

GOVERNANCE, DEMOCRACY AND INSURGENCY IN JAMMU AND KASHMIR [1947-1990]: AN APPRAISAL

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ABSTRACT

Although modern Jammu and Kashmir has attracted the attention of scholars, political scientists all over the world, and a plethora of quality literature has been produced which thoroughly observes many dimensions of the politics and political culture of the state, the issue of governance and functioning of democratic institutions in the state had remained an under explored area of scholarship. Notwithstanding the fact that the post 1947 governance in the state has its bearing on the political dynamics, the issue of democratic governance has been referred only occasionally without any subjective analysis and detailed treatment. The present paper is an attempt to highlight the factors responsible for governance deficit in the state and also analyse how people in the state remained politically dispossessed and bereft of functional democracy and effective governance. Besides, this paper also analyses how governance deficit and ineffective functioning of democratic system in the state created alienation and remained the vital factor of insurgency that breakdown in 1989.

Keywords: Jammu & Kashmir, Governance, Democracy, Alienation, Insurgency, Conflict.

INTRODUCTION

Governance is the function of a cluster of factors. It is the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It consists of mechanism, processes and institutions through which citizens and group articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. Without good governance, no amount of developmental schemes can bring in improvements in the quality of life of the citizens. On the contrary if the power of the state is abused, or exercised in weak or improper ways, those with the least power in the society- the poor are likely to suffer. In that sense, poor governance generates and reinforces, inequality, illiteracy, poverty and hinders development to a great extent. Strengthening institutions and infrastructure of governance is an essential precondition to improving the standard and quality of people's lives. For governance to be more

efficient and responsive and for the effective functioning of democracy, a stable and well-meaning political context is needed within which these can operate. Unfortunately, in the state of Jammu & Kashmir, the requisite atmosphere remained waiting ever since 1947. Situations and factors that cannot be taken as normal has characterized the political context in the state.¹

The state of Jammu & Kashmir, a landlocked territory, lies in the northwest part of subcontinent. The state with its present boundaries traces its origin to the Treaty of Amritsar concluded on 16th March 1846, between British government and Gulab Singh. The treaty was by all its standards, a sale deed conducted under the shadow of politics and to secure purely interests of the parties concerned. Dogra Dynasty ruled over the state from 1846 to 1947. State under Dogras remained feudalistic in both form and spirit. The principle of good governance was unknown to them and they ruled over the subjects as the masters rule over slaves. This feudal and oppressive nature of Dogra rule in the state gave birth to a revolutionary movement in 1932 under the banner of All Jammu & Kashmir Muslim Conference.² The party was formed to direct the nascent but growing movement for social and political change. Muslim Conference in the year 1938 published its manifesto entitled "National Demand" calling for implementation of sustentative reforms to bring out a responsible government in the state.³ Subsequently, in 1939 at Muslim Conference's annual convocation the party was renamed as All Jammu & Kashmir National Conference to give it a secularist outlook besides to enhance its mass base in the state. The National Conference ideology was specifically directed to the emancipation of Jammu and Kashmir from the post 1846 dispensation and was based ideologically on a deep sense of regional patriotism. The National Conference's campaign against the Dogra autocracy entered into a climatic phase in 1946 and met with severe repression by the regime. In the years upto 1947 National Conference paved to be a remarkably dynamic agent of political mobilization. The party's dynamic traits-the charismatic leadership, the solid network of talented and committed young men, and the promise of progressive social change- were a beacon of hope for impoverished and politically disenfranchised population. Finally in 1947 when Britishers left India, the two dominions India and Pakistan were born on 14-15 August 1947. The state under Maharaja, by the backing of Kashmir's prominent nationalist leader Shiekh Mohammad Abdullah acceded with Indian dominion conditionally on three subjects viz. defence, communication and external affairs. However, accession of Jammu & Kashmir with India remained an issue of contradiction and contestation between India and Pakistan thus the impacting political conditions in the state ever since. Since accession the people in the state have suffered disadvantages and insecurities of being the victims of conflict, the division of land and erection of arbitrary borders that have restricted people's options and pushed them to a sort of periphery, governance deficit and deprived core of functional democracy. People remained politically dispossessed, have been deprived in terms of rule of law and advantage of rights, people across the word enjoy.⁴ The subsequent pages will analyse how governance and democratic institutions functioned in the

state under so called popular rule established after accession in the state and what enabled people of the state to stand against this popular rule in 1989.

BEYOND DEMOCRACY AND AUTHORITARIANISM

The period from 1947 to 1953 is a formative one in the politico-administrative history of the Jammu & Kashmir for many far-reaching changes took place that shaped the future course of administrative setup and the nature of democratic governance in the state. The autocratic monarchical rule of Jammu based Dogra dynasty was replaced by National Conference government which had spearheaded a democratic movement in the state since 1931 under the leadership of Shiekh Mohammad Abdullah. On 5 March, 1948 Shiekh Abdullah was nominated to the office of Prime Minister and emergency council was converted into regular council of ministers. Immediately after assuming state power Shiekh Mohammad Abdullah began the process of implementing the provisions of his party programme “*Naya Kashmir Manifesto*” which called what amounted to a one party-government in the state of Jammu & Kashmir dedicated to social reform along the lines pioneered by the Soviet Union.⁵ One the lines of Naya Kashmir Programme on 13 July, Abdullah government, “introduced the most sweeping land reforms in the entire subcontinent”.⁶ Accordingly on 17 October, 1950 Abdullah government enacted the *Big Landed Estate Abolition Act 2006 (1948)*⁷ resulting the suspension of preceding temporary measures and legalized the revolutionary land reforms. Besides agrarians reforms Abdullah government also took various measures to improve the socio-economic conditions of masses who suffered a lot during more than 100 years autocratic rule besides to enable them to enjoy the fruits of their hardships during the anti-feudal movement in Kashmir. But despite state witnessed tremendous development in the era of Shiekh Abdullah the fact remained that the system of governance was marked by certain grave infirmities on the account of which targeted results could not be achieved and Kashmir become a smoldering volcano. The benchmarks of democracy i.e free and fair periodic election, existence of opposition, freedom of expression, civil liberties etc. remained only the words on paper in Jammu & Kashmir. As early in 1947 National Conference besides being a dominant political party in the state, there was existence of not less than seventeen political parties embracing different political ideologies, some with a formidable mass base. These parties were suppressed with iron hand and in order to escape from arbitrary arrest and detention parties used to hold their meetings underground. “Beating of political opponents, trembling upon their bodies till they vomit, applying hot iron on the bare Skin and blacking their faces with dug and mud” were the common used methods applied by nationalist government to deal with political opponents. The newspaper and periodicals that highlighted the virtual paralysis of the state government and who do not correspond with the government were confiscated.⁸ The Party (National Conference) and administration had remained so intermingled that it had almost become one and the same. Indeed National

Conference party slogan was “one part, one leader, one programme” means National Conference, Shiekh Abdullah, Naya Kashmir”.⁹ In 1947 before Shiekh Abdullah assumed the reins of administration there were existence of various newspapers, journals and periodicals, propagating different ideologies and belonging to all shades of opinion. But soon Nationalists assumed power it become a thing of past. They were banned with high handed methods.¹⁰ Democracy the way it has been manipulated in the State, pushed the non-governing elite to greater alienation from the system. It started in 1951 and culminated in 1987 elections. The election of 1951 become a trend setter for future elections that were held till 1975 with only example of free and fair 1977 election in the political history of State. The election for constituting constituent assembly was conducted in 1951. The ruling National conference won all the seats. In theory its members have been freely elected in a manner hitherto unknown in the state. The fairness of the elections was certainly to challenge.¹¹ Nobody ventured to file nomination papers in the valley. The nomination papers of the opposite candidates were rejected on flimsy grounds.¹² The manner in which the elections was conducted made a mockery of any pretence of a democratic process and set a grim precedent for future free and fair elections in Jammu and Kashmir thereby damaged the democratic spirit in the state.¹³ Thus the system of governance he evolved remained authoritarian and lacked in democratic substance.

MANUFACTURING CONSENT AND POLITICS OF INTEGRATION

After the controversial and dramatic dismissal of Shiekh Abdullah in August, 1953, the reins of administration was handed over to deputy of Abdullah, Bakshi Ghulam Mohammad. The events brought out during this period vocally suggest the contractual relationship between New Delhi and state rulers where they were allowed to run an unrepresentative and unaccountable government in the state and in turn facilitating Jammu & Kashmir’s integration with India only on New Delhi’s lines. Manufacturing consent in favour of ruling clique by way of material and other means remained a priority concern. Since Bakshi was unpopular in the beginning, he adopted two dimensional policies to establish himself firmly and to manufacture consent in his favour, since he does not enjoy popular mandate for he was believed to be complacent with the dethronement of Abdullah. The political events of 1953 that led to the arbitrary dismissal of Shiekh Abdullah, the most potent advocate of state’s special status granted under Article 370, facilitated the process of greater legal meager of the state within Indian union beginning with the presidential order of 1954. By this order the jurisdiction of the centre was extended from original three subjects namely defense, communication and foreign affairs to all the subjects of State list.¹⁴ This also implemented the Delhi Agreement 1952. On one hand Bakshi strongly coerced the dissent by using police and other such instruments and on the other hand propounded the subsidy culture and corruption with minister and public servants looting the public exchequer, an endeavor in which he was fully backed by nationalist government.¹⁵ His “Peace Brigade”

became major instruments of suppressing opponents. Any person who mustered courage to stand against him was subjected to different kinds of savagery both psychological and physical. Strict censorship was enforced on state press and banning publication of newspapers that were critical of his misconceived policy and atrocious deeds.¹⁶ Bakhshi promoted corruption in the administration by giving key administrative and party positions to his own relatives for which his government earned a sarcastic name "Bakshi Brothers Corporation". Allotment of route permits, contract of forests, government jobs were kept open for relatives and supporters of ruling elite. The common person was alienated and marginalized without any democratic and political rights, was forced to live under oppressive order.¹⁷ In 1957 and 1962 elections Bakhshi through the trick of rigging managed to install his men in the assembly. Government machinery was used without any fear in favour of the nominees of the ruling elite. The elections of the May 1957 were such swept by the ruling national conference, winning 68 out of 75 seats.¹⁸

The integrationist tendency and the process of election manipulation continued unabated even under the primership of Bakhshi's successors importantly under Gh Mohammad Sadiq. Many provisions of the India Constitution with a view to curb the autonomy of the state and to ensure greater constitutional integration were extended to Jammu and Kashmir with the active consent of ever willing state government. Article 249, which empowers union government to legislate on any matter enumerated in the state list, was made applicable to Jammu and Kashmir.¹⁹ The two most centrist provision of the Indian constitution (still controversial) article 356 and article 357 were been made applicable to the state of Jammu and Kashmir in its totality, through the constitutional (Application to Jammu and Kashmir) Amendment Act issued by President of India on 21, December 1964. This empowered the President of India to proclaim presidential rule under Article 356 of Indian Constitution in case of failure of constitutional machinery in the state. Further Article 357, empowering the Parliament to confer on the President the power of the State legislature to make laws and also delegate powers to specified authorities. As a step further towards erosion of state autonomy and with a view to remove the impression of distinctive constitutional pattern created by somewhat different nomenclatures of *Sadri-e-Riyasat* and *Wazir-e-Azim* of the State, in April 1965, the sixth amendment to the Constitution of Jammu and Kashmir was enacted. This amendment introduced far-reaching changes in the State Constitution by bringing the constitutional position of state in harmony with the pattern established in all other states of the Indian Union. By this amendment, the office of *Sadri-e-Riyasat* was abolished and in that place a provision was incorporated in the State Constitution that provided for a Governor to act as the head of state.²⁰ It also abrogated the provisions of section 27 of the state constitution which laid down the procedure for the election of the *Sadri-e-Riyasat* and his recognition by president of India. Such provision of the constitution was replaced by a fresh provision which provided that the governor of the state would be appointed by the president of India and should hold his office during the pleasure of president. This amendment enacted in the

State constitution also abolished the office of *Wazir-e-Azim* (Prime Minister) in the state, replacing it with Chief Minister, thereby changing the basic character of government from democratic to non-democratic, which ultimately produced a deteriorating effect on the autonomous status of the state. In February 1967, with the concurrence of state government three sections of the Jammu and Kashmir Representation of Peoples Act were amended to bring it at par with the Central Government law. During the regime of Gulam Mohammad Sadiq the fifth schedule of State Constitution dealing with oaths and affirmations for ministers, deputy ministers, and candidates contesting elections, members of the State Legislature and judges of the State high court was also amended by the state government to enable the emotional integration of *state* towards Indian Union. The words on all oath forms “that I will uphold the sovereignty and integrity of India” were being inserted after the already existing expression “that I will bear true faith and allegiance to the constitution of the state as by law established.”²¹ New Delhi showed its policy of radical centralising strategy by arrogating the Kashmiri’s historical political movement, National conference. The working Committee of National Conference (Sadiq faction) under the patronage of Ghulam Mohammad Sadiq announced on 3rd January 1965, that the National Conference party would dissolve itself and merge into India’s ruling party Indian National Congress. Sadiq remained instrumental in conversion of Kashmiris main political organization into the unit of Indian National Congress. The process of erosion of autonomy of the state right from 1953 under Article 370 of Indian Constitution continued unabashedly, however with active consent of successive state governments. Almost more than 28 Presidential orders (Application to Jammu and Kashmir) were enacted from 1953 to 1971. Each of these orders was issued to extend more provisions of the Constitution of India to the State of Jammu and Kashmir.²²

The process of winning elections with rigging and by making mockery continued unchangeably even during the era of Gulam Mohammad Sadiq without any restraints. The rigging of elections in Kashmir went beyond the crude casting of fake votes that take place in say, Pakistan or Bihar. In Jammu and Kashmir such things were done with style and imagination. In 1967 elections to constitute a new Assembly 39 out of total 75 seats were declared elected without any contest as the ruling party has created such a terrible environment that no opposite candidate dared to file nominated papers against the ruling party candidates in the state. In 22 out of 42 seats in the valley the candidates sponsored by the Sadiq-Mir faction were returned unopposed.²³ During this election the nomination papers of 118 candidates were arbitrary rejected on flimsy grounds. Among these 118 candidates, the nomination papers of 55 candidates were rejected on the reason that the candidates had completely failed to take obligatory oath of allegiance to India. Out of total 75 seats ruling party won 62 seats in the state legislature.²⁴ For the first time, simultaneous elections were held to fill 6 seats from Jammu & Kashmir in Indian’s Parliament (the Lok Sabha). For 2 of these-Ladhak and the valley seat of Anantnag-Congress candidates were elected

“unopposed”. Another 3 were won by Congress candidates. The irregularities common to both sets of polls included “large scale rejection of nomination papers, arrests of opposition polling agents, advance distribution of ballot papers to congress workers, absence of opposition agents at the time of counting and rampant use of official machinery to the advantage of ruling party. All this was executed by the ruling elite firstly to retain themselves in power and in complexity with the central government in New Delhi as a part of National Agenda at the cost of democratic governance.

ROOTS OF ALIENATION AND ROAD TO INSURGENCY

Between 1965 to 1989 as mentioned by Sumit Ganguly, an eminent scholar, the process of political mobilization and the undermining institutions throughout India but particularly in Kashmir accelerated. There was a brief respite in the mid 1970’s when the hopes of the politically aware Kashmiri’s raised by the release and return of Shiekh Abdullah after years of detention. However, his return to Kashmir was nothing short of triumphant. He promptly assumed the Chief Ministership and leadership of the National Conference and his own party won comfortable majority in the next election in 1977.²⁵ However, Abdullah died in 1982 and was succeeded by his son, Farooq Abdullah, a political neophyte. In 1986 Rajiv Gandhi Signed an accord with Farooq Abdullah. This accord is considered in the political history of Jammu and Kashmir a major milestone in the process of alienation leading to the formation of National Conference-Congress coalition government in the state on 7 November 1986.²⁶

After 1987, the situation in the Kashmir went beyond the normal political discourse in which the predominant majority of people lost their faith in the electoral process. The most stimulant factor towards insurgency was 1987 election to the state assembly which provided a prelude to the armed rebellion in Kashmir. Kashmiri youth were alienated by the mass scale rigging of 1987 election in which Muslim United Front (MUF) was the main victim. The evidences suggest that the 1987 elections were as unfree and unfair as any other held in the political history of state.²⁷ The election was held in March, 1987. There was nearly 75% participation, the highest ever recorded in the state with nearly 80% in the valley. The Congress-National Conference alliance claimed sixty six seats, Congress over five out of six seats in the valley where their candidates had contested.²⁸ The victory of alliance was described as “heartening from the non-partisan point of view”. Muslim United Front, subsidiary alliance of young men, which were expecting to win ten out of forty four seats they had contested, won only four seats. Despite national jubilation at the congress-conference victory. There were widespread charges of rigging, votes were cast in favour of MUF but results were declared in favour of National Conference. The rigging was blatant. In constituencies where elections were manipulated, the polling agents of the opposition candidates were arrested and beaten not only by police but also by the winning “National Conference candidates”.²⁹ In the constituency of Handwara, Abdul Gani Lone’s traditional

bastion, as soon as counting began on 26 March, Lone's counting agents were thrown out of the counting station by state police personels.³⁰ The election of 1987 was the culmination of fraud and resulted in the beginning of new phase in Jammu and Kashmir – arms struggle. The large scale rigging turned Yusuf Shah into Syed Salaud-din and united four young men to form the core of Jammu and Kashmir Liberation Front to start an armed struggle in the state. Several key insurgent leaders, Shabir Shah, Yasin Malik were polling agents of the Muslim United Front in 1987 election. The extensive electoral malfeasances that they witnessed in 1987 convinced this younger generation in Kashmir that the nationalist government had scant regard for democratic procedures. With no other recourse open for expressing their disenchantment with the flawed political process, they resorted to violent methods to make their point heard.³¹ Even those who took shelter in militant means were neither unanimous on objectives nor on methods to be adopted. Their only similarity was the disapproval of the *status quo*. The mushroom growth of militant outfits in 1989 was result of the manifestation of this phenomenon.

CONCLUSION

To conclude, it is pertinent to mention here that roots of insurgency that breakdown in 1989 lies in the institutional decay and deficit governance the state witnessed since its accession to India in 1947. There remained a persistent policy of denying the state the right to a functional democracy. One party rule had been imposed on the state through manipulation of elections. Opposite parties have been prevented from growing and elementary civil liberties have been denied to the people. Further, the erosion of autonomous status of state by way of enactment of various Presidential orders to consolidate the basis of the unitarian nationalism in the state had reduced the scope of liberal politics in the state. It is this disregard to the autonomous urge of the people of the state, and to the state's democratic set-up, which is manifested in their recourse to frequent street protests, rather than approaching universally recognised agencies of legal redressal. The premise uttered by many nationalist leaders that the state is unfit for democracy or do not deserve it is not worth deserving. There is a need of initiative to address state in all its dimensions, so that state is restored to its normal political context for effective functioning of democracy in its essence.

NOTES

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