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Kashmir: Local Self-Governance As the Key to a Solution

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The massive public protests in Kashmir in recent weeks are a fallout of a deep-seated frustration of the people with the political system. The lack of local self-governance and autonomous, statutory institutions leads to a concentration of powers sans accountability at the top. This makes it difficult to address the different and varied demands of the people of a diverse state like Jammu and Kashmir. Political reforms are thus central to any solution to the cycle of violence.

In 2003, 73-year old Abdul Ahad approached the Jammu and Kashmir (J&K) Human Rights Commission to help him in his three-year frantic search for his two sons, missing from Kathmandu where they had gone for business. In September 2000, the Nepal police arrested his sons, leather merchants based in Nepal, in the wake of the hijacking of the Indus Airlines plane to Kandahar. They were among 27 Kashmiris arrested there. Ten of them were released. According to Nepali newspapers, Ahad's sons, Mushtaq Ahmad and Mohammed Shafi, both in their early 30s, were handed over to the Indian security agencies. Since then, Ahad's family had been looking for one clue that will tell them the whereabouts of these two young men.

Abdul Ahad could not elicit any response from the commission as it had no powers to investigate allegations against federal agencies. Ultimately the father looked on the doors of politicians, who no represented their helplessness. The politicians added salt to his wounds by urging him to claim the ex gratia amount that is dispensed to the victims of militancy in the state. Mr Ahad refused to claim the amount, as this would have meant that he accepted that his sons were dead without knowing the exact circumstances of their death or even without the faintest idea of what happened to their dead bodies.

The case of Mr embodies one aspect of the multifaceted human tragedy and accumulative frustration in different sections of J&K society. The recent incidents of violent protests in the state are a symptom of this frustration of the people living within the state. Across the state, manifestations of this frustration are expressed in different ways in the absence of a potent institutional response to the problems of the people.

Desperation and Chaos

In the last few days, the political leadership in the state and country are groping for

answers to the vicious cycle of protests by the youth that have broken out in the valley. Omar Abdullah, the J&K Chief Minister, is certainly right when he described the present cycle of protests as a battle of wills and a battle of ideas, rather than a mere law and order problem. The Minister for Law and Parliamentary Affairs in his Cabinet, Ali Mohammad Sagor, was more direct in saying: "We cannot fight the people". The army chief V K Singh has rightly underscored the need for political initiatives, as militarily, the army has brought the overall internal security situation in J&K firmly under control. The reaction of the J&K government has bordered on nervousness by frequently transferring police officials and issuing contradictory statements on the reasons for the present flare-up.

Institutional Infirmy

In the state of J&K, there is a yawning gap between the government and the governed. Those institutions that could have acted as a timely feedback mechanism for the state do not exist. J&K is the only state in the country with no elected district, block and panchayat (Panchayat) bodies. Besides bringing the decision-making process right to the doorstep of the people, the lower tiers of elected bodies also act as a feedback mechanism

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of the state government. They go a long way in addressing grievances of the people including human rights violations. The principle of institutional autonomy is violated with impunity in J&K. For instance, the functioning of the district boards is at the mercy of the ruling party and its members are nominated. The chief minister attends an annual meeting of these district boards to allocate funds based on his discretion. Similarly, the J&K Human Rights Commission, formed in 1997, has remained a toothless institution right from its inception. It lacks the requisite infrastructure to enquire into cases reported to it and is merely a recommendatory body without powers to direct the executive.

In order to understand the origin of such structural problems which are afflicting the state at present, it is necessary to have an overview of the political inheritance of the state elite. At the moment of independence in 1947, the state's political elite framed away the best opportunity to bring about a structural change in the polity. Rather than bringing a systematic change to democratize the polity, this elite enmeshed themselves in the seats of privilege, which were previously enjoyed by the monarch. The elected, new political elite saw themselves as 'democratic monarchs' who were ruling in the place and through the systems of the previous regime. The weakness of democratic institutions and culture can be seen from the following example. In 1948, one of the high ranking bureaucrats of J&K, were also leading functionaries of the ruling political party. This clearly violated the principle of the neutrality of the bureaucracy and the checks and balances of powers in the executive. The distinction between policy-making based on rules and that based on patronage was never realized. In a state like J&K, with its multiplexed diversities, such weaknesses of democratic institutions and merging of powers had disastrous political consequences.

The lexicon and denouement of the state's political elite are a replication of monarchical times. Rather than build institutions to take governance to the local levels, the chief minister takes pride in holding public durbars to address the grievances of the people. It is impossible

for a single person to meet every aggrieved person and do the requisite follow-up in each of the cases brought up. This leads to failure to meet the expectations of the people, yet it is never realised that this approach is at the root of the present problems of the state. The real challenge for the chief minister and his team is to build credible and empowered institutions in the state which take into account the state's complexity. The lower tiers of governance act as a buffer between the chief minister and the people, and can respond to the concerns of the people with nuance and sympathy. Also, the lower tiers of governance make the policy inclusive, accountable and efficient.

Wider Failures

The central government's response to the present crisis has been no different from that of the state government. The argument that such sustained protests are simply the handiwork of anti-national elements is an implausible one. Statements like these, especially from senior government officials, undermine India's case and even demonstrate its inability to learn from past events. No outside involvement succeeded in Kashmir till the time a fertile ground was created in the region, largely due to the acts of omission and commission of the central and state governments. In 1965, when Pakistan sent raiders to occupy Kashmir Valley by force, the misadventure misfired badly for them as the Kashmiris did not support these invaders. The 1980 insurgency in Kashmir Valley has been a response to the scuttling of democracy in the state, a fact now well-acknowledged even in the official circles of New Delhi. Any adventure from outside can only realise its objectives when there is a fertile political ground available.

The present round of protests also indicates a certain disillusionment with the separatist political leadership, which is itself in dishevelled and it has shown little political vision or pragmatism. The All Parties Hurriyat Conference's leadership has never had a grass roots engagement with the people. It has remained an organisation whose main occupation was to issue timely press statements and call for

strikes. None of the separatist leaders ever tried to prepare the people at large for non-violent struggles based on progressive and secular values. All of them have merely jumped on the bandwagons of protests started by the youth at various occasions. It is in the interest of the political survival of the separatists that they should come out with a vision statement, which is pragmatic for a diverse state like J&K.

It is time that adequate lessons are drawn from the present and past crisis of the state. The problems of the state require an institutional response that takes into account its complexities. In the absence of democratic institutions at different levels working with transparency and autonomy, all responses will remain personality driven. Thus they would not only prove inadequate but also enhance the frustrations of people of the state who are aggrieved for many different reasons. The chief minister's job is to understand these systematic defects of the present polity and facilitate a process whereby a systematic and systemic deviation of powers is carried out. It is only through such devolution of powers within the state that legitimacy can be gained by the political structure of the state.

Conclusions

The vicious cycle of violence may be broken, for the time being, with the use of smart techniques of crowd dispersal. From a long-term perspective, though, establishment of empowered political institutions at various levels of governance is the best remedy to avoid such situations in future and also involve the people in taking charge of their own lives. Unleashing in such changes will enable the political machinery to acquire influence over the youth and their parents. Otherwise, mere dependence on security measures will only prove to be counter-productive and prepare the ground for future anarchy in the state. Despite the best of intentions, the present political structure is simply incapable of responding to the multiple challenges which mark the state of, and in, J&K. In the absence of an inclusive political structure, violent protests will continue to be a regular feature of J&K's political landscape in the near future.