

RESEARCH ARTICLE

# Confronting the Indian State: Islamism, secularism, and the Kashmiri Muslim question

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## Abstract

This paper investigates the framework of Islamist politics of Jama'at e Islami in Indian-administered Kashmir. Even though Jama'at e Islami creates the notion of "other" in the Indian state and challenges it but Kashmir's provincial relationship with India also forces it to work within the limits set up by the same state. This paper, thus, conceptualizes the relationship between Indian state and Islamists in a Muslim Majority region that demands the right to self-determination. In doing so, the paper interrogates Jama'at e Islami's rhetorical opposition to the political doctrine of Indian secularism and raises queries about minority rights and their place in the Islamist project.

**Keywords:** Islamism; Jama'at e Islami; Kashmir conflict; Kashmiri Muslim Question; Secularism

In Indian-administered Kashmir, a majority Muslim society ruled by an unpopular secular regime, the Islamist organization Jama'at e Islami has a long history of antagonism with the state. Formed in 1946, the organization quickly found its political impetus, deciding that it would "not accept the forced accession with India. It [would] continue to resist [the Indian state] so that [the Kashmir] issue is resolved according to the UN resolutions."<sup>1</sup> This politics has brought Jama'at e Islami into direct conflict with the Indian state. As recently as February 2019 – and for the third time in its history – the organization was given a 5-year ban by the Government of India; an act it sought to justify through allegations that Jama'at e Islami provides support to insurgents in Kashmir, and intends to carve an Islamic state from the territory of India.<sup>2</sup>

This understanding of Jama'at e Islami's political project is deeply parochial. There is much, moreover, to support the view that the ban is part of an attempt by India to stifle any channels of Kashmiri resistance. At the same time, though, it is evident that throughout its history Jama'at e Islami has viewed the Indian state in oppositional terms. Through a detailed look at the organization's politics in its early decades, this paper aims to evaluate Jama'at's political project in the disputed region of Kashmir. Both due to that disputed character, and to Kashmir's provincial relationship with the Indian state, this project also operates in the broader Muslim minority context of Indian society and politics. This paper thus attempts to analyse how Jama'at e Islami used the marginalization of Muslims, alongside Islamist rhetorical opposition to the doctrine of secularism, to counter the political secularism of the Indian state.

The aim is not to provide a comprehensive critique of secularism, but to demonstrate that, for those who adopt Islamism as a resistance ideology, secularism is at the heart of the Kashmir dispute. In exploring these issues, the paper also necessarily extends into the question of what it means to be a

<sup>1</sup>Kashmiri 1991, p. 27.

<sup>2</sup>Ministry of Home Affairs 2019.

Muslim in Kashmir and debates why Kashmiri Muslims should not be seen as politically interchangeable with their Indian co-religionists. I frame this as the “Kashmiri Muslim Question.”

Organizing this work, I have modelled its structure on the basic features of Islamist politics. The first section discusses the “Argument”: the Islamists’ ideal vision, which directly invokes Islamist ideologies and focuses on how they would like to engage with society. The second section analyses the “Rhetoric.” It is generally here that Islamists face their first contradiction, as they begin to deal with established political paradigms (e.g. the nation-state) and articulate a politics that is closest to their ideology. Knowing that there is very little that they can offer in substantial terms, they engage in debates where their positions are shrouded under the language of Islam. No clear-cut answers are provided. The third section analyses the “Politics.” It is here that Islamists bend their programmes to the contexts in which they have to operate, often revealing contradictions with their original programme. Intellectually and politically sophisticated, this feature typically reflects local socio-cultural conditions, the religiosity of Islamists and more importantly their desire to change the consensus in their respective societies.

As the history of the Jama’at e Islami network in South Asia is both complex and historically changing, it is necessary to provide a note on the parameters of this work.<sup>3</sup> Given the disputed nature of the erstwhile Dogra Kingdom of Kashmir, two organizations of this network operate independently in Indian and Pakistan-administered Kashmir. Neither have any affiliations with Jama’at e Islami Hind (operating in India) or Jama’at e Islami Pakistan. Existing studies of Jama’at e Islami in India and Pakistan seldom focus on these offshoots in Kashmir, limiting their coverage to a passing comment or footnote, thus manifesting the distinctiveness of the Islamist movement in the region. The little scholarly attention the offshoot in Indian-administered Kashmir (the focus of this study) has received is in studies that focus on the insurgency in the region (1989–present) against the Indian state for the right to self-determination. Indeed, the insurgency years (particularly, from 1989 to 1997) elevated Jama’at e Islami’s role in the politics of Kashmir. For decades prior to the insurgency, the organization was a marginal force, focusing its energies on a low-intensity Islamization drive and anti-state rhetoric.

Beginning in 1969, Jama’at entered electoral politics under the pretext that this would help expand its base. In 1971 and 1972 respectively, the organization contested the Indian national and local elections, but was successful only in sending its members to the local assembly. However, this development meant that it also quickly cultivated political enemies, which, paradoxically, further reduced its influence by creating the conditions for its first ban in 1975, which ended in 1977. Its emergence as a force to be reckoned with only came in the 1980s in the midst of a global resurgence of religion. Jose Casanova emphasizes that religion went public in that decade and became a key vector in political conflicts globally.<sup>4</sup> With religion playing an increasingly important role in neighbouring regions, Kashmir experienced its own resurgence of religious interest. This hugely benefitted Jama’at e Islami and provided the momentum to revive and broaden its politics – especially before and during the 1987 elections for the local legislative assembly. It was in this decade that Jama’at was arguably at its strongest and began to influence a new generation of Muslims in Kashmir, aided by a climate of constrained political expression and state repression of democratic aspirations.<sup>5</sup> The power this decade brought to Jama’at e Islami led many in the organization to believe that both a shift in its project and strategy was required, which explains its overtures towards insurgency in early 1990s.

A more obvious reading of this history might be that Jama’at e Islami shifted its ideology in response to the changing political reality over the course of the decades. Yet, a more nuanced interpretation is that the framework that Jama’at e Islami adopted in its early years (1946–1970) allowed the organization to take multifarious positions later on without ever fully betraying its core ideology. Thus, the following sections attempt to gain a more layered understanding of the complex politics of Jama’at

<sup>3</sup>For a succinct but brief introduction to Islamist politics in South Asia, see Ahmad 2013, pp. 324–39.

<sup>4</sup>Casanova 1994.

<sup>5</sup>For a theoretical understanding of this see, Ganguly 1996.

e Islami through its engagement with Indian secularism. In doing so, the paper argues its case using original documents published by the organization, biographies, and other essays written by Jama'at e Islami members. In terms of the demography that this paper is concerned with, I focus on Muslims living in the valley of Kashmir – the main support base of Jama'at e Islami. Its members are not much different from the rest of the population, especially in terms of their economic position. They belong to the lower middle-class income group and come from educated urban and rural backgrounds.

### Constructing the other: *Taghut*, the Indian State, and *Jahiliyah*

Much of the literature on Islamism, produced by Islamists and academics alike, is focused on attempts to control the state. Sayyid (1997), however, argues that focusing only on capturing power limits the role that Islamists can and do play in their societies. Instead, he argues that Islamists employ a “diffused strategy of ‘intellectual moral reform’ of civil society as a precursor to acquiring state power.”<sup>6</sup> Whether Islamists want to capture power through a direct revolution or through a more diffused strategy, the heterogeneity inherent in Islamism allows for a variety of possibilities. This heterogeneity can be explained in two ways: first, by the differing ways Islam is interpreted across different groups; and, second, by how the local context in which a particular brand of Islamism emerges influences its texture. Since it is the consensus that there can be no singular interpretation of religious texts in Islam, the reading provided by Islamists (in whatever form), or by other scholars of Islam, enriches the internal debate.<sup>7</sup> Thus, the claim that politics is inherent to Islam holds as much truth as the statement that Islam amplifies the spiritual dimension.

Nevertheless, it is generally assumed that Islamism expresses itself by maintaining a “notion of purity”<sup>8</sup> – a quality that is by no means exclusive to Islamism, and can be seen in other sects, groups, and schools of thought within Islam. Historically, the construction of social, political, and religious binaries has been contingent on the notion of self as *pure*, and of the other as *impure*. Islamism, in this respect, attempts to maintain a constant boundary between itself and its other. For much of their history, Islamists belonging to Jama'at e Islami have used rhetoric to define the boundary and the values of the other. In their attempts to Islamize societies, Islamists create the notion of other where Muslims are a different group, who cannot come to terms with anything that is un-Islamic.

In theory, Islamist ideologues like Syed Abul A'la Maududi and Syed Qutb conceptualize the other as *Jahiliyah*. For Maududi, *Jahiliyah* is an attitude – it can give rise to elaborate man-made systems of governance like monarchy, aristocracy or even a secular democracy. Yet, since *Jahiliyah* is based on an individual self-centredness, it is also seen to give rise to immorality and injustice through the creation of social structures like feudalism, capitalism and socialism.<sup>9</sup> Syed Qutb is more pointed in his description of *Jahiliyah*. Although he uses the term *Jahiliyah* as a depiction of contemporary European civilization as a whole, it is also, by his view, “not a particular period of time. It is an intellectual and spiritual temper that becomes preponderant whenever those fundamental values, sanctioned by God for humanity, are replaced by artificial ethics based on temporary whims.”<sup>10</sup> In the context of Kashmir, the Quranic expression *Taghut* is used to frame this other which plays against Islam, conceptualized as *Din*.<sup>11</sup>

The very emergence of an Islamist movement is a pretext for developing a relation with other political processes and systems, although this relationship tends to be antagonistic. In other words, for the development of an Islamist movement, *Taghut* is a pre-requisite and the Islamist movement is seen as

<sup>6</sup>Sayyid 1997, p. 17.

<sup>7</sup>Zaman 2012.

<sup>8</sup>Ahmad 2009, p. 5.

<sup>9</sup>For an elaborate discussion on Maududi's idea of *Jahiliyah*, see Maududi 2015, pp. 10–14.

<sup>10</sup>Quoted in Choueiri 1990, p. 95. This definition of *Jahiliyah* was provided by Qutb while introducing the book *What has the World lost by the Decline of the Muslims?* by the Indian Islamic Scholar published in 1950. Nadwi translated most of Maududi's works in Arabic and it is through him Qutb was introduced to Maududi's ideas.

<sup>11</sup>Maududi states that the closest term to *Din* in modern political vocabulary is “State.” Maududi 2012, pp. 92–93.

a corrective measure. The word, *Taghut*, literally means transgression and is used in the Quran often with the same meaning. Maududi, however, confers three meanings on this word. First, it can refer to a person who is obedient to God but disobeys when it comes to deeds (a non-practising Muslim).<sup>12</sup> Second, they completely give up their obedience to God as a matter of principle.<sup>13</sup> The third is that not only the person rebels but formulates their own set of laws which govern them, instead of God's law (i.e. the modern secular state).<sup>14</sup> It is the third meaning of the term that attains significance in light of what Maududi understands by "Islam as *Din*". Islamists in Kashmir accordingly see themselves as living under the system of *Taghut* (*Taghuti Nizam*) which they challenge and intend to transform. In Kashmir, the use of *Taghut* by Islamists specifically means the ideology through which the Indian state governs.

While a secular state with a "worldly" constitution is governing a predominantly Muslim population, as it is in Kashmir, it would be seen as natural for an Islamist organization to confront that rule, as it is a major hindrance in establishing an Islamic society – a pre-occupation of Islamism.<sup>15</sup> However, unlike Islamist parties in the Arab world or other Muslim countries that face a crisis of competition from regimes embarking on their own Islamization programmes,<sup>16</sup> the workings of Jama'at e Islami in Kashmir are given a different inflection by the Indian state's secular character. In this case, the regime sponsors a version of Islam that legitimizes the state. This situates Jama'at e Islami in a peculiar situation. Its political project of Islamization overlaps and interpenetrates with its political project of contesting the legality of the regime, and both are articulated in the same breath. This leads us to a specific understanding of Jama'at e Islami in Kashmir that it politicizes Islam and Islamizes politics simultaneously.

To this end, the non-Muslim character of the regime places an obligation on Jama'at e Islami to confront it, because, unlike a Muslim regime, it is seen as unambiguously *Jahiliyah*. It is therefore incumbent on Jama'at e Islami to dissociate itself from the workings of the Indian state and provide its own counter programme; a process that puts the state directly at the heart of Jama'at's political project. While it is important to emphasize the impact the Indian state has in shaping Islamism in Kashmir, the state's unwillingness to establish hegemony (i.e. it selectively allows Islamists to carry out their programmes) reflects its desire to be seen as a liberal state that respects differing beliefs and modes of expression. This position needs to be treated with caution, however, as when the state believes that Islamists can capitalize on their cultural power, it is not averse to using violence and repression as a means to thwart their influence, as it demonstrated with the recent ban on Jama'at e Islami.<sup>17</sup>

### Islamizing Kashmir: for morality, against secularism

As with those Islamization projects pursued by Islamists in Muslim societies, Jama'at e Islami used the idiom of Islam with its own understanding of morality to establish its worldview. As early as November 1953, when its members adopted the first draft of its party constitution, Jama'at elucidated its position:

In Jammu and Kashmir, Jama'at e Islami, at this juncture, has assumed the important task of trying to stop the growing moral degradation in the society. Ignoring it would prove disastrous. Since the Islamic movement is known for upholding the principles of moral uprightness, Jama'at

<sup>12</sup>In Islamic Terminology, Maududi says it is called *Fisq*.

<sup>13</sup>In Islamic terminology, he says it is called *Kufr*.

<sup>14</sup>Maududi 2012, p. 96.

<sup>15</sup>Fuller 2003.

<sup>16</sup>Salwa Ismail notes that in Egypt (conservative) Islamism is not always oppositional as a number of institutions associated with the state also promote it. They perform the same functions as the opposition with a focus on morality and religiosity and have a wider reach because of the available resources. Ismail 2006.

<sup>17</sup>This paper only engages with the aspects of Islamist politics in Kashmir that directly deal with the state, but it is important to emphasize that this politics moves beyond this simple dichotomy of state and Islamism and forcefully engages with society in multiple ways through its focus on welfare, education, and Islamization. It is beyond the scope of this paper to deal with them.

cannot let itself drown in this tide of moral degradation. The guardians of this movement need to exhaust all their resources to fight this moral indecency, otherwise, they would find themselves lost.<sup>18</sup>

Two things are striking about this passage. First, the audacity with which it proclaims that the “Islamic movement is known for upholding the principles of moral uprightiness.” Second, the emphasis the organization seemed to place on the moral degradation it suggested afflicted Kashmiri society. The former shows the condescending approach of the movement – a tone coherent with Islamist groups globally – while the latter suggests that modes of cultural production would be defined by Islamist standards.

The question of morality is of central importance to this foundational statement – but exactly what kind of morality? For Jama’at e Islami, morality encompasses an array of elements “around [the] conceptualization of predominant categories like *halal* (licit) and *haram* (illicit/prohibited) and ‘Islamic’ and ‘un-Islamic’.”<sup>19</sup> It is understood that the duty of a good Muslim is to follow the Quranic instruction commanding right and forbidding wrong.<sup>20</sup> Focusing on these questions reflects Jama’at e Islami’s posture of defining the public space and, to some extent, the private space as well. In Ismail’s analysis, Islamists see “culture as an arena for the articulation of public morality,” justifying it as a religious duty to enforce its conceptions of morality on the people.<sup>21</sup> Public morality, in this much, is conceptualized, examined, and pronounced upon primarily through the lens of the sayings and actions of the Prophet Muhammad and his successors. Similarly, Jama’at e Islami’s constitution insists that the Quran or Hadith should guide every activity a person performs, thus undermining the principles of secularization.<sup>22</sup>

However, Jama’at e Islami at this early point in its history was a marginal organization and lacked the strength to confront the state directly. There was very little possibility either of it changing the political system or enforcing the divine law mandated in its ideology. As Mahmood (2006) writes in the context of Egyptian Mosque Movement, its choice was more pragmatic: “to imbue each of the various spheres of contemporary life with a regulative sensibility that takes its cue from the Islamic theological corpus rather than from modern secular ethics”<sup>23</sup> – in other words, it could attempt to mitigate what it saw as the worst effects of secularism.

Syed Ali Geelani, a former Jama’at member, explains that Jama’at e Islami in this period focused on propagating Islam as a “complete way of life” so that society would incorporate Islamic values and decry “worldly” and immoral values. As the organization began to form its units in urban neighbourhoods and villages throughout the valley, it began to regularly organize *Ijtimas* (meetings and seminars) and distributed literature as a means to propagate its ideology. Nevertheless, any traction gained came at a cost, and the organization found itself accused of heresy.<sup>24</sup> In many cases, these accusations originated with the Indian regime, as part of a strategy to discredit Jama’at e Islami and isolate it from masses.<sup>25</sup> Geelani additionally insists that elements outside the regime, mostly pro-India political parties and “the so-called socialists and communists,” worked with the state to prevent the spread of Islamist ideals.<sup>26</sup>

Yet, resistance also came from within Kashmir’s Muslim population and was rooted in a conflict of ideology and interpretation of religious texts. Not only did Jama’at intend to set boundaries “over the

<sup>18</sup>Kashmiri 1991, p. 21.

<sup>19</sup>On Jama’at e Islami understanding of morality, see Maududi 2014. For the direct quote see Islam 2015, p. 72.

<sup>20</sup>For a brief analysis of the Islamic notion of commanding right and forbidding wrong, see, Cook 2003.

<sup>21</sup>Ismail 2006, p. 59.

<sup>22</sup>Especially in Article 4 of the constitution. For the full text of the constitution, see *Jama’at e Islami of Jammu and Kashmir n.a.*

<sup>23</sup>Mahmood 2005, p. 47. See also Kashmiri 1991, pp. 183–85.

<sup>24</sup>Saifuddin 1979, p. 9.

<sup>25</sup>Wani 2010, p. 184.

<sup>26</sup>Geelani 2011, p. 292.

extent of state control<sup>27</sup> and retain the Islamic identity of a Muslim society in contrast to the national identity envisaged by the Indian state for its citizens, it also tried to limit the influence of other religious groups that promoted a more spiritual and apolitical version of Islam. Sikand makes an important point when he writes that Jama'at e Islami's "commitment to a sort of Islam that condemned the cults centred around the graves of Sufis can be read as a revolt against their own family traditions, seeing these, in some way, as responsible for Muslim marginalization and powerlessness."<sup>28</sup> In doing so, however, the organization betrayed the distinction between what it regarded as un-Islamic and the beliefs held in different interpretations of Islam. The point of contention is not the first form of *Taghut*, as there is every possibility that the Muslims the organization criticized could be more righteous by that measure. What they lacked, from Jama'at e Islami's point of view, was knowledge of correct practises 'beliefs' and rituals. This contestation with other religious and political groups, and with common people in the society they hoped to transform, shaped much of the social, and to some extent political, trajectory of Jama'at e Islami.

The aspiration to change social formations does not preclude Islamists from feeling the need to change the broader political systems that govern them. In fact, it is the Indian control of the region that has engaged Jama'at e Islami the most. In his presidential address to the annual general meeting of 1967, Saaduddin, the first *amir* of the organization, pointed to various ailments in the Indian republic and blamed them on Nehruvian secularism and socialism. Iqtidar (2011) persuasively argues that, at least in Pakistan, it was only after the mid-1960s that Jama'at e Islami "began to define itself almost exclusively in opposition to socialism through a focus on secularism."<sup>29</sup> This was primarily, she suggests because Maududi's earlier studies critiqued modernity, colonialism, the West and its influence on Muslim societies. Post mid-1960s, however, a critical engagement with the left in Pakistan forced Jama'at e Islami to focus on newer issues. In Kashmir, Jama'at e Islami strategized against the state and its ideals of socialism and secularism, but in a language that reflected Maududi's imprint. The Islamist opposition to secularism, Masud notes, builds on the ideologization of the concept of secularism as a liberal political philosophy, and instead frames it as "another religion and thus, a threat to Islam."<sup>30</sup> In a seemingly intractable conflict of perspectives, secularism, by turn, according to Nandy, sees religion as an ideology in opposition to modern statecraft, which thus needs to be contained.<sup>31</sup>

A significant aspect of Jama'at e Islami's opposition to Nehruvian secularism was to link it with the political economy of the post-colonial Indian state and the role of national elites in adopting certain "irreligious" ideologies, especially socialism – in Maududi's view, an inherently totalitarian ideology.<sup>32</sup> Under the development model, the organization believed the Indian state had overseen a failing economy, created an immoral and corrupt society, and degraded the political culture of the country. This model had also, in Jama'at's view, failed to address secessionist movements in the region and to check the menace of casteism.<sup>33</sup>

Interestingly, though coming from a markedly different perspective, this critique shares common themes with Nandy's *anti-secular manifesto*. In this much, Nandy suggests that "in India, the ideas of nation-building, scientific growth, security, modernization, and development have become parts of left-handed, quasi-religious practice – a new demonology, a *tantra* with a built-in code of violence."<sup>34</sup> Even though Nandy would not tolerate Islamism however, both are unambiguous in their claims that secularism is used to justify violence against both the weak and dissenters who challenge the Indian state's nation-building and territorial boundaries. While the organization was not

<sup>27</sup>Eickelman and Piscatori 1996, p. 20.

<sup>28</sup>Sikand 2002, p. 720.

<sup>29</sup>Iqtidar 2011, p. 58.

<sup>30</sup>Masud 2005, p. 369. Mahmood notes that the principle of freedom of conscience makes secularism central to liberal political philosophy, see Mahmood 2006, p. 323.

<sup>31</sup>Nandy 1998, p. 324.

<sup>32</sup>Maududi 2013, p. 7.

<sup>33</sup>Kashmiri 1991, pp. 125–27.

<sup>34</sup>Nandy 1998, p. 333.

concerned with the establishment of the state, and concentrated instead on *Iqamat-e Din* (establishment of religion), it did insist on the transformation of society on moral and ethical grounds through Islamic praxis. For Nandy and Jama'at e Islami alike, state-sanctioned secularism is unable to provide a moral code of conduct for the faithful.

Opposition to secularism was not only a matter of ideational confrontation for Jama'at e Islami. It was, instead, rooted in the extraordinary political circumstances of Kashmir's disputed accession with India. For Islamism generally, secularism is problematic: it is seen to promote a worldview that is at odds with religion and as bringing moral degeneracy into society. Since the Indian rule inevitably extends the secular worldview over Kashmir, Islamists oppose it. Yet, even if we assume that secularism should be the highest principle of land, and that political relationships should matter more than any other relationship, especially religion, this conceptualization remains problematic. Secularism is possible only in a polity/society which recognizes its collectivity and which consciously perceives itself, to use Benedict Anderson's phrase, as an "imagined community."<sup>35</sup> The refusal to acknowledge the sovereignty of an "imposed" constitution and the refusal to "imagine" is an act towards declaring that the people can and should enact their own constitution.<sup>36</sup>

Towards the end of the 1960s, Jama'at e Islami began to challenge the assumptions on which a future right to self-determination vote would be decided. In 1968 and 1970, the organization was invited to participate in the Jammu and Kashmir People's Convention, which aimed "to review the problems raised by the [Kashmir] dispute in all its aspects and try to evolve democratic as well as realistic solution."<sup>37</sup> Qari Saifuddin, a founding member of Jama'at, was sent to represent the organization. Though Jama'at did not table a proposal during the two-part Convention, organized by the Plebiscite Front, it provoked controversy by critiquing the terms used in its resolutions. Saifuddin explained to the conveners and participants, including Sheikh Abdullah, that

[Jammu and Kashmir], as it is obvious from the Convention [is a disputed region and] is not part of any country. We have to now contemplate whether we accede with Pakistan, make the accession with India permanent, or even reach an agreement with both countries for Independence. Realizing the gravity of the situation, we should not incorporate any such terms in the resolution that makes the bias of the leadership apparent.<sup>38</sup>

Saifuddin's point of contention was the use of the term "secular" in the resolution of the Steering Committee of the Convention, which he believed "would have a decisive tilt towards India... [and would] be contrary to the objectives of the people's convention."<sup>39</sup> By opposing the Plebiscite Front over this terminology, Jama'at e Islami not only thought of the state as *Taghut* but that the same applied to the political elite. Ironically, the same political elite that had espoused affirmative views on Kashmiris' right to self-determination subsequently backtracked to advocate merger with India. In 1975, the Plebiscite Front was dissolved leaving its leadership to revive the staunchly pro-India National Conference, invoking fears that the politics of self-determination might be dead.<sup>40</sup>

In place of terms like "secular," Saifuddin contended that the resolution should incorporate a language that reflected the Islamic ethos of the Kashmiri society.<sup>41</sup> Manzoor Fazili cites Jama'at e Islami's critique as one of the reasons for the Convention "failing to realize [its] cherished

<sup>35</sup>Anderson 1983/2006.

<sup>36</sup>See Taylor 1998, p. 41, and pp. 45–46 for the larger discussion.

<sup>37</sup>Bazaz 1988, p. 105.

<sup>38</sup>Saifuddin 2001, pp. 74–75.

<sup>39</sup>Fazili 1988, p. 11.

<sup>40</sup>Schofield 2003, pp. 121–26.

<sup>41</sup>Kashmiri 1991, p. 329. Saifuddin (2001) says that his views were taken positively by the conveners but in the final draft of the resolutions, there was no change despite Sheikh Abdullah's assurance that a change will be made. It also reflects another position of Jama'at that by this time Sheikh Abdullah was convinced for a complete merger with India and needed some validation which he sought through organizing the Convention. Of course, the reaction from the regime was to arrest

objectives.”<sup>42</sup> Criticizing its position, Fazili, a lifelong supporter of Sheikh Abdullah’s politics, argues that Jama’at e Islami failed to differentiate between Indian secularism and the composite culture of Kashmir as represented in Kashmiriyat.<sup>43</sup> However, this is in itself a problematic concept. As the idea of Kashmiriyat is appropriated by the Indian state, it becomes an apparatus to reproduce and sustain the political legitimacy of the ruling class.<sup>44</sup> By invoking Kashmiriyat, the Indian state favours a particular interpretation of Islam. Though, in fact, deeply political, this is promoted as *apolitical* and is manifested as a form of Islamic syncretism. Kashmiriyat in this sense is constructed as authentic Islam, and Islam is hereby reduced to a monolithic form.<sup>45</sup> The state further others Islamism by stating that it invokes violence, is intolerant of other religious groups and interpretations, and is an aberration on the discourse of Kashmir’s sovereignty. It is useful to understand that this dichotomy builds on Orientalist attempts to resolve the problem of diversity in Islam.

Even if Fazili’s caution is noted that there is a fundamental difference between Kashmiriyat and Indian secularism, the appropriation of this concept helps the Indian state navigate the narratives surrounding the Kashmir Conflict to its own benefit, enabling it to argue that state secularism is manifested in Kashmiriyat and that the two are compatible and complementary. However, Jama’at e Islami understands secularism primarily in its western sense, as a separation of Church and State, but insists that its Indian version is predicated on Hindu Majoritarianism.<sup>46</sup> To this end, Jama’at e Islami is sympathetic to Partha Chatterjee’s suggestion that Hindutva forces in India would not pit themselves against the idea of the secular state, since they have no source of hostility with the institutional procedures of the modern state. At a theoretical level, it is assumed that the political secularism of the Indian state would dissuade the persecution of minorities, but the violence directed towards minorities undermines this assumption. If a secular state cannot eliminate violence (against minorities) then the doctrine of secularism is invalidated, as it was primarily promoted as a means to eliminate violence and religious strife.

Using the state’s regulatory power, the proponents of Hindu Majoritarianism intend to create a homogeneous society in which religious or cultural minorities will have no security. Used for these ends, the interventionist procedures and machinery of the state effectively promote intolerance and persecution of minorities.<sup>47</sup> For Jama’at e Islami in Kashmir the Indian state has always been a Hindu state which, under the garb of secularism, marginalizes religious minorities. As the organization navigated through the conundrums that it faced in opposing secularism and seeking the right to self-determination, a more serious query emerged: how would it safeguard the interests of its primary constituency, the Muslims of Kashmir, and how would it justify its position regarding the shifts in its politics? This question came to a head when Jama’at e Islami began to combine its critique of the secularity of the Indian state with its own ambitions to participate in elections sanctioned under the Indian constitution.

### Who is a minority? Interrogating the Kashmiri Muslim question

In the early decades after independence, India was wracked by rioting and incidents of violence against Muslims. During this period, Jama’at e Islami devoted much energy to this issue, accusing the Indian state of promoting disorder. While the state’s institutional involvement in the actuation and instigation

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Jama’at e Islami leaders as soon they espoused such views. Saifuddin was also arrested immediately after the Convention, which Jama’at alleges was because of his views on secularism.

<sup>42</sup>Fazili 1988, p. 11.

<sup>43</sup>*Ibid.*, p. 30.

<sup>44</sup>Althusser 2006. Aggarwal notes that Kashmiriyat has become an empty signifier and argues that “it is frequently invoked with the inconsistent meaning” and “the wielders of the term freely adjust its definition for their own purposes.” Certainly, the Indian state through its different institutions is one of the wielders of the term. However, as powerful as the modern state is, one should note its persuasive powers to dominate the discourse in Indian-administered Kashmir, see Aggarwal 2008.

<sup>45</sup>Nayeem 2012, p. 222.

<sup>46</sup>Kashmiri 1991, pp. 324–36. On Jama’at e Islami Hind’s responses to Hindu majoritarian fears in India (excluding Kashmir), see Ahmad 2012. For a historical analysis of how Indian nationalism is read as Hindu nationalism by the proponents of Hindutva (or political Hinduism) which subsequently translates into majoritarianism, see Chatterjee 1992.

<sup>47</sup>Chatterjee 1998, pp. 346–47.



of riots is debatable, the role played by different governments (and particular politicians) has come into question.<sup>48</sup> As part of its critique of Nehruvian secularism, Jama'at e Islami in Kashmir maintained a position coherent with this critical stance, and called on the state to guarantee security and greater rights for minorities.

After an arson attack on a mosque and *Khanqah* (shrine) in the northern Kashmir town of Baramulla in December 1967, Hakeem Ghulam Nabi, Jama'at's then-General Secretary, warned of the dangers of communal violence in Kashmir. He cautioned that "conspiracies" were afoot in the regime to extend the menace of communalism to Kashmir. Even though it was a Muslim majority region, Jama'at e Islami insisted the burning of the mosque would be used to foment communal tensions and destroy the relative peace that existed between Kashmir's various communities. Its fear was that Hindus and Muslims would be thrown into conflict, and that this could lead to pogroms against the Muslim majority in the region (a minority in the larger context of Indian society).<sup>49</sup> At the same time, with no history of communal violence in Kashmir since partition, Jama'at was concerned with defending itself against being seen as an organization with a communal agenda.<sup>50</sup> In fact, when the first communal riots in Kashmir occurred in the month of February 1986, investigations revealed that it the secular parties who played the key role in the riots and not Jama'at e Islami.<sup>51</sup>

At the same time, the organization invoked its unambiguous political position on Pakistan as a safe haven for Muslims on the subcontinent. It argued that flaring communal tensions in Kashmir could become a pretext for the Indian state to give its armed forces unprecedented powers to control the situation, which would create communal disharmony in this relatively peaceful region and lead to further riots. In the present context, with Kashmir now one of the most militarized zones in the world, and with Indian armed forces enjoying unprecedented powers, this concern perhaps seems insignificant. But one can gauge from it the evolving politics of the Kashmir Conflict and sense the distrust that Jama'at e Islami held towards Indian Army and the "installed regime" in Jammu and Kashmir.<sup>52</sup> If the Army took control, the organization cautioned in a discreet tone, Muslims would have to migrate to Pakistan, otherwise they would be annihilated.<sup>53</sup>

At this point, a tension perhaps seems to emerge into focus: how could the organization at once make a case for accession with Pakistan and demand greater rights for minorities in the Indian polity? In the following passages, an attempt is made to answer this question and to showcase the political choices Jama'at e Islami has had to make to accommodate itself to its local contexts – whether in India, Pakistan or in Kashmir. For Jama'at e Islami in Kashmir to invoke minority rights and accession with Pakistan (through the right to self-determination or otherwise) is to exercise its unique position, which I conceptualize as the Kashmiri Muslim question.<sup>54</sup>

Following the logic of the Jewish Question in Europe, the "Muslim Question" has been commonly understood to refer to the set of issues that arise from Muslims' minority status in Indian society and politics. Pandey (1999) reminds us that it was partition and independence that fixed the terms of minority and majority in a national, country-wide context. These events constructed Muslims as

<sup>48</sup>See, for example, Brass 2003 and Wilkinson 2004 on the role of the state. For a contrary perspective, see Varshney and Gubler 2012, 2013.

<sup>49</sup>Kashmiri 1991, p. 131. These fires were commonplace in Kashmir in late 1960s and early 1970s. Oral narratives claim that they were carried out by Jan Sangh (a Hindu nationalist political party) activists. However, the claim remains unverified.

<sup>50</sup>*Ibid.*, p. 119.

<sup>51</sup>Swami 2007, p. 158.

<sup>52</sup>This distrust was primarily because the Indian Army, as Anderson notes, is a "Hindu preserve, garnished with Sikhs, and bolstered still – a unique arrangement in the post-colonial world – Gurkhas from Nepal." This distrust can be explained also in the way the Indian Army acted in the immediate post-independence period in Kashmir and Hyderabad. See Anderson 2012, pp. 142–143, p. 83, pp. 90–91.

<sup>53</sup>Kashmiri 1991, p. 131.

<sup>54</sup>This is not to suggest that "Indian Muslim" or "Kashmiri Muslim" are homogenous categories or monolithic communities but to think of their position in relation to Indian society and polity. Kashmiri Muslims can be differentiated along the lines of class, caste, sect, region (especially urban and rural divide), and most importantly politics. However, one thing that is common is the impact of the conflict and Indian rule on the region and its people.

political minorities “even in districts, cities, or towns where they were a numerical majority [where the term majority] applied only in a descriptive sense.”<sup>55</sup> In contemporary politics, Asad (1993) argues that terms majority and minority relate to the principle of forming public policies and have become part of the electoral and parliamentary landscape. However, to think of a religious or a cultural minority is to posit “ideological hybrids” because religion and culture are “virtually coterminous with the social life of particular populations, including habits and beliefs conveyed across generations.” To think of a religious minority is therefore to postulate that some cultures belong to “a particularly defined political space but those that of others (minority cultures) do not.”<sup>56</sup> In the case of Indian Muslims, Pandey argues they do not belong to India’s defined political space because of their unspecified yet asserted fundamental difference. This difference springs from the fact that in the post-partition nationalist imagination, Hindu or Indian has become an irrelevant distinction, with the two terms used interchangeably.<sup>57</sup>

The point here is not to debate the secularity of the Indian state, rather to ask where the Kashmiri Muslim fits into this Muslim question: is she a quintessential minority as defined in international law, or has she a fundamental difference which characterizes and delineates her?<sup>58</sup> I want to suggest that unlike an Indian Muslim, the *difference* of a Kashmiri Muslim can be specified in terms of the complicated political legacy the region inherited when the British left the subcontinent. That legacy was further complicated by the indecisiveness of the Dogra regime in choosing to join either of the two newly formed nations, India or Pakistan, or to remain independent and by the conditional terms of Kashmir’s subsequent accession with India.

The *raison d’être* given by Kashmiri leaders for accession was that India was a secular state and better suited to protecting the rights of its subjects, particularly Muslims.<sup>59</sup> While they appear to have taken for granted the secular character of the Indian state, the same cannot be said for their counterparts in India. The Indian Constituent Assembly debates were suffused with religiously informed perspectives targeting Muslims, and when the issue of Kashmir was taken its future was contemplated through this religious lens. It is in this context that the Indian leaders sought to absorb Kashmir into the national territory.<sup>60</sup> It is perhaps then inevitable that the more Kashmiri Muslims are assimilated into Indian society, the more they would come to resemble Indian Muslims and become politically undifferentiated; and the more they resist, the more they would distance themselves from the politics of Indian Muslims, and the more vigorously they would come to state that difference.

Needless to say, by the 1990s, when a popular insurgency engulfed Kashmir, coinciding with the rise of Hindutva in India, the issues of Indian Muslims were of little obvious concern to their religious counterparts in Kashmir.<sup>61</sup> The post-colonial Indian Muslim leadership, meanwhile, has been no less indifferent on the subject of Kashmir. It has failed to recognize the Kashmir dispute as a Muslim issue, and maintains that it goes against the norms of Muslim politics in India.<sup>62</sup> This mutual apathy not only points to the ways the two communities came to be part of the Indian nation, but also to the political fact that one has been consistently trying to assimilate itself into the Indian society, while the other has been developing mechanisms to reject it. In other words, their goals are politically opposite.

<sup>55</sup>Pandey 1999, p. 610.

<sup>56</sup>Asad 1993, p. 257.

<sup>57</sup>Pandey 1999, p. 611.

<sup>58</sup>For an informed discussion on how minorities are defined in international law, see Mahmood 2016, pp. 51–60.

<sup>59</sup>For a critical evaluation of the politics of secularism in the last stages of Dogra Rule and the circumstances in which the category “secular” became an important marker for deciding the future of Kashmir, see Para 2019 especially Chapters 5–7. See also Sheikh Abdullah’s speech in the Jammu and Kashmir Constituent Assembly in Noorani 2011, pp. 96–108.

<sup>60</sup>Rai 2018. Rai further says that Indian secular leaders like Jawaharlal Nehru tied the Muslim-ness of Kashmir with India’s secularity by emphasizing that the former was instrumental in burnishing the latter.

<sup>61</sup>For a journalistic account of how Kashmiri Muslims think about Indian Muslims and their issues, see Ganai 2017.

<sup>62</sup>Ahmad 2019, p. xix.

Mahmood (2016) raises an important query about the concept of a national minority – minorities that are formed in relation to a nation-state – when she argues that it is built on a fundamental tension.

On the one hand, it signifies the membership of a minority group in a national polity; on the other hand, the minority group also represents an incipient threat to national unity, by virtue of its differences from the majority. This threat is intrinsic to the ideology of nationalism because the modern concept of nationhood regards linguistic, ethnic and cultural characteristics as a legitimate basis for people's claims to self-determination and independent statehood.<sup>63</sup>

Notwithstanding continuous efforts to assimilate and integrate Kashmir into the Indian Union through electoral democracy and intensive militarization, a Kashmiri Muslim can assert her right to self-determination on a number of lines: not only on ethnic, cultural, or linguistic bases, but also in relation to the disputed nature of the territory that she inhabits. Her right to self-determination is stated by international bodies and grounded in several United Nations resolutions, which Jama'at e Islami unequivocally supports. Moreover, there is another country altogether, Pakistan, with which Kashmir has territorial congruity and demands its integration. For Jama'at e Islami, the question for a Kashmiri Muslim is thus not only about securing (socio-economic and political) rights in the political order. It is also inevitably to demand "*a free and impartial plebiscite to decide whether the state of Jammu and Kashmir is to accede to India and Pakistan,*" as laid by the Security Council Resolution 47 (8).

At a broader level, the absence of this issue from the Indian Muslim political discourse is what differentiates their "question" from a Kashmiri Muslim question, and possibly from much of the politics of Kashmir. It also differentiates the politics of Jama'at e Islami of Jammu and Kashmir from Jama'at e Islami Hind, even though they operate in the same nation-state and this validates the latter's decision to allow the formation of a new organization in Kashmir.<sup>64</sup> Moreover, the organization in Kashmir challenges India's rule on different parameters – not just religion or ethnicity – and invokes certain historical realities to support and argue its case.<sup>65</sup>

Finally, the legal mechanism put forward by the Indian state in Article 370 of its constitution (now abrogated) only enhanced the specificity of the "question," as it clearly defined the provisionality of Kashmir's relationship to India.<sup>66</sup> Thus, the Kashmiri Muslim question, even if placed in the larger debate on secularism and minority rights, recognizes, at once, the disputed nature of the territory and the demand for establishing its own sovereignty or a merger with Pakistan. Both are more congruent with the normative idea of the nation-state and nationalism than with Kashmir's accession with India. Ashutosh Varshney engages with a similar debate but comes up with entirely different conclusions. For Varshney, the notions of nationalisms in Indian, Pakistani and Kashmiri settings have run into serious contradictions because they cannot comfortably situate the demands of their people into these respective strands of nationalism. However, Varshney argues that the presence of Kashmiri Muslims in the Indian nation bolsters the secular character of the state.<sup>67</sup> In this approach, he conflates the Indian Muslim and Kashmiri Muslim questions and refuses to differentiate between the two. The question we should perhaps ask is at what cost? And, perhaps more to the point, should nationalism be allowed to define the limits of the right to self-determination? Certainly, for Varshney, the answer is yes, as he asks, "what good is liberalism if it can't even protect the national boundaries and the national integrity due to the freedoms it offers?"<sup>68</sup>

The politics of Jama'at e Islami in Kashmir has to be understood in light of the Kashmiri Muslim question, and only through this question can the multifarious positions the organization has taken in

<sup>63</sup>Mahmood 2016, pp. 52–53.

<sup>64</sup>Kashmiri 2015, p. 148.

<sup>65</sup>See Asadullah 1984.

<sup>66</sup>Bhan, Duschinski, and Zia 2018, pp. 6–23.

<sup>67</sup>Varshney 1992, pp. 191–234.

<sup>68</sup>*Ibid.*, p. 197.

the course of its history be explained. By raising the issue of communal riots and the position of Muslims within the Indian polity, and by conflating these issues with its own stand on Kashmir's right to self-determination, Jama'at e Islami was inadvertently articulating a Kashmiri Muslim question. Navigating through this question has defined the political trajectory of Jama'at e Islami in Kashmir. When the organization talks about the socio-economic rights of Indian Muslims or participates in elections or demands a right to self-determination for Kashmir, it does not find any contradictions in its project because it views all these positions through the lens of Kashmiri Muslim question. The question, as theorized above, entails engaging with all these aspects. However, while embracing this question it seems that Jama'at e Islami inadvertently becomes an ally in maintaining the Indian state's preferred status quo in Kashmir. The suggestion is not that this *collaboration* alters the ideological skeleton of Islamism or its variant in Kashmir, nor that Jama'at e Islami approves of accession with India. In fact, Islamism continues to follow the framework that this paper interrogates, and it is along these lines that it intends to transform politics and society and the structures that sustain them.

## Conclusion

While Islamist theoreticians provide a political vocabulary for Islamist movements, the engagements of local Islamist activists with their societies and political systems provide a distinct inflection to this vocabulary. For Jama'at e Islami in Kashmir, this means that opposing secularism is not only to oppose a worldview at loggerheads with religion; it is to oppose a worldview that rationalizes Indian rule in Kashmir. To deal with and confront this, the organization took political positions which seem to contradict, in multiple ways, the core principles of Islamist theory (for instance, by taking an oath under a secular constitution). However, one can't overlook the fact that through these conflicting stances Jama'at e Islami effectively engaged with the issues of its constituency. Thus, it demands right to self-determination but also greater rights for the Muslims of Kashmir thereby adapting to the realities of the Kashmir dispute. By looking at its politics, one can also make a larger argument about Islamist movements they cannot remain indifferent to the context in which they operate, which defines their scope, limits, and aspirations.

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