

# Kashmir: Trip To The Hallowed Land

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## When I Met Kailash Mehra the First Time



I do not remember when I first heard about Kailash Mehra the singer the first time, but I remember thinking about her seriously in 1990's when her musical CD *Bal Maryo* came out. It was a fabulous collection of Kashmiri songs, including the classic *bedardi chani*, which also is her favorite song of herself. I heard the CD dozens of times. It also introduced the singer Vijay Malla to me, whose singing I

have cherished since.

In 2003 we heard that Kailash Mehra was touring U.S. for her musical concerts. My wife felt strongly that we should manage her New York concert. I supported her in her vision, and in that direction, we realized that we should invite her to stay with us. To our good fortune she accepted the invitation, and the date of her arrival from, I think, one of the Midwest cities, was set.

Kailash Mehra's flight was coming at LaGuardia Airport in New York City. I started two hours before the flight arrival time from my home. I was lucky to find the parking for my car at the airport quickly. This put me in the arrival gate an hour before the flight arrival, a long time to kill comfortably. It was a busy arrival gate where several flights came. Every few minutes I would check my watch to see how much more time I will have to wait to meet Kailashji. Finally, it was announced that my guest's flight had landed. I waited anxiously for her to come to the baggage arrival carousel, from which I was only twenty feet away. One by one the passengers from the city in Midwest flight came to the carousel and after some search picked their bags and left the arrival building. But I did not see Kailash Mehra. But wait a minute, I had never met her before. How was I then going to recognize her? Well, I had seen her photograph in the concert flyer used in one of the cities she had given a concert in. Arrival passengers around the baggage arrival carousel were thinning out, but where was my Kailashji? Now there were only four passengers looking for their baggage. But which of them was Kailashji? It remained a \$64,000 question, as I was not able to match the passengers with the image of Kailash Mehra I had in my head. I started panicking, which is not normal for me. Finally, there was only one passenger left at the baggage arrival carousel. Logically it must be my Kailashji. I started focusing on her keenly. She had a lot gold ornaments on her. She was dressed *in shilvar-kameez* and *chuni*, Indian women's clothing. My brain was shouting to me: that is her, that is her. We were both staring at each other for several minutes, as we were not sure if we were seeing the right person. Finally, I could not take it anymore. I jumped the rope separating the passenger receivers and the passengers. We were the only two people left, as every receiver had paired with his arriver. I rushed toward her in excitement and virtually hugged her, but did

not do it out of the fear that an Indian woman would not allow a stranger to touch her. I braked my rushing feet just a few inches from her and folded my hands in the classic Indian hand gesture of namaste. I peered at her intensely and she looked at me with controlled inquisitiveness. Later in my relationship with her I learnt how a controlled personality she was. I wanted to ask her why she was wearing all that gold jewelry but did not dare to do that because of her Indian sensibility. Meanwhile, my brain was busy in figuring out the difference between the Kailash Mehra photo I had seen and the Kailsh Mehra I was seeing.

Once in the car we started to cast off our shyness, she faster than I. I had to keep myself in control lest she think I was a mental lightweight. Once home she relaxed considerably in the company of my wife.

On August 28, 2003, I organized a concert for her in Rockland County, New York. I introduced her to the audience in what turned out to be a very successful event. She sang some of her famous songs to the joy of the tri-State (New York, New Jersey, Connecticut) Kashmiri audience.

Later she and her husband Vijay Kumar Sadhu became very good friends of me and my wife Mohini. In the 2006 visit to U.S. she and Vijayji stayed with us, and I again organized a concert for her, but this time in New Jersey. It was even more successful than the earlier concert. I stayed with Kailashji and Vijayji at their residence in Jammu during one of my visits to India. Our relationship became deeper with time.

But with the passage of further time, she became formal with me. She now addresses me Respected Kaul Sahib in letters. But for me the magic of that first encounter and the subsequent meetings has never been dulled. Behind her present very formal and disciplined persona lies a simple girl who needs affection and attention. That is what I have captured in the photo at the top of this essay I took of her in 2009. But behind her controlled demeanor lies a long-suffering

personality. She has seen a lot of hard times in her life but yet she has managed to become a very successful artist in a language she was not born in. I believe her being denied a Padma award is disgraceful on part of the government. Last year I tried to persuade the Jammu and Kashmir Governor to give her that award but it did not succeed.

Suffern, New York, July 24,2023

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## Trip To Kashmir 2021

My six-week trip to India was a boutique of reciprocated sentiments for my motherland, especially the part spent in Kashmir. As the nature of human life is, it was not perfect. Along with the flowers there were some thorns.

I spent seventeen glorious days in the lap of my mother, Kashmir, in spite of it being in the throes of winter. I visited the sites that are usual for me when I visit it. Place of my birth in Malik Angan, place where I lived Malikyar, my college Amar Singh College, my later *matamal* sites at Mandir Bagh and Jawahar Nagar. Also, visited our close relative Shangaloo's house at Kralkhud, near Habba Kadal. Visited also Tullamulla, Hariparbat, Zyeshtha Devi temple, and Shankaracharya. Went also to Shalimar, Nishat, and Chashmashahi, visiting the first two more than once. Throughout my stay Srinagar was under the blanket of fog, which diminished the beauty of Dal Lake. But in spite of it I had three *shikara* rides on it,

and its beauty was still enthralling, though reduced. I made umpteen visits to Ahdoo's for their authentic Kashmiri cuisine.

Outside Srinagar I visited Sonamarg, Baltal, Pahalgam, and Gulmarg. Baltal was stunning, its grandeur especially under snow is awesome. Pahalgam was the same paradise as it has been before. A pearl of beautiful small valleys studded with awesome mountains and ethereal pine trees. I first time went to Betab Valley, Chandanwari, and Ashmukam. Also visited the temple at Mamleshwar, and Chris Zasndee's Himalayan Cheese Factory. Pine and Peaks hotel where I stayed, which was recommended by my travel agent, was excellent. Its view of Pahalgam from its rear side is great. Their food was excellent.

Gulmarg was beautiful too, but I am repelled by its 3.5 square mile central valley, which has been neglected, I believe, throughout its history. I have written about how it can be converted to a beautiful valley studded with gardens, trees, picnic spots, walkways, etc. My friends have urged me to send it to the government for their action. But knowing its caliber I have been reluctant to do that. Rest of Gulmarg is awesome, especially when you go up on the Gondala to Kongdoori. I also went to a waterfall in Tangmarg.

I spent seventeen very beautiful days in Kashmir. My micro-planning of the trip paid off. The selected hotels were very good, but Shaw's Inn at Gulmarg was off the mark. Four days at the fabled Taj Vivanta at Srinagar, at about 30,000 INR per day, were great. It has a great location atop a hill overlooking Dal. But due to the persistent fog that was not visible, the sole reason of my selecting it. But otherwise the hotel is very good.

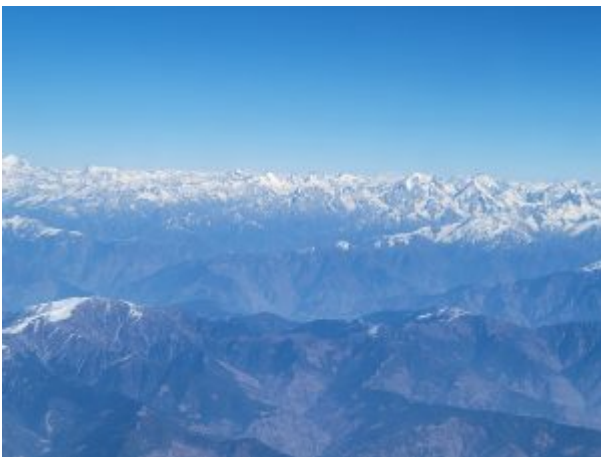
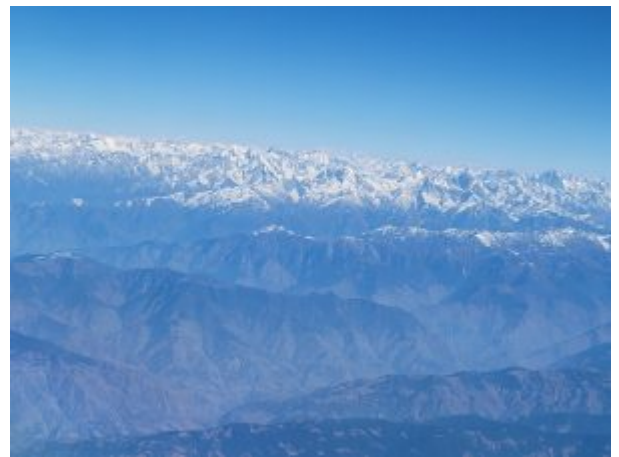
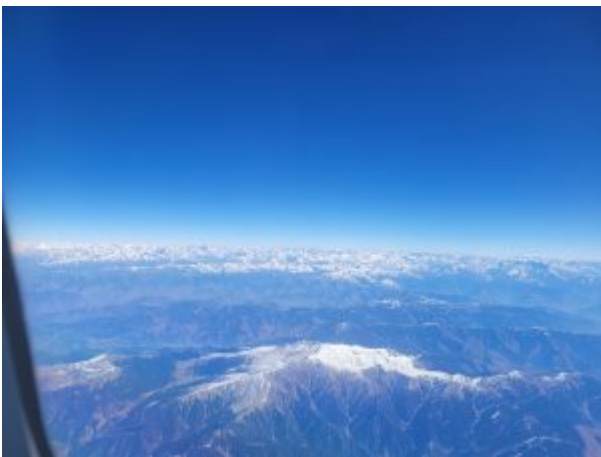
**I took about two hundred pictures of the trip to Kashmir. I am vicariously reliving it through them. I have put them on FB.**

**Here are the pics. Best way to see them is to use the slideshow option, located in the settings section, top right of the Google Photo page.**

1. Trip To Kashmir, 2021 (Pics From The Flight To Srinagar, 25 Minutes Before

Landing)

<https://photos.app.goo.gl/spXoemygwWYZjBL66>





Suffern, New York, January 1, 2022

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# Best of Raj Begum



Raj Begum in 2011 (at 84)

Raj Begum continues to have a special aura among the singers of Kashmir. It is because she had a high-pitch, deep-drilling, haunting voice, that touches the timeless and sorrowful plateau of a listener's psyche. Sorrow, more than joy, touches the deepest chords of human soul. There were and are other good singers but none has the sorrowful, almost mournful voice that Raj Begum had.

Those of you have read my article Meeting Raj Begum know that I was able to get thirty songs of Raj Begum in 1988 with considerable difficulty,



as they were not available commercially. I pleaded with Director of Radio Kashmir in 2011 to release them to public as they were a public treasure but that was not of any avail. Raj Begum's songs started coming on YouTube just a few years ago, but they are only few.

In early 90's I released a few of Raj Begum's songs to KP Network, if that is the correct name. Now I have decided to release twenty-one of the thirty-one songs of Raj Begum that I possess. It is being done through Google Drive. But that only creates listings alphabetically and not according to the desired order in which its author would like to publish them, according to the quality of the songs.

In my, and that of the many Kashmiri music professionals' estimation, following are the six greatest songs sung by Raj Begum:

1. subh phul bulbulav tul shore-googa
2. vaisey gulon aavuy bahar
3. kya kya wanay dost che
4. rum ghayam sheeshas byegur gov bane myon
5. kyah roze pardan chaaye chaaye soze-jigar myon
6. wal az vaisey dokh mashravith sheraw loluk bagh (duet)

I am sorry that I do not have " kyah roze pardon chaay chaaye soze-jigar myon" song. The "rum ghayam sheeshas" song has

been obtained through Youtube, it is given after the Google Drive listing.

As stated earlier, as the Google Drive listing is not according to the merit of the song, therefore, I am suggesting that the listeners use the following hierarchy:

1. subh phul bulbulav tul shore-googa This I consider to be her best song.
2. vaisey gulon aavuy bahar
3. kya kya wanay dost che
4. wala wav katha boz
5. marimund yaro
6. wal az vyasey dokh such mashrith
7. may ravum rath doh aram
8. mushrav thus janan
9. kan thuv agar choy hosh
10. rang phatney meney jawane

The rest of the songs can be heard in any order.

The Google Drive Listing link is the following:

<https://drive.google.com/drive/folders/1zhf4BYwcW5SH-s-x1iNH01ovi9vYdCcj?usp=sharing>

Rum Ghayam Sheeshas begur gav baana myon:

<https://youtu.be/IyNrYhQfz0g>

Suffern, New York, Feb. 27, 2021

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## **Qabali Raid in Kashmir, Oct. 22, 1947**

I have not read a more thorough description of the 1947 Qabali Raid than what Shanti Swarup Ambardar has given in his book, *Day of Destiny, A Memoir*, published in 2014. He was in Srinagar at that time and closely followed the raid. He even interviewed some survivors of the St. Joseph's Convent and the Mission Hospital at Baramulla, which bore the brunt of the attack at Baramulla.

I am attaching here below the entire chapter of Ambardar's book, '*Qabails' at the Door*, 13 pages long.

I strongly recommend KP's to read Shanti Swarup Ambardar's book Days of Destiny, as it reflects on their or their relatives' lives before and after their tragic forced diaspora from Kashmir. It will make them re-absorb the veil of the rich cultural tapestry they lived under, their serene and nuanced existence in the land of their forefathers and gods. Others should read it to understand why Kashmiri Pandits are so pained to leave their motherland, when other people in history who were also forced to undergo that have borne it relatively calmly. The book's 565 pages may daunt some, but they should then think of it to be two books on Kashmiri Pandits' culture and ethos. The fateful tragedy of Kashmiri Pandits as narrated in this book moves you deeply.

1. Read my complete review of the book:

Book Review : Days of Destiny by S.S. Ambardar - Maharaj Kaul | Kaul's Corner

**Book Review : Days of Destiny by S.S.  
Ambardar - Maharaj Kaul | Kaul's...**

2. The following link will take you to the book website where you will find a tab to order the book, the author's bio, some chapters of the book, etc.

<https://ambardar.wixsite.com/ambardar/excerpt>

3. The most important part of this posting, Ambardar book's, 13 pages long chapter on the Qabali Raid of Oct. 22, 1947, "***Qabails' at the Door***" is in the following link:

<http://bit.ly/qad-dod>

Maharaj Kaul

Suffern, New York, October 31, 2020

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# **The Agony of Article 370 - The Legal Framework that Binds Jammu and Kashmir State with India by Maharaj Kaul**

The notoriety of Article 370, the legal framework that connects India with Jammu and Kashmir State (J&K) as a nation, has grown to a mythic level for its political implications both among its vested players and its casual observers.

This article attempts to demythologize Article 370 and bring it down to its functional basis, which was the original intent of its framers. But to do that one has to go to the birth and evolution of the Kashmir Problem, to engage in its details, as the devil lies there.

When Britain decided in June, 1947 to leave India the problem of the latter's effective survival after its exit from the scene became a gnawing anxiety for it, as India had remained a fragmented fabric throughout its deep history. But the lines

of the pattern of new India were already inscrutably crystallizing. A lot of Indian Muslims had already decided to have their own space as far back as early twentieth century. The ongoing accelerating Indian freedom movement, comprising both Hindus and Muslims, to free India from the yoke of Britain, did not bring the two closer, but put them on divergent goals of achieving separate nationalities, Indian and Pakistani. Following historical outline aims at providing an experience of the evolution of Article 370, which is more meaningful than just learning its dry final facts.

### **Instrument of Accession**

Instrument of Accession (IOA) was a legal instrument which Britain first created in Government of India Act 1935 for precisely establishing its relationship with the Princely States. But when Britain decided to leave India in June 1947 (Indian Independence Act 1947), it was decided by Britain, Indian National Congress, and Muslim League that IOA should be used to facilitate the incorporation of the Princely States in the new nations of India and Pakistan, which were called dominions at the point of their independences in 1947, before they made their constitutions and fully became republics, breaking completely free of the British yoke.

By 1947 India under Britain was divided into British India and Princely States. While the former was directly under the British government the latter were 578 states, basically ruled by either their princes or their controllers, but having a subsidiary alliance relationship of suzerainty or paramountcy with Britain. Typically, Britain controlled their defense, foreign affairs, and communications. British India had 54% of India's area and 77% of its population. The territories under British India were called provinces but those under the princes were called states.

By early 1947 it was well established which provinces of British India will the new

dominions of India and Pakistan incorporate. Although almost all the princely states had also decided which new dominions they will join but at the time of the independence of India and Pakistan, August 15 and 14, 1947, a few states' incorporation took up to several years.

The significant situations were that of Hyderabad, Junagarh, and Jammu and Kashmir. While the Instrument of Accession for the Princely States was set up for the princes to decide which new dominion they wanted to join but the reality of the religious composition of the three mentioned states, where the religious orientations of the princes and their subjects differed, forced a change in it. The amendment, accepted by all the three parties, Britain, Indian National Congress, and Muslim League, spelled that in case of differing religious orientations between a prince and his subjects, the will of the subjects would prevail in choosing which of the two dominions they would join. In case of Junagarh, where the prince created a lot of difficulty in following the amendment, a plebiscite was conducted which decided that it will go to India. In case of Hyderabad the situation was more complicated as Nizam wanted Hyderabad to be an independent nation, though his Hindu-majority subjects wanted to join India. India did not want to have a foreign nation in its middle, so it forced Hyderabad to join it by a military intervention in 1948.

Since Maharaja Hari Singh of J&K harbored a deep ambition to make his state an independent nation, a Switzerland of the East, he would not choose one of the two dominions he would like to join even after their formation on August 14 and August 15, 1947. He asked for a Standstill Agreement to have more time to decide from the two entities, which Pakistan granted but India did not respond to. As India did not have any cards to play with, as Maharaja leaned for independence and the majority of his subjects were Muslims, it did not do anything to capture J&K. As time ticked on Pakistan's greed to acquire J&K swelled, seeing Maharaja's indecisiveness and India's lack of hunger to get it. On Oct. 22, 1947 it attacked J&K, its army camouflaged by a tribal militia, giving an appearance of their revolt against Maharaja's government over some grievances. Maharaja had a miniscule army which evaporated momentarily. As the invaders came closer to Srinagar, Maharaja panicked. He sent an SOS to Governor General of India,

Mountbatten, on October 25, 1947, to help him save his countrymen and himself. Mountbatten recommended to the newly founded Indian government that Maharaja should be helped, but only after he accepted the IOA. Indian government accepted his advice and Maharaja signed the IOA on October 26, in Jammu, where he had run after invaders closed on him in Srinagar. The following day, Oct. 27, Mountbatten, on behalf of India, accepted it. But it is one of the errors of history that Kashmir's accession to India is celebrated on Oct. 26, while it was consummated on Oct. 27, when Mountbatten signed it into law.

But one item in the approval of the IOA, not mentioned above, influenced the subsequent history of J&K-India relationship. While India accepted Maharaja's IOA, it added a rider condition to it, which was conveyed in the approval letter Mountbatten attached to it. That condition is the following:

“...it is my Government's wish that, as soon as law and order have been restored in Kashmir and her soiled cleared of the invader, the question of the State's accession should be settled by reference to the people.”

What it meant was that the accession of J&K to India would only be completed after the will of its people about the accession is determined. India did this to be consistent with the principle it used in incorporating Junagarh and Hyderabad with it. Also, because J&K was under an invasion, people's will could only be properly known when it was cleared. It did not specify how that will could be determined. But it is well known that there are a few ways to do that: plebiscite, elections, through an empowered panel. But popular notion among the people, politicians, and the press was that it would be done through a plebiscite.

There was a second element in IOA that was also significant, though not as much as the first one. It was the Clause 7 Maharaja added to the standard IOA:



“Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.”

It meant that Maharaja was not obligated to accept any future changes in the constitution of India which it might think applicable to his state. Only foreign affairs, defense, and communications were under the union government but all other matters were under the state government.

India's war with Pakistan in defense of Kashmir went on through 1948, but on January 1, 1948, India went to U.N. to plead for forcing out of the invader, a ceasefire, and a plebiscite. Pakistan accepted the ceasefire, which took effect on Jan. 1, 1949. But it took U.N. sometime to investigate the Pakistani attack. Then on April 21, 1948, under U.N. Security Council Resolution 47, in Chapter VI jurisdiction, it asked both the countries to accept certain conditions before a plebiscite was conducted. Because Pakistan would not fulfill U.N. conditions, therefore, the plebiscite was never conducted. U.N. could not enforce its resolution because its Chapter VI status was non-binding. Later, U.N. declared that since the demographics in J&K had changed significantly since the Pakistani attack in 1947, it was unfeasible to conduct the plebiscite. In 2003, President Musharraf of Pakistan announced that Pakistan will drop the demand of a U.N. resolution on Kashmir Problem. In Nov., 2010, U.N. announced that it had dropped J&K among the disputed territories in the world.

Outside the U.N. Nehru twice offered Jinnah a plebiscite but he declined it, because he believed Pakistan would lose it. One of the things Pakistan relied on in its attack on Kashmir was the support of Kashmiri Muslims (KMs). But it never received that support. Mountbatten, in 1948, at the end of his term as the Governor General of India, with the agreement of India, offered Pakistan a division of Kashmir, which it rejected. Then in 1954, during Pakistan's Prime Minister Mohammed Ali's visit to India, Nehru offered him a plebiscite. Ali rejected it because he insisted that General Nimitz, then U.S. representative to

U.N., be the plebiscite in-charge, which Nehru did not agree to, as he wanted someone from a smaller nation for that job. This was the last time India offered Pakistan a plebiscite. But plebiscite in J&K was put to death by its Constitution when it declared in Article 3 (Part II): *J&K is and shall be an integral part of the Union of India*. Since Musharraf's time Pakistan has given up on the plebiscite to solve its claim on Kashmir. Its new thinking is that since Kashmir has Muslims as its majority, it ought to be with it. In the last decade majority of Kashmiri Muslims, about 95%, have moved away from joining Pakistan, instead they want to be an independent nation.

## **Constitution of India**

There was a significant shortcoming in the newly formed dominions on account of a lack of a constitution to govern by. It was decided by all parties that India Act of 1935 would serve as a temporary constitution until new constitutions were framed. But it was done after some revisions to it, and served under Indian Independence Act of 1947, as a temporary constitution of India until Jan, 25, 1950, when on the following day, Jan. 26, India became a republic under its own constitution.

In India the work on the framing of a new constitution started right at its independence. The constitution had to incorporate in its framework broadly two areas: Union government and the Princely States. Since the latter were incorporated in the Union on a voluntary basis, it was Union's obligation to ask them if they would accept the union constitution fully or if they would like some amendments to be made to it. If they wanted the latter, they were asked to send their representatives to the Indian Constitution Assembly or to make their own constitution assemblies to create the amendments. Most of them were unable to make the assemblies in time. But a few of them did: Saurashtra Union, Travancore-Cochin, and Mysore. All the suggested amendments were accepted by the Union. Eventually, all the States accepted the Union constitution, except J&K, which wanted to have its own constitution. India had no choice but to accept it.

## **Article 370**

In May, 1949, the rulers of all the states agreed to accept the finalized Union constitution, with the exception of J&K, which fell in a separate category altogether.

J&K negotiated its constitutional relationship with the Union from May through October, 1949. It was agreed upon that it would set up its own constitutional assembly to frame its constitution. While it would take time to get that done, meanwhile, a temporary framework was created. That was called Article 370, which during its drafting was called Article 306A. It is Part XXI of the Indian Constitution, under Temporary, Transitional, and Special Provisions.

Nehru appointed a minister in his cabinet, without portfolio, Gopalaswami Iyyengar, especially to frame Article 370. Iyyengar had been a Prime Minister of J&K for six years and, also, a Dewan. So, he was considered eminently qualified for the job.

Article 370 was debated in the Indian Constitutional Assembly in the presence of the five representatives from J&K: Sheikh Abdullah, Mirza Afzal Beg, Maulana Massoodi, and Moti Ram Baigra. (I do not have the name of the fifth representative) Some of them had some disagreements initially with it but eventually they were taken care of. On October 17, 1949, Article 370 was unanimously approved by the Constitutional Assembly of India. On Nov. 25, 1949, Karan Singh, acting as the Regent of J&K signed it. And on January 26, 1950 President of India, Rajendar Prasad, signed it into law.

## **Salient Points of Article 370**

1. It fully incorporates I.O.A., notably its clause of J&K's accession to India. (Article 1,b,i)
2. Union Parliament can only make laws for J&K which fall within the three spheres of Foreign Affairs, Defense, and Communications, as stipulated by IOA. (Article 1, b, i)
  
3. But because IOA did not give details of which items in the Union and Concurrent List covered the three spheres, a mechanism of establishing them was set up. President of India in *consultation* with the J&K Government can do it. (Article 1, b, i)
  
4. Also, the same mechanism will deal with matters beyond the three spheres, if India thought that they were needed for good governance, with *concurrence* of J&K Government. (Article 1, b, ii)
  
5. Since J&K Government was not fully developed by January 26, 1950, Maharaja of J&K, in *consultation* with its Council of Ministers, *for the time being*, was considered the Government of the State. There were no Legislative Assembly and Council of Ministers at that time, only thing there was was Maharaja's Proclamation of March 5, 1948 to form a constitutional government. It was expected that when they were formed, along with the J&K Constitution, then the final Government of the State would be established. This clause was put as Explanation in Article 370, which made Sheikh Abdullah unhappy, and has figured in Supreme Court's deliberation on Article 370. (Explanation)
  
6. If laws outside the three spheres of IOA are created, as indicated in Item 4 above, before the Constitutional Assembly is commissioned, then they would be subjected to its review before they are considered final. J&K Legislative Assembly could only give a *provisional* approval to them

meanwhile. (Article 2)

7. President may declare Article 370 void, modify it, may make exceptions to it, or change dates of its or its clauses' applicability, if recommended by the J&K Constitution Assembly. (Article 3)

## **J&K Constitution**

Maharaja's Proclamation of March 5, 1948 declared that J&K would have a constitutional government. Which implied that a new constitution would be created. The extant laws were not set up in a constitutional framework to meet the situation flowing from IOA.

But Maharaja by his proclamation on June 9, 1949, transferred all his powers over the government to his son, Karan Singh, because of his stated reason of health. He left J&K soon after, never to return.

Karan Singh made a proclamation on May 1, 1951 to convene J&K Constitutional Assembly. In it he also cited some items in the original proclamation by his father on the subject of not being able to meet the present situation.

J&K Constitution Assembly was set up on Oct. 31, 1951 by J&K Legislative Assembly. It went through rigorous steps of establishing the basic principles of the future constitution and covered significant matters affecting its citizens and its relationship with India.

The correspondence on the negotiations on the constitution's framework and

some of its significant items among Nehru, Abdullah, Ayyangar, Patel, and other national and state leaders is imbued with passion and a sense of high purpose. Especially, passionate and poignant are letters between Abdullah and Nehru. The former was a nitpicker but latter wanted the integration of J&K and India to be consummated fast, leaving the details to be settled later. Abdullah had come to believe by his arrest on Aug. 9, 1953 that Indian government was not going to be honest in giving J&K the full extent of autonomy it owed to it by virtue of Article 370. Though he trusted Nehru but he was not sure about other Indian leaders. By his exit from the Constitutional Assembly it lost its most demanding leader. These negotiations between Indian and J&K leaders over the content of J&K's constitution were called Delhi Agreement. They were just negotiations, they lacked legal authority.

J&K Constitutional Assembly was dispersed on Nov. 17, 1956 and was dissolved on Jan, 25, 1957. President of India, by his Order on Jan. 26, 1957, made it effective.

### **Salient Point of J&K's Constitution**

Note: There have been 29 amendments made to J&K Constitution since its inception on Jan. 26, 1957.

1. Preamble: J&K has acceded to India on Oct. 26, 1947.
2. Article 3 (Part II): J&K is and shall be an integral part of the Union of India.

3. Article 4 (Part II): J&K territories are those which were under the Ruler of the State on Aug. 15, 1947.
  
4. Article 5 (Part II): The executive and legislative power of the State to extends to all matters except those with respect to which Parliament has powers to make laws for the State under provisions of the Constitution of India.
  
5. Article 147 (Part 12): No bill shall be introduced or moved in State Legislative assembly to amend or change the above indicated Articles 3 and 5, which relate to J&K's relationship with India.
  
6. Also, if J&K Assembly wants to make changes to some aspects of the institutions of Governor and Election Commission, then it needs President's assent for them to come into effect.
  
7. J&K has its own flag but it can only be flown with deference to the Indian national flag.
  
8. Article 48 (Part VI): Defines Pakistan administered Kashmir as "Pakistan Occupied Territory" and reserves 24 Assembly seats for it, which remain inoperative till the territory is handed over to J&K.
  
9. India has no power to declare financial emergency under Article 360 in

the State. Only the State can initiate such an emergency.

10. India can declare security emergency in the State only in case of war or external threat, but not on account of State's internal disturbance, unless State asks for it. Under certain conditions, India can impose Governor's rule.
  
11. Matters related to Defense, Foreign Relations, Finance, and Communications are directly under the jurisdiction of India.
  
12. Head of State is the Governor, who is appointed by President, for five years at a time, and serves under his pleasure.
  
13. Citizens of India who do not qualify to be Permanent Residents of the State do not have a right acquire property there.

### **Article 35A**

This article was made part of Indian Constitution by a Presidential Order in 1954. It protects J&K's Permanent Resident and other state laws above those of the rights of any other citizen of India. Like an Indian citizens outside J&K cannot own property there and cannot claim state government jobs and other protections meant solely for J&K citizens. This article was incorporated in the Indian Constitution without a debate. Because of these matters it is considered to be a dark spot in India's Constitution and is being challenged in the Supreme Court. It was a gift given by India to J&K to make its accession to India strong.



## **Life after Article 370 and J&K Constitution**

Article 370 stipulated that J&K Constitutional Assembly could declare it to be inoperative or be operative with such exceptions and modifications and from such date as it may specify. But it did not. So, it became permanent. But why is it still called “temporary, transitional, and special” under Part XXI of Indian Constitution? It is because it helps India to impose new legislation for J&K through Article 370, giving an appearance that the integration between India and J&K is still incomplete due to the history of latter’s accession to India.

Ninety-four of the ninety-seven entries in the Union List were extended to J&K, as were 260 of the 395 Articles of the Indian Constitution from 1954 to 1994 by Presidential Orders made under article 370. The validity of these orders have been upheld by the Supreme Court of India. Its rationale has been that even though the J&K Constitutional Assembly was dissolved on Jan. 25, 1957, India could make new laws for the State with the concurrence of its government. This defies in the face of Article 370, which mandates that new laws have to be concurred by the Constitutional Assembly. So, logically speaking if the Assembly ceases to exist, then no new laws can be made for J&K. But who are we to challenge the Supreme Court, it makes the laws of the land.

J&K’s Constitution was overridden by India in the following matters:

1. J&K had the Head of State, Sadar-i-Riyast, elected by its Legislative Assembly. Karan Singh became the first such head in 1952. But India got it changed to Governor, appointed by President, on Nov. 24, 1966, after the State Constitution was amended on April 10, 1965, by the use of the Sixth Amendment, in violation of the Section 147 of the State Constitution.

2. India amended State's constitution debarring the state legislature from amending matters with respect to Governor, Election Commission, and the composition of the State Upper House (Legislative Council).

J&K's political leaders and people believe that India has committed a fraud by passing laws beyond the dissolution date of its Constitutional Assembly but latter believes that it has done so by the permission of Article 370, which has been upheld by the Supreme Court. So this erosion of Article 370 is very much affecting the relationship between the two. The former is calling for going back to pre-1953 level of J&K's autonomy.

### **Concluding Thoughts on Article 370**

Article 370 is not the devil behind Kashmiri Muslims' political insurgency in Kashmir but it is a catalyst for that. If it were not there the place would have been quieter and more cooperative with the center. Engendering more private businesses in J&K and, therefore, more jobs for the unemployed youth. The supreme irony is that Kashmiri Muslims do not know the extent of harm they are doing to themselves. By living in a permanent state of anarchy, Kashmiri Muslims are destroying their economic growth and peace of mind.

Kashmiri Muslims by nature are slothful. Their only expression of energy is in talking, and there are no facts so sacred for them that they cannot twist them into figments of their imagination to protect their ego, past inhuman actions, and Islam. They hounded out innocent Kashmiri Pandits in 1990, who were miniscule and a harmless community living with them ever since the advent of Islam in Kashmir in 1339. The original inhabitants of Kashmir were Pandits, dating back to 5,200 years.

The concept of plebiscite to determine the political status of J&K, which originated in India asking for it in IOA in 1947, was put to death when J&K settled the matter by providing in its constitution, in Article 3, in 1957, that it was an integral part of India. Also, the constitution forbids Article 3 to be amended.

Article 370 stands like a sword of Damocles for the center, for its autonomy privileges to Kashmiri Muslims is potent with separatism, alliance with Pakistan, and turning Kashmir into a Middle East-like Islamic state, discouraging Hindus to travel there, let alone living there. This is all the more painful because India is the largest democratically secular nation in the world.

The supreme irony is that Kashmir cannot be independent as it does not have the economic and military resources for that. Within weeks after the hypothetical independence of Kashmir, Pakistan will capture it, and Kashmiri Muslims will be rendered second-class citizens. Even independence overseen by U.N. will not prevent Pakistan infiltrating to control reins in Kashmir. Sensible Muslims know that but they want to keep the anarchy alive in Kashmir as it helps them maintain their political power, financial resources, and ego.

India cannot let go of Kashmir because first of all it has done nothing illegal and immoral in holding on to it. It was not India that captured Kashmir but it was Kashmir that asked for its help when Pakistan attacked it in 1947. Ceding Kashmir to its arch enemy will invite huge security problem for India. It means Pakistan will be nearer to New Delhi by about 500 miles in north. Indian military will strongly advise against it and Indian Parliament will never approve it.

### **What Should India Do About Article 370?**

What should we do about Article 370? First of all, it was a necessary legal instrument to let India and J&K live together. A lot of effort and cool thinking

went into its formulation. Why it failed was because J&K political leaders promoted a lot of distrust between India and J&K, which they attributed to Indian manipulation to undercut it. This led to a permanent state of anarchy in J&K, which has suffocated its political, economic, and cultural progress.

Although India can keep on effecting legal changes in J&K through the mechanism embedded in Article 370, as it has done since Jan. 26, 1950, when it was born, but that cannot give it a peace of mind, as the continuous political turbulence in Kashmir is politically unsettling to India. Kashmir is a bomb waiting to explode, with the connivance of India's arch enemy, Pakistan. This foreign policy implication of Kashmir Problem is not something India can throw under its rug. Let us see if it is feasible to jettison Article 370.

But India has never asked for the abrogation of Article 370. But recently B.P.Yadav, a lawyer based in Andhra Pradesh, petitioned before the Supreme Court of India, that it be abolished and that all laws of India be applicable to J&K. The Chief Justice of Supreme Court of India, H.L. Dattu, on October 30, 2015, decided that "We can strike down a provision if it is unconstitutional but we cannot be asking Parliament a provision. It has to be done by them." That meant that Article 370 has been in Indian Constitution for 66 years and, therefore, Supreme Court cannot remove it, so it is Indian Parliament which has to come up with a new law that abolishes it.

If India is strong on changing J&K political nightmare, it must pass a new bill in Parliament rescinding Article 370. Supreme Court then will have no choice but to accept it. There will be uproar in J&K and Pakistan will beat its chest, and some nations will castigate India for its immorality. But that would not matter as history is replete with cancellation of treaties among nations and their parts.

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# Enigma of Kashmir Problem

English poet Edmund Spenser described tragedy as a theory killed by a fact. A theory on anything is one of the greatest works of a human mind. So, when a theory is proven wrong on account of a fact discovered in the subject being observed, it is tragedy for the mind.

Kashmir Problem has had the life of a theory being offered to a set of situations in Jammu and Kashmir state of India since the onset of the independence of India and Pakistan in 1947. While Jammu and Ladakh provinces of the state are allied fully with India, it is the province of Kashmir that has given creeps to India since about 1950.

What ails the fabled Kashmir Valley? It is its obtuse Muslim majority of 96.4%. It would like to have an absolute Islamic governance as well as the culture in it. In

the earlier years, 1950 -2000, it wanted to join Pakistan. But subsequently seeing that nation's epic and disgusting political and governance problems, the Valley Muslims were pushed to choosing the independence path alternative. But why an independent Kashmir? India is the world's third largest Muslim country, with about 189 million people. They have an absolute freedom to pursue their Islamic faith, including being governed by Sharia laws, which cover some parts of their social life. In fifty years from now, it is projected, that India will become the largest Muslim country in the world. Then why this desire to become an independent Muslim country? At 1947 epic partition of Indian subcontinent into India and Pakistan, about 30% Muslims chose to remain with India than join Pakistan.

Kashmir has been a Shangri-La place for most of its history due its natural beauty, natural barriers to enter it, foreign occupations, and closeness to many foreign countries. This has created an aloofness with the rest of India. Maharaja Hari Singh, the erstwhile king of Jammu and Kashmir state and Sheikh Abdullah, its first Prime Minister and fabled hero, wanted it to be an independent nation.

Kashmir's integration with India has been a perfectly legal thing. When in 1947 578 Indian princes were asked to chose between India and Pakistan, 565 chose India and 13 chose Pakistan. Kashmir's accession to either of them was delayed due to Maharaja's harboring a desire to make Kashmir an independent nation, a choice that was not on the table. Even after Pakistan and India became two new nations on August 14 and 15 respectively, Maharaja continued to remain undecided. When on October 22, 1947 Pakistan attacked Kashmir under the disguise of a tribal uprising against its government, Maharaja ran away from Srinagar to save his life. This precipitated, painfully, for him to sign the Instrument of Accession on Oct. 26, in order to get military assistance from India to fight Pakistan out of his state. India signed the treaty on the following day and rushed its military the same day to push the invaders out.

India attached a rider to the treaty stating that when the life in the state returned to normal, a plebiscite would be conducted to determine its people's wish to

affirm the treaty or join Pakistan. This was done because Kashmir had a majority of Muslims living in it, even though its king was a Hindu. Same logic was used in the choice of accession of the states of Junagarh and Hyderabad between India and Pakistan, where the majority people were Hindus but the princes were Muslims. In case of the former a plebiscite determined that the majority of the people wanted to accede to India, while in latter the will of the majority Hindus to join India required a military intervention of India.

India's war with Pakistan in defense of Kashmir went on through 1948, but on January 1, 1948 India went to U.N. to plead for forcing out of the invader, a ceasefire, and a plebiscite. Pakistan accepted the ceasefire, which took effect on Jan. 1, 1949. But it took U.N. sometime to investigate the Pakistani attack. Then on April 21, 1948, under U.N. Security Council Resolution 47, in Chapter VI jurisdiction, it asked both the countries to accept certain conditions before a plebiscite was conducted. Because Pakistan would not fulfill U.N. conditions, therefore, the plebiscite was never conducted. U.N. could not enforce its resolution because its Chapter VI status was non-binding. Later, U.N. declared that since the demographics in J&K had changed significantly since the Pakistani attack in 1947, it was unfeasible to conduct the plebiscite. In 2003, President Musharraf of Pakistan announced that Pakistan will drop the demand of a U.N. resolution on Kashmir Problem. In Nov., 2010, U.N. announced that it had dropped J&K among the disputed territories in the world.

Kashmir decided to have its own constitution, as it was allowed to do so under the Instrument of Accession, which the other 564 princely states did not. J&K Constitution Assembly was set up on Oct. 31, 1951 by J&K Legislative Assembly. It went through rigorous steps of establishing the basic principles of the future constitution and covered significant matters affecting its citizens and its relationship with India. J&K Constitutional Assembly was dispersed on Nov. 17, 1956 and was dissolved on Jan, 25, 1957. President of India, by his Order on Jan. 26, 1957, made it effective. Significant parts of the constitution relating to the relationship between Kashmir and India are:

Preamble: J&K has acceded to India on Oct. 26, 1947.

Article 3 (Part II): J&K is and shall be an integral part of the Union of India.

Article 5 (Part II): The executive and legislative power of the State extends to all matters except those with respect to which Parliament has powers to make laws for the State under provisions of the Constitution of India.

This article stipulates that the relationship between Kashmir and India is to conform to the requirements of Articles 370 and 35 A

Article 147 (Part 12): No bill shall be introduced or moved in State Legislative assembly to amend or change the above indicated Articles 3 and 5.

After the creation of Kashmir's constitution both India and Kashmir thought everything in their relationship was engineered meticulously, that too willingly, therefore, future should flow smoothly for their alliance. It did, in a rough way, for about three decades. The malevolent Islamists in Kashmir would time to time raise their heads in form of meetings, speeches, and protests, expressing their deep unhappiness with Kashmir's alliance with India. They believed Kashmir naturally should be a part of Pakistan. But their evil designs were manageable by the state. Then in 80's disturbing and ugly political infighting got out of control, resurrecting the bogey of Kashmir's integration with Pakistan. Pakistan seized the opportunity and planned to overturn India's hold on Kashmir and prepare grounds for its empowerment there. One of the consequences of the anarchy it unleashed was the forced exodus of about 350,000 Kashmiri Pandits. Subsequently, Kashmir regained stability, but the opposition to Indian rule became stronger than before, and Separatists became a force to reckon with.



Kashmir province's militants know no rest. They want to turn it into an Islamic Republic of Kashmir. For which effort they are financed by and morally supported by Pakistan and some Middle Eastern countries. In a decade Kashmir has seen the profusion of several hundred Wahhabi Islamic mosques. Besides the religious centers that they are, they are also militancy centers. They support militants with money and encouragement. When a strike is called for by the Separatists, the shopkeepers and the other non-government workers are paid by these mosques against the losses incurred due to the strikes. This is treason. There are many other treasonable activities that militants and non-militant sympathizers indulge in.

Even with a lot of improvements in the world moral level, it is still a very unfair place to live in. Take for example women's equality with men. U.S. is the country where maximum progress has been done in this area. Yet the progress is still far from the desired level. There are lesser number of women CEO's than men CEO's, and they are judged more strictly than men are. There is still high level of racial discrimination in the world. There are many more problems of morality that still exist in the world, though they have made progress. When a part of a country wants to leave that country there is a strong resistance to it from the country. This is because the country thinks that the part has been with it historically, culturally, and legally, and, generally, over a long period of time. That is why countries do not give a divorce to their parts easily.

Kashmir has been a part of India for seventy years in its recent political history, and beyond that overall for thousands of years. Demands of Kashmiri separatists to let it become an independent nation are fraught with tremendous difficulties. First of all, only India's parliament has an authority to break Kashmir off India. There is not a single vote in the parliament to let that happen now and in foreseeable future. Even the members of the parliament from Kashmir are not expected to vote for it. The reasons for it are that Kashmir is legally a part of India, also, its severance from India puts it in a huge militaristic deficit with India's arch enemies, Pakistan and China. The separatists do not have the military power to break away Kashmir from the clutches of India. So, for foreseeable future there is no chance that Kashmir will become an independent nation.

So, Kashmir Valley Muslims are damaging themselves in hitting against a concrete wall. This is seen in the high rate of depression and suicide there. The life in the valley is depressive, anxiety-laden, bereft of joy and excitement of yore. Cultural and social activities are meager. Many a youth have given up schooling, leading a life of purposelessness, devoid of ambition. Drug use has shot up. Murder rate has shot up and every other day militants do their misdeeds of disturbing the peace and create arson. Why cannot genuine Kashmiri political leaders talk with the separatists and reason with them that an independent Kashmir is impossible to achieve? That being the case why disturb Kashmiris' peace of mind and let people concentrate on their lives, help their children achieve a good education, and have some joy in their hearts. I recently talked with a Kashmiri leader about this line of thinking. He agreed with me on all the points, but said emphatically that separatists do not want to hear that their wishes are insane. But good leaders would try.

How long will such a state of anarchy and mayhem last in Kashmir? Apparently indefinitely, as Kashmir leaders are dishonest in wanting a reasonable level of peace there. Even though separatists constitute only 5% of the people but there exist 95% soft-separatists. The latter are pro-India during peaceful times, but when terrorism and strikes occur they show their support for the die-hards quietly.

What should India be doing to enforce a reasonable normalcy in Kashmir. It can stop the treasonable actions of mosques from aiding militancy. It can freeze their bank accounts. It can monitor and cut off suspected foreign communications and financial assistance, through electronic and other means. It can talk to Middle Eastern countries aiding treasonable activities in Kashmir. It can threaten them with breaking diplomatic relations with them. It can threaten the so-called soft-separatist leaders, who are in the high-level government jobs, with dismissals. It can send, every few months, a high-level Indian leader to Kashmir who would tell Kashmiris bluntly that India would never give Kashmir the independence they are clamoring for. Turning their eyes off the soft-separatists has been a monumental

problem created by India since the exit of Sheikh Abdullah. If only India had been bluntly honest in dealing with them Kashmir Problem would not have grown to such a difficult level as it is at now.

Although there are several elements that have been driving the Kashmir Problem for seven decades, as described earlier, but Pakistan's role is the most pivotal among them. India could have held its feet to fire for that. A blunt and vigorous stand against its intervention in Kashmir could have if not completely but quite to a significant level reduced its leverage in the creation of anarchy there. Why does not India keep the bogey of Pakistan's illegal occupation of Azad Kashmir alive, a 36% area of the original Jammu and Kashmir state, thereby keeping them defensive. Any Western country in place of India would have done much better than India has done to keep its legitimate state away from Pakistan's greed to snatch it from them

.That brings us back to the assertion made at the beginning of this article: tragedy lies in the death of a theory by a fact. After Kashmir's constitution was made by Kashmiris in 1957, which specified an unamendable article in it, which prohibits the separation of Kashmir from India, one would have thought that that would bring the demise of the Kashmir Problem. But it proved to be only a good theory. Due to India's laxity in keeping the dragons of independent Kashmir in check, the facts developed thus killed a good theory. So, Kashmir Problem will go on existing for an unknown time. I think when a new generation of Indians come to political power in not so distant future, they will pursue it with utter honesty and vigor, thereby taming Pakistan's greed and Kashmiri separatists' insanity.

Suffern, New York, October 13, 2018

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# **An Epic and Enduring Kashmiri Song : Harmukh Bar Tal Zaagaie Madano**

Harmukh Bar Tal Zaagaie Madano is an epic and enduring Kashmiri song, both revered by Muslims and Pandits alike, though for different reasons. Muslims take it to be a powerful romantic song of a woman for her beloved, while Pandits take it as Parvati's love-hymn for Lord Shiva. But before we resolve that problematic situation, let's focus on its authorship.

The song is classified as a traditional popularly. That is, it has been in existence over a long stretch of time, its compositional and authorship history unknown. But because it resembles the themes and lyrical style of the legendary Habba Khatoon (1554-1609), many Kashmiris attribute it to her. She broke the long tradition of spiritual and mystic poetry of Kashmir by her romantic poetry. Her poems were grounded in the sufferings of the women in her time, especially those of love-separation and harshness of life for their gender. She was born a commoner but rose to become a queen of Kashmir by dint of her poetry, singing, and stunning beauty. She was married to Yusuf Shah Chuk (ruled 1579-1586), the last Kashmiri ruler, after a chance encounter. Her fairy tale life ended excruciatingly when her husband was imprisoned for life by the Mogul emperor Akbar through a fraudulent scheme. Yusuf Shah was invited to Delhi for a consultation with the emperor. Upon reaching there he was taken to Bengal and later moved to Biswak, in Bihar, imprisoned for the rest of his life, dying there in 1592. This opened the door for Moguls to reign in Kashmir from 1586 thru 1752, one hundred and sixty-six years. Habba Khatoon spent her last 20 years living in a hut on the banks of

Jhelum river, enduring the pain of love-separation from her husband. She is forever enshrined in Kashmiri ethos as an epic poetess, who ushered a new culture of realism and romanticism in Kashmiri poetry. Also, creating in it a new style called *lol*, which is a form intense lyricism wrapping a single thought. She lived with an unyielding passion for life rather than by faith, which is what her fellow human beings lived by. Even after some four hundred years after her death, some of her songs remain quite popular in Kashmir. She has been epitomized as the Nightingale of Kashmir.

To resolve the authorship problem of the song I sought the consultation of the two Kashmiri literature professors of Kashmir University Their verdict was that they could not authenticate the authorship of the song to Habba Khatoon, but based on the substance and lyrical style of the song, if some people attribute it to her, they would not object. Simply put, we do not know for certain its authorship.

Different versions of the lyrics of the song are offered on internet. They differ in the inclusion of some stanzas and words. Pandits and Muslims have used some different words. For example, Muslims like the word *zaagai*, while Pandits like *prarayo*. The song is in parts difficult to understand due to the use of the old Kashmiri language. I have painstakingly scrutinized the lyrics with a Kashmiri language scholar and a Kashmiri singer. Furthermore, being a poet myself was very helpful. Translating poetry is among the most difficult works a writer can do, as you move from one language to another you lose cadence, turn of the phrase, and shades of the meanings of the words. I believe the lyrics and the English translation of the song that I am presenting here are the best available at this time.

It is a passionate love song of a still young woman's adoration of her beloved. It expresses her yearning to meet him at the gates of Harmukh mountain. Also expresses her painful separation from him, her leaving her tribe for him, her fear of losing him to other women, her arrival at the apex of her youth, her fear of getting old. The most moving line of the song is its refrain: *yee dapaham tee laagyo*. The song's epic appeal is also due to its enthralling composition, which is

more or less the same in all the five versions of it I have indicated below.

Kashmiri Pandits' claim on the song is tenuous. How they think of the passionate romantic song to be a hymn on Shiva-Parvati's spiritual love is incredible. There are lines referring to the woman leaving her tribe for her lover, applying henna on her nails, fear of her losing him to other women, the radiance of her youth, and the use of the word Wallah, a word used by Kashmiri Muslims meaning "by God," that is a swearing invoking god, which just cannot be connected to Shiva-Parvati love.

Following are the authenticated lyrics of the song. The text is in bold font, my translation is below it:

**1. Harmukh bar tal zaagaie madano, yee dapham tee laagyo**

I will wait at Harmukh gates for you my love, whatever you ask I will offer you

**2. Shari dapham golab lagaie madano, yee dapham tee laagyo**

Ask for a flower on your forehead, I will offer you a rose my love, whatever you ask I will offer you

**3. Phambas te naaras mil goom, wallah mey chaie paeta dil goam**

Cotton and fire have fused, by God my heart is stuck on you

**4. Be ti no ye doreyar chalaie madano, yee dapham tee laagyo**

I also can't take this distance between us my love, whatever you ask I will offer you

**5. Kabeele drayas kranai, kiah osum diak laane**

I left my tribe for good, what a destiny

**6. Tabeebe ath kiah mane madano, yeh dapham tee laagayo**

What can a preacher do about it my love, whatever you ask I will offer you

**7. Kongas kaermai chaman, maenz ho laagaie naman**

Saffron I am planting in the beds, henna I will apply on my nails

**8. Mushtaq gowham kaeman madano, yee dapham tee laagayo**

Whom are you yearning for my love, whatever you ask I will offer you?

**9. Yaawan miyane thazro, thazrai paethe traw nazro**

My youth is at its zenith, look at me from that level

**10. Kael waisi hangai zazur madano, yee dapham tee laagyo**

At the end the temples will wither, whatever you ask I will offer you

Note: The word “temples” refers to the two temples in the human head.

I am providing links of the song sung by five professional singers: Sunita Bhan Dhar, Qaisar Nizami, Shamima Azad, Rajinder Kachroo, and Sniti Mishra. None of them have used the full lyrics and in some renderings some words have been changed.

1. Sunita Bhan Dhar: <https://youtu.be/VoYACx3LjaA>
2. Qaisar Nizami: <https://youtu.be/123OruSqagI>
3. Shamima Dev: [https://youtu.be/OQOUj86lF\\_s](https://youtu.be/OQOUj86lF_s)
4. Rajinder Kachroo: <https://youtu.be/y4nenAJUPQI>
5. Sniti Mishra: <https://youtu.be/3hweeYKlCBU> (needs to be copied and pasted in the browser)

A discussion on the article:

Letter from Mr. Arjun Dhar:

Dear Maharaj Kaul mahra,

Namaskar. I'm writing to you having just read your thoughtful commentary of

*Harmukh Bar Tal* on Kaul's Corner. I hope you don't mind my writing to you; I noticed your email address at the bottom of the commentary.

In it, you suggest that the Kashmiri Pandit interpretation of the song is tenuous. I was wondering whether you considered that the ambiguity is deliberate. I have a few reasons for suggesting this:

First, if indeed the poem was composed by Habba Khatoon, she was a 16th-century poet, and the conversion of Kashmiris to Islam began only in the 14th century. This means that the significance of "Harmukh", being the abode of Lord Shiva, would not have been lost on her. (I have read another commentary suggesting that *Har mokh* translates to "every moment", but my own Kashmiri is not strong enough to know how reliable that is.) Therefore, there must have been a reason behind her choice. I suggest that the reason is to create deliberate ambiguity between love for God and love for a romantic partner.

Second, the rest of the song is rife with ambiguity. There are lines which use deliberately spiritual terms, which could also be read as referring to a romantic beloved (*wallah mey chaie paeta dil goam*). There are also lines which use overtly romantic language, which can be read as metaphors: "*Kabeele drayas kranai*" ("tribe" need not refer to a literal tribe, but a metaphor for worldly attachment). The use of "*maenz ho laagaie naman*" could be a visual depiction of preparation - in the same way a bride applies *henna* on *maenzraath* in preparation for union with her husband. In "*Yaawan miyane thazro*", "*yaawan*" might not refer to literal youth, but to immaturity, which comes with you.

Third, Kashmiri poetry, like Persian poetry, blurs the distinction between romantic love and spiritual love, quite unlike the Greco-Christian tradition. The Greco-Christian tradition distinguishes between Agape love (spiritual, pure love) and Eros love (romantic, passionate love). We, on the other hand, use words like "madno": generic beloved, which can either refer to a romantic attraction, or to God. We also have a religious tradition (both Hindus and Muslims) of intoxication with God. Hindu saints and *masts* from Kashmir are known for seclusion and losing themselves in meditation on God. Sufi Islamic poetry also explicitly uses the language of intoxication in a spiritual context.

You helpfully point out in your commentary that Habba Khatoon lived her life as a romantic, breaking a mystic tradition. Would you consider that perhaps she was both? It may be that she was one of the earliest to blur the lines between the two, instead of leaving one and taking up another.

If you have the time, I would love to know what you think. If not, thank you again for your thoughtful explanation. As a young Kashmiri raised outside Kashmir, it was helpful in connecting me with my roots. I am very grateful.

With best regards,



Arjun Dhar

—

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My response to Mr. Arjun Dhar's letter:

Dear Dhar Sahib,

It is heartening to know how a young Kashmiri Pandit like yourself is trying to get connected with his roots, while many others like you find neither comfort nor allure in doing so.

When you are researching old history which has few clues for the particular subject of your interest, then you fall upon to that old principle that has guided human beings in difficult times: character. That is, you are lost in an information darkness,

so you are unable to find your destination of a fact-based conclusion, then you have to be guided by your character.

Since we are unable to find the authorship of the epic song Harmukh Bartal based directly and indirectly on facts, we must use our character to conclude our research, and not

be seduced by our desires for a particular conclusion.

It is quite clear that you would like the research to conclude that the song is based

on Parvati's love for Shiva. But a researcher has to be neutral.

If we go by the lyrics of the song: its images, vocabulary, structure of its sentences,

its ideas, it is clearly a romantic song expressed by a young woman for her lover.

To think that it is a religious song of devotion for God is a long stretch of imagination.

It is an intense yearning of a young woman for her boyfriend. Reading in an objective, detached, unbiased frame of mind, the song is just a love song, like many

Bollywood film songs.

If a researcher concludes that the song is a Parvati-Shiva devotional song, he has to offer his proof on the following rationale:

There exist Hindu devotional songs like this.

But no example that he may cite will be having a vocabulary like this song has.

That leads us to the theory that the original Hindu devotional song was corrupted by Kashmiri Muslims. They changed its vocabulary, images, and ideas, which

reconstructed

the song to a boy-meets Bollywood song. I have heard these theorists cite words in the extant version which according to them are corruptions of the former

Hindu words. But that is not a research leading to a conclusion that the original Shaivite song

has been corrupted, just fairy-tale speculations.

You have given suggestions on how the ideas in the song could have more complex

roots than that emanating from a simple reading of its lyrics, leading to the conclusion

that the song is not a pure romantic song. I do not agree with that because poets do not

use very complex ideas, understandings, and histories. They look for simplifications. They

do not offer proofs of what they are stating. You have to take it as a faith or reject it. That

is why poetry can be such a powerful distillation of thought.

But I have more sympathy for the corruption theory that over a long stretch of time Kashmiri

Muslims changed the original Hindu Shiva-Parvati devotional song to a romantic song. Although,

as I have already said, that theory has not been proven, but there are some points in it, which are

worth considering:

1. Harmukh mountain is an object of considerable reverence in Kashmiri Pandit religious

ethos, and has nothing much going for it in Kashmiri Muslim ethos.

2. Hindu version of the song has words like *prariyo*, instead of *zagiya* in the Muslim version.

Also, offering flowers to someone whom one reveres is more a Hindu gesture than a

Muslim one. There have been similar suggestions in the juxtaposition of the Hindu and

Muslim versions of the song.

I firmly believe now that Habba Khatoon did not write the song. It is because it does not bear

her style.

In conclusion, what I have said earlier, character in research, as in other human activities,

matters. Without having a scholarly proof that Harmukh Bartal song as it exists

today is  
a corrupted version of an ancient Shiva-Parvati hymn, I take the song to be a  
Muslim  
romantic song.  
Hope one day we will meet.  
Maharaj Kaul

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# **Just Being There: Diary Notes of my Trip to Kashmir in 2011**

I did not keep a diary during my ambitious trip to Kashmir in 2011, as I generally never have kept diaries, but only diary notes. The trip was ambitious as I wanted to reconnect with my roots after a gap of nine years. Thoughts occurred to me with what goals should I visit it, but then I abandoned the notion of goals and instead conceptualized the objective of my trip to be *just being there*.

These *Diary Notes* have been written in a stream of consciousness style, capturing my nascent observations. But I have captured the trip in six full-fledged articles, which were published in 2011, and are attached here. The diary notes are a supplement to the articles. The articles are also available on my website, [www.kaulscorner.com](http://www.kaulscorner.com). The articles are:

1. Fleeting Moments at Pahalgam (83)
2. Siesta at Manasbal Lake (84)
3. In Search of the Soul of Gulmarg (85)
4. Touching the Remnants of Time in Old Srinagar (86)
5. At the Feet of Shiva at Amarnath (87)
6. Meeting Raj Begum (88)

The numbers in parentheses are the article numbers in the Essays section of the site.

But I still had a list of things to do, which comprised of meeting Raj Begum; going down Jhelum in a *shikara* from Zero Bridge to Safakadal Bridge and back; visiting Pahalgam, Gulmarg, and Sonamarg, the last one I had never been to. Also, visiting the houses of my birth and childhood at Malikangan and Malikyar. Furthermore, visiting Zeethyar, which I had also never been to. Living in a houseboat, which I had never done, as natives would not live in a houseboat, that was for the visitors to do. The last but not the least was eating *Nadirmunjas*, my most favorite snack, which I had not done in a while. In the end I ended up doing a lot more. I got a lot of ideas on Kashmir and other subjects to write on, and I took several hundred pictures and some videos, whose quality has endeared them to a huge number of people all these years. Based on the last genre I made a 35-minute-long composition of stills and videos which I called "Kashmir: A Trip to the Hallowed Land, which has earned a lot of popularity. It is available on You Tube, as it is too long to be attached to an email.

## **Diary Notes**

Indian Scene in General:

1. I witnessed more exuberance and energy than before, let us say ten years earlier.
2. Change in dress. White colored clothing and *chapals* were no longer the

most favored, as they were for generations, but were supplanted by colored clothing and shoes and sneakers for footwear. Jeans were ubiquitous, even many women wore them, though not ultra-tight variety used in the West.

3. Mall mania had captured Indians.
4. People were copying Westerners in many things - unquestioningly.
5. Young men and women at airports and hotels were very polite, alert, and efficient.
6. TV - Westernized entertainment, seemingly scant attention paid to details and depth.
7. Indian courtesy is deep and persuasive. It comes from Indian ethos - at times bordering on servility.
8. Indians paying scant attention to environment. Appearance and harmony with the scene do not matter.
9. Indira Gandhi Airport based on Western concepts of architecture, functionality, and style.

## Srinagar

1. Trip from airport to the hotel: cabbie was supposed to pay me a balance of 50 rupees, but he would not, even when reminded about it. He would not move my bags to the hotel after dropping me at its gate.
2. Sun Shine Hotel where I stayed was wrongly spelled on its huge sign, it should have been Sunshine. Such glaring English spelling errors were rife in Kashmir, especially hurting were the ones on some *shikaras*, as are in the rest of India.

Hotel was disappointing. No internet, A/C, and shower. Looked shabby. Being at Dalgate it commands a view of the row of houseboats, Hariparbat, and a sliver of Zabarwan mountain.

3. Changing my cell phone to the one operable in Kashmir was a big hassle. A man at J&K Reception Center was very excited to know that I was born

in Kashmir. He was enthusiastically helpful in registering me for Amarnath trip, which was necessary for me to qualify for the phone change. Even though I was not yet decided upon undertaking that trip.

4. Visiting Kashmir is reliving some of my childhood, when my consciousness was developed and the course of my life was established.
5. Shalimar garden is in a better shape than before (2002).
6. Made a decision to go to Amarnath, in spite of my age. It was not on my list. Made it not on the basis of religious feeling, but on the basis that it was there, an inspiration used by the British mountaineer, George Mallory (1886-1924), in his three failed attempts to reach Mt. Everest. Planned to go to Baltal on road, then by a helicopter to Panchtarni, then on horseback to the cave.
7. There is still so much muck on the roads: garbage, human and animal excreta. Repellant odors float in the air, excruciatingly messy sites abound, depressing the fine spirits of the visitors. But natives have learned to ignore them.
8. Expansion of markets, housing, etc. being made without an overall plan.

## Comments on Kashmiris

1. Even though Kashmir has become more technologized, economically securer, but the old ways of its people's (KM's) thinking persists.
2. Kashmiris seem to be alive but without a vision. They think as long as they do something it is progress.
3. Kashmiris are dreamers, the people who stick to their dreams, irrespective of anything that happens, and even if the dream is unrealizable. Such a personality can lead to insanity.
4. The people seem to recognize the futility of the two decades of civil war, but they do not know how to get out of it. Having achieved almost nothing in the direction of independence, they are frustrated and have become cynical.

Meeting Raj Begum

At the Feet of Shiva At Amarnath

Touching the Remnants of Time in Old Srinagar

In Search of The Soul of Gulmarg

Siesta at Mansbal Lake

Fleeting Moments at Pahalgam

Suffern, New York, April 10, 2018

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# **Kashmiri Pandits' Rendezvous with Destiny**

Kashmiri Pandits' civilizational pinnacle receded, perhaps, a thousand years ago, by the end of Utpala Dynasty (855 - 1003). Their glory has been especially in steady decline since the advent of Sultanate in 1339. As they became a minority after volitional and forced conversion to Islam, their life became one long road of survival, even though they were still prized for their intellectual powers in high government circles. This psychology of survival became a permanent feature of their personality. They became individuals first and community members later. An outline chronology of Kashmir history has been attached as a ready reference.

Some Kashmiri Pandits (KPs) were shocked in 2014 by the withdrawal of the Modi government's project of creating three composite cities in Kashmir to rehabilitate them. Some wonder what their future is going to be. But here is the irony: even if Modi plan had been implemented how many KPs would have been its takers? Very few. But why are they crest-fallen about the project's death? It is because they

still fantasize about returning to their ancestral land of 5,000 years and living their myths and mythologies about it and their lives in it. Once the inner-music is broken the world looks meaningless.

Even if Article 370 were lifted and the life in Kashmir would consequently change significantly, more conducive to KPs living there, they would still not return to their homeland in significant numbers. This is because the dream of returning to their paradise has been shattered. What has shattered it? Their experience. The 1989 experience of death, forced exodus, destruction, cruelty, humiliation, and threats to their lives has damaged the fabric of their love of and belonging to their land. Their dreams and myths about their lives have died, so there would be no point in returning.

The exodus of KPs was already under way in form of their new college graduates wanting to work outside Kashmir. But this process was natural and did not cut the umbilical cord with it. Overall, the younger generation of KPs (under 30's or so) were in the process of slowly drifting away from Kashmir because of the economic and political conditions in it. They wanted to work in modern companies, generally technology companies, who paid a decent salary, and live in a friendly environment, which were unavailable at home.

KPs have with fortitude and grace met their ordeal. The die of their new life has been cast but their wounds have not yet healed. Now that KPs are not the inhabitants of Kashmir, will they survive? Of course, they will survive. Human history is replete with migrations, both planned and forced ones. How should they live as a community now? While the economic forces have scattered them round the world but India will continue to be their bastion. To keep their ethos alive is their greatest challenge. Efforts are under way in India and different parts of the world in that direction. Gaining political power is essential to their community survival. But they are not very political people, even though they have the mental tools to understand politics very well. Also, their meager vote-bank is against them.



Over years, since India's independence, KPs did not cultivate a political network in New Delhi. The reason being their inaptitude for it. Politics requires consolidation of a group's assets and willingness to strike mutually advantageous compromises with other groups. But these are areas they are not good at. They have always wanted to live in their cocoon, negligent in paying proper attention to the political forces outside it. KPs, equipped with their intelligence and intellect, could have created some political influence during the long stretch of time since the advent of Islamic rule in Kashmir in 1339. This apathy to face reality outside their homes in full-blooded manner made their lives more miserable than they were.

In different parts of the world efforts have been made and are being made to keep alive the KP ethos, or a reasonable semblance of it, but every year it has become harder to do that. This is because KPs are single-harnessed horses, they do not move in tandem. They are essentially not community-minded people but a concatenation of individuals. They are good and sharp people but not revolutionaries and dreamers. Whatever success that has been achieved so far in keeping the KP ethos alive is due to the work of some highly motivated people, and not with the help of the community at large.

An emigrated people have to learn to live with the people, culture, and the place they migrate to. That is what some 700,000 (the estimated world-wide population of KPs) KPs are presently doing. It will take generations before they will get absorbed in their new world. And in the process they will inevitably lose their KP-soul and create a new one. This is the price you pay for migrating, especially the forced one, from your milieu to a foreign place. There is nothing you can do about it.

Take the case of young people who were born outside Kashmir, who neither know Kashmiri or have visited Kashmir or know the KP ethos. How can we call them Kashmiris? But, they will nevertheless call themselves so, because there is a

psychological need in human beings to have a connection with their roots. But in spite of this there would still be a lot of KPs living in Kashmir had the political turbulence in Kashmir not enlarged as much as it did.

Some people have suggested that KPs should change their name to Kashmiri Hindus. I believe that would be a mistake. While the name change would accrue the benefit of being part of a much larger community, thereby diluting their image of aloofness and cursedness, but the loss of their special identity would detract something invaluable from their soul. On the practical plane it would be insignificant.

According to Henny Sender, as described in his book *The Kashmiri Pandit: A Study of Cultural Choice in North India*, (Published in 1990 by Oxford University Press), a Kashmiri *Bhatta* (as Kashmiri Hindus were called until then), Jialal Bhan, proposed to then Mogul emperor Farrkhsiyar (reigned 1713 - 1719), in his court, that *bhattas* be called Pandits because of their distinct identity. The emperor accepted his suggestion and thenceforth they were called Pandits.

KPs have been dealt with a bad hand by destiny but they are doing the best they can do with it. So, in a few decades from now, there will remain a KP community in the world, but it will be very different from the one we have known. But civilizations have changed with time and we cannot fight time, although in case of KPs it was forced to change prematurely.

But on the bright side of the situation younger KPs are excelling in their vocations and with their ingrained resilience their future is sanguine.

As Soren Kierkegaard said, "Life can only be understood backwards; but it must be lived forwards," let us look at the future of KPs with imagination but supported with earnestness.

Walking down the fossilized time,  
Revisiting high pinnacles and green lakes  
Of spirituality and learning,  
Today the old native of Kashmir,  
Kicked out of his natural habitat,  
Wanders the far corners of the world -  
To start a new life, a new community,  
To heal his wounds, to follow the old light.

Cut off from its spiritual center,  
The community wanders in silent grief,  
To find a mooring,  
To revive the luminosity that once brightened its universe,  
To rekindle the fire that bound it together,  
But unable to be reborn,  
It gradually drifts into the unnamed universal melting pot,  
Turning its hallowed past into history,  
Its vision into unborn hopes.

(Anguish of Kashmiri Pandits by Maharaj Kaul, 10.14.2010)

Note: This article has been adapted from my article, Future of Kashmiri Pandits, May13, 2015.

An Outline Chronology of Kashmir History

Suffern, N.Y., January 13, 2018

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