

## Fact sheet: The question of minorities in Kashmir and exodus of Kashmiri Pandits from the Valley

1. The recent legal maneuvers by the Government of India to strip the people of the erstwhile State of Jammu and Kashmir of rights (including the gutting of Article 370) impact all indigenous residents of the State, including majority and minority ethnic and religious groups living in the State and those who have migrated out of the State. The State's approximately [14] million people ascribe to various religions (including Islam, Hinduism, Buddhism and Sikhism) and have various ethnicities (including Kashmiri and Dogra). Representatives of all significant sub-populations within the State have expressed concern about the abrogation<sup>1</sup>.
2. In the Kashmir province of the State (Kashmir), the most significant religious minority groups are Hindus (Pandits) and Sikhs.
3. The longstanding Kashmiri movement for democratic self-determination is and has been non-sectarian. Representatives of all of Kashmir's significant religious groups have historically participated in self-determination movement in Kashmir. However, the government of India, with the help of several Pandit advocacy organizations, has succeeded in popularizing the Kashmir conflict as a "Muslim desire for communal hegemony versus the Indian state's secularism and democracy."<sup>2</sup>
4. While it is claimed the legal maneuvers by the Government of India will specifically facilitate the return of Kashmir Pandits to Kashmir,<sup>3</sup> Kashmiri Pandits have had always had the freedom to live anywhere in, and to return to, the State. Several State governments went further to create incentive packages to encourage Pandits who had migrated out of Kashmir to return. While some factions of the Pandit community have advocated for a separate homeland<sup>4</sup> within Kashmir and consequently supported the legal maneuvers of the Government of India, other Pandits have rejected<sup>5</sup> the communalization<sup>6</sup> of the Kashmir dispute and the present government's use of Kashmir Pandits' pain to "achieve its agenda of establishing a Hindu Rashtra<sup>7</sup>."
5. Kashmir has witnessed three decades of extreme violence and significant human rights violations. That violence is the result of state repression and the denial by the state of

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<sup>1</sup> <https://thewire.in/rights/kashmir-petition-condemn-abrogation-article-370>

<sup>2</sup> <https://journals.sagepub.com/doi/pdf/10.1177/011719680901800202>

<sup>3</sup> <https://timesofindia.indiatimes.com/india/kashmiri-pandits-hail-celebrate-scrapping-of-article-370/articleshow/70537434.cms>

<sup>4</sup> <https://economictimes.indiatimes.com/news/politics-and-nation/separate-homeland-would-satisfy-aspirations-of-kashmiri-pandits-panun-kashmir/articleshow/28052075.cms?from=mdr>

<sup>5</sup> <https://www.aljazeera.com/indepth/opinion/2017/07/kashmir-communalisation-political-dispute-170725082030871.html>

<sup>6</sup> <https://thewire.in/communalism/kashmiri-pandits-are-a-pawn-in-the-games-of-hindutva-forces>

<sup>7</sup> <https://caravanmagazine.in/conflict/celebrating-kashmir-decision-misplaced->

fundamental civil and political rights to the people Kashmir. That violence is and has been primarily state violence intended to suppress the pro-self-determination movement.

6. During the last three decades, members of the majority Muslim community and minority Pandit community left Kashmir in large numbers, many escaping the violence and insecurity. Members of other religious groups, including Sikhs and Christians, have largely remained in Kashmir and have not experienced religious persecution. Throughout the decades of political turmoil and violence in Kashmir, Sikhs, Christians and significant number of Pandits have continued to live in Kashmir harmoniously with their Muslim friends and neighbors. The current number of Kashmiri Pandits living in Kashmir is estimated to be nine thousand.<sup>8</sup>
7. In the initial months of the pro-self-determination uprising that began in December 1989, armed activists of various groups attacked Indian military and police personnel stationed in Kashmir. One armed group also targeted state actors who they identified as operatives of the Indian intelligence services or otherwise responsible for state violence, the denial of fundamental rights and political repression in Kashmir. The targets of this campaign were not from a specific religious community or targeted because of their religious identity. While majority of the people targeted in this campaign were incidentally Muslim, some Kashmiri Pandits were also among those targeted and killed. Those Kashmir Pandits were targeted because of their political role not because of their faith<sup>9</sup>.
8. The total population of Kashmiri Pandits in Kashmir was approximately 124,000.<sup>10</sup> Nonetheless, pro-India propagandists claim the killing of 700,000 Kashmiri Pandits in early 1990s. The Kashmiri Pandit Sangharsh Samiti<sup>11</sup>, an association working for the rights of Kashmiri Pandits, claims 357 Pandits were killed in Kashmir between 1990-2011. According to the Government of India, a total of 219 Kashmir Pandits were killed during the conflict from 1989-2013<sup>12</sup>. The National Human Rights Commission (NHRC)<sup>13</sup> of India report on June 11, 1999 states that of 157 leaders killed during this period, 37 were Hindus and 120 were Muslims. Hence the NHRC did not classify these killings as “genocide” or “ethnic cleansing”. There is no evidence of hundreds of thousands being ethnically cleansed and murdered by Kashmiri Muslims, as claimed by pro-India propagandists and *Hindutva*<sup>14</sup> groups.
9. The lack of fundamental civil and political freedoms in Kashmir, state obstruction, militarization, information suppression, long-standing and ongoing conflict and a total

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<sup>8</sup> <https://caravanmagazine.in/politics/kapil-kak-kashmiri-pandits-valley>

<sup>9</sup> <https://indiankanoon.org/doc/184744682/>

<sup>10</sup> <http://www.yourarticlelibrary.com/india-2/demographic-characteristics-of-the-jammu-and-kashmir/41538>

<sup>11</sup> <https://economictimes.indiatimes.com/news/politics-and-nation/at-least-399-kashmiri-pandits-killed-in-jk-since-1990-survey/articleshow/8914441.cms?from=mdr>

<sup>12</sup> <https://mha.gov.in/sites/default/files/RTI1303022012-KII-YogeshChhabra-70513.PDF>

<sup>13</sup> <http://nhrc.nic.in/sites/default/files/Annual%20Report%201999-2000.pdf>

<sup>14</sup> <https://www.npr.org/2019/05/03/706808616/the-powerful-group-shaping-the-rise-of-hindu-nationalism-in-india>

lack of transparency (including as a result of the ban on international monitors, journalists and human rights agencies) make a complete and accurate reporting of violations impossible. Despite consistent efforts by Kashmiri organizations to call for full and impartial investigations of violations, the Indian Government's institutions, including the Indian Supreme Court, have not permitted such investigations to take place.

10. While there has never been a full and impartial accounting of what actually caused many Pandits to leave Kashmir, those who left Kashmir primarily did so in the spring of 1990, especially after the Gaw Kadal massacre<sup>15</sup> during which the Indian army opened fire on unarmed protestors killing at least 52 civilians and injuring 250 others. As Datta's research concludes, for the Pandits it was "the overall deterioration in law and order, alongside selective assassinations and the content of demonstrations"<sup>16</sup> that made them feel unwanted and caused many of them to be inclined to leave Kashmir. In Mallika Kaur's in depth research study<sup>17</sup>, the Kashmir Pandit's cite general lawlessness, and not any targeted threat, as a cause of the migration of Pandits from the Valley.
11. One firsthand account<sup>18</sup> of prominent Pandits of Kashmir who migrated in 1990 was published in 2016 by Mehboob Makhdoomi<sup>19</sup>. In a letter addressed to Kashmiri Muslims dated September 22, 1990 and sent to *Al Safa*, a prominent Srinagar-based newspaper, a group of 23 prominent Pandits sought forgiveness from their Muslim brethren and narrate the real situation of the time and reasons for their flight. The letter states that the Kashmiri Pandit community was made "a scapegoat" by Jagmohan, the then Indian-appointed Governor of Kashmir. They characterize their exodus as a "drama enacted by BJP, RSS, & Shiv Sena". The BJP, RSS and Shiv Sena are *Hindutva* groups. They claim that their migration was presented to them as "a war between Hinduism and Islam" and "vital for preserving & protecting the Dharm & the unity & integrity of India." They were assured that "it would pave way for realizing the dream of 'Akhand Bharat.'" The writers also claim that they were assured "in the name of all gods and deities" and that they shall be looked after. They were threatened of 'dire consequences' in case they didn't agree to follow the plan. There are other firsthand witness reports corroborate that the exodus of Kashmiri Pandits was planned by the Government.<sup>20</sup> Even Delhi High Court documents evidence that the Government of India facilitated the exit of Kashmiri Pandits from Kashmir<sup>21</sup>. India's NHRC denied classifying Pandits as "Internally Displaced Persons" and instead categorized them as "Migrants."<sup>22</sup> Internally Displaced Persons is a

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<sup>15</sup> <https://www.aljazeera.com/news/2018/01/kashmiris-mark-28th-anniversary-gaw-kadal-massacre-180121185626847.html>

<sup>16</sup> <http://www.raiot.in/what-about-the-kashmiri-pandits/>

<sup>17</sup> <https://journals.sagepub.com/doi/pdf/10.1177/011719680901800202>

<sup>18</sup> <https://kashmirscholars.files.wordpress.com/2019/11/letter-by-23-prominent-pandits.pdf>

<sup>19</sup> <https://www.greaterkashmir.com/news/opinion/were-sorry-we-betrayed-you/>

<sup>20</sup> <https://kashmirilife.net/pathan-remembers-issue-30-vol-09-154431/>

<sup>21</sup> <https://indiankanoon.org/doc/184744682/>

<sup>22</sup> <https://www.change.org/p/government-of-india-kashmiri-hindus-are-internally-displaced-persons-idp-and-not-migrants>

definition reserved for people “forced” to leave their home, where as Migrants are those who left “voluntarily.” Contrary by pro-India propagandists and *Hindutva* groups, Kashmiri Pandits were not forced to go into exile by their Kashmiri Muslim neighbours. Nonetheless, the Indian Government and its supporters have successfully weaponized<sup>23</sup> the exodus of Kashmiri Pandits from Kashmir, attributing that exodus to “Islamic” or “Pakistani” terrorism.

12. On January 26, 1998, a major massacre of Pandits occurred in the middle of the night in the village of Wandhama. Twenty-four Pandits were killed.<sup>24</sup> These were individuals who had remained in their village for almost a decade since large-scale violence erupted. The surviving residents of Wandhama and civil and political leaders in Kashmir urged the authorities to investigate the massacre. The official investigation into the incident closed in 2008, purportedly for lack of evidence. It is one of the several politicized tragedies where “unidentified gunmen” were responsible for sensational (but unclaimed) acts of brutality.
13. Another major massacre of religious minorities in Kashmir was the Chittisinghpura massacre<sup>25</sup> in which 36 innocent Sikh men were killed. This event took place on March 20, 2000, immediately prior to U.S. President Bill Clinton’s visit to India. The Government claimed that the incident was carried out by “Islamic extremists” and they killed five men who were the responsible “Pakistani terrorists.” Upon exhumation, it was revealed that the men killed were in fact local villagers (not “Pakistani terrorists”) who had been abducted and killed by the Indian military in what became known as the Pathribal “fake encounter”<sup>26</sup>. The Indian military has not been held responsible for the Chittisinghpura massacre or the Pathribal “fake encounter.” Lt. Col. General Gill of the Indian army who prepared a report on the incident suggested that members of the Bharatiya Janata Party, the leading *Hindutva* political party, planned the killing of the Sikh men in Chittisinghpura<sup>27</sup>.
14. Pro-India propagandists and *Hindutva* groups<sup>28</sup> claims regarding the forced conversion of Hindus, the demolition of Hindu temples and the gang rape of Hindu women in Kashmir while widely promoted in India are not substantiated by the historical record, including

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<sup>23</sup> <https://www.aljazeera.com/indepth/opinion/2017/07/kashmir-communalisation-political-dispute-170725082030871.html>

<sup>24</sup> <https://www.greaterkashmir.com/news/kashmir/1998-wandhama-massacre-when-23-kashmiri-pandits-were-killed-in-the-dead-of-night/>

<sup>25</sup> <https://www.thequint.com/news/india/remembering-chittisinghpura-anantnag-massacre>

<sup>26</sup> <https://thewire.in/security/seventeen-years-sc-notice-pathribal-fake-encounter-brings-little-hope-justice-victims-families>

<sup>27</sup> <https://freepresskashmir.com/2018/03/20/watch-retired-lt-gen-says-indian-army-was-involved-in-sikh-massacre-of-chittisinghpura/>

<sup>28</sup> <https://timesofindia.indiatimes.com/blogs/toi-edit-page/hinduism-is-inclusive-hindutva-is-exclusive/>

pursuant to new research<sup>29</sup>. The documented<sup>30</sup> experiences of the thousands of Pandits who remained in Kashmir refute claims<sup>31</sup> that the Hindus of Kashmir were ethnically cleansed. The claims of threats and widespread crimes of sexual violence against Kashmir Pandit women have been called into question by a recent ethnographic study of migrants<sup>32</sup>.

15. While there have been politicized accounts of the arson, theft, destruction and illegal occupation of Pandit properties, the fact is that after 1990, many vacant properties<sup>33</sup> that belonged to Muslims, Pandits, and Sikhs who migrated were in fact taken over by Indian military personnel. While there were reports of some illegal occupation of abandoned properties of Pandits<sup>34</sup>, most vacant properties were primarily ruined due to their use by the army and consequently became the sites of armed encounters. In 1997, a law was passed<sup>35</sup> to prevent the distress sales of, and protect, these properties. Mallika Kaur Sarkaria in her research concluded that property reparation for Kashmir Pandit community should be conditional upon their return to the Valley, an act that would allow for a successful reintegration of the Pandit community. Such a move would allow Pandits to not be used as a “pawn in the complex power play that is the Kashmir conflict<sup>36</sup>.”
16. India’s Union Minister, G. Kishan Reddy, has said that the Government of India will restore and reopen 50,000 closed temples in Kashmir<sup>37</sup>. Even according to Pandits, like Sanjay Tickoo, a prominent Kashmir Pandit leader, who has been fighting for preservation of temples in the Valley since 1989, 50,000 temples never existed in the State<sup>38</sup>. The total number of temples in the State is approximately 4000. Those temples have not been destroyed. In absence of Hindu caretakers, Kashmir Muslims have been reported to take care<sup>39</sup> of the Hindu places of worship.<sup>40</sup> The Indian Government’s exaggerated number is understood to reinforce Government propaganda to the effect that practically all Hindu places of worship were destroyed during in Kashmir due to

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<sup>29</sup> [https://www.amazon.in/Kashmir-Exposing-Myth-behind-Narrative-ebook/dp/B073CSFLFQ?\\_encoding=UTF8&btcr=1&portal-device-attributes=desktop&ref\\_=dp-kindle-redirect](https://www.amazon.in/Kashmir-Exposing-Myth-behind-Narrative-ebook/dp/B073CSFLFQ?_encoding=UTF8&btcr=1&portal-device-attributes=desktop&ref_=dp-kindle-redirect)

<sup>30</sup> [https://www.tandfonline.com/doi/abs/10.1300/J500v05n03\\_06](https://www.tandfonline.com/doi/abs/10.1300/J500v05n03_06)

<sup>31</sup> <https://www.aljazeera.com/indepth/spotlight/kashmirtheforgottenconflict/2011/07/201176134818984961.html>

<sup>32</sup> <http://www.raiot.in/what-about-the-kashmiri-pandits/>

<sup>33</sup> <https://theglobepost.com/2019/07/27/kashmir-pandit-migration/>

<sup>34</sup> <https://journals.sagepub.com/doi/pdf/10.1177/011719680901800202>

<sup>35</sup> [https://indiacode.nic.in/bitstream/123456789/4975/1/migrants\\_immovable\\_property\\_act.pdf](https://indiacode.nic.in/bitstream/123456789/4975/1/migrants_immovable_property_act.pdf)

<sup>36</sup> <https://journals.sagepub.com/doi/pdf/10.1177/011719680901800202>

<sup>37</sup> <https://www.indiatoday.in/education-today/news/story/schools-and-temples-in-j-k-likely-reopen-soon-says-central-minister-g-kishan-reddy-1602581-2019-09-24>

<sup>38</sup> <https://thewire.in/rights/how-can-centre-reopen-50000-temples-in-valley-when-there-are-only-4000-in-jk>

<sup>39</sup> <https://www.thehindu.com/news/national/other-states/on-shivratri-jk-muslims-wash-temple-organise-puja/article17363225.ece>

<sup>40</sup> <https://www.benarnews.org/english/news/bengali/kashmir-temple-08132015183508.html>

“Islamic” terrorism. Living harmoniously<sup>41</sup> with Pandits who remained in the Valley, Kashmiri Muslims have stepped in to help their Hindu neighbors in any time of difficulty<sup>42</sup> and need.

17. The Indian Government appears intent on changing the demographics<sup>43</sup> of Kashmir in favor of Hindus while also building Hindu temples and continuing to weaponize Hindu religious tourism<sup>44</sup>. Despite this, Kashmiris overwhelmingly remain supportive of the return of Pandits who desire to return to Kashmir and their respectful, dignified re-integration into Kashmiri society. Kashmiris are not supportive of Pandits (or anyone else) coming to Kashmir as colonial settlers<sup>45</sup>, living apart in colonies making inter-community relations and the continuation of a vibrant, multi-religious culture an impossibility. Any vision of return must respect the *multiple* histories and identities of Kashmir and Kashmiris.
18. Pro-India propagandists and *Hindutva* groups also claim that Kashmiri Pandits faced historical discrimination in Kashmir. In reality, Kashmiri Pandits have historically been a privileged elite in Kashmir<sup>46</sup>. For example, Government employment has been the most sought-after form of employment in Kashmiri society. Kashmiri Pandits enjoyed disproportionate representation in Government employment. While Kashmiri Pandits formed approximately 2% of the population of Kashmir, they held 21% of Government jobs.
19. While approximately 219 Kashmiri Pandits were killed in Kashmir since 1989, over 70,000 Kashmiri Muslims were killed during that same period. Human rights violations and killings are unacceptable regardless of the religious or other identity of the victim. Violations committed against Kashmiris of all faiths and ethnic backgrounds must be condemned. No group or sub-population can legitimately claim exclusive suffering. Exclusivist claims only serve the purpose of ideologues who seek to use such claims as a means de-humanize and justify the oppression of others. An authoritative, transparent, fair and impartial process of truth and reconciliation is critical a peaceful and just future for the people of Kashmir.

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<sup>41</sup> <https://theglobepost.com/2019/07/27/kashmir-pandit-migration/>

<sup>42</sup> <https://www.news18.com/news/india/kashmiri-muslims-step-in-to-perform-the-last-rites-of-their-hindu-neighbour-1582153.html>

<sup>43</sup> <https://www.aljazeera.com/indepth/opinion/kashmiri-pandits-imagine-idea-return-kashmir-190810183932740.html>

<sup>44</sup> <https://foreignpolicy.com/2017/08/09/india-is-weaponizing-its-spiritual-tourists/>

<sup>45</sup> <https://www.bbc.com/news/world-asia-india-36525694>

<sup>46</sup> <https://www.newsclick.in/ironic-death-art-35a-will-haunt-kashmiri-pandits-and-india>