

# Democracy and Peace is Still in Process in Jammu And Kashmir

**Ab. Rouf Shiekh**

[Sheikhrouf786786@gmail.com](mailto:Sheikhrouf786786@gmail.com)

## **Abstract**

*Jammu and Kashmir, a contentious issue between two nuclear powered states since 1947. The geographical area of Jammu and Kashmir is asymmetrically distributed between India and Pakistan. Both countries have tried to maintain the peace in their respective jurisdictions. India in particular has tried myriad models in order to maintain peace in the region. The restiveness in the Kashmir has largely been fomented by its neighbour. Since the separatism began in Kashmir, New Delhi has used various mechanisms to absorb the secessionist tendencies in the valley as has been the case with every large democracy around the world. These mechanisms include both-iron- fist policies, lot of soft author it a rian is mand shrewd diplomacy. The convergence and divergence of peace building exercise has seen lot of highs and lows since 1947. This paper analyses those measures through peace building lenses and what has been the overall trajectory of those efforts.*

**Keywords:** *Peace-building, Democracy, Authoritarianism, Diplomacy, Separatism, Policies.*

## **Introduction:**

Jammu and Kashmir historically has remained an independent princely State till 1947. After signing Instrument of Accession, the Princely head of the State Maharaja Ranjit Singh, decided to settle down with India formally. This came against the backdrop of attack from Pakistan and illegally occupying large swathes of land of Jammu and Kashmir (Jamwal, 1998). Despite being a Muslim majority State, J&K decided to go with Secular democratic India. The frictions in the population were there in the Kashmir valley and in particular among Muslim population even before partition of India. This was evident during the visit of Mohammad Ali Jinnah to Valley in 1944 (Thomas, 1933). The National Conference led by visionary leadership of Sheikh Abdullah decided to remain at bay from Muslim Conference. Sheikh Abdullah was closer to the Nehruvian and Gandhian ideology than Jinnah's. Since 1947, India and Pakistan have gone to war on four occasions in 1947, 1965, 1971, 1999 over

the issue of Jammu and Kashmir. Apart from the external dimension, democratic India had to deal with unhappy population in Kashmir valley. The aggravation in the valley was more prominent since the rigging of elections in 1987. But before this election rigging, the meeting of shabby treatment to erstwhile Prime Minister of the State by the Congress Party in New Delhi led by Nehru was first ditch in the relations between the State and rest of the country. Mistrust and deep divisiveness between Kashmir and New Delhi have been the basic building blocks in the long history of the relationship that has travelled through decades.

### **Separatist/Independent tendencies in Kashmir and Response from New Delhi**

As discussed in the introduction, the separatist tendencies in Kashmir have long history that go back to 1946. There was a great divide across political spectrum on the question of Accession with India. The Muslim Conference and Hindu Sabha publicly supported the Maharaja's wish of not joining with India dominion in 1946 (Puri, 1981). In fact, Chaudhary Hamidullah Khan, the acting president of Muslim Conference urged the Maharaja to constitute -a separate Constituent Assembly for the State according to the wishes of the people (Puri, 1981).

In 1953, the Prime Minister of Jammu and Kashmir State, Sheikh Abdullah, was arrested on the grounds of hatching conspiracy against the State. Sheikh Abdullah was dismissed on frivolous charges and to replace him Bakshi Ghulam Mohammad and later Ghulam Mohammad Sadiq was made Prime Minister from 1964-65 and Chief Minister of the State from 1965-71. This was the period of downgrading of Prime Ministership to Chief Ministership of the State head. This phenomenon was seen by local populace as a betrayal. National Conference cadres became disillusioned with the Centre. This wave of disillusionment was quelled by Indira-Abdullah Accord of 1975. The liberation of erstwhile East-Pakistan by India was seen as a stronger posturing which led Sheikh Abdullah to settle for Chief-ministership after Indira-Abdullah Accord (Punjabi, 1995). This accommodation and assimilation largely depended on the larger stature and vision of the leaders. The acceptance of peace gesture by Kashmiri leadership again was due to larger than life image of India's Secular-democratic trajectory that it had embarked on. The institutions created and already in existence absorbed this change and reduction in status of a -Prime Minister to a Chief Minister Although this was the first liberal measure taken in order to settle the restiveness and uneasiness in the state, still the acceptance was peaceful. The semblance of normalcy prevailed through later decades.

### **Peace building in Kashmir: Flirting with Democracy**

According to Immanuel Kant, Democracies rarely fight each other (1795/1991). This is true about interstate functioning of democracy as well. Democracies often possess internal mechanism to absorb the dissent and opposing voices. This was the case with democratic experiment in Kashmir. Although the tryst with elections in Kashmir started in 1951, but it is well documented that this experiment through-Free and Fair elections was only embarked in 1977 (Habibullah, 2008). According to P N Bazaz the elections of 1951, 1957 and 1962 the ruling dispensation used all the paraphernalia to undermine the opposition campaigns, the political opposition was made meaningless. The intimidation tactics was employed and the polling personnel were used to tamper with the ballot boxes. It is in this context that Pandit Jawaharlal Nehru asked G M Bakhshi that this exercise will further cement your position if he lost more seats to bonafide opponents.

The elections of 1987 mark a watershed in Kashmir's electoral tryst. The contesting parties in this election mainly were National Conference, Congress, Muslim United Front (MUF) and BJP. This was a set off far-Right wing parties and Secular democratic parties on the other. But the beautiful thing about the election of 1987 was that everyone believed in Democracy and democratic project and even those people who later on became Militants and separatists participated in these elections. The elections of 1987 were heavily rigged that is well documented. The unfortunate party was Muslim United Front (MUF). Even though the exact assessment of rigging was not possible but according to anonymous Indian intelligence Bureau claims, approximately 13 seats were lost by MUF because of election rigging (Widmalm, 1997). The rigging of elections of 1987 created a large group of alienated youth and leaders. Syed Ali Shah Geelani—the separatist leader had participated in these elections from Sopore constituency, Mohammad Yousuf Shah who later on created a disastrous militant group contested unsuccessfully from Amira Kadal constituency. He had Yaseen Malik as his election agent who later on became the head of Jammu and Kashmir Liberation front (Dulat, 2017). The worst thing about this incident in history was that Pakistan made full use of this disenchantment and dissidence. Same people who participated in the democratic exercise in 1987 were used as proxies against India. According to Ab Gani Lone who started the genesis of People's Conference and was earlier the candidate from Congress party alleged that, "to hell with the democratic process and all that this is about" and they said "let's go for the armed struggle." This was the flash-point.

The thought was there, the motivation was there, the urge was there, the demand was there, and the opposition was there. The situation became ripe, and [the elections provided] a flash point". This process has been summed eloquently by Paul Stanil and when he says about elections in Kashmir that, "Electoral competition is encouraged, but local politics is carefully controlled and manipulated; the rule of law is hailed, but state accountability is extremely weak; and generally non-violent mass mobilization is met with heavy-handed security forces.

### **Economics of Peace in Kashmir**

Law and order is a prerequisite for peace in any state. The development to take place requires a peaceful environment that can facilitate growth and development. There has been a rigorous academic debate around the issue that whether development should precede democracy or not (Hegre, 2014). In order to bring long lasting peace in valley of Kashmir various governments in Centre in collaboration with the State governments have tried various models. Certain policies from the Centre received the consent of the State leadership and others didn't. Many of the experiments done were a sort of pilot project testing. The problem with Kashmiris is that they are not straight as they look. According to former IFS officer Brijesh Mishra quoted by A.SDulat in his book Kashmir: The Vajpayee years assaying that –the only thing straight about Kashmir is the poplars. Due to the political uncertainty after 1990, which was largely due to the result of rigging of 1987 elections and fomenting of terror from Pakistan, the economic indicators of the State received a serious hit. Analysts argue that economic slowdown and poor Governance indicators led militancy and separatism gain ground in Kashmir (Prakash, 2010, pp. 315-377). Because of lack of economic opportunities, Kashmiri youth across the borders both under Pakistan and Indian control are an easy prey for militant groups They feed on their economic backwardness and illiteracy (Habibullah, 2004).

The economy of Jammu and Kashmir is largely dependent on grants from centre. The State receives 80% of grants from the centre while raising just 20% from its own resources. This is exactly opposite of the model that is place in the rest of the states. Tourism is one of the major building blocks of Kashmir economy apart from Horticulture and Agriculture. According to directorate of Tourism Government of J&K (1988) before the turmoil started in 1989's, J&K received 7.21 and 7.22 lakh tourists approximately. This figure came down to 5.57 lakhs in 1989 and in 1990 this figure plummeted to 10,720! The uncertain

environment has taken toll of tourism industry and has eventually affected thousands of Kashmiri families directly depending on tourism. State of Jammu and Kashmir has performed quite poorly when compared to other States of India with respect to the growth of Net State Domestic Product (NSDP) at current prices. The comparison of Net State Domestic Product (NSDP) of the years when Kashmir saw turmoil during 1980-81 to 1999-2000 shows a significant dip. According to the Planning commission data the NSDP of J&K was 12.45 %. In the same period the NSDP of Andhra Pradesh, Gujarat, Kerala and west Bengal was 15.01 %, 14.28 %, 14.3% 1.83% respectively. The figures of Planning commission and Finance commission during 2007 reveal that per capita income of state was 17174 which is only 2/3 of 25907 (National Average). During 10th Five-year Plan, the state achieved 5.5 % of growth rate as against 7% at the National level(Ahmad & Hussain,2011).

There is a direct correlation between peace and development. According to the policy statement and guidelines on Conflict Peace and Development in 1997 by Organization for Economic Co-operation and Development (OECD), -Sustainable development cannot be achieved without peace and stability and peace and security are not possible without meeting the basic needs of the people.

### **Soft Authoritarianism, shrewd tactics and Trampling of liberties**

In order to deal with the insurgency since 1989, New Delhi has had to resort to iron-fist policies, Soft Authoritarianism and lot of diplomacy. The relation of State with New Delhi has been described as a story of smoke and mirrors. But over the years, the people inside the valley have faced serious consequences because of the conflict. These issues range from Psychological issues, Human Rights trampling, Physical violence etc. Since the conflict peaked from 1990, the conflict between India and Pakistan has consumed 70,000 lives (Peer, 2010). In order to subside and bring down the insurgency of 1990's and later, Indian counter insurgency operations involved shrewd tactics like use of former militants who switched sides and fought against the insurgents successfully were encouraged, eventually resulting in the collapse of dangerous militant movement (Ganguly & Fidler, 2009). This tactic has worked quite efficiently for the security agencies and the State. In order, to give the security forces more power and impunity Jammu and Kashmir is among other few North Eastern States of India that gives them the additional and lethal powers under Armed Forces Special Power Act (AFSPA). This is a very controversial law that

protects security agencies while operating in conflict zones. There have been many instances of illegal and arbitrary use of the law by forces while operating in the valley. To add insult to injury there is very less accountability mechanism that this law offers for victims who have suffered at the hands of security agencies.

Another Law that has been much controversial and is in debate is the J&K Public Safety Act, 1978. This law again is a part of –authoritarian and illiberal order of Indian State. This Act was enacted by Sheikh Abdullah led government in 1978 in order to keep –timber smugglers out of circulation. But the real motive came to fore when the provisions of this Act were used against political opponents and dissidents of the incumbent government. Thus, this controversial law initially was more used as a tool for political vendetta and political score settling. Since the armed rebellion and insurgency started in Valley, J&K Public Safety Act was used to detain rebels, over-ground workers (OGW) and stone pelters. According to figures provided by Mehbooba Mufti on the floor of the House in State Assembly from 2007 to 2016, over 2400 PSA detention orders were passed. According to information obtained by Gaurav Vivek Bhatnagar through Right to Information (RTI), 1000 people were detained under PSA between March 2016 and August 2017. According to a report by Human Rights Organization Amnesty International (AI), ‘A Lawless Law: Detentions under the Public Safety Act’ published in 2010, up to 20,000 persons were detained under the J&K Public Safety Act since it was enacted in 1978. This law has been very effective after the abrogation of Article 370 and Article 35A in the State in order to maintain the calm. The potential threats to –security and safety of the state were detained beforehand in order to avoid any adverse situation. The Act even though very controversial because it directly impedes on the liberty of an individual, has been used to protect the rights of an individual and the integrity of the state. The logic from the Government is that the lives of the citizens who die as collateral during protests are far more valuable than the –liberty of an individual.

### **Dovish character of Indian State in Kashmir**

The time- tested system of dealing with Kashmir issue by the centre has been use of –Carrot and –stick policies. The stick has been discussed above. The soft approach of the New Delhi has been to –Win Hearts and Minds of the people in Kashmir (Staniland, 2013). This policy is popularly abbreviated as WHAM. This approach is much more effective and

visionary than the iron fist approach. This approach believes in integration and is more inclined towards liberal-democratic argument than the other one. The best possible way to deal with anger is to listen to opposite view point and respect the dissent (Bhosle, 2009). This holistic approach includes Confidence Building Measures (CBM), starting talks with Pakistan, sending of interlocutors to Kashmir who generally engage with all shades of opinion cutting across party lines. To toe this line even Army has started the famous *Sadhbhavanaprogramme*. *Sadhbhavanaliterally* means -goodwill of the people. This programme was initially started in border areas only but is now operational in most places in Kashmir. The Army provides medical facilities, organises camps and aid through this programme. According to some estimates, total of 163 medical camps were held in 2004, with attendance of 14,050 patients seeking medical attention and 264 patients seeking dental attention; in 2005, 87 camps were conducted, with attendance totals of 7,562 and 559, respectively (Cariappa *et al*, 2008).

The engagement at political level has been carried through interlocutors and Track II diplomacy. The history of interlocutors starts in 1990 at the peak of insurgency as a good will gesture by a team led by Rajiv Gandhi. The dialogue process also dates back to Late Molvi Farooq, the chairman of Awami Action Committee (AAC). He was the only leader who tried to bring various parties to table in 1992. This process was also started by disgruntled militant leader Ab Majid Dar in 2000. He along with other militant leaders tried to start dialogue with New Delhi, but this effort was sabotaged by Pakistan by assassinating Abdul Majid Dar.

The formal process of interlocutors was started in 2001 by Government of India under the leadership of former Union Minister KC Pant. These efforts didn't gain fruition as Hurriyat did insist on Pakistan's participation in dialogue. India was against this development. The only leader that K C Pant met was Shabir Shah and former Chief Minister Mir Qasim. The permanent standstill came when parliament was attacked in 2001. Later on, everything froze in history (Mitra & Carciumaru, 2015).

The second attempt was made under the leadership of Late Ram Jethmalani. To give fruition to this idea -Kashmir Committee/was formed. This Committee included names like Dileep Padgaonkar, Supreme Court advocate Ashok Bhan, freelance journalist Jawid Laiq, Fali Nariman, Shanti Bhushan (Former Law Minister) and Journalist M J Akbar. This Committee conducted discussions with Hurriyat and later even Ram Jethmalani claimed

that something fruitful was in offing but this development was sabotaged by Mirwaiz Umar Farooq.

With the coming to power in centre, BJP government in 2003 appointed former Home secretary NN Vohra as a sort of interlocutor to Kashmir. His mandate was vague and not clear enough. There was confusion in his way of dealing and conducting meetings. This led to stalemate. Later on, even the Late Arun Jaitley was engaged by BJP to initiate the dialogue and break the ice but his recommendations were not acceptable to any party. This process of interlocutors also involved former RAW chief A S Dulat and R K Mishra but both failed miserably.

In 2006, two set of ‘Round Table conferences’ were held in February 2006 and May 2006. All the major political mainstream parties in Kashmir welcomed the move. Even Hurriyat initially welcomed. Mirwaiz and Shabir Shah also showed signs of acceptance, but as always it was hardliner Geelani who had the final say. He proved the spoke in the wheel hence both the conferences failed to give anything substantial. But government claimed that lot of valuable inputs have been taken out of the two conferences.

The big attempt in the story of interlocutors was made in 2010 when three interlocutors were appointed. These interlocutors included Journalist Dileep Padgoankar, Academician Radha Kumar and Information Commissioner M. M. Ansari. This appointment of interlocutors came against the background of 2008 and 2010 summer unrest and announcement of 8-point programme announced by UPA government. The trio started visits from 23 October, 2010 (Chandra, 2011). The team met various people, students, academicians, politicians and members of civil society and Industrialists. No significant politician except Omar Abdullah met the team. Hurriyat generally stayed away from the panel. Hardliner Syed Ali Shah Geelani rejected vehemently this panel and gave his own five points in order to start normal political process

- ✓ Acceptance of Kashmir as a dispute according to UN Resolution.
- ✓ The second demand was demilitarization of Kashmir valley.
- ✓ The third thing was the releasing of all political prisoners.
- ✓ Investigation and prosecution of security personnel involved in killing spree of protesters.
- ✓ Armed Forces Special Powers Act needs to be repealed or revoked.



The history of interlocutors in Kashmir has been a failure because nothing substantial has ever come out of these visits (John, 2011). The recommendations that these committees provided the Government have been there in cold storage in Ministry of Home Affairs, Government of India.

### **Conclusion**

The most peaceful era or years in Kashmir conflict have been during Vajpayee tenure at Centre and when he was at the helm of affairs. The levels of violence and agitation have been at historic low (Wirsing, 2016). This model of Vajpayee years was not carried forward and according to the words of A S Dulat after Vajpayee, Manmohan Singh government lost a fruitful decade that should have yielded great dividends for India and peace process in Kashmir. It is not true that democratic process has remained immune in Kashmir. Voter turnout has risen dramatically from 44% in 2002 to 60% in 2008. PDP – Congress alliance won state elections in 2002 by defeating the hegemony and incumbent NC. Thus, there have been good spells of democratic process in Kashmir despite worse experiences of Governor's and Presidents Rule. The peaceful transition has happened which is one of the main requirements of Democracy. But still analysts from different background have argued that India's approach in Kashmir has failed to achieve its desired political endgame (Ganguly, 2010), because this approach has not been consistent.

The approach by centre in New Delhi has had stints of playing hard ball as well as diplomacy. This has involved negotiations with leadership in Kashmir and also managing the incumbents there. Assimilation and integration are two separate species. Even though integration will protect your identity and culture, assimilation is neither democratic nor secular. This is the reason groups turn to separatism, in order to quell the challenge of the State that has move from its Secular-Democratic credentials (Navlakha, 1991). Before August 5, after the abrogation of Article 370 and 35A, Governor's Rule was imposed in J&K for eight instances. Jammu and Kashmir has seen lot of instances of direct Rule from centre. Thus, the instances of Democracy through free and fair elections and negotiations have been pretty less. But the analysis tells us that whenever there has been political engagement in valley, those

years have been peaceful years in Kashmir. Kashmir has seen lot of bureaucratic driven administration rather than politics driven governance. Even people seem to be quite okay with administrators rather than politicians. This is quite disturbing trend for a larger liberal democratic project that is at work in India. Liberal democracy demands free and fair elections as well as all those liberal constitutional guarantees that are enshrined in the constitution. One can't go without the other. The process of traversing towards peace through illiberal measures is fraught with danger. This is neither sustainable nor smart. What we are left without Constitutional Liberalism is just – Good Government (Zakaria, 1997) and that is not a Liberal – Democratic order that Indian constitution is aspiring for.

### References:

- Ahmad, I. M., & Hussain, N. A. (2011). Impact of turmoil on tourism of Kashmir. *Journal of Economics and Sustainable Development*, 2(7), 1-7.
- Bazaz, P. N. (1991). *Kashmir in crucible*. Verinag Publishers.
- Bhonsle, R. K. (2009). Winning Hearts and Minds: Lessons from Jammu and Kashmir. Manekshaw Paper No,14.
- Cariappa, M. P., Bonventre, E. V., & Mohanti, B. K. (2008). Operation Sadbhavana: Winning hearts and minds in the Ladakh Himalayan region. *Military medicine*, 173(8),749-753.
- Chandra, S. (2011). Addressing Kashmir. *Strategic Analysis*, 35(2), 304-307.
- Dulat, A. S., & Sinha, A. (2017). *Kashmir the Vajpayee Years*. HarperCollins Publishers India.
- Habibullah, W. (2008). My Kashmir: Conflict and the prospects for enduring peace. United States Inst of Peace Press.
- Habibullah, W. (2004). The Political Economy of the Kashmir Conflict: Opportunities for Economic Peacebuilding and for US Policy (Vol. 121). *United States Institute of Peace*.
- Jamwal, S. S. (1998, January). J&K State's Accession to India- A Debate over delay *In Proceedings of the Indian History Congress (Vol. 59, pp. 844-849)*. Indian HistoryCongress.

- John, W. (2011). Kashmir: The Problem, and the Way Forward. *Strategic Analysis*, 35(2),318-323.
- Mitra, S., &Carciumaru, R. (2015). Beyond the ‘Low-Level Equilibrium Trap’: Getting to a Principled Negotiation of the Kashmir Conflict. *Irish Studies in International Affairs*, 26, 15-38.
- Peer, B. (2010). *Curfewed night: One Kashmiri journalist's frontline account of life, love, and war*. Random House. New York.
- Puri, B. (1981). *Jammu and Kashmir: triumph and tragedy of Indian federalisation*. Sterling Publishers.
- Punjabi, R. (1995). Kashmir imbroglio: The socio-political roots. *Contemporary South Asia*, 4(1),39-53.
- Prakash, S. (2000). The political economy of Kashmir since 1947. *Contemporary South Asia*, 9(3),315-337.
- Staniland, P. (2013). Kashmir since 2003: Counterinsurgency and the Paradox of Normalcy. *Asian Survey*, 53(5), 931-957.
- Thomas, R. G. (1993). The struggle for Kashmir: Alternative interpretations and solutions. *Contemporary South Asia*, 2(2), 199-215.
- Widmalm, S. (1997). The rise and fall of democracy in Jammu and Kashmir. *Asian Survey*, 37(11),1005-1030.
- Zakaria, F. (1997). The rise of illiberal democracy. *Foreign Affairs*, 76(6), 22-4