

Jammu and the Amarnath Land Agitation

Amarnath pilgrimage is conducted for about 40 days between July and August in the southern part of Kashmir to pay reverence to the naturally forming ice stalagmite, which is perceived as the incarnation of Lord Shiva. The cave is located at an elevation of 13,500 feet and can be reached from the traditional route from Pahalgam and the shorter non-traditional route from Baltal. In the earlier years, yatra was undertaken over 15 days primarily by *Sadhus* and a few civilian ans. The number of pilgrims would not exceed a few thousand people. With the advent of the 1990s, the demographics of yatra changed, and lakhs of yatrīs began participating from many regions of India. In the year 1996, a freak-weather natural disaster resulted in a large number of fatalities, creating momentum for the creation of a Shrine board for the effective and smooth running of the yatra. Jagmohan, the former governor, had conceived the idea of forming a shrine board for Amarnath, similar to what was achieved for the Vaishno Devi shrine in the Jammu region. The report, *Amarnath- A Militarized Pilgrimage* (2017), highlights how the move was conceived during the President's rule. The blueprint envisaged the formation of a statutory body called SASB Shri Amarnathji Shrine Board (SASB). It was mentioned in the blueprint that the Governor would chair the board. However, the shrine board could not be formed in 1986 as the governor's rule terminated before it could be established. In the coming years, the state government organised the yatra with local people's assistance for logistics. The Shri Amarnathji Shrine Board (SASB) was established in 1996 by an act passed by the Jammu and Kashmir Legislative Assembly. According to the Act (2000)¹⁰, "the governor of the state of Jammu and Kashmir would be the e-officio chairman of the board if the governor was a Hindu. If he is not a Hindu, he could nominate a person who is a Hindu. The Army and Central Reserve Police Force controlled the security functions. Between 2005 and 2008, several attempts were made to construct the Yatra's infrastructure. In 2008, the state cabinet approved land transfer for infrastructure construction. This resulted in widespread protests

10 The Jammu and Kashmir Amarnath Ji Shrine Act 2000.

in Kashmir from June 2008 to August 2008. This land transfer in the fragile ecological belt was seen as a long-term conspiracy to engineer change in the demography of the Kashmir valley.¹¹ The chief executive of the SASB, Arun Kumar, responded to the raging agitation as a disinformation campaign provoked by certain sections of media and communal propaganda launched by separatist groups. SASB insisted they had every legal right to raise the prefabricated structures and that the land transfer was permanent.¹² The problem with the Amarnath Land controversy was not only the rigid and chauvinistic attitude of the outgoing Governor but also the sinister designs to communalise the situation and hamper the ecological balance of the place. There were also concerns about the involvement of locals and their right to traditional jobs during the pilgrimage and the threat to ecological balance created by the extension of the yatra. The controversy triggered massive polarisation, with the political mainstream and separatists echoing the same narrative. Barring the Congress, all other mainstream parties and groups, including the National Conference, Peoples Democratic Party and the Left, came out against the land transfer deal. Given the volatile attitude of the administration, the state got actively involved in a religious affair. The land agitation eventually caused the fall of the coalition government, where PDP took a tough stance when its patron demanded the cancellation of the land diversion order. On the other hand, appeasing the PDP was not an option for Congress as it could have proved counterproductive with its Hindu vote bank in Jammu.¹³ Kashmiris saw the land transfer and establishment of permanent structures as a cultural and political threat to the region, intended to dispossess residents of their land and natural resources. A sustained movement took up against the land transfer. Massive violent protests erupted across the valley against the land transfer, resulting in the complete collapse of authority. The order about land transfer was eventually revoked on 30 June 2008, and the Action Committee against Land Transfer (ACALT) announced the end of the

11 *The Kashmir Times*, dated June 10, 2008.

12 *The Kashmir Times*, June 17, 2008.

13 *The Kashmir Times*, June 22, 2008.

strike in Kashmir Valley. The right-wing organisations equally resisted the cancellation of the land transfer order. The resistance was clubbed in the Shri Amarnath Yatra Sangharsh Samiti (SAYSS) formation. The Hindu right-wing organisations, Kashmiri Pandit groupings and other social and cultural groups deemed the cancellation of the transfer order as unconstitutional.¹⁴ The condition went out of hand, and the curfew had to be clamped down in the province, and the army had to be called out. As a form of protest, bandhs, suspension of traffic movement and an economic blockade were enforced in Jammu to suffocate Kashmir. As a result, the Chief Minister had to resign, and the Governor's rule was imposed in the state. Bidwai (2008) writes the fall of the Congress-PDP coalition government, the first of its kind in J&K, was a setback to the cause of moderation and political reconciliation in the long-troubled and restive state. This is one of the many casualties extracted by the transfer of forest land to SASB and the subsequent violent process. The crisis has taken an even greater toll in the form of the collapse of the political normalisation process, the revival of intolerance, and the assertion of regional or communal-based identity. The first economic blockade, which clogged up the National Highway, was started on June 23rd. The second blockade was started on July 22nd. Angry protestors burnt vehicles and, in a couple of instances, attacked Kashmiri drivers. One of them was brutally burnt alive. Horticulture, too, was adversely affected as the agitation came at the time of fruit harvest, thus resulting in heavy losses for Kashmiri traders. Furious over the blockade of the Srinagar-Jammu highway in the peak fruit season, the apex body of the Kashmir Fruit Growers Association decided to cross the Line of Control through the Srinagar – Muzaffarabad road with their trucks carrying the fruit.⁸⁸ In retaliation, the 'BJP gave Quit Jammu' call and its cohorts against Kashmiri Muslims who resided in Jammu. On August 11, traders in the valley protested against the blockade and called for a March to Muzaffarabad, the first town across the Line of Control. During the march, a senior Hurriyat leader, Shiekh Abdul Aziz, was shot as he tried to lead the march. On

14 <https://www.hindustantimes.com/topic/shri-amarnath-yatra-sangharsh-samiti>. Accessed February 2018.

his funeral, more than 300,000 joined and the procession was again met with state violence. However, the yatra continued in full swing, and not even a single yatra was attacked by Kashmiris. The agitation greatly impacted the assembly elections in the state, with the Bharatiya Janta Party using the agitation as a plank to widen its base in Jammu. The polarisation could be gauged by the national leadership of the Bhartiya Janta Party jumping into the fray. The then BJP president Rajnath Singh announced that the agitation over Amarnath shrine would be extended to the entire country, and the party's senior leader, Lal Kishan Advani, said that the issue would also figure in the Lok Sabha election. Eventually, an agreement was reached between SAYSS and the government. The aftermath of the controversy left irreversible consequences on the relations between Jammu and Kashmir and implanted a sense of vulnerability in the Kashmir valley.

After the traditional routes that worked along the river Jhelum had been closed in the aftermath of 1947, the only road access the valley had to the rest of the world went through Jammu. The difficulty of accessing the markets abroad became more prominent for a Kashmiri trader. The Jammu traders also realised the shortcomings of doing business at the cost of politics. Jammu traders alone suffered a loss of 500 crore rupees. An interview with a senior Jammu Traders' Association member revealed they were invited to be part of the SAYSS. "We did not know initially how politically motivated the movement was, but as soon as we realised it, we did not want our business to be at stake. We tried convincing the SAYSS that a blockade like this would result in the closure of our only market, which is Kashmir. SAYSS did not yield, so we withdrew our participation. The polarisation also shook the Muslims based in Jammu as how the Hindu right-wing organisations like VHP, RSS, and Bajrang Dal had prepared the ground in the Jammu province. The educated class found space for asserting themselves in rallies where the trishuls were carried openly. The symbols of protest at the SAYSS's rallies were reminiscent of militant Hindu symbolism, making the Muslim population insecure. The fissures created by the blockade could not be filled even after almost ten years. It is not simply a question of economics but also the state's

social fabric, which has been severely damaged by the protests taking a communal form¹⁵.

Interestingly, Kashmiri Pandit bodies like Kashmiri Pandit Sabha argue the issue was different from how the constructions at Baltal could have eased the yatris. Instead, it was about making the outsiders stakeholders. The insecurity of service providers who saw the complete takeover of the services industry by outsiders could have been resolved if Kashmiri Pandits were dealing with these issues, said K.K Khosa, a member of Kashmiri Pandit Sabha. The Amarnath Land transfer revealed sinister designs with graver implications. The problem was not only the rigid and chauvinistic attitude of the Governor, Lt General Sinha, who polarised the situation on communal and religious grounds.

Additionally, the administration locked horns by straying into the political domain with the sweeping generalisation of seeing any criticism of the move as communal. This was indicative of the unabashed sectarian behaviour coupled with an irrepressible tendency to usurp the administrative authority of the political executive. Moreover, there have been constant attempts by the Hindu socioreligious originations to prolong the duration of the Amarnath yatra, which goes against the recommendations of the Sengupta report¹⁶. In 1996, a Public Interest Litigation was filed by Swami Sachidanand against the state government of Jammu and Kashmir, demanding the Baltal route be kept open throughout the lines of the Vaishno Devi Yatra. However, it is not logically achievable given the weather and the specific time of the pilgrimage. Increasing the duration of the yatra would mean tampering with the region's fragile ecology. However, SASB has always been more accessible to the Hindu socio-religious organisations who have constantly demanded an

15 Interview with Shakeel Qalandar, President of Kashmir Chamber for Commerce and Industry, dated 3 June 2017.

16 Enquiry Report on Amar nath Yatra Tragedy (1996), Department of Jammu and Kashmir Affairs, Government of India by Nitish Sengupta called for regulating the number of pilgrims and the period of the yatra. He also elucidated that the carrying capacity of the pathways leading to the holy cave shrines is minimal, so the influx of yatris has to be controlled.

increase in the duration of yatra and rejected any attempt at putting a restrictive cap on the number of pilgrims visiting each year.

BJP/PDP Coalition and its Impact on Jammu

In a dramatic turn, the Bharatiya Janta Party secured 25 seats in the Jammu Kashmir Legislative Assembly elections (2014), claiming contesting nationalism visible to any observer. It is pertinent to mention that all 25 seats were secured in the Jammu division alone. This also brings into focus the debates around Article 370 and the plan of trifurcation of the state. It is also essential to understand that the Dalit assertion in an otherwise upper-caste Hindu-dominated area of Jammu is minimal because the caste concerns have been relegated to the background because of the threat from the Muslim other. Chowdary (2014) writes that the assembly elections of Jammu and Kashmir surprised everybody with the massive participation and the performance of the BJP. The election changed the dynamics of the state's internal politics.

The political baggage of the BJP ran counter to the ideological soft-separatism of the PDP. In the BJP's nationalist cosmology, removing Article 370 of the constitution is fundamental. On the other hand, the political imagination of a party like the People's Democratic Party (PDP) is entirely enshrined in the principles of soft separatism. PDP couched its agenda in quasi-separatist language, advocating change in New Delhi's relationship with Kashmir. Even self-rule was first coined in 2005 by the then-President of Pakistan, Pervez Musharraf. The PDP adopted it in January 2006 in a different form and context. The party aimed towards constitutional restructuring, rescinding central laws that curtailed Jammu and Kashmir's autonomy and reclaiming the titles of Prime Minister and President, respectively. These proposals are nothing less than an aversion to the BJP. Chaudhary. R (2015) explains that "the PDP is a product of a political situation developed in Kashmir in the last two decades, and it reflects an inappropriateness that persists in the region between the need for democratic governance and separatist sentiments."