand that peace and harmony is being disturbed by the decision of the J & K Govt. & it is against the principle of mutual tolerance as being practiced throughout the country. BJP Minority Morcha strongly condemns the action of the J & K Government in cancellation of land for Amarnath Shrine. We feel that this act on the part of the Congress Party, the PDP and their supporters is in utter contravention of the principle of justice, tolerance and secularism as enshrined in our constitution and as being practiced since centuries.

We support the demand for the restoration of allotment of land for Amarnath Shrine Board and appeal your goodself to ensure that justice be given in this matter without the least fear of a few miscreants who are not the representative of the masses in Jammu & Kashmir.

With regards,

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## **Problem is neither Hindu vs. Muslims nor Kashmir vs. Jammu**

### **It is nationalists versus separatists**

#### **Resolution passed in BJP office bearers meeting**

The Country is passing through critical times. The gross indifference and ineptitude of the UPA government at the Centre has given a new disturbing rise to separatist politics in Jammu & Kashmir while terrorists attack with impunity in different parts of the Country, getting encouraged under the firm belief that strong initiative against them under the UPA government is tradable for votes. There has been a consensus in the country for the last so many years that government must take proper steps and make provisions for the convenience of devotees of any religion or, faith. Article 26 of the Constitution, which is a fundamental right, gives every religious denomination the right to manage its own affairs in matters of religion. Accordingly, various committees organise with proper support of the government facilities and convenience during major congregation of different faiths.

The famous Amarnath Yatra in Jammu & Kashmir has been going since time immemorial. The journey is very hazardous and in the Nineties many pilgrims were killed in a snow storm. Accordingly, when Mr. Farooq Abdullah was the Chief Minister, based upon the recommendation of the Nitish Sengupta Committee Report, the Amarnath Shrine Board was constituted through a legislation passed by the Jammu & Kashmir Vidhan Sabha and was given legal powers to make provisions for convenience of the Amarnath Yatris. The J&K Government by resolution dated 22nd May 2008, duly supported by both the Congress and the PDP (the constituent of the Government) decided to give about

100 acres of lands to the Shrine Board to make temporary structure for few months for the shelter of the yatris in high mountains during the course of the Yatra. In fact, there had been two orders dated 15/04/2005 by the Single Bench and subsequently on 17/05/2005 by the Division Bench of the J & K High Court wherein it was directed that the State government shall permit the user of land for the convenience of Yatris which would remain allotted for the duration of the Yatra. This is the background for the decision to allot the said land in favour of the Shrine Board.

Immediately thereafter, a sinister campaign was started by known separatist elements in the Kashmir Valley that because of this decision a demographic change followed by Hindu colonization will be brought about there. The PDP, an admitted ally of the Congress for more than four years in the government, also joined the chorus. This in spite of the fact that the Department of Forest & Law, which has initiated and recommended the entire proposal for provision of land was headed by Ministers belonging to the PDP. Instead of strongly refuting this patent falsehood, the State Government and the UPA Government at the Centre meekly submitted to this motivated demand and cancelled the notification. This important background cannot be lost sight off. Therefore, the BJP feels that the problem in the State of J&K is neither Hindu Versus Muslim nor, Jammu Versus the Kashmir Valley. It is essentially "Nationalist" versus "Separatist". There is indeed a great sense of anger and hurt across the country in general and in J & K in particular as to the manner in which the UPA government has surrendered before the separatists.

The massive and peaceful peoples' protest, which is continuing in the Jammu region, is not only unique

but unparalleled in the history of democratic movement in the country. People from every segment of the society, including those from every community and faith came out on the streets with Indian flag in their hand to protest against this meek surrender before patently anti-India demands. It was extraordinary to see not only professionals like teachers, doctors, lawyers, businessman, young and old, but even retired senior officers of the Armed Forces joining in this massive protest. All this shows that a lingering sense of injustice and discrimination has also troubled the people of Jammu region over the years. In fact the BJP compliments the people of Jammu for the heroic and peaceful manner they have conducted their whole democratic agitation with full commitment to the sovereignty of India. They demonstrated in the process shinning patriotic fervour.

Thereafter, two motivated disinformation campaigns were started by the separatists and the PDP, a recent ally of the Congress because they knew that they have been cornered. First it was projected that agitation in Jammu has a communal character. When this was exposed because many Muslims had also joined the protest there then the bogie of economic blockade of Kashmir valley was raised. As the State was under Governor's Rule, the Government of India and the State Administration ought to have dispelled this motivated campaign immediately but they again kept on vacillating giving further opportunity to separatist element to continue with their sinister campaign, which was being masterminded by the ISI from across the border.

In fact, the Central Government did not initiate any steps to disprove this motivated and mischievous campaign for nearly a week. The alleged march to Muzaffarabad road was only a part of this design. Increasing evidence is available that truck operators who

are known supporters of the PDP and separatist elements refused to transport their goods towards Jammu in spite of security and road being cleared. The BJP condemns the hoisting of the Pakistani flag at places in Kashmir on Independence Day.

The way in which the UPA government at the Centre headed by the Congress has responded to the developments in Jammu & Kashmir is a disturbing reminder of the manner in which the Congress Party has dealt with the Kashmir problem right since Independence. Most of the initiative taken by the Congress over the years in Jammu & Kashmir has ended up only in emboldening the separatist and anti-India sentiments and weakening the resolve of those who believe in the identity of India and Jammu & Kashmir being an integral part of this Country. In fact, Congress has a proven history of mishandling matters pertaining to Kashmir. This time too this was no different. The Congress led UPA Government meekly surrendered before the separatists demands in merely about a week's time and on the contrary did not deem it fit to talk to the leaders of the Shri Amarnath Sangharsh Samiti who were spearheading the agitation in Jammu for 38 days. The BJP feels that the UPA Government has been completely messed up and unnecessarily complicated the entire issue. If the law of the land and the Court Orders on the issue are followed earnestly a solution can be found.

The BJP demands that it is responsibility of Government of India to take suitable corrective measures and as a first step the notification cancelling the land allotment in favour of the Shrine Board must be withdrawn forthwith. The BJP further reiterates its demand for the recall of the present Governor of J&K Shri N. N. Vohra and appeals to the government to firmly and strongly handle the separatist elements who are being

encouraged by anti-India forces from across the border in Pakistan. The BJP condemns the comments and observations of leaders of the ruling coalition of Pakistan about the events in Kashmir and demands from the government that a very firm and strong message be sent to Pakistan that Jammu & Kashmir is an integral part of India and any interference in India's internal affairs shall not be tolerated. The BJP appeals to nationalist elements in the Kashmir valley to rise to the occasion today and firmly speak against the voice of secession which is only being encouraged by forces from across the border. The BJP further demands time bound purposive and constructive dialogue is held with the Amarnath Sangharsh Samiti and to bring in normalcy as a first step the order cancelling the provision of land in favour of the Shrine Board is withdrawn forthwith. The BJP desires the issue to be settled in a peaceful atmosphere and mourns the death of agitators.

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## *Amarnath Shrine Board land revocation*

### **A complete surrender before fundamentalist and separatist forces : BJP**

The decision of the government of Jammu and Kashmir to revoke the allotment of land to the Shree Amarnath Shrine Board for development of facilities to the Pilgrims is a complete surrender to the fundamentalist and separatist forces. By revoking the allotment of this land, the Congress party has demonstrated that it is one with the fundamentalists in creating a theocratic environment in the Kashmir valley.

It is for the shrine Board to develop facilities for the pilgrims and not for the tourism department to use this land for the limited purpose of tourism on a commercial basis.

Today Democracy, Secularism and civility are under serious threat in Jammu and Kashmir. It is a result of the Congress approach and policies since independence that the Hindu Minority has been thrown out of the valley. Temples have been destroyed and desecrated. Today even the innocuous act of providing land for sheds and toilet facilities for the pilgrims has been withdrawn. Today the policy of Congress and UPA involves preventing the construction of the Ram Mandir in Ayodhya, demolition of the Ramsetu, and preventing the grant of land for facilities for the pilgrims going to the Amarnath Shrine Board.

The BJP demands that the land for development of facilities be restored to the Amarnath Shrine Board. The acquiesce and support to these acts by the Congress party and the central government has established that the Congress party rejoices in trampling over the sentiments of the majority of the people in the country. The BJP calls for a nation-wide strike on 3rd July 2008 to protest against this monstrous act of revoking the allotted land to the Shrine Board.

### **Don't surrender to separatists & anti-national forces : Naqvi**

BJP National Vice-President Shri Mukhtar Abbas Naqvi has demanded that Centre should send a strong message to the separatist and anti-national forces to save the sovereignty of India and autonomy of Shri Amarnath Shrine. Any surrender on this issue would only spark off nation wide protests, he added.

In a statement Shri Naqvi cautioned the Congress Government at the Centre and in Jammu and Kashmir against the direct or indirect revoking the transfer of land to the Shri Amarnath Shrine Board as any such step would tantamount to an absolute surrender before separatist and terrorist elements and compromising with national unity, integrity and sovereignty.

Shri Naqvi reminded that "the Congress party has made compromises several times in the past to save its Government in various parts of the country at grave cost to constitutional norms and national interests. Any such misadventure this time would be met with country wide resistance".

Shri Naqvi made a scathing attack on the PDP for attempting to tear apart the state's fragile secular fabric. He said that the current protests have also exposed the claims and statements of the political parties operating from the Kashmir valley that they favoured an early return of the lakhs of displaced Kashmiri Pandits.

The transfer of land to the temple board is a golden

opportunity to provide a healing touch to the minority Hindu community in the state. It would help build bridges of harmony and understanding between the people of Kashmir and the rest of the state and country.

Asking the Congress Governments at the Centre and the state not to succumb to the machinations of the anti-national, anti-Indian forces, He demanded that safety and security of the pilgrims visiting the Holy cave shrine of Amarnath and the people of Jammu and other border areas should be ensured.

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## Significance of the Amarnath yatra

By Jagmohan

*Some elements, particularly in Kashmir, have tried to communalise what is the duty of a secular government to make arrangements for the comfortable journey and stay of pilgrims of all religions. Nobody objected when Government provided special facilities and subsidies for Haj pilgrimage. But, surprisingly, when a piece of land was allotted to the Amarnath Shrine Board managed by a Trust under the Government and headed by the Governor for temporary stay of pilgrims, a lot of hue and cry was made. The turmoil raises the question: Is secularism the solution or the problem itself?*

The controversy surrounding the Amarnath yatra is unwarranted. It is more a product of pride and prejudice than of any substantial issue. The forest land which had been allotted to the Amarnath Shrine Board was for a specific purpose — providing basic amenities and temporary shelter to the yatris in pre-fabricated structures. I do not understand how this act could, as alleged in some quarters, change the demographic character of the state or undermine the environment on the yatra routes. On the other hand, it would have made the yatra more organised and environment-friendly. The waste would have been taken care of at the camp sites and better administrative machinery would be available to prevent landslides and protect water bodies. In any case, safety of the yatris is paramount.

Heavy rains and sudden hostility of nature are not unusual in this area. It may be recalled that 256 persons lost their lives in a snow storm during the yatra in 1996. Nor should it be forgotten that India is a party to

all the UN decisions and declarations on natural disasters. Experience shows that the nations which are vigilant are able to mitigate losses, while those casual in their approach pay a heavy price. For example, the average Japanese disaster kills 63 people, while in Peru, a disaster of the same magnitude takes as many as 2,900 lives.

It is unfortunate that the controversy has diverted public attention from the cultural significance of the yatra. Of all the Indian pilgrimages, the pilgrimage to Amarnath is considered to be the most sacred.

Recalling Swami Vivekananda's experience, Sister Nivedita wrote: "Never had Swami felt such a spiritual exaltation. So saturated had he become with the presence of the great God that for days after he could speak of nothing else. Shiv was all in all; Shiv, the eternal one, the great monk, rapt in meditation, aloof from the world." Later on, Swami Vivekananda himself recounted: "I have never been to anything so beautiful, so inspiring."

Such is the impression that the Amarnath yatra leaves on the minds of the yatri. After travelling on foot or horse on one of the most enchanting and enthralling routes in the world, the yatri see the "ice-lingam" in all its shining glory and experience the impact of an invisible, yet all pervading, an incomprehensible, yet all-conveying, force of "what was, is and will be".

The yatri perceive Lord Shiv sitting calmly underneath an imperishable canopy provided by the "mount of immortality" and conveying the message of inseparability of the processes of creation and destruction; of every beginning having an end, and every end having a beginning.

The holy cave is accessible only during a short pe-

riod of time every year, usually during the months of July and August. At that time, inside the cave, a pure white ice-lingam comes into being. Water trickles, somewhat mysteriously, in slow rhythm, from the top of the cave and freezes into ice. It first forms a solid base and then on it a lingam begins to rise, almost imperceptibly, and acquires full form on *puṛnima*. It is believed that on that day, Lord Shiv revealed the secrets of life to Parvati. It is also believed that while Lord Shiva was speaking to Parvati, a pair of pigeons overheard the talk. And this pair still comes to the cave at the time of the *yatra* as incarnation of Shiv and Parvati.

The present Kashmir Valley, according to *Nilamata Purana*, was once a huge lake known as Satidesa. It was surrounded by high mountains. To kill a demon, Jalodhbava, who was indestructible under water, Rishi Kashyap made a cut in the mountains and drained off all the water. The land that emerged came to be called Kashmir, after Rishi Kashyap.

At some spots saints and gods carved out their hermitages for meditation. In the course of time these spots acquired special sanctity and made Kashmir a great nursery of Hindu religion.

If the *yatri* take the traditional route, they proceed to Pahalgam from where a small road leads to Chandanwari, along thick and green woodlands of breathtaking beauty, with the playful stream of Lidder meandering and dancing in between. From Chandanwari, there begins the ascent to Pishu Ghati, reminding the *yatri* that the path to salvation involves struggle and stamina. A feeling of having been lifted to a heavenly spot dawns upon the *yatri* when they reach Sheshnag. After getting refreshed with the bath of ice-cold water of Sheshnag, the *yatri* take a steep climb to the most difficult spot, Mahagunna. Thereaf-

ter, a short descent begins to Poshpathan. From there, the *yatris* move to Panchtarni, a confluence of five mythical streams, and then to the cave. A sense of fulfilment seizes the *yatris*, and all fatigue is forgotten. Even with the temperature touching zero degree Celsius, the *yatris* are driven by their faith to take bath in the rivulet of Amravati.

The unique *yatra* satisfies the individual's urge to take his soul to soaring heights, to experience spiritual passions and see Mahadev in his greatest image and in his finest abode. But the significance of the *yatra* does not end at the personal level. It extends to the much larger issue of cultural unity and vision of India from Kashmir to Kanyakumari, from Kathiawar to Kamrup.

When some people talk of Kashmir's relationship with the rest of India only in terms of Article 1 and Article 370 of the Constitution, I am surprised at their ignorance. They don't know that the relationship goes deeper. It is a relationship that has existed for thousands of years in the mind and soul of the people, a relationship that India's intellect and emotions, its life and literature, its philosophy and poetry, its common urges and aspirations, have given birth to. It is this relationship which inspired Subramania Bharati to perceive Kashmir as "a crown of Mother India, and Kanyakumari as a lotus at her feet", and also made him sing that "She has 30 crore faces, but her heart is one."

*(The writer is a former governor of Jammu and Kashmir and a former Union minister)*

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## *Congress playing with fire in Kashmir* **Will have to pay heavily**

**By Prabhat Jha**

There is no gainsaying the fact that under the Congress Party the secular psyche of the country had never been safe and, on the contrary, it was always under threat. The incidents in Jammu and Kashmir and the way the Congress government there conducted itself leaves nobody in doubt about it. The controversy over allotment of land to Shri Amarnath Shrine Board has amply proved that striking at the faith of the majority has become a favourite past time of this party. It derives special pleasure in humiliating the majority at every point it can. Prostrating in appeasement only results in disturbing social harmony and putting a question mark on the secular character of the country.

UPA is continuing to maintain its tradition of appeasement that started with the famous Shahbano case. Extending reservation on the basis of religion, opposing singing of Vande Matram, tinkering with the textbooks, communalization of budget, Sachar Committee, stipend on the basis of religion are just a few of the issues that have put a question mark on the Congress professions of secularism. Terrorism thrives in the country only because Congress has throughout been looking at such anti-social and anti-national activities through the prism of religion. It continues to dilly dally in executing the Supreme Court order awarding death

sentence to Afzal Guru about three years back. It is also bent upon destroying the Ram Sethu. One fails to understand what message the UPA government wishes to convey to the people of the country.

Continuous neglect and hammering hard the feelings of the majority over Shri Ram Janmabhumi issue burst out in the form of what happened on the December 06, 1992. When one's faith is hurt time and again deliberately, its reaction can never be positive. But how far will the Congress stoop in playing its vote bank politics at the cost of national interest and social harmony? This is the question that is tormenting the mind of the people.

After independence all the princely states in the country merged into the Indian Union of their own in a most cordial and peaceful manner. There was no problem at all. The Maharaja of Jammu and Kashmir too merged his state into India in the same manner, as did the other States of the country. But it was because of the mishandling of the matter by India's first Prime Minister that the country is continuing to pay heavily for the sins committed by him even after about 60 years.

After partition about 5 crore Muslims continued to live in India. Their population has now swelled to 15 crore. But the 3 crore Hindu who continued to live in Pakistan, their number has today been reduced to less than 30,000. Their life there is a tale of misery and deprivation.

The issue of Shri Amarnath temple is a religious issue and has nothing to do with politics. But with an eye on elections in J&K a few months from now, and to Parliament less than a year now, a deliberate attempt has been made to politicalise this issue for electoral purposes. Attempts are being made to target the majority community (which otherwise is a minority com-

munity in Kashmir) on the pretext of the Amarnath shrine issue to save their political gaddi. The Congress-led Ghulam Nabi Azad government in J&K is hand in gloves with the terrorist and anti-India elements whose only objective is to turn Hindus out of Kashmir. It was the J&K Cabinet which had sanctioned the allotment of land to Shri Amarnath Shrine Board for providing basic amenities and convenience to the pilgrims just for about two months of the year during inhospitable weather conditions. Once this had been done, why has the Congress now taken an about-turn and is expressing sympathy with those who are who are communalising, for their political ends, an issue that is purely religious? Was it not a PDP minister who moved the file and got the matter approved from the Cabinet? This only proves that instead of sticking to the correctness of its stand, for political and electoral considerations, it succumbed to the pressure of separatist and anti-national forces. For Gulam Nabi Azad saving his own gaddi seems to be much more important than the faith of crores of people in the country. Was it the majority community which had begged Gulam Nabi Azad to allow this land? Nobody else but the Congress and PDP are responsible for creating an ugly situation in the valley which has caused numerous deaths and violence not only in J&K, but all over the country. Why should the Congress government meekly surrender before the threats of separatists? What do the statements of Mufti Mohammad Sayeed and his daughter Mehbooba mean? Everybody does have the freedom to express his opinion under the Constitution. By withdrawing the allotment of land to the Shrine Board the Congress government has not only surrendered before the separatist but also humiliated the majority community all over the country. It also

proved that it is the writ of terrorists and separatists, and not of the Congress that runs in the State. Is it also to be decided by the separatist leaders as to how many people should undertake a pilgrimage to Shri Amarnath or that the yare should be banned?

The narrow communal mindset of the so-called 'liberal' chairman of Hurriyat Conference Mirwaiz Umar Farooq too stood exposed when he alleged that by allotting land to the Shrine Board government was trying to disturb the demographic balance to convert it into a Hindu colony. The separatist leader Ali Shah Geelani called it a conspiracy to settle non-Kashmiri Hindus in Kashmir valley so that Muslims are reduced to a minority.

Shri Muft Mohd. Sayeed and his daughter went a step further when they alleged that Amarnath Yatra causes pollution. How funny is it? How logical are they? Shri Sayeed should, at least, have not forgotten that it was the people of the country who had made him India's Home Minister. Should he and his party play into the hands of pro-Pak separatist elements?

It is only because of the wrong policies of the government that the situation is worsening and getting murkier day by day. It has generated reaction not only in Jammu and Kashmir but also all over the country.

The act of withdrawing the allotment of land to the Shrine Board is in itself a step against the interests of the nation and communal harmony. It has unnecessarily created a wedge between the minority and majority community. It is intriguing that no political party, except the BJP, has opened its mouth on the issue. Smt. Sonia Gandhi and Dr. Manmohan Singh are maintaining a deliberate, dubious silence just to reap the harvest of votes in this ugly situation. What inference should the people draw from it?

BJP has risen to the occasion and is playing its national duty on the issue. It cannot remain a silent spectator when injustice is being done to any community, be it the minority or the majority. It is receiving overwhelming support from every corner of the country. The unprecedented response to BJP's call for Nationwide strike on July 3 all over the country has stunned all – the Congress and other non-BJP political parties who were maintaining a stoic silence on the issue.

The issue is not of a few acres of land. It is entwined together with the unity and integrity of the country. Congress has put Baba Amarnath at stake to save its own gaddi in J&K. The country will never excuse PDP and the Congress on this dubious political game. India has been a secular nation since times immemorial and it will continue to be so despite efforts to the contrary. Congress will never succeed in its evil designs to divide the country between majority and minority communities just for the sake of votes. It stands exposed in the eyes of the people. Its latest political crime in J&K has only unleashed a wave of anger against it. It does have gambled for political and electoral purposes but when the time of reckoning comes it will only have to repent for the folly it committed.

(Courtesy : Kamal Sandesh)



## *Amarnath land transfer controversy*

### **Vohra toeing Musharraf line on Kashmir : BJP**

Sharpening its "remove Vohra" campaign, the State unit of the BJP on July 13 said in his capacity as interlocutor the present Governor Shri N. N. Vohra was not "impartial" and had given his unqualified support to the proposal of Wajahat Habibullah in the meeting of the Working Group on Centre-State relations. "The proposal had sought to divide Jammu and was a step towards facilitating the Pervez Musharraf line on Kashmir," Senior Vice-President and BJP Spokesman Shri Hari Om said expressing reservations over Shri Vohra's appointment as J&K Governor.

Addressing a media conference Shri Om said since his nomination as J&K Governor, Shri Vohra has conducted himself in a way which has left no doubt that his whole approach is biased and partisan.

Referring to the issue of Amarnath land transfer, the BJP leader said the way the Governor consented to return the land transferred to the Shrine Board looked more as an expression of a deal struck between the fundamentalists in the Valley and powers that be at the Centre.

The undemocratic steps of Shri Vohra

1. He consulted nobody before taking a decision.
2. He didn't follow a due process of law. According to the rule of the shrine board "Shri Vohra had the authority to return the land transferred to the SASB as

the Chairman of the Shrine Board to the Government but only when majority of the Board members had consented to the decision." No such procedure was followed.

3. HE also didn't feel it prudent to take other shades of opinion into consideration. His entire approach has simply conferred respect and legitimacy to fundamentalist and separatist opinion in the Valley and has only served to catapult communalism and separatism to a centre-stage of state politics.

Shri Hari Om further said that for these undemocratic steps the state BJP demanded that the Central Government should take the matter into consideration and recall Shri Vohra at the earliest.



## When moderates bowed before the Jihadis

By Tavleen Singh

Last week as Jammu and Kashmir boiled over and the Prime Minister called on all political parties to come together and help calm the fires of hatred and violence, I waited to hear one Kashmiri politician speak in a moderate voice. I listened to the speeches of the Abdullahs and the Muftis in the hope that one of them would say that the protests in Srinagar, that started the trouble, were wrong. I waited to hear one of them identify rumours spread by Kashmir's jihadi groups as the root of the problem. Rumours so absurd they talked of a plot to change the demography of Kashmir if Hindu pilgrims were allowed to stay in temporary houses in Amarnath during the yatra. If one 'moderate' Kashmiri politician had denounced the rumours as dangerous lies the fire may have gone out before it spread.

Nobody did. And, last week at the Prime Minister's meeting they added more fuel to the fire. Farooq Abdullah reportedly said he would sit at his father's grave and ask if coming to India instead of Pakistan was a mistake for Kashmir. Mehmooda Mufti announced on every TV channel that if the road remained closed to Jammu then Kashmiris would look for other roads. Our painfully politically correct TV anchors did not dare ask her what she meant or whether it was not true that her party was part of the Kashmir Government when the land was allotted. The former governor

of Jammu & Kashmir, Lt Gen (retd) S K Sinha, has taken every chance to point out that he cannot be blamed for a decision that was taken by the J&K Government, but nobody listened to him. It suited everyone to make him the villain of the story, to blame him for 'spreading Hindutva' by providing basic facilities to Hindu pilgrims.

We now have Hindu Jammu and Muslim Kashmir embroiled in a civil war and it is because we have not heard a moderate voice from Kashmiri politicians. Yasin Malik kidnapped Mehbooba Mufti's sister in 1989 and with that act started the violent movement for azadi. Are Mehbooba and her father not slightly ashamed to be batting on his side today? When he was taken to hospital in enfeebled state because of his fast unto death he told TV reporters that he was doing this because Muslims were being persecuted in Jammu and there was an economic blockade that was preventing 'milk' from reaching Muslim children in Kashmir.

It's hard to expect concern for non-Muslims from Yasin Malik, who admitted famously on television that he trained in Pakistan to fight India or Syed Ali Shah Geelani who wants Kashmir to be part of Pakistan. But, it would have been reassuring to hear from the Abdullahs and Muftis that there was no reason whatsoever for Kashmiris to have made such a huge fuss over the Amarnath land. It would have calmed passions if one of them had admitted that the land was not being given away and better still if one of them had reminded the Kashmiri people that Indian taxpayers pay hundreds of crore rupees a year to send them off on Haj and for Haj houses in our cities to make their pilgrimage easier.

The land in Amarnath was a non-issue. It became an issue because moderate politicians allowed them-

selves to become the B-team of the jihadis. Privately, many will admit that an ugly Islamism has changed not just the faith of Kashmir but destroyed the movement for azadi by sweeping it under the umbrella of the greater pan-Islamist goal. It is because they do not have the courage to publicly admit to what has happened that they could end up losing next month's election to those who have never hesitated to admit that they hate Hindus and India and like radical Islam.

Kashmir, Kashmiri culture and Kashmiri Islam have been destroyed by this new Islam because Kashmir's moderate politicians have been too cowardly to publicly fight the Islamists. As someone who witnessed the manner in which Islamist mobs violently closed hotels, cinemas, liquor shops and video libraries down in the nineties it saddens me to see Kashmir's supposedly moderate leaders bow before the jihadis once again. Last time it cost them their way of life. This time it could cost them the loss of Jammu. The protests in Jammu have been unacceptably violent and nobody can support violence.

But, it is important to remember that none of this would have happened if Kashmir's moderate leaders had not supported the protests in Srinagar's streets. All it needed was someone to speak up. One voice of reason, one Kashmiri leader who admitted that the protests against the allotment of land in Amarnath were wrong. We have not heard that voice.

Courtesy: The Indian Express

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## To save India, follow Jammu

By A Surya Prakash

For several days now, leaders of the Kashmiri separatist movement like Sajjad Lone have been repeatedly declaring that they will not give "even an inch of land" to the Sri Amarnath Shrine Board to provide facilities to Hindu pilgrims going to the holy cave in Kashmir. Alongside the uncouth behaviour and verbal threats of these so-called leaders of separatist outfits during television studio discussions, millions of Indians have also got to see demonstrators flaunting the Pakistan flag and raising pro-Pakistan slogans.

Many Indians who, thanks to the media boom, are exposed to this bigoted, intimidatory posture of Kashmiri separatists for the first time, are shocked. Till now they never knew that despite six decades of engagement with the world's largest and most vibrant democracy, people in the Kashmir Valley could be so far-removed from the liberal, democratic and secular framework within which the rest of India operates.

Young Indians are also getting acquainted for the first time with the glaring distinction between the nationalist, plural Jammu region and the secessionist, communal Kashmir Valley. While protesters in Jammu – Hindu, Sikh and Muslim – march with the Indian tricolour in hand and raise slogans like 'Bharat Mata ki jai', the protesters in Srinagar wave green flags of the Hurriyat or the flag of Pakistan, and the slogan that

rents the air is 'Allah-o-Akbar'.

It is indeed unfortunate that even 60 years after the accession of the State of Jammu & Kashmir to India, the Kashmir Valley appears to be outside the pale of our secular democracy. It seems to be in the very same mood in which it was 600 years ago when Sultan Sikander began the onslaught on Hinduism and forced Hindus to convert to Islam or migrate. The second big assault on the Hindu minority occurred in 1989-90 when Islamic militants, aided by locals, subjected Hindus to murder, arson and loot. This pogrom led to the forced migration of over three lakh Kashmiri Pandits from the Valley to live as refugees in Jammu and Delhi.

In recent years, militants have been targeting Amarnath yatris and killing these pilgrims at temporary camps set up along the route. Yet, despite all this, Sajad Lone says that Muslims have been "taking care" of the yatris all these years and that there is really no need for a Sri Amarnath Shrine Board. Even more laughable is the statement of Mirwaiz Umer Farooq, chairman of the Hurriyat Conference, who has claimed that they "believe in secularism" and that the communalists are the Hindus who are agitating for land for the Shrine Board!

Strangely no Kashmiri separatist leader is even ashamed of the ethnic cleansing of Hindus, which is the biggest assault on a religious minority community in this part of the world. In recent times many Kashmiri separatist leaders have appeared on television shows. All of them appear defiant, bigoted, communal and anti-Indian, and yet hog a lot of airtime.

It is as if Kashmiri Muslims are exempt from any requirement of decency and civility in discourse. This over-indulgence with persons with an illiberal and anti-Indian outlook has encouraged persons like Mirwaiz

Umer Farooq, Sajjad Lone and Billal Lone to sharpen their knives and become far more brazen and vicious in their attacks on the Indian state.

The plight of the Hindu minority in India's only Muslim-majority State and the pro-Pakistan slogans being raised in the Valley has its implications not just for India's unity and integrity but also for India's secular foundations and concepts of federalism. Should voices like that of Arundhati Roy, who feels the demand for 'azadi' in the Kashmir Valley must be listened to with empathy, get louder, it will amount to belated ratification of Mohammed Ali Jinnah's two-nation theory. In which case, we must widen the scope for self-determination and extend this idea to every State.

This discomfort with a secular, democratic society among sections of the people in the Valley is nothing new. Lone's forebears had displayed similar inclination for things that lie across the border. The naked face of Kashmiri Muslim communalism bared its fangs in the last century for the first time in 1947 when Muslim soldiers in the Kashmir Army deserted their officers and joined the invading Pakistani Army. The betrayal of Hindu officers by Muslim soldiers in the Kashmir Army is chronicled by VP Menon, who was Secretary in the States Ministry at the time of independence, in his book *The Story of the Integration of the Indian States*.

Pakistan first sent in infiltrators and then launched an all-out invasion of Jammu & Kashmir on October 22, 1947. The main raiders' column had 5,000 men who were led by regular soldiers of the Pakistani Army. When the invaders arrived at the gates of Muzaffarabad, the Kashmir State battalion, consisting of Muslims and Dogras, was commanded by Lt Col Narain Singh. All the Muslims deserted the battalion, "shot the commanding officer and his adjutant; joined the raiders,

and acted as advance-guard to the raiders' column... All the Muslims in the State Forces had deserted and many had joined the raiders".

The raiders then marched towards Uri. Brig Rajinder Singh, the Chief of Staff of the State Forces, managed to gather 150 men and met the invaders at Uri. Brig Singh engaged the enemy in a fierce battle for two days and in a rearguard action destroyed the Uri bridge. "The brigadier himself and all his men were cut to pieces in this action." The dare devilry of these valiant soldiers delayed the onward thrust of the invading Army.

Thus, although the Pakistanis were at the doorsteps of Srinagar, there was just enough time for the Government to airlift troops to Srinagar and secure the State capital. Paying a tribute to the courage of Brig Singh, Menon says it was only appropriate that the first Maha Vir Chakra was awarded to this great soldier, albeit posthumously.

These facts of history tell their own story. The betrayal of Brig Rajinder Singh and Lt Col Narain Singh by Muslim soldiers in 1947 has its echo in the events in Jammu & Kashmir today. The past has cast its long shadow on the present. Obviously, there are leaders in the Valley who continue to long for Pakistan and who have no compunctions in trampling upon the rights of the Hindu minority in the State.

Every Indian who cares for India's unity and integrity and our liberal, secular and democratic way of life, must be ready to make the kind of sacrifices that Brig Singh and Lt Col Singh made over 60 years ago if we wish to retain Jammu & Kashmir as an integral part of India. Gutsy citizens of Jammu are showing us the way. We must salute and emulate them.

Courtesy: The Pioneer

**Special Interview with  
Lt. General (Retd.) S.K. Sinha,  
Former Governor, Jammu & Kashmir**

## **The Congress has hurt national interest in Kashmir: Gen. Sinha**

*Former Governor of Jammu and Kashmir, Lt. General (Retd.) S.K. Sinha is a disheartened man today to witness the deliberate appeasement politics being promoted by the Congress-led UPA government. General Sinha, who was the Governor till the last week of June and was known to be a good administrator in the Valley and has earned a name in J&K for promoting unity, says the Congress has absolutely no idea where it is going. It has resorted to political adventurism. The government it heads has no answer to the spectre of mishandling the Amarnath Shrine Board land affair, which has set off a wave of tension not only in J&K but also in other parts of the country. He feels that land allotment to the Amarnath Shrine Board was a non-issue, but the Congress has given it a communal colour. In fact, the Congress high command in Delhi has always given a helping hand to the PDP leader Mufti Mohammad Sayed, who has a dubious agenda for encouraging fundamentalists, and has always acted against the Government of India and its policies. In an exclusive interview to Organiser the former Governor of J&K opines that by revocation of land for Amarnath pilgrimage, the separatists have tasted blood and now they have their own agenda and would not let the Kashmiri Pundits settle in the Valley. Excerpts:*

**What was the immediate reason for the land allocation to the Amarnath temple becoming a major controversy?**

So far as the land dispute was concerned, I looked upon it initially as a non-issue. So the people must be aware of the background first. The land allotted was a barren land and traditionally been used as a camping site for the yatra for the past many decades. We used tents in the first year for the shelter of the pilgrims. In 1996 there was a snowstorm in which 250 people died, many injured and some went missing. Then, a high-powered Nitish Sengupta Committee was formed which recommended that a Shrine Board should be constituted, which would manage the yatra, just like the Shrine Board of Mata Vaishno Devi. The then National Conference government brought a bill in the state assembly, on the lines of Mata Vaishno Devi Board, where the Governor was to be the chairman and with identical provisions. Mata Vaishno Devi Shrine Board was also given some forest land for their use to build permanent and temporary structures.

**What initiatives did you take to improve the facilities for the Amarnath pilgrims?**

When I took over as Governor, it was just two months before the commencement of the yatra. My first priority was to ensure the security of the yatra, because up to 2002, every year the yatra was attacked by terrorists. At that time Mufti Mohammed Sayed was the Chief Minister who suggested me that there should be minimum presence of uniformed security men for the yatra. But I strongly differed from his views, as there were regular attacks. I deployed maximum number of Army, CRPF, BSF and J&K Police personnel for the security of the yatra. In a coordinated effort, I organised sanitisation of the 40-km-long mountain track starting

from Chandanvari on the Pahelgaon route up to the holy cave. And I am pleased to inform that since 2003 there has not been a single attack on the pilgrims. In 2004, I decided to provide better facilities to the pilgrims and also to increase the duration of the yatra. If we could provide better facilities, more devotees would be able to come to the holy cave and indirectly it would also help the state's economy. There is a Malmas according to the Hindu calendar, and there are two Shravana months in every twelve years. So from religious point of view a two-month yatra was also desirable. From Baltal route, a large number of pilgrims go to the holy cave, so that route also needs to be improved. The snow on the Baltal route used to melt earlier. But irrespective of the timing of the yatra, thousands of people go to the holy cave through this route. The yatra used to start without adequate security arrangements and no proper infrastructure facilities for pilgrims. So I thought of starting the yatra a month early so that adequate arrangements for security could be made. Thus taking these points in view, I went to the Chief Minister with a project report stating the findings of the Sengupta Committee Report that recommended putting up of the permanent structures at various sites on the yatra route, so that when the cold breeze comes people can take shelter. The state government even before formation of the Shrine Board had started building 25 permanent structures on the route of the yatra, but none of them was completed. So I suggested putting up temporary structures which could be erected in four or five days and could be dismantled easily. We planned to have temporary structures with wooden floors and insulated walls to keep the rooms warm. In addition to this we suggested not to replace all the tents but it would be an additional facility for

those who can afford to it, otherwise pilgrims can stay back in tents. I also recommended pre-fabricated toilets for better hygienic condition, in place of large number of pilgrims using the traditional toilets.

**Do you squarely blame Mufti for anti-Hindu activities in Kashmir?**

Mufti Mohammad Syed, who is known to have come from a communal background and always emulates an anti-national agenda, has always opposed anything connected with the yatra. I don't have to repeat the rumours that all over Kashmir, the vandalism of all temples in the late 80's was carried out by Mufti's men. Whether he is directly involved or not God alone knows. But he certainly did not do anything to prevent it. Any man in Kashmir can vouch for this. The other rumour was that Mufti was gaining support of the extremists and had stage-managed the abduction of his eldest daughter, when he was Home Minister of India. For the release of his daughter, he struck a deal with the fundamentalists and later released them to Pakistan. And they are the people who started terrorist movement in J&K. It may be a rumour but Mufti was responsible for the release of the fundamentalists who were in jail. In 2002, he won the Assembly elections allegedly by pandering to the terrorists. Mufti was opposing anything that I wanted to do for the Amarnath pilgrims. He did not bother even to reply my letter. But the Deputy Chief Minister Pundit Sharma started announcing in public meeting that they would hold a two-month yatra with better facilities. My conclusion was government had approved the yatra but fifteen days before the yatra Mufti said in a press conference that the yatra would be held for one month only and with no more facilities. Despite my suggestions, they did not allow us to carry out the yatra and the matter

went to the Government of India. Four ministers from Mufti government resigned and ultimately the yatra was rescheduled for two months. In 2005, we faced the same problem again from the Mufti government. The matter was taken up in the High Court and a single bench gave a verdict in favour of the Shrine Board and said that the state government would only provide security. Again the state government went to the Division Bench of the High Court and an interim verdict came in 2005, that the Shrine Board would decide the timing of the yatra. So then also we carried out a two-month yatra.

**Then what is the real reason for such a hue and cry this year?**

This time, we put up the pre-fabricated structures, after getting written approval from the state government. We had a provision of two thousand toilets and all other comfortable facilities for the people. Four to five lakh people were expected to undertake the yatra. We also introduced a helicopter service for the yatra. The Forest Minister Kazi Mohammad Afzal and the Law Minister Muzaffar Hussain Baig for the last three years had been examining for providing land and facilities for the pilgrims. I had decided that if the government will grant us permission then its okay, otherwise we will make our own arrangements on behalf of the Shrine Board. On May 27 this year I came to know that the state cabinet has taken a decision for providing land for temporary shelters only for the yatra and demanded the Shrine Board rupees five crore. The PDP minister Mr Kazi issued clarifications to the press that the government allocated land to the Shrine Board for temporary yatra purposes. But soon after the declaration, the separatist elements started agitation, which gained momentum. A section of the Valley press has always

been hostile to this cause, so the Hurriyat leaders took advantage of the situation to press their communal agenda. Although I had been making all efforts to promote Kashmiriyat, a communal feeling was infused into the masses intentionally that a conspiracy was going on in Kashmir to bring the Hindus back into the Valley, and to bring up a new colony in Baltal called Amarnath Colony. And like Israel changing the demography in Palestine, the Shrine Board is trying to change the demography in the Valley. Now nothing could be more absurd than this! Geographically it's not possible to settle township in Baltal and near the holy cave. Who will live there? And can any one put up a township in 100 acres of land where there is heavy snowfall and torrent rain? And secondly, how can the Shrine Board do this? There is an elected state government. A state government, which has such a strong policy on this issue, how can one think of it?

**Lakhs of refugees from West Pakistan have been languishing in refugee camps in Jammu faced with worst inhuman conditions for the last 60 years. Comment.**

In 1947, 30 thousand West Pakistani refugees (Hindus and Muslims) had come to Jammu and later millions came to India. But the poor refugees in Jammu were not given citizenship status. Their number today is about one lakh. They have been staying there for sixty years, but they can't get a state government service or cannot acquire any land. Their children can't go to higher technical education for learning. Can anyone think of them to get them permanent citizenship even after sixty years? Their concerns have been deliberately blacked out by the valley press and the national press. **Don't you think that the state government's lackluster attitude in controlling the agitations in Kashmir put the situation out of control?**

In the beginning, Azad was very confident that the agitation would lose its steam and would not gain momentum as has it got. Thousands of acres of land were given by the state government for various purposes, so if the Shrine Board got few acres of land for yatra purposes what was wrong in it? And in any case Jammu is part of the state. Moreover, land has already been given to Mata Vaishno Devi Shrine. So what is wrong in allocating land for Amarnath Shrine Board? On June 25 this year, Azad told me that everything is fine regarding the transfer of land but the PDP ministers who were part of the decision-making body to approve the land for the yatra, played a dual game in the hands of the extremists and a religious fervor was linked to it.

Mufti's link with separatists are well known

**Do you see any role of Congress high command and central government behind all of this?**

My successor, who is a nominee of Congress high command in Delhi, joined with a directive from Delhi. The order for allocation of land was revoked. But at least they should have put some sugar-coating on that order. They should have said the allotment of land was for temporary purpose, and virtually it was a non-issue and they should have educated the people that to bring about peace and harmony and due to a conjunction between the Shrine Board and the government, the order has been revoked. But it did not happen and the sentiments of millions of Hindus were hurt. But what did they do? They virtually blamed Amarnath Shrine Board, which had been doing an excellent work for the last five years. In one month three lakh pilgrims had already visited the holy cave and in another one month it must have crossed six lakh number. They found this yatra as a Hindu cultural invasion of Kashmir. By disbanding the Shrine Board and by reducing it to a body

of priests who conduct holy rituals, and the rest being managed by the state government, we went back to the status quo ante before the Shrine Board was formed. And it shows their policy of appeasing the fundamentalists. Revocation of the order was the first step and dissolution of the Board was the second step. This was not their demand but the Congress did this to appease the fundamentalists and the disbanding of the Board was done at the instruction of the Congress only. They have also lot of objections for the lot of infrastructure made for the Vaishno Devi Shrine. Owing to better facilities for the pilgrims of the Vaishno Mata, the numbers have been increasing steadily in lakhs. After disbanding the Amarnath Shrine Board they are tampering with Vaishno Mata Shrine Board. The fundamentalists have tested the blood and after getting success in disbanding the Amarnath Shrine Board, the fundamentalists' morale is sky high.

I had started a technical university in 2004 accommodating 1,800 students, which was inaugurated by Dr A.P.J. Abdul Kalam. But the fundamentalists were not very much happy with this initiative. We had built a 200-bed cancer hospital by putting 100 crore in Katra, Jammu.

**What do you think are the factors that contributed to the Valley making an issue of allotment of land to the Shrine Board?**

Well I don't know exactly what the centre has done. But I know every step taken by the Congress in Kashmir has only complicated the problem. In fact Congress was responsible from day one when Pt. Jawaharlal Nehru took the Kashmir issue against the suggestion of Sardar Patel to the Security Council. That was the beginning of troubles in Kashmir. I was involved in the operation from the day one in 1947. In November

we were prevented from going to Muzaffarabad. There would have been no PoK today. We had lost a golden opportunity. I know better the political, military and diplomatic issues on Kashmir among the living persons. I was a witness to what happened. In 1971 Indira Gandhi did a wonderful work.

For a solution in Kashmir, what is required is a national party in power, not a regional party. There are two national parties – the Congress and the BJP. The BJP does not have a ghost of a chance to come to power in Kashmir because of the demography. The Congress was the only party that had a chance, but the Congress high command had destroyed this possibility.

**The political parties and the media have accused you of creating the problem in Amarnath. Comment.**

The media in Kashmir, I can understand, had a bias against me because it didn't like my efforts in Kashmir, but the national media was either indifferent or was trying to carry 'secularism' on its side and was working overtime to do things which should be a music to the Muslim fundamentalists. We lost in the media war because of the communal bias in the Valley and indifference shown by the national media and the government regarding anything that is concrete.

**Azad has accused the PDP of getting inspired by across the border, i.e. Pakistan. Do you think this allegation is true?**

Can any one in his senses question on the authenticity what Ghulam Nabi Azad has said? The only one who can question is probably the Congress high command, who has proved herself to be the masters of appeasement. When a Chief Minister, in a discussion, says that if the Baghliar project would be solved by placing it under the joint control of India and Pakistan then as a Governor my response was: If you put Baghliar un-

der joint control then tomorrow, the Kashmir would also be under the joint control of India and Pakistan. So what are we here for and what have we done for the past sixty years? But Delhi thought that Mufti is their man. Mufti had already talked of de-militarisation in 2006 and he added that it should be started immediately; he was not going to even wait for a day. The PDP's role in the alliance government in J&K is like the role of Liyakat Ali Khan as Finance Minister during the interim government in 1946-47, forcing the Congress, Nehru and Patel to accept that there was no option but the Partition of India. The Partition was due to the failure of alliance between the Congress and the Muslim League. The writing was clear on the wall. The Congress high command is now still in love with the PDP. The PDP is also getting bolder and bolder day-by-day. They announced that there should be dual currency in Kashmir and Congress high command thought perhaps that is a very good thing and said go ahead. When Mehbooba Mufti visited Lahore three or four months ago, the Congress sponsored the entire visit. In Lahore she was received by Indian High Commissioner's son. Her meetings were arranged by Indian High Commission. At one conference in Lahore, Pakistan, she says, there should be dual control of Pakistan and India over Kashmir. The PDP is playing the same role all the time in Kashmir but still the PDP remains a dear ally of the Congress high command by opposing Azad and the local Congress members. When Azad says that the PDP is in league with the Hurriyat and the militants of Pakistan then what better proof one requires than I told you here.

**Despite doing all developmental works for the Valley why are they opposing you?**

I don't know. India has sunken more money for

Kashmir than any other state in India. India has invested Rs 11 thousand per capita for development in Kashmir, and the average states like Bihar government spends Rs 9 hundred per capita, if the news paper reports are not wrong. The national average of Below Poverty Line is 26 per cent but in states like Bihar it is more than 36 per cent. In J&K it is 3.7 per cent. Still there is venomous attack in the Valley against India and its policies. Even Pakistan press is more soft on India than Kashmir press. Can we say that by development alone we can win heart and minds? Therefore, I was trying something more, i.e. sentiments and Kashmiriyat at the intellectual level. And the fundamentalists thought that these policies would hurt them in the long run. They picked up a non-issue and gave it a communal colour.

**You have been the Governor under the NDA rule and the UPA rule. Do you think under the UPA rule you didn't get full support?**

I had been the Governor for a short time under NDA rule in Kashmir. When I was the Governor of Assam I got maximum support from the NDA. See everybody says that Kashmir is an integral part of India, but what have we done in this regard in the last sixty years? When UPA came, I presented a nationalistic plan to them on Kashmir, which I don't want to discuss here. Every one had an approval on my plan but no one did anything for it. We should create a situation of international acceptability and acceptability within J&K and amongst the people of J&K. When Barrelos Nickolson from European Union visited Kashmir, I interacted with her for two days. And for the first time, last year an international body like the EU gave a positive report favouring India's stand on Kashmir and criticising Pakistan. And Pakistan tried its best to modify or reject

her report in EU. And despite Pakistan's effort the EU Parliament passed that report with 450 votes in favour and 9 against it. In my assessment, the UPA had no long road map to resolve the Kashmir issue. UPA had only empty talks. The Congress has hurt the national interest in Kashmir that is my feeling.

**Did you make any effort for the return of Pundits to the Valley? If you did, what are the reasons for the failure of making the issue a success?**

After taking over as the Governor, first thing I did was I visited the camps of Pundits both in Jammu and in Delhi. The Pundits are living in a precarious condition in their camps. When I discussed with the J&K state government, it replied that it is the responsibility of Delhi government. I said, maybe, but it is also the state subject of J&K. In last fifteen years I was the first person to visit their camps. Tears roll down their cheeks when they saw me visiting their camps. I could do very little for them. I talked to the then Lt. Governor Vijay Kapoor and he organised some local helps like DDA flats, water cooler and other useful needs. I also visited the camp in Udampur, Jammu, etc. I saw the same problems they are facing at other camps. When talked to the state government it was of the opinion that they should first return to the Valley. I said they can return only after a conducive atmosphere. When Dr Kalam visited the camp in Jammu he was also equally concerned, but Mufti was adamant in his explanations.

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## Once there was Kashmiriyat...

*Khursheed Wani traces the rocky journey of the Amarnath yatra*

Reverence of mountains is in every Kashmiri's genes. If Muslims defer to the shrines of Chrar, Makhdoom Sahib and Zainuddin Wali, the Pandits (Hindus) have Sharika Devi, Shankaracharya and Amarnath, all located at a considerable height. For centuries, Shaivite scriptures have suggested that Lord Shiva shared the secret of the universe with his consort, Parvati, at a secluded place in Kashmir's mountains, and a pair of doves overheard them. The identification of this location became a sort of Kashmiri search for Shangri-La.

In the mid-19th century, Juma Malik, a Gujjar Muslim shepherd and a resident of south Kashmir's Batakote village, stumbled upon a cave deep in the dense forests of the Pahalgam range. He saw a naturally formed ice stalagmite resembling the Shiva lingam at Hindu temples. He reported his discovery to the Pandit elders.

The word spread that this was the location where Shiva had confided in Parvati. The then king of Jammu and Kashmir endorsed the claim and worship started at the cave. It is a particularly propitious omen, the devout say, when the ice stalagmite forms naturally and a pair of doves is seen hovering above the sanctum sanctorum. The cave is under snow for eight or nine months in a year; it opens to pilgrims only in peak summer. Until the 1980s, the Amarnath yatra was a low-

key affair. In mid-July, a few hundred Kashmiri Pandits would assemble at Dashnami Akhara near Srinagar's historic Lal Chowk to pay obeisance to the charri mubarak (holy mace) of Lord Shiva. The custodian of the charri mubarak, Mahant Dipindra Giri, would begin a procession of a few dozen sadhus, chanting religious hymns. The 100 km yatra from Srinagar to the Amarnath cave -- with designated night halts -- was a major attraction even for local Muslims.

The mass migration of Kashmiri Pandits from the Valley in 1990 obviously affected the Amarnath yatra. Militant groups announced a ban on the yatra, leading to a revival only in the mid-1990s. The administration and the local Muslim community played a role here, as a wider social climate was needed to begin the yatra anew. From 1997, pilgrims began to arrive in Kashmir in large numbers, many from outside Jammu and Kashmir. As Farooq Abdullah, former Chief Minister, puts it, "It was due to this overwhelming rush of yatris that the exigency of establishing more facilities arose. In good faith, my Government established the Shri Amarnath Shrine Board (SASB) and entrusted it with the task of creating suitable infrastructure." A blizzard in 1996 resulted in 200 pilgrims dying. This made the need for better facilities even stronger.

The SASB was established in 2001 with the Governor -- "if a Hindu" -- as ex-officio chairperson and two Kashmiri Pandits in the board of directors. One of the tasks to the SASB is to check pilferage of donations. As a consequence, the Malik family of Batakote and a Pandit family that had traditionally been sharing 30 per cent of the income were retired with a golden handshake. The SASB collections are about Rs 4 crore a year...

Courtesy: The Pioneer

## Nobody objected to yatra shelters for quake victims

Many of the temporary, pre-fabricated shelters that the Amarnath Shrine Board has put up for use by pilgrims were dismantled and sent for emergency relief operations in the aftermath of the earthquake in the Kashmir valley in October 2005.

"About 60-70 pre-fab shelters were sent to Uri and Tangdhar, where they housed thousands," said a senior Government official. "The Amarnath Board also sent pre-fab toilets. There was no objection from any political party at that point." While the pre-fab shelters for Hindu pilgrims have suddenly become controversial, with the PDP and the All-Party Hurriyat Conference asking that they be removed, in 2005 they were offered to and immediately accepted for use by Muslim victims of the earthquake. Indeed, the then Chief Minister, Mufti Mohammed Sayeed, saw no problem with using the shelters.

Depending on size, an individual shelter could accommodate 30 to 60 people in dormitory style. "But if people were allowed to sleep on the floor as well, even 200 could be comfortably packed in," said the official, who was in Srinagar at that time.

The pre-fab shelters and toilets were first used during the Amarnath yatra in summer 2005. Pushed through by the Amarnath Shrine Board (ASB) in the teeth of opposition from Mufti Mohammed Sayeed,

they replaced tents and open latrines, which were dangerous and unhygienic. A journey to Amarnath involves trekking up to 13,500 feet, about half the way to Everest. While the Hurriyat and the PDP have demanded cancellation of the order granting some 100 acres of forest land near Baltal to the ASB - even though the Forest Minister from the PDP, the Mufti's party, recommended the transfer - there seems to be little consistency in their actions.

"Nobody protested when forest land was given away to the Indian Railways to lay down tracks, to private telecom companies to erect towers or to the Jammu and Kashmir Power Corporation," said the official, adding "there seems to be religious prejudice at work here, nothing else." In 2004, the Mata Vaishno Devi University in Jammu was set up using funds collected from pilgrims. The Vaishno Devi Trust had to buy land at commercial rates, spending Rs 13 crore. In response - "and in a sense of competition" - the Baba Ghulam Shah Badshah University was set up in Rajouri by the state Wakf Council. It was given forest land free of cost by the Mufti Government. To integrate the Muslim areas of Jammu - Poonch and Rajouri - with the Valley and with Srinagar, the PDP and the Hurriyat have sought the revival of the medieval Mughal Road.

"This is leading to severe ecological damage," said a senior official who has worked in Jammu and Kashmir, adding "10,000 trees have been cut, a wildlife sanctuary has been disturbed and shifted. Unlike the temporary pre-fab shelters in Baltal, black-top roads and permanent structures are coming up here. Motor vehicles will use the road. Yet, there is no concern from the PDP or Hurriyat side for Kashmir's environment." The shelters for Amarnath yatra pilgrims have been compared, by Hurriyat leaders, to Israel settling Jews

in Palestinian territory. "Claims that Hindus will be made to live here and a township called 'Amarnath Nagar' will be built are being made," said a senior source, "this is ridiculous. How can a township be habitable at 13,500 feet, in an area under snow for eight months in a year? Besides, Article 370 explicitly prevents outsiders from buying land and settling down in the state." The real cause for the indignation may be elsewhere. In May, the success of a conference on South Asia hosted by the new Institute of Kashmir Studies (located within Kashmir University) rattled the terrorists and their political vanguard. First, delegates from all South Asian countries - including senior journalists and cultural figures from Pakistan as well as former Sri Lankan President Chandrika Kumaratunga - attended and so, in the eyes of the extremists, "legitimised" Jammu and Kashmir's status as a part of India. Second, on Sunday, May 25, at the conclusion of the conference, the Pakistani pop band Junoon performed near the Dal Lake. Junoon described its concert as a "musical jihad for peace" but was opposed by the Hurriyat, the United Jihad Council and the hardline separatist Syed Ali Shah Geelani. "A fatwa was issued by the fundamentalists," said an official, "asking for the Junoon performance to be boycotted." Yet, on that Sunday afternoon "close to 10,000 Kashmiri school and college youth" turned up to listen to and sing alongside Junoon. Sensing they were losing their appeal, the Islamists hit back by converting innocuous prefab shelters into a cause for religious war. "Unfortunately," said the official, "the slogan 'Islam is in danger' has resonance. The Amarnath shrine issue has brought young Kashmiri Muslims back on the streets under the Hurriyat-PDP leadership."

Courtesy: The Pioneer

## The Discovery

It is said that some 300 years ago, a Muslim shepherd, Bota Malik, while looking for his missing goat, came across a sadhu who gave him a sack of coal. When the man returned home with it, he discovered the black fuel had turned into sparkling gold. He rushed back to thank his benefactor but could not find him. But what he found was a cave that is now the famous Amarnath shrine. Another story goes that while chasing the goat the shepherd relocated to the cave. When he returned home, he visited a nearby temple to narrate the story about what he had seen inside the cave to a priest. The Malliks had been fully associated with the Yatra till the formation of the SASB in 2000. Bota Malik's descendants, who live in Bota Kote village, a few km short of Pahalgam, complain they have been denied access to the shrine during the past eight years. The SASB was also empowered to pay a one-time amount to the Malik's as sideline beneficiaries of chadaw (offering) along with other claimants, Mahant Deependra Giri and Kashmiri Pandits of Mattan. The mahant who takes the Chari Mubarka (holy mace of Lord Shiva) to Amarnath from Srinagar has accused the SASB under Lt. Gen. S.K. Sinha (Retd) of pushing the pilgrimage into controversies.

### THE FACTS

The J & K government on Friday said that notwithstanding noises being made about the government order diverting 39.88 hectares of land under compartment No. 63a/ Sindh in Sindh Forest Division to SASB, the fact of the matter is that the government order No. 184-FST of 2008 dated June 26, 2008 issued in this regard

says in unequivocal terms that the diversion of the land is for "raising pre-fabricated structures only for camping purposes of pilgrims without going in for construction of permanent structures at Baltal and Domali by Shri Amarnathji Shrine Board". The order lays down specific terms and conditions that the proprietary status of the forest land shall remain unchanged and the land so diverted shall be utilised only for the purpose for which it has been diverted. It shall not be transferred to any agency without approval of the forest department, reassigned or sub-leased by user agency in any manner whatsoever to any other agency, adds the order.

Courtesy: The Asian Age



## What Official record says

'The proprietary status of forest land shall remain unchanged PDP now opposes the transfer, but records show how it said the opposite

Indian Express reproduced the key documents around the Amarnath land-transfer Memorandum for Submission to the Cabinet."

### Government of Jammu and Kashmir Civil Sectt: Forest Department

#### **Subject:- Use of Forest Land for non-forestry purpose**

1. The Forest Department has received requisitions from various Agencies/Departments for diversion of forest land for non forestry purposes. The Memorandum deals with the cases which were cleared by the Advisory Committee constituted under J&K Forest Conservation Act, 1997 in its 39th Meeting held on July 12, 2007 under the Chairmanship of the Chief Secretary.

These cases were placed before the Cabinet in its meeting on February 26, 2008. The item was "deferred" since some clarifications were necessary about the wildlife perspective in respect of the proposal of Amarnathji Shrine Board (discussed as case 4 of this Memorandum). Pursuant to the above, a Committee of officers was constituted vide Government Order No. 108-Fst of 2008 dated March 17, 2008 to look into that proposal. The report of the Committee has since been received and is attached as Annexure to this Memorandum.

#### **Case No.4**

12. Shri Amarnathji Shrine Board (SASB) has made

a requisition for diversion of forest land measuring 39.88 hectares falling under Compartment No. 63a/ Sindh in Block Kullan, Range Sindh, Sindh Forest Division for construction/provision of buildings/hutments and other infrastructure for visiting Yatries of Amarnath Ji Yatra at Baltal and Domail.

13. Regarding the Wildlife aspect of proposal, Pr. CCF has submitted in the agenda as under:-

(a) Forms part of National Park, Wildlife Sanctuary, Natural Reservoir, Biosphere Reservoir etc.

Proposed area is adjacent to Thajwas sanctuary. The uncontrolled flow of yatris will cause pollution...

14. The recorded decision of the Advisory Committee is reproduced as under:-

"The Advisory Committee discussed this case in depth. The Chief Wildlife Warden apprised the Committee that he has already submitted his report under No. WLP/Tech/1971/07 dated 11.06.2007 after spot inspection on 27.5.2007, which is reproduced as under:-

It was noticed that the proposed site for construction of Shri Amarnathji Shrine Board Complex, falling in the compartment 63(s)/Sindh/Kullan, is located on the right side of Sindh rivulet. The proposed complex does not seem to have any significant impact on the ecology of Thajwas Wildlife Sanctuary. The apprehensions of DFO Sindh and Wildlife Warden, Central that the said complex may have adverse impact on the Wildlife Sanctuary appear to be "over cautious" and an environmentally conservative approach. It is also given to understand that Shri Amarnathji Shrine Board is using pre-fabricated structures, as such likely pollution due to discharge of muck and garbage etc should not be significant . It is presumed that Shri Amarnathji Shrine Board will take necessary environmental safeguards as applicable for such development projects.

In view of the above report, the Advisory Committee cleared the diversion of the above Forest land to Shri Amarnathji Shrine Board (SASB), on the following terms and conditions:-

i) The proprietary status of forest land shall remain unchanged.

ii) The forest land so diverted shall be utilised only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.

iii) The forest land so diverted shall not be mortgaged, re-assigned or sub-leased by user agency in any manner what so ever to any other agency.

(For the rest, see adjacent document)

15. As mentioned above, following the deferment of these cases in the Cabinet meeting on February 26,2008 a Committee under the Chairmanship of Chief Wildlife Warden was constituted vide Govt.order No. 108-FST of 2008 dated March 17,2008 to examine the feasibility of diversion of forest land vis-a-vis Wildlife Perspective for various developmental activities including construction of roads in Baltal-Ranga-Domail area of Ganderbal District as requested by Shri Amarnathji Shrine Board. The Committee has submitted its report vide letter dated May 7, 2008 (Annexure-A). The relevant extracts of the Committee's report are reproduced as under:-

"That the proposed camping sites of Shri Amarnathji Shrine Board (SASB) complex comprising 39.88 hectares of forest land (30.88 Ha. At Baltal and 9.00 Ha at Domail) fall in the Forest Compartment No.63/Sindh of Sindh Forest Division, Forest Department. Theses proposed camping sites do not involve any area of Thajwas Wildlife Sanctuary, which is located on the left side of river Sindh...

17. The case for diversion of Forest Land for non-forestry purpose are required to be submitted to the Cabinet as per the provisions of the Jammu and Kashmir Forest (Conservation) Act after clearance by the Advisory Committee. However, Hon'ble Supreme Court of India passed directions in W.P. (c) No. 202/1995 in the case titled T.N. Godavarman V/S Union of India & others on 27.04.2007 as under:

"...In the circumstances,we hereby give the following directions, pending our decision on the larger question indicated herein above:

a) The FAC as it stands today will give priority to Projects which need immediate clearances. In this regard, it may be stated that fresh cases may be cleared project-wise by the FAC and thereafter such clearances shall be placed before this court for approval. We make it clear that pending the decision of the larger question, all clearances by the FAC of fresh cases shall be subject to approval by this Court. Before giving approval, we would like to have responses from the CEC in respect of each clearance. In order to avoid delay, we direct the concerned Ministry to give a copy of the clearance to the CEC so that the CEC would give its response expeditiously. We will examine each clearance and decide whether to grant or not to grant the approval thereto. Once the approval is granted by this Court, the matter may be placed before the central government for disposal in accordance with law..."

18. The above said order was sent to the Law Department for giving its opinion as to whether the same is applicable to J&K State. The Law Department has opined as under:

"The order of the Hon'ble Supreme Court dated 27.04.2007 is with regard to the Forest Conservation (Central)Act, and rules framed thereunder. The said Act

is not applicable to the State as forests continue to be in the state list. Earlier a similar case was examined and vide UO No. LD(Opn) 2006/77-Fst dated 06.03.2007 the department was advised to move an application before the Hon'ble Court to the effect that the Forest Conservation Act, 1990 (Central Act) is not applicable to the State. The State has its own Forest Act as well as Forest Conservation Act, 1997 and seeks clarification from the Hon'ble Court. The Department is advised to pursue the said matter vigorously with the Hon'ble Supreme Court and awaits clarification in the matter."

19. In the meanwhile the PCCF vide communication NO. PCCF/FC/Gen./5/106 dated 21.07.2007 approached the Central Empowered Committee constituted by the Hon'ble Supreme Court... The CEC opined under:

"The non-forest use of the forest land falling within the State of Jammu and Kashmir is governed by the provisions of the Jammu and Kashmir Forest (Conservation) Act, 1990 and not by the Forest (Conservation) Act, 1980. In view of the above, the CEC is of the view that the Hon'ble Supreme Court's order dated 27.04.2007 regarding the functioning of the Forest Advisory Committee constituted under Section 3 of the Forest (Conservation) Act, is not applicable in respect of the proposals examined by the State Level Advisory Committee constituted under the Jammu and Kashmir Forest (Conservation) Act, 1990 as amended from time to time."

20. Advice of the Law Department was sought on the opinion of the CEC and the Law Department said as under:

"The views of the CEC regarding the applicability of the orders of the Hon'ble Supreme Court is their opinion. The said opinion confirms the views of this Department. However, it would be safe, as advised

earlier, to bring the legal position in the notice of the Hon'ble Supreme Court and seek their clarification as the State has its own Forest Conservation Act of 1990."

21. Subsequently, the matter was referred to the Ld. Advocate General for advice who said as under:

"The Forests continue to be a subject with respect to which the state government has the power to make laws and not the Union. The Jammu and Kashmir Forest (Conservation) Act of 1997 is applicable to the state of J&K and the Rules have also been framed under the said Act. The J&K State Forest (Conservation) Rules provide for the constitution of a Forest Advisory Committee and it is within the jurisdiction of the said Forest Advisory Committee under the J&K State Forest (Conservation) Act to give clearance of projects for the purpose of non forestry purpose. So far as the rest of the States are concerned, the Forest (Conservation) Act 1980 is applicable to them. Under the aforesaid Forest (Conservation) Act Forest (Conservation) Rules 1981 had been framed. Under rule 4 of the Forest (Conservation) Rules of 1981 it is provided that the Forest Advisory Committee has to be constituted and the said Forest Advisory Committee shall have the jurisdiction to clear the projects where forest land is required for non forestry purposes. It appears that the Hon'ble Supreme Court in WP (C) 202/1995 titled T.N. Godavarman versus Union of India had stayed the working of the Forest Advisory Committee in terms of the Forest (Conservation) Rules of 1981. Subsequently vide order dated 27.04.2007 the Hon'ble Supreme Court had modified the order and had directed that the Forest Advisory Committee constituted under the Forest Conservation Rules of 2003 as it stands will give clearance of the projects where forest land is required for non forestry purposes and the project would be sent to

a Central Empowered Committee, which would give its response expeditiously.

I have gone through the order dated 27.04.2007 passed by the Hon'ble Supreme Court. Since neither the Forest (Conservation) Act of 1980 nor Forest (Conservation) Rules made there under are applicable to the State of J&K. The state is governed by the J&K Forest (Conservation) Act 1997 and Forest (Conservation) Rules, 2000. The Forest Advisory Committee has been constituted under the aforesaid Forest (Conservation) Rules, therefore, the order dated 27.04.2007 does not have any applicability with respect to the State of Jammu and Kashmir in as much as since the Forest (Conservation) Act of 1980 and the rules made thereunder are not applicable to the State of J&K. Moreso, a communication issued by the CEC on 27.07.2007 which is on file had clarified that the order of the Hon'ble Supreme Court dated 27.04.2007 regarding the functioning of the Forest Advisory Committee under section 3 of the Forest (Conservation) Act is not applicable in respect to the proposals examined by the State Level Advisory Committee constituted under the J&K Forest (Conservation) Act 1997. It is as such advised that the order dated 27.04.2007 does not pertain to the J&K State and proposals in J&K have to be examined by the Forest Advisory Committee constituted under the J&K Forest (Conservation) Act of 1997 and rules made thereunder."

22. Thereafter, GAD advised the Department to place the matter before the Hon'ble Dy. Chief Minister (Minister I/C Law) in view of two different opinions given by the Law Department and Ld. Advocated General. Accordingly, the matter was placed before the Hon'ble Dy. Chief Minister (Minister I/C Law) who opined as under:

" There is no material difference between the opinion of Ld. Advocate General and that of the Law Department. The Law Department, by way of abundant caution, seeks to obtain the clarification of the Supreme Court. I concur with the view of the Central Empowered Committee and the Ld. Advocate General."

23. In view of the clarification given by the CEC constituted by the Hon'ble Supreme Court, Ld. Advocate General, Hon'ble Dy. Chief Minister (Minister I/C Law), the Principal Secretary to the Government Forest Department with the approval of the Hon'ble Minister for Forests, submits the above mentioned cases to the cabinet for taking a view and according approval for the use of forest land for non-forestry purposes, in favour of the above said organisations, on the terms and conditions recommended by the Advisory Committee in its 39th meeting, which have been reproduced in this memorandum, together with the recommendation made at para 16 of the memorandum in respect of case no. 4.

*(Madhav Lal Principal Secretary to the Government of J&K Department of Forests)*

Courtesy: Indian Express

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## Jammu's Hindu uprising

By Kanchan Gupta

Jammu is burning. And as of now it appears unlikely that the rage sweeping through the entire province can be doused in the coming days. On Monday, the police, clueless as to how to handle the situation and directed by an inspector general of police who is an outsider, shot at protesters in Samba. They did not shoot to injure or scare away the crowds chanting slogans against Governor N N Vohra and waving the national tricolour. They shot to kill by aiming their guns at the protesters' heads.

The brutal response of the administration and Vohra's inability of to gauge the extent of popular disquiet and outrage have only strengthened the resolve of the protesters to continue with their agitation. The relentless bandh and blockade of highways has been extended by another five days. People continue to defy curfew and army pickets, pouring into the streets in hundreds, something unprecedented in India.

What we are witnessing in Jammu is a Hindu intifada: The young and old, men and women, youth and children are locked in an unequal battle with the police -- and, since Friday, the army -- demanding the immediate revocation of the government order cancelling the transfer of 800 kanals of land to the Sri Amarnath Shrine Board. The land was meant for creating temporary facilities for pilgrims who trek to the Amarnath shrine every year, braving inclement weather

and jihadi attacks.

It's been more than a month that the Hindus of Jammu have taken to the streets, burning tyres, taunting policemen, braving tear-gas and real bullets, violating curfew and ..... The images emanating from Jammu are eerily similar to those that emanated from Gaza and the West Bank during the Palestinian intifada. More tellingly, the tactics that have been adopted by the protesters are those that have often brought the Kashmir valley to a standstill. If you look at the photographs of the Hindu intifada, you will get a sense of how Jammu has decided to give Kashmir a taste of its own medicine -- in this case it is Dum Dum Dawai (a public thrashing).

The details of the land transfer fiasco are well-known. The Congress-Peoples Democratic Party government headed by Ghulam Nabi Azad had instructed the forest department to transfer the land to the SASB. Within days Muslims in the Kashmir valley, led and instigated by pro-Pakistani separatists, took to the streets, insisting no land should be provided for pilgrim facilities.

The All-Parties Hurriyat Conference spread three canards: First, the transfer amounted to alienation of 'Kashmiri land'; second, it would lead to intrusion of 'Hindu culture' in Muslim Kashmir; and, third, it would cause ecological damage.

### **Amarnath pilgrims deserve better**

The PDP, sensing an opportunity to revive its pro-separatist -- if not brazenly anti-India/anti-Hindu -- image in the run-up to the assembly election in Jammu & Kashmir, joined the protest and subsequently withdrew from the government. To his credit, Azad stood firm and refused to budge from his government's decision, till N N Vohra took over as governor, replacing

Lieutenant General S K Sinha (ret'd).

Vohra, in his capacity as ex-officio chairman of the SASB, wrote a letter to Azad, returning the land and also offering to relinquish the board's task of organising the annual yatra, thus making the pilgrimage to the Amarnath shrine subordinate to the valley's Muslims? ber alle (above all) politics and Delhi's equally odious politics of Muslim appeasement.

Vohra reportedly sent his letter to Azad at 8.30 pm on June 28. "The news of that abject surrender provoked an explosion of outrage across Jammu," says a senior member of the Amarnath Yatra Sangharsh Samiti, a broad-based organisation without any political affiliation which is at the forefront of the protest.

"The governor has violated the SASB Act. He cannot act unilaterally. Any decision of the board has to be endorsed by at least five members," says Professor Hari Om, academic and vice-president of the Bharatiya Janata Party's Jammu and Kashmir unit. "He is also in contempt of the high court which had passed an interim order approving the transfer of 800 kanals of land to the board in Baltal," he adds.

For all his efforts to appease the Muslim protesters in the Kashmir valley by 'returning' the land that had been allotted for Hindu pilgrims, Vohra was unable to save the Congress-PDP government. The PDP pulled out from the ruling alliance on June 28; on July 1, Azad, obviously under mounting pressure from his party bosses in Delhi, reversed the earlier decision.

Meanwhile, in Jammu there was a spontaneous shut-down on June 30. "I don't recall such a massive bandh in recent years," says a lawyer who has been involved with the protest; he does not wish to be named, fearing harassment by authorities. Neither do the protesters wish to be identified because they fear they will be

picked up from their homes by the police who take their instructions from Srinagar.

So, every morning, afternoon, evening and night, students, workers, professionals, senior citizens and housewives take to the streets, engaging the police in dogfights, hurling tear-gas shells back at their tormentors, chasing cops when they are outnumbered, retreating into narrow alleys when the men in uniform re-gather, and then surging out all over again. Their faces masked with handkerchiefs, they hurl stones; their eyes reflecting their rage. Scores have been shot and wounded; three of them have died; a young man was chased across rooftops by the police -- he jumped to his death.

"Each death only makes us more determined. We are not going to be bullied by the valley anymore. Jammu wants a voice of its own. Jammu's Hindus will no longer tolerate oppression by Kashmir's Muslims," says a young protester, still in his teens, from his house in downtown Jammu. His voice has just begun to crack.

The day after the June 30 bandh, Jammu flared up with street marches and protest rallies. The authorities responded by clamping curfew, in an effort to force people to remain indoors, till July 7. Women came out of their homes and dared the police to shoot them. An enduring image of the Hindu intifada is that of an aged woman, a Pandit who was forced out of the valley along with her family and three lakh other Pandits in the early days of jihadi terror, threatening a Kalashnikov-sporting policeman at a curfew picket with her tattered and torn slipper.

On July 7, the Congress-PDP government officially exited office; the next day the Sangharsh Samiti suspended its agitation, giving the governor a fortnight's time to either have the land restored to the SASB or

resign from office. "Vohra did neither. He only added fuel to the fire. He has been insensitive and his actions have only served to provoke the protesters," says a senior official in the Jammu administration.

"Years of neglect of Jammu by Kashmir has resulted in what you are seeing today. The people are frustrated. The Pandits have at last found a platform to vent their anger. Jammu has more people than Kashmir, but the lion's share always goes to the valley," says Professor Hari Om.

Jammu province has 37 assembly seats and two Lok Sabha constituencies. The Kashmir valley has 46 assembly seats and elects three Lok Sabha members of Parliament. Of the 37 assembly constituencies in Jammu province, 25 have a Hindu majority population; the remaining 12 have a Muslim majority profile. "Our voice naturally gets drowned," says an advocate who is a member of the Sangharsh Samiti.

The natural beneficiary of the Hindu intifada would be the BJP. It could end up sweeping all the Hindu majority seats in Jammu province and even emerge as the single-largest party in the next assembly. The Muslim vote in the valley would be divided between the National Conference and the PDP. The Congress could get wiped out -- it has little to claim as support in the valley; following the intifada in Jammu, it can't look forward to winning 15 seats in this province as it did in 2002.

This should have set alarm bells ringing at the Congress headquarters in Delhi. Strangely, the party's 'high command' doesn't seem to care. Or so it would seem from the near non-response to the protest.

Vohra and his patrons in Delhi have "clearly underestimated the determination of Jammu's long-suffering Hindus who have had to cope with denial and

deprivation for decades as the state government focuses only on the Kashmir valley," the advocate-activist says.

**This explains what happened on July 22. Kuldeep Raj Dogra, in his mid-30s, who was participating in a hunger strike at Jammu's Parade Ground, decided to do something tragically dramatic: He consumed poison, stood up to read out a passionately patriotic poem he had penned, faltered and fell dead. "It was his way of registering his protest against Omar Abdullah's speech in Parliament... he was incensed by the National Conference leader's duplicity," says Professor Hari Om.**

**The police panicked. They forcibly took away Dogra's body to his hometown, Bisnah, 15 km from Jammu, and "tried to cremate it using old tyres, kerosene oil and liquor", according to a Sangharsh Samiti leader. His widow Shilpi tried to prevent the cremation and raised a hue and cry. The police have been accused of "insulting, abusing and assaulting" Shilpi to silence her. But a huge crowd gathered and snatched Dogra's body from the police. It was taken to Jammu and the situation subsequently just went out of control.**

Since then, the Hindu intifada has gathered both force and speed. Curfew has been clamped on all of Jammu and Samba. The army has been called out. The governor has been virtually forced to remain confined within the Raj Bhavan by protesters who continue to gather at the gates in large numbers with every passing hour. Vohra's 'eight-point formula', which included 'allowing' the SASB to 'maintain infrastructure during the yatra period', to end the deadlock, has been spurned. The Sangharsh Samiti is adamant that it will settle for nothing less than restoration of the 800 kanals of land to the SASB for Hindu pilgrims.

Just how determined the protesters are can be gauged from the manner in which thousands of them laid siege to the airport after hearing that Farooq Abdullah of the National Conference and PDP President Mehbooba Mufti were flying in. They had to be flown from the airport to Raj Bhavan in a helicopter after the protesters refused to let them through.

Since Friday night, the intifada has escalated and spread to virtually every corner of Jammu province. Protesters, defying curfew, have been relentlessly pouring out into the streets throughout the night, daring policemen and army personnel to shoot them. Two men were shot dead, 35 were injured when the police fired on protesters ransacking the district magistrate's office in Samba. By mid-afternoon on Saturday, the intifada was truly raging in Jammu and beyond.

All trucks headed for Srinagar have been stopped by protesters at Samba and on the Jammu-Pathankot national highway. No trucks are being allowed to enter Jammu from Srinagar. Kashmir's Muslims could yet get to know what it feels like to be at the receiving end of popular fury and mass anger, as opposed to the valley's made-in-Pakistan rage.

*(Kanchan Gupta is associate editor, The Pioneer.)*

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## **J&K divide**

### **Diplomacy versus Democracy**

**By Tavleen Singh**

As an 'argumentative Indian' it pleases me when someone starts an argument with me. It pleases me even more when the challenger is a respected intellectual with more years of journalistic experience than little old me. So I was flattered that Prem Shankar Jha should consider it worthwhile to write a long, thoughtful piece in this newspaper last week to disagree with what I said on the current situation in Kashmir. What I said in this space was that it was disturbing not to hear Kashmir's supposedly moderate leaders speak in a moderate voice at a time when sensible voices were so badly needed.

Mr Jha accused me of being "both simplistic and unjust". In his critique of my piece he gave a lengthy account of the history of the Amarnath Yatra but ended up half agreeing with me: "Ms Singh is right when she says that (Yasin) Malik, the Mirwaiz, Geelani and even Omar Abdullah and Mehbooba Mufti fanned the agitation by joining it. But had they not done so they would have written their own epitaphs in Kashmiri politics."

My answer is they should have. Kashmir needs leaders not politicians in its present crisis. If all that the 'moderates' can give us is politics and political expediency it would be better if they wrote their epitaphs quickly. It would make it easier for us to deal with the secessionists and jihadis who should under Indian law

be tried for treason. Ten years ago I wrote a book that blamed the Government of India squarely for denying Kashmiris their democratic rights, thereby driving them towards armed insurgency. I believe this gives me the right to say that this time the Kashmiris have no cause. No country could have dealt with a secessionist movement more gently than India has after those initial mistakes in the early nineties. The movement for azadi turned into Islamist terrorism and India did nothing. Kashmiri Hindus were ethnically cleansed from the Valley and India did nothing. Jihadis came across our borders and turned Kashmiri Islam into a Saudi facsimile and India did nothing.

This is why when something as absurd as the Amarnath land row should have brought thousands of Kashmiris into the streets carrying Pakistani flags and shouting jihadi slogans the reaction from Indians has been get out. Enough is enough. In Delhi's liberal drawing rooms they put it diplomatically. We should have a referendum, they say, and if the Kashmiris want to go to Pakistan then it's time to let them go because, poor dears, they have suffered so much for their azadi.

As a reporter who prefers to listen to what ordinary people say let me tell you what I hear when I put my ear to the ground. I hear people say that anyone who wants to go to Pakistan must be allowed to leave and never allowed back into Kashmir. I hear people say that they are not prepared to surrender another inch of Indian territory. If Kashmiri Muslims have a problem living with us let them emigrate to that Islamic country across the border. Whoever wants to go must be helped to go. But, there will be no more changing of India's borders. The more belligerent say let the Kashmir Valley go to Pakistan but then there will be no room in India for Muslims.

What I also hear is huge support for the movement in Jammu. So when our political leaders and politically correct TV anchors equate the two agitations they make a serious mistake. The way ordinary Indians see it is that we have one set of protesters who carry Indian flags and are ready to die for Bharat Mata and they cannot be equated with those who openly state their allegiance to Pakistan.

It is no longer about the Amarnath Yatra. It is about whether the Indian state has the courage to defend India from breaking up. And, defend the values India stands for. We stand for democracy, secularism and fundamental human freedoms that include the freedom of worship. These are good values and we must defend them against those who would have us make compromises with religious fanatics and traitors.

Those who do not share our values have every right to leave and find a country more suited to their way of thinking and their beliefs. But, if they choose to stay in India they must abide by the values of this land. In the name of 'secularism' Dr Manmohan Singh's Government has made too many concessions to jihadis and other lowlives. This is being seen as a sign of weakness by those who have no compunction about waving Pakistani flags on Indian soil. If this is a 'simplistic and unjust' assessment of the situation in Kashmir so be it.

(Courtesy: The Indian Express)



**EDITORIAL****Who has won and who has lost?**

Who has won and who has lost in the forest land transfer controversy? Almost every leader has burnt his or her fingers. The noble concept of religious tolerance has been treated with scant respect. Secessionists have left no doubt at all that they are pursuing a fundamentalist agenda. Even those among them who carry "a Jammuwallah" and "a Kashmiri Pandit" on their bandwagon to flaunt their secular credentials have been found woefully wanting. A common man is left bewildered why a piece of land allotted to a body devoted to a religious cause in out-of-the-way hills should raise a storm. The Shri Amarnath Shrine Board (SASB) is an organisation created by an Act of the Legislature. It is not a foreign or what many of us are fond of saying a non-State subject element. Why can't it have a piece of land to create facilities for thousands of pilgrims paying obeisance at the holy Himalayan cave? The new Governor, Mr N.N. Vohra, has taken just four days to conclude that the Board no longer requires the land at Baltal (the entire process of the allotment itself had taken three years). He does not care to consult anybody in this regard except for meeting a beleaguered Chief Minister Ghulam Nabi Azad and the leaders like National Conference president Omar Abdullah who had already publicised their stance. Mr Vohra does not feel it necessary either to take into confidence either the ....more

**EDITORIAL Excelsior July 04. 2008**

**Most shocking**

The treatment met to 14 pilgrims to the Amarnath cave on their return journey in Banihal town on Tuesday evening was the most shocking. A crowd of hoodlums pulled them out of their vehicles and hardheartedly kicked them around. That no mercy was shown even to women among them was something unbelievable. A leg of one of them was badly fractured. The devotees went through the trauma for 15 minutes. It was a matter of regret that their miserable plight evoked no reaction from spectators. Their version that the police too was a mute watcher gains credence from the fact that the theatre of violence was the national highway which was supposed to be well guarded around the clock. As a result the hooligans managed to escape after committing a heinous offence. One must express appreciation for the Imam of the local mosque who pleaded for safe passage for the beleaguered yatris. It was thoughtful of him to have intervened. That his plea did not fall on deaf ears gives a cause for relief. This should help avert a backlash in Lucknow, Meerut and New Delhi to which the sufferers belonged. Such incidents have the potential of generating equally aggressive response. In fact, this is not the only violent happening that has taken place in the wake of the revocation of the order transferring land to the Shri Amarnath

Shrine Board (SASB). The emotions of the minorities in the State are running high. In turn, as the Banihal occurrence has underlined, a section of the majority community is also feeling agitated enough to take the law into its hands. How can a tit-for-tat approach settle any problem? Instead, it can only complicate a scenario that has already been made difficult because of fickle actions of the powers-that-be. In no circumstances we should permit any harm to be done to pilgrims or tourists. Indeed, it will not help if law-enforcing agencies look the other way as they have done in Banihal.

It is equally condemnable that a government driver belonging to the majority community has been physically assaulted near Sunderbani in Rajouri district. The innocent man had driven a serious patient all the way from Rajouri to the Government Medical College in this city. It was on his way back that his ambulance was intercepted and he was beaten up. A doctor of the minority community who tried to save him was also heckled and pushed away. Certainly, the driver did not deserve this type of reaction after his valiant effort to save a life. It is quite understandable that the entire medical staff of Rajouri district has gone on strike to express solidarity with him. There have other grave events as well. A grenade thrown on a procession has climaxed into the imposition of curfew in Bhaderwah. Why pre-emptive measures were not taken in this communally sensitive town which in Doda district is also the Chief Minister's assembly constituency is not clear. We are also surprised that mud houses of nomadic Gujjars should have been set on fire in Samba district.

What was the fault of these defenceless people?

Elsewhere the houses of ministers have been stoned. Attempts have also been made to disrupt road and rail traffic. Parts of the State including this city have been under curfew for rather long. It is an abnormal situation. Political leaders are unable to rise to the occasion. It is time for anguished citizens to realise the gravity of the situation. They should articulate their sentiments in a manner that convinces even their diehard detractors of the merit of their argument. The visitors to the State whether for the purpose of tourism, business or pilgrimage are our honoured guests and they don't deserve a hostile reception.

(Editorial, The Excelsior)

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# Appeasement is never good for a nation

By Lalit Koul

Acres of land in the Kashmir valley are given to install mobile phone towers. No one screams.

Acres and acres of land in the Kashmir valley are allotted to lay sewage and drinking water pipes. No one objects.

But when 40 hectares of uninhabitable land is handed over to the Shri Amarnath Shrine Board to provide better facilities to the Amarnath Yatra pilgrims, all hell breaks loose.

Why? Because the Shri Amarnath Shrine Board caters to Hindu pilgrims who want to visit the Amarnath shrine in the valley of Kashmir. It is as simple as that.

Politically correct politicians, policy-makers and administrators might try to tell you that it is not about religion, but the fact of the matter is that it is all about religion. It is a design by communal forces within the valley to completely Islamicise the valley by removing every symbol of Hinduism and other faiths from the valley.

Today, these communal forces are preventing the setting up of facilities for the yatra, tomorrow they will even go to the extent of banning the yatra altogether.

The land transfer fiasco has already consumed the Ghulam Nabi Azad-led Congress government and is on its way to now adversely damage the state's economy. The fear psychosis has already resulted in a

sharp decline of tourists to the valley. Counter-strikes and bandhs announced by the pro-land-transfer parties within the Jammu province have paralysed the life in that part of the state as well.

So far it has been a win-lose situation in favour of communal forces in the valley.

Let us take a hard look at the arguments presented by the locals who opposed the transfer of land:

1. The allotment would have adversely affected the environment around the area. One wonders where these tree-hugging environmentalists were when the same government allowed the felling of 10,000 forest trees to build the 89 km-long Mughal road.

40 hectares of land that was going to be used to provide temporary shelters and night-time facilities to pilgrims was in fact going to help in proper maintenance of the current day waste that actually pollutes the environment. But who can argue with senseless politicians who instigate people to come out on the streets?

2. The allotment is the government's ploy to settle Hindus from outside the state to change the demographics of the valley. Look, who is talking! One has to only go back 18 years in the history and check who changed the demographics of the valley.

Islamic terrorists changed the demographics of the valley by ethnically cleansing Kashmiri Hindus from the valley. I wonder where these we-do-not-want-to-change-demographics-folks were when Kashmiri Hindus were slaughtered and the valley's demographics were altered.

One would like to ask a few questions: a. Is 40 hectares of land enough to settle so many Hindus that it would change the demographics of the valley?

b. By putting this argument of demographic change, are the valley's Muslims implying that Hindus are not

welcome in the valley anymore? And I do not mean the Hindus from outside Kashmir. I mean the Hindus from the state of Jammu & Kashmir itself.

What if the Hindus, who hold the state subject certificate of J&K state and are legally allowed to purchase land in any part of the state want to purchase land in the area around the Holy Amarnath? Are the valley's Muslims saying that those Hindus cannot buy the land there and settle down? Is that what they are implying? Are they trying to protect the environment by preventing the Hindus from settling in the valley?

Another argument Kashmiri Muslims present is that the land cannot be allotted to the Shrine Board because Article 370 does not allow anyone outside of J&K to own land. Their argument is that since the J&K governor is the chairman of the board and he is an outsider, this transfer of land is illegal.

How dumb does one have to be to understand that the land is transferred to the Shrine Board which is an institution based in the state of J&K and created by the J&K government. The land is not transferred to the chairman or the CEO of the board per se.

Having touched upon the outlandish arguments of those who oppose the allotment of land, let us look at some facts and the real story:

It was during the first three years of the Mufti Mohammad Sayeed-Ghulam Nabi Azad coalition government that the original proposal of land transfer was initiated and cleared. It was under Mufti Sayeed's leadership that his forest minister Qazi Mohammad Afzal and law minister Muzzafar Hussain Baig originally cleared the proposal. It just so happened that due to red tape, the proposal was finally approved by the cabinet when Azad had taken over as chief minister during the second three-year part of the six-year term.

The same PDP led by Mufti Sayeed was originally okay with this proposal. But as soon as the PDP smelt that terrorist outfits like the Hizbul Mujahideen were not in favour of the allotment of land and realised that it could become a polarising issue to whip up sentiments to garner votes in the upcoming assembly election, it backtracked.

Since it is an election year, the National Conference and other smaller political parties would not let the PDP cash in on this opportunity alone. They jumped into the fray and whipped up sentiments by fooling the local Kashmiri Muslims. And that leaves the Congress. How could the Congress not try to cash in on this polarising issue in an election year?

Azad did not waste any time and revoked his cabinet's decision to appease the Kashmiri Muslim vote bank. He did not just stop there. In addition to revoking his own order, he also effectively disbanded the Shri Amarnath Shrine Board. Now that is some level of appeasement! That is the real story behind the story.

It is an issue created by Mufti Sayeed to polarise the vote banks. It is his design of playing politics with the religious sentiments of lakhs of Hindus from all over the country.

Now that we know the real story behind the story, how about the Hindu pilgrims who want to visit the shrine and what about their fundamental rights to practice their religion with complete security, dignity and honour?

Isn't it a shame that Hindus living in India, where 80 per cent of population is Hindu, cannot freely visit the shrine and expect better facilities? It is only in India that the majority community has to make all the sacrifices in favour of minorities because our politicians believe in appeasing Muslims at the cost of Hindus.

National Conference leader Omar Abdullah on a television debate on this issue asked why there is a need for land and new facilities when the pilgrimage has been going on for many years.

Does Omar Abdullah mean to say that there is no need to improve the facilities provided during the treacherous pilgrimage? Is he implying that if the yatris were okay for so many hundred years, then why change and improve the facilities?

I have never heard him say such things with regards to the Haj pilgrimage. Every year Muslims from Kashmir and the rest of the country want better facilities and subsidies for Haj pilgrims. But when it comes to providing better facilities to Shri Amarnath pilgrims, it becomes a sore point for Kashmiri Muslims and their leaders.

Heavy rains, snowstorms, landslides and hostile environment took away 256 lives during the yatra in 1996. And Omar Abdullah has the audacity to promote the status quo!

Some of you might argue that it was not the valley's Muslims, but the political parties and terrorists who opposed the land transfer order and forced people to come out on the streets.

I can buy that argument, but that does not absolve the valley's people from their responsibility? They cannot always support these fundamentalist forces and then at the same time claim innocence.

They did the same in 1989 and in the early 1990s when they either stood as mute spectators or as vocal supporters while Kashmiri Hindus were ethnically cleansed. As a good citizen, it is incumbent upon them to raise their voice against these dreaded forces and stop this madness.

If they sincerely believe in peace, then they need to

stand up and reject these terrorist outfits and their masters. Conversely, if they don't, then they are as much party to the madness as the principals and thus need to be held accountable.

Appeasement policies are never good for a nation, particularly for a nation like India that is so diverse in ethnicity and culture. Whether it is amending the Constitution during the Shah Bano case, releasing terrorists during the Rubaiya Sayeed kidnapping case,..... or continuing the temporary Constitutional provision of Article 370, all such policies will one day result in the nation's doom.

It is incumbent upon the leaders of the nation as well as the citizenry to be on guard and not allow such appeasement policies to take effect in a nation that is based on the concept of secularism, democracy and fairness to one and all.

*(Lalit Koul is the President, Indo-American Kashmir Forum, a US-based advocacy group.)*

Courtesy: Rediffnews



## Amarnath and Congress legacy in J&K

By Sudheendra Kulkarni

Gen (ret'd) S K Sinha, who until recently served as the Governor of Jammu & Kashmir, is being blamed for the controversy surrounding the Amarnath Yatra. The charge is false and malicious. If anybody deserves the blame, it is the leadership of the Congress party and the UPA Government.

Sinha has a long association with the problem in J&K - indeed, as long as the problem itself. In October 1947, he, as a 21-year-old officer in the Indian Army, was posted in Srinagar when the newly carved out Pakistan tried to annex Kashmir by launching a military attack. How did the people of Kashmir Valley react to this invasion? Sinha, still energetic and remarkably articulate at 82, recounts with a sparkle in his eyes the slogan he had heard in the streets of Srinagar: "*Hamlewaar khabardaar / Hum Kashmiri Hindu-Musalmaan hain taiyyar*". (Invaders, be warned. We Kashmiris, both Hindus and Muslims, are ready to throw you out.)

That was then. Now, 61 years later, we have a situation in which separatist forces have the audacity to take out a pro-Pakistan march to Muzaffarabad by raising the bogey of a non-existent economic blockade by the people of Jammu. On Independence Day, they pulled down the tricolour at Srinagar's Lal Chowk and hoisted their own green-coloured flag. It is a measure of how utterly badly the affairs of Jammu & Kashmir have been handled over the past six decades by most governments at the state and national levels.

The best time to resolve the issue of Jammu & Kashmir

once and for all was in 1947 itself, at the time of India's partition. By mounting a failed attack on J&K in October 1947, Pakistan had indeed provided a golden opportunity for India to drive the invaders back fully and to force a permanent solution to the problem. Sadly, Jawarharlal Nehru's lack of firmness and farsightedness at the time is extracting a heavy price from India even today. What a stark contrast there was between Nehru's messing up of J&K's integration with India and Sardar Vallabhbhai Patel's clean success in integrating all the remaining 562 princely states! Nehru's daughter, Indira Gandhi, had another great opportunity to secure a permanent solution to the Kashmir issue in the wake of the 1971 war for the liberation of Bangladesh. Pakistan had tasted a humiliating defeat and was internationally discredited for its unspeakable atrocities in the eastern Bengali-speaking part of its territory. Worse still, the Indian Army had as many as 93,000 Pakistani POWs. From this position of strength, Indira Gandhi could have easily compelled a defeated and demoralised Pakistan to accept a final settlement of the Kashmir issue. Alas, the 1972 Shimla accord postponed the settlement to a future date, which has still not arrived.

Her son and successor Rajiv Gandhi, an immature Prime Minister with no past political experience to his credit, allowed himself to be influenced by bad advisors and permitted brazen rigging of the Assembly elections in J&K in 1987. The anger and alienation which this Centrally-sponsored poll-rigging created made the Kashmiri soil more fertile than before for Pakistan to sow Islamist extremism and anti-India sentiments in the Valley.

Thus, we see that each of the three members of the Nehru-Gandhi family who have ruled India has contributed to the problem in Kashmir, a problem that has bled India for six decades and threatens to bleed us for many more decades to come. Now we have a fourth member of the family, Sonia Gandhi, in full control of the Government in New Delhi. What has been her attitude towards the current crisis in J&K, sparked by the provision of land

- a meager 100 acres - for providing temporary amenities for Amarnath pilgrims? Deliberate silence. But the manner in which her Government has handled this issue speaks eloquently about its callousness and ineptitude.

The Amarnath issue would not have flared up at all if the Congress leadership in New Delhi and Srinagar had the courage of conviction to tell the people of Kashmir and the rest of India that the decision of the J&K Government (which, it must be remembered, was a Congress-led Government) to provide land to the Shri Amarnathji Shrine Board was fully in consonance with (a) the law of the land ('The Jammu and Kashmir Shri Amarnathji Shrine Act, 2000' Act passed by the J&K legislature); (b) directions of the judiciary (judgment of the Jammu & Kashmir High Court in 2005); and (c) Articles 26 and 27 of the Constitution of Secular India (these Articles clearly state that every religious denomination has the right, among other things, to manage its own affairs in matters of religion and, for this purpose, to own and acquire movable and immovable property). If space can be provided for a special Haj terminal at the international airport in Delhi, why not land for erecting basic amenities for Amarnath yatis? Can the Law and Constitution be different in Kashmir and in the rest of India?

Since the Congress leadership lacked the courage to stand by what is right, it meekly succumbed to the pressure of pro-Pakistani agitators in the Valley and revoked the order of land allotment to the Shrine Board. The subsequent counter-agitation by the people in Jammu is a legitimate expression of anger at this policy of appeasement of anti-India elements in Kashmir.

It is indeed India's tragedy that the present leadership of the Congress and the UPA Government draws no distinction between anti-Amarnath protesters in Kashmir who have pro-Pakistan slogans on their lips, and the agitators in Jammu who have the tricolour in their hands.

Courtesy: The Indian Express



## **'Jammu is treated like a pariah, because we are patriots'**

The agitation in Jammu over revocation of the allotment of land to the Shri Amarnath Shrine Board has taken an unprecedented turn. The only similar mass upsurge was during the Praja Parishad movement in 1952 to end the two dual constitutional provisions (thanks to Article 370) in Jammu and Kashmir that allowed two flags, a separate head of the state and separate laws.

The Bharatiya Janata Party has been supporting the agitation and the Congress's local leaders too have expressed their support for fear of losing Hindu votes. The agitation has seen small children with their mothers and grandmothers coming out on the roads with the tricolour in their hands and demanding that the land be given back to the SASB.

Leela Karan Sharma, 68, a senior advocate of the Jammu and Kashmir high court for 41 years, has been active in every Hindu religious organisation including the Dogra Brahmin Pratinidhi Sabha as its vice-president. He emerged on the national stage as president of the Shri Amarnath Yatra Sangharsh Samiti, which is leading the mass movement in Jammu for the last two months. His day begins at 6 in the morning and ends past midnight.

The agitation, which took shape on a modest note on June 29, has taken an expanse none had imagined. Can he control the tiger he is riding? Has it contributed more to divide society on communal lines? He spoke exclusively to Tarun Vijay, director, Dr Syama Prasad Mookerjee Research Foundation.

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## And ultimately, nationalism triumphs Celebrations in Jammu

JAMMU erupted into joy on August 31 as the Sri Amarnath Yatra Sangharsh Samiti (SAYSS) and the government reached an agreement that allowed temporary use land at the centre of a row for the annual Amarnath pilgrimage.

The SAYSS, which has been spearheading the agitation in Jammu, signed the agreement following overnight parleys that lasted more than six hours. After the meeting, the organisation's convenor Shri Leela Karan Sharma announced suspension of the agitation. He described the agreement as "victory of the people of Jammu".

Adviser to Governor of J&K, Dr S. S. Bloeria said: "The land has been set aside exclusively for use by the Sri Amarnath Shrine Board (SASB) which, however, would not have any propriety rights on it and shall not raise any permanent structures thereon." This supersedes the earlier government order which had revoked the forest land allotment to the SASB.

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## The Agreement

*The following is the text of agreement signed between the Convenor Shri Amarnath Yatra Sangharsh Samiti, Shri Lila Karan Sharma and Adviser to Governor of J&K, Dr S. S. Bloeria on August 31, 2008.*

A. The state government shall set aside for the use by Shri Amarnathji Shrine Board (SASB), exclusively, the land in Baltal and Domail (Compartment No. 63/S, Sindh Forest Division), comprising an area of 800 kanals, traditionally under use for the annual yatra purposes.

B. The proprietary status/ownership/title of the land shall not undergo any change.

C. The board shall use the aforesaid land for the duration of the yatra, including the period of making the required arrangements and winding up of the same, for the purpose of user by various service providers according to its needs and priorities.

The aforesaid land shall be used according to the board's requirements, from time to time, including for the following:

- ♦ Raising of temporary pre-fabricated accommodation and toilet facilities by the board.
- ♦ Establishment of tented accommodation by private camping agencies (locals, permanent residents of the state).
- ♦ Setting up of the shops by shopkeepers (locals, permanent residents of the state).

- ♦ Facilities for ponywallahs and pithuwallahs.
- ♦ Provision of healthcare and medical facilities.
- ♦ Setting up of free langars by private persons and groups which are licensed by the board.
- ♦ Facilities for helicopter operations/ parking of vehicles.
- ♦ Arrangements of security by the local police/ paramilitary forces and other security agencies as per the arrangements in place here-to-fore; and
- ♦ Undertaking measures relating to soil conservation, land protection and preservation of ecology.
- ♦ It has further been agreed that the board shall continue to remain responsible for the overall arrangements of the yatra on both the routes during the yatra period, including all arrangements as mandated under the provisions of the Shri Amarnathji Shrine Act, 2000 AD.
- ♦ Apart from the above, the committee set up by the samiti had, during the course of discussions, presented a fourteen-point "Charter of Demands" for consideration by the state government. The main demands relate to withdrawal of criminal cases against various persons during the period of agitation, provision of compensation to the families of the deceased and to the injured and working out of appropriate packages of financial assistance to compensate losses of the transport sector, trade and industry, horticulture sector, hoteliers and tourist operators. The state government has agreed to examine all these demands in an appropriate manner on time-bound basis.
- ♦ In particular, as regards the registration of crimi-

nal cases against various persons during the period of agitation, it is agreed that all cases of non-serious nature which shall mean bailable and compoundable will be withdrawn. The remaining cases will be reviewed, on the merits of each case, by a committee headed by Shri Anil Goswami, principal secretary (home) within 60 days. Till the completion of this process, no action will be taken in such cases. Also, specific allegations of atrocities on agitators, based on prima-facie evidence, could also be looked into by this committee.

- ♦ Ex-gratia relief will be extended in favour of the next of the kin of the deceased and in favour of permanently disabled and the injured in all cases covered under the existing rules of the state government.
- ♦ Further, a working group, under the chairmanship of chief secretary will address all compensation issues relating to both J&K divisions and the Central government will be approached for extending enabling financial support to the state government for this purpose within a period of two months. To make the exercise meaningful, one representative from each of the affected sectors will be associated with the deliberations of the working group.
- ♦ The SASB will be reconstituted keeping in view the provisions of the act and the past precedents.
- ♦ It is agreed that the law department in the state government will examine the issue of disposal of LPA in terms of the understanding made hereinabove within one month.

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