

## The Pandit Questions

VINAYAK RAZDAN, MICHAEL THOMAS

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Vinayak Razdan ([vinayak.razdan@gmail.com](mailto:vinayak.razdan@gmail.com)) is a writer and game developer based in Kochi, Kerala. Michael Thomas is an author and publisher of Pipal Press.

Who can decide where and in what circumstances should Kashmiri Pandits return to the valley—whether in “exclusive colonies” or in mixed neighbourhoods?

Michael Thomas in conversation with Vinayak Razdan.



Avenue of Poplars, Srinagar in British India. Courtesy: Hansmuller, from Wikimedia Commons.

There are areas in Kashmir where Shias live.  
There are areas in Kashmir where Sunnis live.  
There are areas in Kashmir where Sikhs live.  
There are areas in Kashmir where Armies live.  
There are areas in Kashmir where Terrorists live.

Areas marked and divided like compost bin.

Some houses there are even for Tibetan, Uzbek, Afghan and Iranian refugees.

They all have houses in Kashmir from which we often hear talk of war and peace.

Now, if you ask, "But, where do Pandits live in Kashmir?"

"I have heard three live about a mile from here, two a mile after that, seen them with my own eyes and the remaining—they all live in our heart."

So lease me your big heart for a minute or two, I need to use the loo.

I recently had a long question and answer session with Michael Thomas on the "Pandit" question. He is working on a small docu-book based on his experiences of Kashmir. He has brought out similar books on his travels in Kutch and Chhattisgarh.

I met him in Kashmir and we did some travelling together. We have been discussing Kashmir a lot and given the current direction in which the ruling party is approaching the question of rehabilitation of Kashmiri Pandits (KPs), the usual Pandit questions came up.

**Michael:** Is the "Migrant Immovable Property Act" of 1997 still in force? On my last visit I saw a number of large empty Hindu houses and the wrecks. I wonder if others have been sold by agreement to Kashmiri Muslims and perhaps squatters occupy others.

**Vinayak:** The act is still in place. But people have found a legal loophole. Most of the sales that are happening now are essentially not sale, but transfer of ownership using guardianship of the property. KPs are transferring the "power of attorney." Payment is usually done in cash. Which means it is mostly "black money."

Also, a lot of property has been illegally occupied, with the Pandits getting almost no redressal and support from government, local police and lawyers. Most cases are tied up in lengthy paper work. All that one has to do in court is prove that the person is not a "migrant" and the sale is considered legal. Given that a lot of offices in the 90s were burnt down by terrorists, papers about ownership are often reported "lost" by various departments. I have relatives who are facing this issue.

**Michael:** It seems that Narendra Modi wants Pandit Hindu families to return to Kashmir as they are Kashmiri by birth. There has been talk of resettling in their old homes and the formation of three "colonies" (ghettoes in my view). It has been suggested to me that this is the propaganda of Bharatiya Janata Party/Kashmir Peoples Democratic Party (with the

Rashtriya Swayamsevak Sangh (RSS) in the background) but on the other hand, that Pandit Hindus really wish to return to their homeland provided the terms are right. It strikes me that a lot of time has passed since the diaspora and things are different as families have settled in Delhi, the Middle East and in the United States. What is your opinion?

**Vinayak:** Yes, definitely the push is coming from the RSS. A lot of Pandits would like “colonies.” I would like the “colonies” to be there. But, what is a “colony”? If a Bengali moves to Delhi, he would know Bengalis stay around Chittaranjan Park, and in the beginning would prefer living there. If a Gujarati goes to the United Kingdom he would know the areas where he would be comfortable...he would seek Wembley. Sikhs will be in Southhall. Pakistanis would be in Bradford.

But, no one would say British are doing it deliberately. Or, that these are ghettos. It is the way societies work. Why else would there be a Jew town in Kochi, which incidentally now has a lot of Kashmiri Muslims. And yes, eventually, people move out.

But somehow when Pandits talk about living together in certain areas, the cause is seen as “insult” by Kashmiri Muslims because it would mean Pandits are “distinct” and not comfortable living with Muslims. It is kind of ironic that those opposing “colonies” think Pandits to be Jews who displaced Palestinians.

I am not some third generation Kashmiri who wants land to live in Kashmir, I was born there. Yes, with time not many would be able to make this claim.

Those in Kashmir who oppose the move know this. They do not care if the colonies are “composite” or “exclusive,” the word “colony” rattles them, as if confusing it with colonisation.

And these Kashmiris are the same people who on moving to Delhi would prefer living in a Muslim majority area and not in an area where someone like Praveen Togadia is worshipped. And they want Pandits to move back to their old houses and keep the head down when a hate speech is made from the local mosque.

Given the recent history of the two communities, one cannot blame Pandits for not wanting to immediately live among them. I am okay with separate colonies, even as I would personally prefer to live in a mixed society. No one has the right to dictate to Pandits where they should live in Kashmir.

**Michael:** Recently I saw an article, which described Kashmir as a “junction of conflicts.” This fits with my emerging view and I can see no way out. It is as if Kashmir has a hand on the self-destruct button and would not compromise so that it can let go. It follows that India

will continue to “control” Kashmir. Any comments?

**Vinayak:** I agree. Every party to this conflict has convinced themselves they have already invested too much and now are unable to step back. Conflict is now an industry in Kashmir. Too many people are profiting, from power hungry politicians, greedy bureaucrats, crazy Mulla religious heads, theorising academicians and “4th Estate.”

India is not going out of Kashmir. Indian security apparatus can be moved out. Army can be moved back to borders, a truth and reconciliation process can be started but both sides have to accept they have been unable to change the stance of the other party.

Kashmiri people need to stop confusing freedom with Sharia. Pakistan needs to stop its Jihad factories. India needs to reign in on its band of justice. If the history of the subcontinent tells us anything, it is this—there is only one idea really worth striving for in these lands and that is the idea on which India was founded.

**Michael:** If Modi is proposing three new colonies it sounds as though they are exclusively for Pandits, which would be a ghetto in my view because of its exclusivity. Do you think that is what he is proposing and if so do you think it is a good solution?

**Vinayak:** I think what they are proposing are "exclusive" townships. It will include Hindus and Muslims who were forced to migrate. Anyway, the concept of exclusivity is not new to Kashmir. Article 370 ensures that only Kashmiris can buy land in Kashmir. Hasn't that exclusivity already made Kashmir a “ghetto” inside India?

I think what Geelani and his ilk are preaching to fellow Kashmiris is that if Pandits are settling in an exclusive area, even if it is very small, in the long run there will be more Pandits living in Kashmir, living in a certain area. Given that they are ready to keep the conflict going for a very long time. In the eventual solution of Kashmir, the Pandit area would mean division of Kashmir along religious lines...something akin to the two-nation theory that led to Pakistan. It is this fear that makes them oppose it.

This parallel with the two-nation theory is what is also stopping RSS to fully back Pandits on this. This would in a way be their approval of Jinnah's theory. So, they are just using Pandits as a stick for beating Kashmiri Muslims.

I do not support “exclusive” townships but I do believe it is not for the majority community to dictate the terms on which we would return.

**Michael:** Finally, can you define “goondaism” for me please? I have a rough idea which is probably wrong!

**Vinayak:** By “goonda,” we mean in India essentially a person who will have his way purely based on his power to create violence. “Goondaism” is the way the majority community would like to have its wishes fulfilled by issuing threats of violence. They should not dictate to Pandits which kind of pandit is allowed back in Kashmir and which is not allowed.

In 1990, the Pandits that moved out were all kind of people, there were RSS supporters, there were communists, there were secularists, there were “Kashmiriyatists,” there were farmers, there were civil servants, there were religious conservatives and there were even atheists. Now, Geelani and his tribe are saying only good Pandits, the Pandits who would essentially keep quiet about political matters is the only kind that can survive in Kashmir.

Why?

When Pandits return, the people who return would be the same mixed set. Even though I have no love for RSS or BJP, but even their supporters have the right to return. “Goondaism” will only beget “goondaism” and it should in no way be encouraged.

**Michael:** One final question. If your family wanted to repossess the family home can they? That is to say, is the “power of attorney” reversible?

**Vinayak:** Legally, they do not have a purchase deed, so I guess it is reversible. There is even an extra piece of land which we just left with another good old neighbour without any paperwork...and that was a decade before 1990. I cannot think of moving any of them out and repossess the land. It would be another forceful displacement, this time for another set of Kashmiris.

If exclusive colonies are a bad idea, moving existing owners out and putting Pandits in their old house for the sake of creating mixed colonies is a worse idea. There would be a lot more bad blood among communities. But, returning of property that is forcefully occupied is another matter.