

HOUSE FOREIGN AFFAIRS  
SUBCOMMITTEE ON ASIA, THE PACIFIC AND NONPROLIFERATION HEARING on:  
“Human Rights in South Asia: Views from the State Department and the Region”  
Rayburn House Office Building - Room 2318 - October 22, 2019

TESTIMONY BY RAVI BATRA  
Chair, National Advisory Council for South Asian Affairs

**“Human Rights in a Terror-Free World - Even as Terror Morphs  
After ChristChurch on Easter Sunday in Sri Lanka”**

Chairman Brad Sherman, Ranker Yoho, members of the Foreign Affairs Committee.

Before I start, permit me to acknowledge my respect for the principled and deliberative leadership of the Hon. Eliot L. Engel, Chairman of the House Foreign Affairs committee, and thank him for the invitation to testify today, and you, Mr. Chairman in accommodating yet another speaker.

Permit me a brief relevant sentence about me: I am a New Yorker, having left India when I was 7 years old, and on 9/11 I tasted the dust of WTC. Since then, I see serving the “best interests” of the United States in first eradicating Terror - as there are no rights and no law, if Terror reigns. I am bold enough to assert that that ought to be America’s Primary Foreign Policy goal: a Terror-Free World.

While the title of today’s Hearing is “Human Rights in South Asia,” its been truncated by some to be the “Kashmir Hearing.” To them, I say, why not call it “Can We Let Terror Reign?,” or better yet, “Let’s Forget History & Public Safety.’ The world is changing, and so is Terror. It used to be that an “insult” could trigger a lone-wolf Terrorist. After the demented massacre of peaceful worshipers in ChristChurch, a Billionaire’s adult kids blew themselves up on Easter Sunday in Sri Lanka, thereby trying to make it a Holy War - a war we must not permit to even get started. Terror is bad enough; we need not drag Religion into it. Pope Francis is exactly right: we need to treat all faiths with respect.

The central issue this Sub-Committee has to address is: “How soon can we eradicate Terror globally, so Human Rights can flourish everywhere.” This begs the question of “sequencing,” for as we put our socks on before our shoes, we must first eradicate Terror and protect Public Safety, so Law & Order may govern society, and any violation of rights - be they constitutional, statutory, contractual or Human Rights - the Courts can fashion a just remedy one-case at a time.

America is, and must remain, a force for good, and our precious freedoms, which we all take for granted - the very nectar of American Exceptionalism born of our cherished separated powers regime - is why the good folks around the world love us. But freedoms require, as we well know thanks to Abraham Lincoln, sometimes even a Civil War, with suspension of habeas corpus, to first keep the nation united, restore public safety, and only then, can a government “of, by and for” the people govern justly.

The United States has two co-equal political branches. A fact often not well comprehended by nations around the world. Yet, to them, we, the United States, the Executive and the Congress - have to make clear that we are a friend of South Asia in general, and the Sub-Continent in particular. This especially includes Pakistan - who has been our loyal ally during the Cold War, while India was seeking to be Non-Aligned and yet close to the then USSR. Fortunately, after decades of trying to get India to be America’s best friend - a work in progress - under the decisive leadership of PM Modi, we recently saw in HFA Ranker McCaul’s home state, Texas, the “Howdy Modi” event, where protocol and precedents were discarded and a foreign head of government introduced our President on American soil. Such was the love affair between United States and India. Indeed, when wife, Ranju Batra, and I interacted with PM Modi during the UNGA last month, I told him: “If he was alive 500 years ago, Columbus would have been looking for Modi, not just India.” And, then a few days ago there was an informal summit between China’s President Xi and PM Modi in India, where a 100 year plan was discussed for the Dragon and the Elephant to live and work together. This bothers me, even as I wish everyone to have peaceful neighbors.

I’m very protective - perhaps, to belong better to our Founding Fathers - of India’s role in the birth of the American Revolution as Indian Tea bopped in Boston’s Harbor in 1773. Lord Cornwallis after losing to General Washington, was sent to India and his first mandate was: kill 5000 Indians. As he was not going to lose the Empire’s Crown Jewel. India is why Columbus discovered the Americas in 1492, and hence, India can claim to be America’s birth mother. The Indian Constitution was drafted by a Columbia Law School graduate, Dr. B.R. Ambedkar, who liberally took our Constitution and Supreme Court precedents and wrote India’s Constitution. It is this singular fact that we can root our relationship in, and with Modi’s promise of “indivisibility” made in his Joint Address to Congress, let freedom ring all over South Asia.

Pakistan's celebrity PM Imran Khan is a man I respect and have much hope in, for he knows what a rules-based order is, given his super-star status of a cricketer. He knows that Terrorists have taken residence in his country, and are a threat to our service members, as well as his neighbors in Afghanistan and India. That nations use Terror as part of statecraft cannot be permitted. I'd argue even more: counterbalance is a failed pillar of statecraft, and ought be abandoned.

Afghanistan.

It is clear to me for sometime that we must maintain our military base in Afghanistan permanently, even before I visited Tajikistan in May 2019, where I had candid discussions with Foreign Minister Sirojiddin Muhridin, and then spoke at the High Level joint conference on Counter-Terrorism convened by Tajikistan and UN-OCT. We have remained in Germany and Japan for 70 years. If we are to contain Terror successfully in South Asia by "nipping it in the bud," and not wait for another attack in Times Square, we must be close enough to act.

Kashmir.

Watching Brexit is torture. The Partition of 1947 was much worse, and Lord Mountbatten, and his erstwhile Major Brown, played fast, loose and dirty. I wrote an Op-Ed that was published in various papers, entitled: "***Kashmir - Heaven on Earth; Only If You Remember Louisiana and Alaska.***" To save time, I incorporate it herein by reference, and attach it hereto. A simple point worth making: Kashmir was attached to India by a legal Decree duly signed by its then-Hindu ruler, Maharaja Hari Singh, several months after the needlessly bloody Partition when tens of millions were killed. Like our acquisition of Louisiana from Napoleon, and Alaska from the Czar of Russia, no then-resident of Louisiana or Alaska could force us, the United States, to hold an election so the residents could become an independent nation. Their choice was to "love us," or "leave us." Same applied to India in 1947. What has transpired, to be kind, is nothing short of malpractice of relevant leaders, well recorded in history, with ordinary people who just want their version of the "American Dream" paying a heavy price.

Like Lincoln, PM Modi took extraordinary steps: first, legal amendments to have legal authority, and then, second, installing a massive force to prevent fatalities in Kashmir from motivated fire-fights by cross-border or home-grown Terrorists. He said he did this to bring the promise of equal rights and freedoms to all Indians. His actions on August 5, 2019 were judicious, as they were careful. No war broke out. Terrorists were immobilized, as communications and internet were cut off. India, it seems, learned from her Mumbai Terror attack. Indeed, landing at JFK airport, when standing in line for immigration inspection, there is no phone service or internet connection. Safety matters.

Indeed, I owe India an apology, as when she suffered her Mumbai Terror attack on November 26, 2008, when Jews and Americans were singled out for death by Pakistan-based Terrorists, I joined in arguing for “restraint.” I was wrong. Terror needs to be eradicated, so our rights and freedoms mean something.

I invite you - to schedule a bipartisan Congressional Fact Finding Mission to Kashmir, including, Americans whose ancestry can add an honest nuance - as that will hasten the lifting of all restrictions, other than those based upon credible intel of clear & present danger to India and visitors. For liberals who fancy lunacy, and want rights and freedoms even when Terror and Fear reigns, I remind them of age-old Greek wisdom: Order is beauty, and Beauty is Order. And, Terror and Fear is just ugly.

Attachment. Op-Ed.

# Kashmir - Heaven on Earth; Only if you remember Louisiana and Alaska

**What PM Modi did with Article 370 was lawful, is beyond question. Why Modi did this in the first place, is rooted in the clear need and desire to rid the Sub-Continent of Terror; cross-border Terror, and domestically Fermented Terror. As a New Yorker who has tasted the 9/11 WTC "dust," I know that eradicating Terror globally is our - American - Job #1.**



**By Ravi Batra**  
Eminent Lawyer and  
Chair, National  
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South Asian Affairs

Once upon a time, far, far away was a magical Kingdom lovingly ruled by a great Hindu Maharaja Hari Singh, with happy Muslim-Majority citizens. The Kingdom was deemed by many as heaven on earth; and it was vast, as it encompassed Jammu & Kashmir, Ladkah, and Northern Areas. Then Mahatma Gandhi won his battle to free "India," a collection of princely states that had not been aggregated for several hundred years before the British Raj; days of the Hindu King or Emperor controlling vast amount of land spanning a continent or more, was many, many centuries ago.

It is often said, be careful what you wish for. 1947 came and none were ready. Nation building requires special care; not malpractice by having way too many obstetricians delivering twins at-the-same-time. Long sought out and yearned-for Freedom, as a result, became a chapter of Human Suffering entitled, The Partition. Ouch. Estimates say that as many as ten to twenty (10 -20) million people died, were killed, butchered or fried-to-death. Records were not kept for an accurate number. A colossal number of refugees were created, unlike anything seen before; bigger in number than when Moses took the Israelites out of Egypt. The soil was soaked in blood. And, worse of all, previously citizens of every faith - Jewish, Hindu, Jain, Buddhist, Christian, Muslim and Sikhs - who had lived happily together, unless Divide & Rule was practiced, were fearful and angry. Both emotions stoked and stroked by miscreants who sought to enslave them by both fear, and worse, anger. That was then.

The great Ali Jinnah insisted upon creating a secular state of Pakistan, and "Pak" means pure. The great Pandit Nehru, whose family was from the Kashmir Pandits, promised India to have a tryst with destiny to reach American Exceptionalism-type success. Today, Pakistan has abandoned Jinnah's secularism, and India's Freedoms are robustly rooted in her people - which find their



**Enough was enough, India and Indians said after 39 CRPF jawans were slain in the terrorist attack in Pulwama in Kashmir last year.**  
(Photos courtesy India Today)

roots in the Indian experience several thousand years old - before Thomas Jefferson - but relied upon the American Constitution and Bill of Rights to craft India's Constitution. Ten weeks after the flames of 1947 Independence burnt and shook the human soul, Maharaja Hari Singh signed his deed of Accession in favor of India - essentially a Lot-Merger instrument (between nations), which real estate developers use when developing multiple lots as one. We - thanks to POTUS Thomas Jefferson - for \$15 million bought Louisiana in 1803 from Napoleon. Folks living in Louisiana had the choice of staying or leaving, but couldn't revoke the American purchase and inclusion into our sovereignty. In 1867 we bought Alaska from the Czar of Russia for 7.2 Million and again, the citizens of Alaska had the same choice to accept or leave, but couldn't revoke American Sovereignty to include Alaska.

In violation of clear law, opportunists who didn't own J&K, Ladakh and Northern Areas got involved to make trouble, or wanted it to become part of Pakistan merely because it was Muslim-majority in Jinnah's secular nation. Lord Louis Mountbatten played a "Kissinger," but not well. Ali Jinnah - a good and decent man - in clear legal error, but to quell his local politics, wanted India to hold a vote/plebiscite. Mountbatten, incredulously, charmed Pandit Nehru to put it into UNSC's lap, which Nehru did on January 1, 1948. Nobody said - hey, why should I? The very idea that a community would only vote for their own is not a merit-based idea,

but promotes racism with the chains of identity - be it racial or religious. Both, a damnation, and undemocratic to the core.

Land was grabbed by Pakistan in a free-for-all rioting, albeit, Gilgit-Baltistan was maneuvered to Pakistan, in a breach-of-Colonial-fiduciary duty by Major Brown (unless, it was with Mountbatten's knowledge and approval). Pakistan, in turn gave a large chunk - Gilgit-Baltistan (aka GB) - to China via the secret Kashmir Agreement, purport-



**To address the question of human rights in Kashmir for Liberal-Lunatics: Nations' leaders have to provide Public Safety for all. None other than Abraham Lincoln suspended the Courts during our great Civil War in a land that cherishes Equality, and Freedoms. So, Prime Minister Modi is spot on - and deserves a lot of credit as he put sufficient troops on the ground to prevent Terrorists from doing their worst, and he imposed Public Safety first, and will restore Law & Order. Once that is done anyone who claims a Human Rights violation will have the courts ready to remedy and punish. That is the proper sequence of rights and freedoms.**

edly signed in 1949, but disclosed in court for the first time in 1990. That GB is a critical part of China's today OBOR (One Belt One Road). Question: Can you sell or transfer something you merely took possession of, but never acquired legal title to? Well, such legal requirements, binding upon all nations seem to be suspended, given the steady diet of hate.

Wars have been fought between India & Pakistan, and China warring with India took a bunch of her land; and still has it. A de facto border exists - known as the Line of Control - between India and Pakistan. A state of suspended animation existed on the Indian side of the LOC. Along came Modi, who understood that Sardar Patel was a better lawyer and nation-builder than he is credited. On August 5, 2019, 73 years late, Narendra Modi, in compliance with India's Constitution, as lawfully amended, removed the semi-autonomous status from J&K, and split the area into Union Territories, including, by freeing Ladakh. That Modi did this lawfully is beyond question. What ails us all is the issue of Human Rights.

Why Modi did this in the first

place, is rooted in the clear need and desire to rid the Sub-Continent of Terror; cross-border Terror, and domestically Fermented Terror. As a New Yorker who has tasted the 9/11 WTC "dust," I know that eradicating Terror globally is our - American - Job #1. That includes, not allowing a deranged "mental patient" to commit a sacrilegious act of a "Mosque Massacre" in Christchurch (New Zealand) ever again. And, it surely means not permitting Billionaires, who made loads of money within democratic and freedom-of-religion societies, as in Sri Lanka, to start a Holy War on Easter Sunday! The first act was horrible and deranged; the Holy War was calculated by brilliantly successful and well-loved Muslims in Buddhist-Majority Sri Lanka.

To address the burning need of Liberal-Lunatics - who fight for Human Rights of Terrorists: that's okay for the courts, whose job it is to fashion justice one person at a time. Nations' leaders have to provide Public Safety for all. None other than Abraham Lincoln suspended the Courts during our great Civil War - fought to cure our Original Sin of fractional-humans, in a land that cherishes Equality, and Freedoms. So, Prime Minister Modi is spot on - and deserves a lot of credit as he put sufficient troops on the ground to prevent Terrorists from doing their worst, and he imposed Public Safety first, and will restore Law & Order. Once, that is done anyone who claims a Human Rights violation will have the courts ready to remedy and punish. That is the proper sequence of rights and freedoms. We, in America, know that to be a "self-evident" Truth. What Pandit Nehru wished between the pledge by River Ravi and his "Tryst with Destiny" in Parliament on the midnight hour on August 15, 1947, Narendra Modi has delivered with his pledge of being "Indivisible Allies" to the Joint Address to Congress, and restoring the benefits of legal liberty and freedoms, in "full measure" as Lincoln acknowledged at Gettysburg. It's time for Terror to die and disappear, and leave us all alone to face the fruits of our labor, under law. God bless America, and every nation that dares to follow us to be that "Shining City on the Hill." Kashmir is well positioned.



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October 21, 2019

Mr. Ravi Batra  
The Batra Building  
142 Lexington Ave.  
New York, NY 10016

Dear Mr. Batra,

I am writing to invite you to testify at a hearing entitled "Human Rights in South Asia: Views from the State Department and the Region" to be held by the Subcommittee on Asia, the Pacific, and Nonproliferation at 2:00 pm on Tuesday, October 22, 2019, in Room 2318 of the Rayburn House Office Building.

The purpose of this hearing is to explore broad trends and specific examples of the deterioration of human rights and democratic norms in South Asia, including the closing of space for civil society, the stifling of media and Internet freedom, and the suppression of opposition voices. The hearing will also examine U.S. policy with respect to promoting human rights and fundamental freedoms in the region.

Enclosed are the Subcommittee's instructions for hearing witnesses and the required truth in testimony disclosure form. I ask that a biography and written testimony be sent to [zachary.keck@mail.house.gov](mailto:zachary.keck@mail.house.gov) as soon as possible. If you need any additional information for this hearing, please contact Zachary Keck on the Subcommittee staff at (202) 225-5911.

Sincerely,

A handwritten signature in blue ink that reads "Eliot L. Engel".

ELIOT L. ENGEL  
Chairman