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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Himalayan Research and Cultural Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Situation of Kashmiri Pandit internally displaced persons

Kashmiri Pandits who have made notable contribution to human civilization in the fields of mysticism, humanism, aesthetics, art and architecture, language and literature, astrology, science and historiography, inherit a history of tumultuous tragedies during the past seven centuries. They acted as the vanguard of intellectual, cultural and spiritual movements which lent a distinct identity to this ethno-religious minority of Kashmir. Against immense odds, this community tenaciously held onto its traditions, culture and beliefs though its energy was drastically clipped. Undeterred by adverse vicissitudes of history, Kashmiri Pandits demonstrated

- (a) close attachment to ancestral habitat and its natural surroundings in Kashmir, which continues to be the pivot of their day to day life as well as their aspirations;
- (b) preservation of their traditions, customs, cultural spiritual and religious manifestations in the form of shrines, pilgrim centers, springs, peaks, mountains and hillocks, rivers and meadows dotting the length and breadth of Kashmir valley and which are revered most;
- (c) self identification as a distinct ethno-religious and cultural group.

Centuries of religious, political, and economic persecution turned the Kashmiri Pandits into a minority community in their own homeland. As per the 1941 Census, the population of Kashmiri Pandits was 76,868 (about 5 % of the total population). The 1981 census put the number of Hindus in Kashmir at 1,23,828 being 3.95 % of the total population of Kashmir Division (31,34,905). Thus the population of Hindus in Kashmir Division registered only 6.75 % decadal growth during 1971-81, as against the growth rate of 27.29 % for the Kashmir Division as a whole.

Eruption of armed insurgency and terrorism and rise of militarised form of religious extremism in Kashmir since late 1989 came as a disaster for over 450,000 Kashmiri Pandits living in the Valley at that time. During the past 20 years, terrorism in Kashmir manifested in the coercive intimidation of civil population, violation of human rights and fundamental freedoms of religion, expression and life, destruction of properties, ethnic-religious cleansing of Hindu minorities, hostage taking, attacks on security forces and bomb blasts, subverting the legitimate civil and political authority in the State and undermining the democratic and pluralistic socio-political order based on the principles of equality and peaceful coexistence. The extremists launched a malicious campaign against the Kashmiri Hindus through periodic write ups in local newspapers and through sermons in mosques. And final ultimatum was given through local press on 14 April 1990 asking this minority to leave the Valley within two days or face retribution and death. (Alsafa, Srinagar, 14 April 1990) The liquidation of Kashmiri Pandits, liberal and nationalist intellectuals, social and cultural activists, was described necessary to rid the Valley of its un-Islamic elements.

These killings accompanied by the vilification campaign and the circulation of 'hit lists' targetting the prominent Kashmiri Pandits wreaked havoc for over 450,000 Kashmiri Pandits living in the Valley at that time. Over 1,000 Kashmiri Pandits were brutally murdered, and the rest were forced to leave their hearth and habitat. (Raju G.C. Thomas, Westview Press, 1992, pp. 175-188.) The terrorists resorted to most brutal means of killing by hangings, strangulation, beheadings, skinning alive, slitting of blood and dismemberment of limbs. The terrorists even resorted to targeted killings of even those few remnants of Kashmiri Pandits who could not move out of the Valley due to various constraints. On 21 March 1997 seven such Kashmiri Pandits were gunned down in Sangrampura village of Budgam district. (Daily Excelsior, Jammu, 23 March 1997) Another 23 Kashmiri Pandits including 10 men, 9 women and four children were huddled

together in dark cold night of 26 January 1998, at Wandhama (Times of India, 27 January 1998) village in Ganderbal and mowed down by the Islamist terrorists. In February and March 2000, four Kashmiri Pandits, including an eight year old girl, were gunned down in Anantnag district of Kashmir, forcing the remaining 18 families out of their centuries old habitat. In early 2003, 24 members of the community were massacred at Nadimarg in Kashmir valley. The forced displacement of Kashmiri Pandits and their targeted killings were organised with a clear objective of ensuring that Kashmir valley is cleansed of its non-Muslim minorities and the State is not allowed to restore its secular and composite socio-cultural set up.

As such, about 85,000 Kashmiri Pandit families were forced out from their ancient indigenous habitat in Kashmir by terrorists and religious extremists. This minority community is agonising in its 21st year of displacement, which has resulted in loss of their land, property, homes, educational and employment opportunities, besides leading to break-up of families, social and cultural community ties. Their forced displacement has had devastating consequences on the social, psychological, physical, health and demographic profile of this 5,000 years old ancient community, which is on the verge of extinction due to loss of their distinct territory, ethno-cultural heritage and identity.

This displaced community lost their immovable properties, houses, shops, agricultural land, orchards, trees and livestock, which they left behind. More than 30,000 houses, hundreds of business establishments, educational, cultural and religious institutions belonging to Kashmiri Pandits have been destroyed, burnt or forcibly occupied by the terrorists with a clear objective of foreclosing all possibilities of the return of these people to their homeland after normalcy. According to late Ghulam Mohammad Sofi, former editor of daily Srinagar Times “nearly 32,000 Kashmiri Pandits’ houses have been burnt since 1991”. (Times of India, 19 November 1997, p. 15.) The case of the Kashmiri Pandits who belonged to rural Kashmir and who were dependent for their livelihood on their agricultural land, orchards and cattle is worse. Most of their lands stand encroached or occupied and orchards destroyed. The enactment of the J&K Migrant Immovable property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 has failed to stop fraudulent mutations and distress sale, due to the failure of State administration to protect such properties.

This displaced community, which has been living with the most traumatic experience of the destruction of its social fabric, economic, familial and environmental relationships and infrastructure, is a victim of sinister design unleashed by religious extremists and terrorists to deprive them of their right to the territorial locus in the Indian State of Jammu and Kashmir, so that its social and political order is altered to a mono-ethnic extremist agenda.

It is high time that human rights groups, NGOs, academics, media, literary, social and cultural activists come forward to assist in ending the apathy to this tragedy of immense magnitude. On their part, the Kashmiri Pandits are reeling under strong sense of alienation, due to the indifference of the State and central government agencies to solve their problems of housing, restoration of immovable properties, compensation for lost/destroyed properties, employment, education, health etc.

Kashmiri Pandits present a classic case of deprivation of human rights, oppression, dispossession of their property and territory, marginalisation in cultural, economic and political terms and adverse discrimination on the basis of their distinct ethno-religious identity. Restoration of human rights and homeland with dignity, security, freedom of faith and religion of this displaced minority community, duly safeguarded by appropriate legal, administrative and institutional arrangements and structures, is the sine qua non for peace and security in Kashmir.

The issue of restitution of houses and landed properties of the Kashmiri Pandit displaced persons, occupied forcibly or acquired through other means including distress sales, needs to be addressed on a priority basis. There is an urgent need to declare null and void the sale deeds, attorneys and mutations of land and property acquired by the local mafia and vested interests from the members of the displaced community, as there are thousands of instances where land and other immovable property has been either taken away forcibly or sold in distress at very low cost.

Central and State government agencies need to assist the Kashmiri Pandit displaced persons and their institutions by providing land, finance and infrastructure to build educational and cultural institutions and also small hospitals/clinics to cater to this displaced population, in the same manner as is being done through Development Finance Corporations exclusively set up for the welfare of minorities and Scheduled Castes and Scheduled Tribes in India. The State government needs to work out legal and institutional modalities for safeguarding and promoting the ethno-cultural and religious rights of these displaced persons, by instituting a Kashmir Hindu Religious Shrines Board to take care of all their shrines.

Even after two decades, hardly any terrorist involved in killings, kidnappings, torture and numerous cases of arson and murder involving Kashmiri Pandits has been convicted. The society and media need to galvanise their support to the law and order machinery and create a social milieu in which such terrorist and extremist activities are not tolerated. Concerted steps need to be taken towards inter-faith dialogue and reconciliation between the Kashmiri Muslims and Pandits, at various levels. At the international level, the UN bodies and states should come out openly against terrorist activities without being dictated by their own political priorities and compulsions.
