## Transcript of “The Crisis in Kashmir: History, Politics and the Law”

SITAL KALANTRY: So let me start by welcoming everyone to this event hosted by the Cornell India Law Center. My name is Sital Kalantry and I'm a clinical professor at Cornell Law School. Before I introduce the speaker, let me talk very briefly about the center. So the humanities and social sciences, and other departments at Cornell and other universities have long engaged with India, but law schools have generally not done the same. There's very little comparative work and knowledge about India. Marc Galanter, who's a retired law professor at Wisconsin, was one of the first pioneers in comparative India work. And there's so much in common between these two countries. We are democracies, countries that have diverse populations, we share a common law language, as well as the English language. So the center was then designed with this idea that-- to promote the study and knowledge of India and Indian law in society in the US legal academy. We want to increase connections between lawyers, law professors, students, and judges in the United States and India. We have a speaker series, conferences, a visiting scholar program, as well as programs to take students to India and summer internships. You can see it on the brochure that was available in the front. Our students interns are creating a database of Supreme Court cases because if any of you know the Indian Supreme Court, the report in cases are three, four, five, 800 pages long. And so one of our interns thought it would be a great idea to have short summaries. And now, also in collaboration with Indian law schools, we're talking about working on issues in Assam. Sending students to do human rights research and reporting. As some of you may know, people who've been living in India for decades are now being at threat of deportation through these new tribunals that were created. We'll have another talk by an alumni who will talk about his work in helping to decriminalize consensual homosexual acts in India, which is section 377 of the Indian constitution. The Berger Center is also hosting an important symposium. I'm talking about 35 years after Bhopal and the lessons learned. Marc Galanter, Jay Krishnan, as well as Sheila Jasanoff will be here for that event. So that's just a flavor of what we want to talk about-- what the center is doing, and so I thank you for coming here. Let me talk a little bit now-- turn to today's topic. So Kashmir was in the news, as you know, starting in August when India unilaterally took control of what used to be a quasi-independent state. We saw an op-ed by the Pakistani prime minister accusing India of grave human rights violations and repressions. Then, through our papers, we saw the Indian ambassador retort by claiming that while it is Pakistan that is sending terrorists to India, and India is just taking steps to restore peace and stability and development into Kashmir. So today's speaker, Anany Vajpeyi is brilliant, but I don't think she'll resolve all of these issues. But she will give us a great grounding in the history, politics, and law involved in the recent crisis. She is a fellow and associate professor at the Center for the Study of developing societies in New Delhi. This coming academic year, she is now a visiting fellow at the Center for Research in the arts, social sciences, and humanities at Cambridge University, working at the intersection of intellectual history, political theory, and critical philology. Her first book, Righteous Republic and Political Foundations of Modern India, won a number of prizes, including at Harvard, the Crossword Award for nonfiction, that Tata first book prize for nonfiction, and it was also listed as the Book of the Year with the Guardian and the New Republic, which is-- all of which is just amazing. She studied at JNU in Delhi, was a Rhodes scholar at Oxford, and also got her PhD at the University of Chicago. So before I turn it over to Ananya, let me remind everyone that our campus code of conduct states that all of our speakers have a right to speak, and the audience has a right to hear what the speaker has to say. And I'm so looking forward to hearing what Ananya has to say. So please join me in welcoming Professor Vajpeyi. [APPLAUSE] ANANYA VAJPEYI: Good afternoon, everyone. And thank you, Sital, for having me come to speak. I believe this is the first talk we're having at the India Law Center after its inauguration. So I'm thrilled to be the first person here. I've actually spoken at Cornell Law School three times before, between 2011 and this year. So it seems almost familiar to me, and I'm really thrilled that there's this new initiative where it will be possible to look comparatively at the Indian Constitution, the American Constitution, other comparable issues in the legal systems of the two countries. And really this is an important locus for inquiry given that these other two worlds-- the world's two most significant democracies-- the largest and the most active. And both are, at this moment, passing through certain sorts of crises as regards to their constitutional identity. This is true both of the US and of India. So this is a very timely initiative, and I congratulate the law school and Professor Kalantry for taking this initiative and opening up this line of discussion and inquiry. I am here today to speak about the crisis in Kashmir. And the title says history, politics, and the law, but this actually involves a huge array of different kinds of information. Some of it very, very contentious. So I'm going to have to be selective in what I can present to you in the short time that is available to us. And I just want to say that my purpose here-- I'm not a legal scholar, I'm not an expert in law by any means. My purpose today is not only to tell you about what is happening in Kashmir, but really to urge us to think about the implications of the events unfolding in Kashmir, of both political and legal. The implications for India as a democracy, and for the future of its constitutional structure as it has been thus far since independence in 1947. Since the promulgation of the Indian constitution in 1950. So we really should be concerned, I think, not only for Kashmir and what is happening there, but also thinking of it in terms of a longer term impact, were certain precedents to be established, for the rest of the Indian union and the status of the Republic of India. So that's what I'm going to try to move us toward. And what I mean by that is to say that the crisis of my title is not just a crisis in Kashmir, it is really Indian federalism, Indian secularism, and Indian constitutional democracy, which all of this is in crisis in a certain sense. Now, what is it that we're really going to be talking about today? On August the 5th, which is I believe 79 days ago now, article 370 of the Indian constitution, which pertains to the status of Kashmir, was struck down in a sense by the Home Minister of India in the Indian Parliament, in the Upper House, in the Rajya Sabha. It was not abrogated. It's still on the books till the end of this month at least. But effectively, he announced that the government intended to operationalize it for all intents and purposes. Now, what is article 370? It's an article of the Indian constitution that actually defines the relationship between the Indian union and the state of Jammu and Kashmir, which is the northern most state of India. This is a particular relationship which grants Jammu and Kashmir semi-autonomous status. And it provides the architecture of the conditions and conventions that will govern the exact ligature between this state and the rest of the union, which sets it apart from the other 27 states of the Indian Union. Also that day on August 5th, the Home Minister announced that Jammu and Kashmir would no longer be a state. It would now be bifurcated into two units. Jammu and Kashmir on the one hand, and the northern most part Ladakh, into another unit. Both would be demoted from states-- from a collective former state to union territories. Ladakh would be governed directly by the center, and it would not have any kind of legislative assembly of its own as a union territory. And Jammu and Kashmir would have its own assembly, but it would still be a union territory under the center's control. So the state was-- the article 370 was effectively set aside. The semi-autonomous character of this prior entity was struck down, and it was bifurcated and also demoted from the state into two union territories. And the further implication was on Article 35 A of the Indian Constitution which sets up certain conditions for residency in Jammu and Kashmir, and then allows only those who are designated residents-- according to certain laws and conditions-- to own property in the state. So in other words, if 35 A goes away, then any citizen of India can go in and become a resident of the state, by property in the state, and start to live there. Now, this is the bare bones of what was announced that day on August 5th. Now, article 370 had been installed as an article of the Indian Constitution because of the conditions under which-- what was the former princely state of Kashmir had acceded to the Indian union in 1947, '48 at the time of independence and partition and decolonization from British rule. So when India and Pakistan were created, it was not only that territories and areas that were directly under British rule chose which new nation state they would be part of, but over 500 former princely states, which were scattered all over the subcontinent, these also had to make their choice on whether they were acceding to the Indian Union or to the new country Pakistan. And most of these decisions were based on what the location of any particular princely state, given the kind of boundaries and borders that were created to demarcate this new India from the new Pakistan. So location was an important factor, but the religious identity of the majority community of any given princely state was also a factor in whether they were going to go with Pakistan or they were going to stay with India. Now, there were three states that had a problematic job of deciding about accession. These were Hyderabad, which is in the middle of the Deccan Plateau in southern India, and was a very large and very wealthy princely state up to the time of independence. Junagadh, which is a small state in what is now the Western state of Gujarat in India, but it's on the border with Pakistan. And Kashmir, which is in the north for both India and Pakistan and sits on their borders. So Hyderabad Junagadh had Muslim rulers and Hindu subjects, for the most part, although in all these states the population was mixed. I'm talking about the majority. And in Kashmir, we had a Hindu ruler and primarily a Muslim population. So the question of accession of these three states continued to be a problem until, literally, the very moment of partition, and this bifurcated independence for India and Pakistan. And eventually, both Junagadh and Hyderabad, through various means fair and foul, voluntaristic as well as enforced, joined with India. And in Pakistan, matters remained unclear because there were about four players in the picture. There was the Maharaja of Jammu and Kashmir, Maharaja Hari Singh, who was a Dogra Hindu. There was Nehru, the prime minister of India, Jinnah, the prime minister of Pakistan, and Lord Mountbatten, who was the last Viceroy of British India, and who was overseeing this process of partition and independence. And there was also a fifth and very important-- you could say, perhaps, the most important player in this. The popular Kashmiri leader, Sheikh Abdullah, who is by some sort of apparent identity a Muslim, but a very, very progressive-- a revolutionary figure, and very, very friendly personally with Jawaharlal Nehru. Also extremely popular with his people who saw the regnant Hindu King, the Maharaja, as a despot and were in favor of the kind of land reforms and other kinds of emancipatory proposals that shake up Dulahad as soon as the moment arrived for independence. Now, for a variety of reasons, including an attack by Pakistani irregulars in 1948 in some parts of Jammu, a closely avoided war between India and Pakistan that had just emerged as new nations and just come out of the violence of partition in the Punjab, as well as in Bengal on the eastern frontier. What ended up happening is that Maharaja Hari Singh effectively signed an instrument of accession with India. And a number of conditions were setup for which we have article 370, including the fact that, eventually, there would be a popular referendum or a plebiscite that would allow the people of Jammu and Kashmir to decide whether this was going to be a final accession, or whether they were going to go for some other option, including possibly independence for Kashmir or accession to Pakistan. I'm talking about the Indian part of Kashmir at this time. And this was all written into the language of the law to say that the constituent assembly-- so India had a constituent assembly to write the Constitution of India, which sat between 1946 and 1949. And in 1950, there was the promulgation of the Constitution of India. Jammu and Kashmir was to have its own constituent assembly. And eventually, it was to be the constituent assembly of Kashmir, which was to decide to take the final call based on a popular referendum, based on their own deliberations, as to what would happen to this, at that time, temporary accession that had been agreed upon by all parties. As it happened, this referendum has yet to happen. You can imagine it's been 72 years since then. And the constituent assembly of Jammu and Kashmir itself was dissolved by the mid to late 1950s. It was then replaced by legislative assembly of Jammu and Kashmir. Sheikh Abdullah and Nehru had a falling out, and Nehru in fact placed Abdullah under house arrest for a number of years. Did not allow him to come out and play a leadership role during the '50s. Nehru died in 1964. So things, rather than being sorted out, were simply put into a kind of muddled cold storage. And things deteriorated, in a sense, from then because this initial promise of taking the people of Jammu and Kashmir into confidence, having their views on board, and then proceeding as to a final future for Kashmir was never realized. And over time, more and more of the Indian constitution was effectively duplicated for Kashmir. Kashmir's autonomy became more notional than real. But that symbolic importance of the fact that article 370 was there on the books should not be discounted. And this has remained very, very important for the Kashmiri people through a number of further trials and tribulations, which I will just talk about. Now, the relations between Delhi and Srinagar remained tense through the '60s, through the '70s, through the '80s. And finally, at the end of the '80s, there was an election in 1987, which was widely believed by Kashmiris, and by many Indians, to be rigged. And around 1989, a movement for self-determination began in Kashmir, which has been running now for 30 years. And this has assumed the shape of a deadly conflict between separatists, independent-- those who favor Kashmiri independence. The Indian state-- those who participate in parliamentary democracy through political parties that function within Kashmir, and take part in the Indian electoral processes, as well as a hidden hand of the Pakistani state that has fed a certain kind of insurgency and rebellion and militancy going all the way into terrorism throughout the 1990s and the early part of the 21st century. So India and Pakistan have actually fought three wars over Kashmir. In 1948, which was a very limited conflict, in 1965, which was a very major conflict, and which established the current lines of control between India and Pakistan on Kashmiri territory. And finally, in 1998 the so-called Kargil war, which is the most recent one in our current memory. And throughout this time, the Indian state has moved in in a very big way with an armed presence. So something between half a million and 650,000 Indian soldiers are stationed in the valley of Kashmir. This number has now gone up to 700,000 in the most recent-- last 2 and 1/2, three months. That's about one Indian soldier to every seven Kashmiri civilians. This kind of military force is not seen-- possibly anywhere in the world, but certainly nowhere else in India. Militants were mostly cleansed. A very small number of them may remain. The infiltration from Pakistan was mostly stopped through a very bloody conflict, some 60,000 to 70,000 deaths and disappearances have been recorded in official figures of Kashmiris in this entire conflict of the last 30 years. And there has effectively been a much diminished, practically non-existent democracy in Kashmir, effectively, for the last 30 years. Although there have been at least two major Kashmiri parties that have notionally represented the Kashmiri people. The PDP, the People's Democratic Party, and the national conference, which was started originally by Sheikh Abdullah. And since 2018, actually, there has been no popularly elected government. In place, the state is now under governor's rule. So when August 5 the announcement was made, consent was not taken from the J&K legislative assembly because there was no legislative assembly in place. It was already under governor's rule. Consent was taken from the governor, but the governor is a representative of the central government temporarily in place until such time as an elected assembly is restored. So effectively, the central government took permission from itself, in a sense, to abrogate the semi-autonomous status of Kashmir that day. Now, this is one thing, right? Bifurcation, the abrogation of the article or the other-- the de-operalization of the article . All of this is to one side. But the way in which this was done, and the way in which this is continuing is that all communications were completely cut off for the state, for the valley especially, from that day to this. And so mobile telephones, landlines, some of these things have now been incrementally restored. The internet, television, newspapers all completely locked down and shut off. This is unprecedented, certainly unprecedented in India, although Kashmir frequently has curfews and various kinds of internet interruptions throughout the last few years because of the conflict. But this is something completely new. Severe restrictions on assembly and on movement. No ability of the local press or the national press or the international press to go in and to report what is actually happening. The fact that people cannot even get to hospital, can get to school, cannot get to the banks and the ATMs, absolutely cannot move around. Kashmiris don't even know what is happening within Kashmir. As of midnight, August 4th, 5th, most Kashmiris were not aware of what had been announced vis a vis their fate with Article 370. And it was it was only last week that restricted mobile telephony was reintroduced. A few landlines had been opened up a couple of weeks before that. But there's still no freedom of press, absolutely no information, no internet works there. And I should tell you that I go to Kashmir very, very frequently, and I have family there. And the internet is always a problem in Kashmir, but people just work around it. It's like being in China or Iran or something. They use VPNs, they use proxy servers, they have all kinds of ways and means. People are always online. In fact, Kashmiris are very active online, and that's one of the ways in which they politically organize. But at this moment, I believe using extremely cutting edge Israeli technologies, there is no internet to be accessed by anybody by any means. So there is no getting around that. And this kind of complete information black hole is absolutely unheard of, certainly in the world's largest democracy, but also in the context of Kashmir, which is already a very warped and particular kind of context at least for the last 30 years. There has also been a pre-emptive arrest of Kashmiri leaders from the lowest level of the neighborhood and the block and the municipality all the way up to the states party leaders of all parties. They've been arrested-- either placed under house arrest or sent off to jails. There's no place in the Kashmiri jails, so many of them have been sent to jails in other parts of India. Taken out of the state. There's been a complete restriction on the ability of anyone to get out and drive or go from point A to point B, except in very, very restricted parts of Srinagar, the capital. Those that are close to the airport, for example. But nothing beyond that. Certainly nothing in the villages and towns spread all over South Kashmir. And this kind of indefinite state of emergency, this complete and entire information blackout-- the state of exception to the rule of law. And the militaristic edge to it with bringing in 50,000 more troops to the already swollen numbers in the valley, has obviously created an unprecedented crisis of human rights, of free speech, of civil liberties, and of basic democratic assumptions that are actually enshrined in the Indian Constitution for everyone, including for Kashmiris. So naturally, there has been an international outcry. Of course, from Pakistan, but from other countries as well. Just yesterday there was a congressional hearing. You may have read about it, where Indian and Pakistani journalists and activists, all of them women as far as I could gather, spoke up. And Ilhan Omar intervened quite strongly. You've been following the American press on this. You've been following the Pakistani press. And it's been a crisis like we haven't really seen of international proportions, mainly because India and Pakistan are nuclear armed. We have already fought three wars over Kashmir. There is already a Pakistan controlled part of Kashmir and an Indian controlled part of Kashmir. And now, the entire conflict is out in the open and internationalized in a way that it has not been, actually, up until this time. Now, one of the things that has been operational in Kashmir-- it also holds in other parts of India, including in the Northeast where we have a lot of separatist and insurgent movements, kind of sub-nationalist movements of a variety of kinds in the far Northeast, the seven or eight states over there-- is the Armed Forces Special Powers Act. The AFSPA, which effectively provides impunity to the armed forces, to the army, to the paramilitaries, to the local police as far as arrests, detentions, interrogations, torture and human rights abuses, which are well-documented. And Kashmir has become notorious for encounters and disappearances over the last 30 years. So this has been a big part of the story which cannot be discounted. Especially from the Indian government's point of view when it says that, now taking away this autonomous status is going to move us towards solving all of these problems by taking away the quotation marks around the inclusion of Kashmir into the Indian Union. Now, a big part of what is happening has to do with the nature of the population in terms of religious identity. Kashmir is a-- it has both Hindu and Muslim and Sikh and Buddhist populations. And in this, it is like almost any other part of the subcontinent. Historically, the earliest rulers in Kashmir were Buddhist, and they became Hindu, then they became Muslim, then they finally became Hindu again, but from the lower foothills-- from the Jammu region, the Dogras. And then became post-colonial Indian state, which is of multi-religious and multi-ethnic character. And a secular state, at least on the books. So the bifurcation now into a largely Buddhist Ladakhi population, a Hindu population in Jammu-- primarily Hindu, and a primarily Muslim population in the valley of Kashmir, though they are still tied together because it would be too complicated to separate them out. That already has ominous implications for how populations are going to be organized in a country that does not recognize religious identity as a principle for where you live, where you move, and what your rights are as a citizen of India. But also in the picture is a historically important Hindu Pandit minority in Kashmir, which has been there for centuries. And which has been, really, a victim of the heightened conflict since the early 1990s. The Pandit population, which was very small relative to the Muslim population of the valley of Kashmir, was largely either driven out or encouraged to leave or are left in a kind of exodus. So a combination of exodus, exile, and fleeing. Many Pandits ended up in internally displaced camps in Jammu, in Delhi, in other parts of India. And they have been done by on all sides in the sense that they were not rehabilitated to their homes in the valley ever. They were not properly integrated and assimilated into the larger Indian mainland as it is called. And they have been continually manipulated by the Hindu right in terms of amping up their difficulties with Kashmiri Muslims. Now, among Pandits, there is a group that emphasizes their Kashmiri identity over their Hindu or Muslim identity. And there are those who simply think of themselves as Hindu Indians, and in an antagonistic relationship to Kashmiri Muslims who may be seeking independence from India. So this problem completely-- is in a kind of hiatus. It's not been resolved. What happens to the Pandits under this new dispensation, or wherever it is that we are heading, in the new dispensation, is not at all clear. Although there has been very bellicose talk about large numbers of Indians-- especially investors and hoteliers and so on-- moving in, buying up land in Kashmir. The kind of language of occupation and settlement that we've seen in other parts of the supposedly democratic world, which we have not heard before in India. So analogies are now being made with the Turkish treatment of the Kurds, with the Israeli treatment of the Palestinians, and with the Chinese treatment of the Uyghurs, as far as the Indian state and the kind of positions that it is now beginning to take vis a vis the Kashmiri-Muslim population. So I need to wrap up, but I just want to say very quickly-- and I have certainly not touched on many, many important facets of this problem-- that the implications for India really boil down to this. Are we as a democracy openly moving from a secular democracy to a majoritarian definition of Indian democracy? From being multi-ethnic, multi-religious, diverse, plural, and inclusive, is India moving towards redefining itself as a Hindu nation under the leadership of a right wing Hindu nationalist party, which has an overwhelming majority as it won the recent elections in May 2019. There is a danger to the long standing federal structure, to democratic rights, and to the secular character of India as enshrined in the Indian Constitution, which is one of the most enlightened constitutions of the world, if I may say so, and was prepared by Doctor Ambedkar, a large constituent assembly, with the support of Jawaharlal Nehru and others at the time of independence. Drawing from the American Constitution, the French, and the British systems and revolutions, the Irish Constitution, all available democratic resources at that time, and Republican resources as well. A very, very capacious document is now in danger. Implications for freedom of assembly, freedom of movement, freedom of speech and expression, for the robust nature of the media, of information, and of the press in India, which has always been multilingual and very, very boisterous and outspoken and largely free. And implications for the use of military power within a democratic nation state. Why do we have these zones of exception where it is effectively the army that is running things on behalf of the state? What does that do to civilians rights, and how does this bode for where it may be extended to other parts of India? It has already been seen in the Northeast, and in other moments and passages in India's history when there was a militancy in Punjab, for example, some years ago. And finally, I think something that Sital mentioned-- I mean, we can also talk about the implications for the nuclear balance of power and the geopolitics of South Asia given Pakistan and India's relations and their nuclear arms. But I won't do that at the moment. I just wanted to say that looking at the overall state of minorities in India, especially Muslims, new structures of mass enumeration and population management. Bio-political structures like the National Register of Citizens. The Aadhaar Unique Identification System, which is a new thing for India. Bringing up and problemitizing the citizenship of many, many populations. Creating new forms of non-citizenship for stateless persons, refugees, illegal immigrants, and so on. And even building detention camps for these newly defined populations of non-citizens. These are all developments that are unfolding this year, now today, in India. And they have to be seen together with what is happening in Kashmir, I think. Because a case is being made to move the very definition of what kind of country India is, what kind of democracy it is, what kind of citizenship it allows to all. That case is being made. And I think, just as Gujarat had functioned as a laboratory in the early 2000s, Kashmir is now functioning as a laboratory in India in the late 2010s. And this is very, very alarming for Indians, as for Kashmiris I think. Of all variety of persuasions. So I think I'll just stop here. Maybe one last thing I wanted to say is that a lot of what is underway has been challenged in the courts. And the Supreme Court is expected to step up and play a part. But again, there's a complicated balance of sovereignty and powers between the elected legislative arm of the government, the executive power, which resides in the president and governors. The courts, the judicial system, and of course, the popular will, right? And as we move towards populist authoritarian [INAUDIBLE] forms of government, judicial activism is also on the wane. And this has been seen when there's such an overwhelmingly elected popular government, which has a very large majority. It can effectively ride roughshod over these checks and balances, right? But whether it can breach that last bulwark of the Constitution itself, that is what is at stake, I think, in the name its majority vote. Can it do that? Can it go in and make fundamental changes to the Secular and Federalist character of the Indian Union? That is the question. That is what is being tested. We are already 80 days into this situation. And it's really a new turn after more than 70 years of independence in the politics of Indian Democracy. So I'll just stop there. I know we're short on time, and I'm happy to take questions. If they're a very legalistic nature, then I will allow Sital to answer them. AUDIENCE: [INAUDIBLE] community. And right after a partition, they had to flee. My mother has only been to Kashmir once when she was 18. My father was not born in Kashmir, he's never been there. I've never been there myself. Out of my four grandparents, three of them are dead. My great grandparents they all had to flee. And they've never been able to go back to Kashmir. And often what we find is that a lot of Hindu right wing groups are using the experience of the Kashmiri Pandit community tokenizing them. Trying to use it-- justify that hey, we should go back take over Kashmir. It rightfully belongs to India. And I notice that amongst the Kashmiri Pandit community, you do have a lot of people who are saying that, oh, maybe it should be an independent state. But my question is here that-- the fact that the British were the ones who came over, they separated India into a Muslim majority Pakistan, Hindu majority India, suggesting the idea that Hindus and Muslims cannot live together. When, in reality, if we look at history on Hindus and Muslims different religious groups were able to live peacefully together side by side. What I'm wondering is why hasn't anyone ever thought about maybe uniting India, Pakistan, Bangladesh together? Removing religion out of the government, and having people live together side by side, or what can be done to-- ANANYA VAJPEYI: Actually-- [INAUDIBLE]. Well I mean, you raise some important issues here. Although I don't know that we can discuss them all. You raised the question of the two nation theory. You raised the question of partition. And the inherently mixed character of [INAUDIBLE] has called the subcontinent the most diverse place on earth, and it is. We have every major world religion represented, every language literally spoken, and so on and so forth. That actually is the question, that today there is a desire on the part of the popularly elected Indian government to redefine the Indian nation from a multiplex, multi-various, multi-ethnic entity to perhaps a kind of majoritarian, ethno-nationally homogeneous entity, which they call the Hindu Rashtra right? And in fact, if you look at the RSS-- the RSS is this sort of far right Hindu organization, which is the parent of the current ruling [INAUDIBLE] and the party. And in their vision, in the kind of maps they draw, they include everything from Afghanistan to Myanmar as part of what they call a [INAUDIBLE], meaning un-divided India. But not in a good way. Not in the way that you are suggesting. Yeah. So they are the only ones who are speaking this language. Long after we've been through the world wars and the moment of decolonization and the formation of these multiple nations along different principles. But as far as the Indian nation state is concerned, the Indian Constitution is concerned, the founding of India, the Indian founding fathers and makers of modern India and their vision, it was never supposed to be a country that excluded or victimized or rendered second class citizens. Any minority, no matter how small. And it is supposed to be a robust multi-party democracy with many voices. And with the capacity to deal with difference, both historically as well as politically. So I think the fact that this is not happening now, and that the state is putting its energies behind shutting down that kind of diversity and dissensus is very difficult. And Pandits are one part of this much larger problem, which affects many kinds of minority populations. AUDIENCE: [INAUDIBLE] ANANYA VAJPEYI: I got it. AUDIENCE: Who won't be able to engage in forms of judicial activism when it comes to Kashmir. Speaking for myself, and I assume other people in this room who are interested in working in development in India, is there a way to work in development that seriously considers the state of the minority in India, especially as it relates to how the government in a lot of ways has been overlooking the state of Muslim minorities in India? ANANYA VAJPEYI: Shouldn't I-- do you want to take a few? SITAL KALANTRY: [INAUDIBLE] AUDIENCE: Right. So you mentioned that when article 370 was formed, there was an agreement between the Mahajan and the Indian government, and it included a referendum. So was Kashmir ever close to having a referendum, and if not, how has the Indian governments resisted making way for that? SITAL KALANTRY: [INAUDIBLE] AUDIENCE: I don't mean to shift the focus away from Kashmir, and I think that should be central in all these analysis, but it seems to me there is another dimension to this. And that is the rise of what you can call fascist culture. Lynchings have become very common, and they're not just lynchings of political dissidents. They are also of people from the subordinated castes. And obviously, Islamophobia is at the center of the majoritarianism, so majoritarianism itself is probably not as specific a term as Islamophobia. Now, if one acknowledges that-- and I don't know if you have any disagreements with that approach- then the picture has to be broadened. Whereas, the US-- the saying that's common here, follow the money. What's led to the rise of this kind of Hindu to a power? Is it all from within the subcontinent? I doubt it very much. I mean, there is enough evidence that there's money pouring in from North America. There's also the connection that you talked about, which is Israeli arms sales, but also sales of know-how, right? So that's another kind of picture. Then Kashmir becomes one stage of a complete takeover of an attempted demolition of the democratic nature of India. But that would be a huge crisis for the world, not just for South Asians. ANANYA VAJPEYI: Should I take those? Well, thank you all for your thoughtful questions. I think if you wanted to go in and do development work with minorities, this is possibly the worst time to try to do that. If you are looking for a visa, if you're looking for a research permit, if you're looking for organizations that are being allowed to function in dealing with minority populations and their problems, it's become a very, very restrictive regime. And access is becoming difficult by the day. So I don't know. I mean, maybe this is something the Indian Law Center can think about. How do you develop methods of thinking legally and intervening in the legal discourse, and helping provide those who are fighting on the inside with resources to make better arguments to the Indian courts? Because what is happening at this moment is that everybody's trying to just stay in the same place without allowing things to reach any kind of tipping point. So hearings are not being scheduled, right? They're not admitting a lot of these cases, or letting them come up for hearing. The idea is to let time pass to bide your time. So that certain political arrangement becomes settled before matters of the law have to be decided, right? This seems to be where we are heading with what is happening in the courts as far as these very problematic political decisions are concerned. Nor is it the court's remit, actually, to make political decisions. But it can restore the balance if it's tilting too much in one direction. But this is really a difficult time as an outsider to try to go in there. And I have nothing encouraging to say to you, honestly, except do your homework while you still have the internet. And you are sitting here, and you are empowered in so many ways pedagogically and just in terms of sheer freedom to think and write and do your research, and to find the facts, right? As far as this referendum is concerned, I mean, this is the holy grail, right? That were there ever to be a referendum-- I mean, it's not been reduced to an absurdity like Brexit, right? I currently am living in England, and I think to myself, my god, if this is what a referendum means then God help us. But the fact is the basic denial of the right to self-determination, right? Now, India is a country that was created by the likes of Mahatma Ghandi on the principle of Swaraj, which is self rule, right? And that has fundamentally always been denied to the Kashmiri people for whatever reason. Whether it is security or geopolitics or its communal politics or it's just the sheer kind of domination over a small population, which has its own ideas about its own history and so on. So this referendum has not happened. This tabling of the problem at the UN has not happened. There's been no kind of significant international mediation. There's been no significant escalation of a dialogue process between India and Pakistan and taking the Kashmiris into account-- a kind of three-way conversation where they could work things out. All of these steps have either not been taken or they have failed. And I think everyone is responsible for pushing the Kashmiri population into this kind of black hole where they now are, where they really don't know what's going to happen to them. Sital, I couldn't agree with you more. I mean, I just feel-- [INAUDIBLE] last week spoke at a South Asia conference, and my entire speech was about lynchings. Because to my mind, the violence against minority citizens, especially Muslims and Dalits, the weakest of the weak, open violence, mob violence, spectacular violence, in tandem with state led moves like the creation of these detention camps, like the creation of these mechanisms for counting citizens, and then counting non-citizens as citizens out. I mean, to my mind, this is how majoritarianism becomes politically commonsense, right? This is the new normal that daily lynchings of minorities are acceptable. That they're not legally actionable. That they're not morally alarming. That they don't bring to a complete standstill our idea of what India is, right? So I think lynchings are absolutely central to the conversation. And as I was, perhaps, trying to suggest that Kashmir is one site for the same conversation about what majoritarianism is all about, and how it's bludgeoning its way into the definition of the Indian nation as such. And this is happening in other parts of the world. This is happening everywhere. There's a wave of these right wing extremist majoritarian leaders and governments everywhere. But the fact that India, too, would go that way seems very hard to take given the liberal secular and truly democratic character of the Indian constitution, and the ideals which are enshrined in it. And the fact that we've had a pretty robust democracy so far. It now seems really very much in peril, and I agree with you. Now, as far as the origins of Hindu to Hindu is the ideology of Hindu Nationalism espoused by the [INAUDIBLE] party, as well as its political and cultural affiliates. Together call the song [INAUDIBLE] or the family as it were. And these ideas are definitely fascist in character. They openly draw from the writings of the early fascists in the early 20th century. They draw from an admirer of the Nazis and the Italians. Hitler and Mussolini are undergoing big revivals as historical heroes in main popular discourse. And you know Pankaj Mishra has written very persuasively about this. The co-creation of certain fascist ideologies, both in India and in the west in the early part of the 20th century. The RSS was created in 1925. It's just going to celebrate its centenary. And for the longest time, the RSS was in the doll house. It was not part of the political mainstream in India during the nationalist movement, during the anti-colonial movement. After the assassination of Mahatma Gandhi in 1948 at the hands of Hindu Nationalists, it was almost completely banned and looked upon as not being part of the national conversation. But over time, it has now captured the national mainstream, right? Now, whether this is being orchestrated somewhere outside India is not known to me or not clear to me. I think there is enough of a history within India of the build up over 100 years of this organization and its ideology and the popularization-- the genuine popularization and mass acceptance of Hindu ideology in India, right? It's hard to argue with the numbers when it comes to elections. And you know this in this country, right? We the people elect such leaders. Now, we have to understand what it means for our future capacity to even have elections, to even continue a democracy, to continue to hold on to some sense of self rule and representative government once we have installed such figures in positions of power. So this is something which we are dealing with all across the democratic world. And I, personally, don't see it as a conspiracy that is originating in US Imperialism or any kind of Western Imperialism. I think the roots of nationalism were always already modeled with fascist tendencies. And all of that is coming home to roost, even in India. SITAL KALANTRY: [INAUDIBLE] So I don't want to keep people anymore. There might be a couple of questions, you're welcome to come and ask Ananya, but I would at this point just invite you to thank her for being here. [APPLAUSE]