Separatism, Democracy and Panchayat Elections in J&K

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The recently concluded Panchayat elections in J&K hold significance in the context of the political turbulence that the state had undergone barely few months earlier. Though the political situation of Kashmir has been characterised by unrest ever since 2008 Amarnath agitation, the summer of 2010 however, was the most challenging one. For five continuous months, the Valley was on boil. The political environment was so affected by the fury of youth on the streets that the structure of governance had collapsed and all mainstream political actors and activities had become redundant. The valley resounding slogans of Azadi reminded one of the early 1990s when the political order had caved in under the weight of mass upsurge and armed militancy. The vibrancy of Panchayat elections, in this background, has given positive signals vis-à-vis the appeal that electoral politics still has, despite the resilience of the separatist space.

The democratic space extended since 2002 Assembly election (reputed for its transparency and relative fairness) operates within the overall context of conflict situation and therefore faces extraordinary challenges due to the prevalence of the popular separatist sentiments. The ‘politics of governance’ as the democratic sphere of politics is branded in the common parlance, operates parallel to the politics of ‘ultimate resolution of conflict’ and therefore is always faced with the danger of losing its relevance. However, despite the aggressive assertion of separatist sentiments during last few years, there has been an encouraging response of Kashmiris towards the electoral process. This could be seen in 2008, when, defying the separatists’ call for boycott, people participated in large numbers in Assembly elections which took place immediately after the massive agitation over the Amarnath land row. This gave an indication that despite the entrenched politics of separatism, the democratic space is valued in Kashmir. The Panchayat elections, give a similar massage about the appeal that the democratic politics holds for the Kashmiris.

Held in 16 rounds from April to June this year, the Panchayat elections were quite vibrant. Compared to the last Panchayat elections which were held in 2001, these were much more meaningful and participatory. The 2001 elections were held in a situation when the armed militancy was still a reality in Jammu and Kashmir. In Kashmir valley therefore, election could not pick up momentum. In the face of the call for boycott issued by the militants, many constituencies were declared vacant as no contestant came forward to fill in the nomination papers, while in many other constituencies, there were unopposed returns of single candidates, mostly belonging to the ruling party. There were districts like Badgam, where the actual polling did not take place. Invariably in every district of Kashmir, the number of candidates per district were less than the total number of constituencies. Therefore, a large number of constituencies were left vacant. As many as 63 percent of the total panch constituencies in Srinagar district and 60 percent in Baramula district were declared vacant.
What reflected the abnormalcy of the situation in Kashmir was the public pronouncement in the form of affidavits published in the newspapers of hundreds of the candidates formally distancing from electoral process. As many as 5987 constituencies in Kashmir were declared vacant. Militancy had not only affected the panchayat elections in Kashmir, but also in Jammu region. In the militancy affected districts of Doda, Poonch and Rajouri, the electoral process was intervened by violence and disruption of the polls by the militants.

What was significant about the recent Panchayat elections in Kashmir was the overall enthusiasm of the people. Around 80% voter turnout was recorded. The young people, especially were quite involved in the electoral process with many of them joining the election fray as the candidates for Panch and Sarpanch constituencies. This was despite the boycott call given by some separatists like Syed Ali Shah Geelani. There were also the threats from some militant groups. There were reports that LeT had pasted posters outside mosques and other prominent places in some districts of the Valley forbidding people not to participate in the polls. However, understanding the pulse of the local people, Syed Salahuddin, the Hizb leader and the chairman of the United Jehad Council, did not give the boycott call. He stated that Panchayat elections have nothing to do with the basic issue of Kashmir and therefore militants would not be disturbing the elections. During the second phase of election, a woman was killed in Pakharpora area in Badgam district. It was generally believed that the killing of woman was supposed to be a message to voters that they should not be participating during the election. This did not seem to have made much impact because the enthusiasm of the voters continued unabated. What was further interesting was the involvement of women in this election. For the first time, 33% panch constituencies were reserved for women. It gave chance to many of such educated women who had some exposure to politics. However, most of the women contestants were the first time entrants not only in politics but even in the public life. Since the men could not contest elections, they had persuaded their female relatives, in most cases, the wife, to enter the electoral fray. In any case, the whole family was involved in the electoral process. With two to four women contesting elections in every panchayat, the involvement of women in the elections had certainly increased. Election in fact seemed to serve as the basis of politicisation of women, not only of the contestants but also of the voters. At the end of the electoral process around 10,000 women were elected as panches. In a state where the number of women in the party and electoral politics has been negligible, this is a process of great transformation.

The enthusiastic response of the people towards the panchayat elections, especially in the valley of Kashmir, as stated above, is a positive message regarding the resilience of democratic politics. That despite the frequent disruptions and prolonged periods of mass upsurge, democratic politics is still valued is a good pointer to hang on. Expansion of democratic space, however, does neither mean automatic shrinking of separatist space, nor does it indicate the resolution of conflict. The separatist politics is a reality of Kashmir which needs to be addressed on its own terms. However, it is important to note that absence of democratic space has contributed to the expansion of separatist space in Kashmir and any reversal in this context will help in redressing some of the grievances of people.
It is in this context of the value of democratic space that, there is a need to place emphasis on the empowerment of Panchayats. Panchayats as these operated in J&K earlier, from 2001 to 2006, were at best, the nominal bodies. If they remained functional, these were only in relation to Centrally Sponsored Schemes, for which the involvement of Panchayats is mandatory. If there was anything more pathetic than the powerlessness of the Panchayats, it was the absence of funding. Again, the only funding that was available to the Panchayats was that which was tied with some Centrally Sponsored Schemes – other than that neither the Panchayats were provided basic funding by the state nor were these directed to raise their own resources. While much of the problem of the powerlessness of Panchayat rests with the unwillingness of the parallel administrative and higher governmental structures to transfer real powers to the Panchayats, there is a structural problem in the State Panchayat Act as well. The PRIs in the state are not structured on the basis of federal principles. The principle of devolution of powers between the state and Panchayats is not reflected in the Act in any manner. The Act provides the powers of the three tiers of the Panchayat, but it does not guarantee that there is no overlapping of functions and powers between the administrative and field agencies under the control of the State government and the panchayats. Recently the State government has initiated certain changes vis-à-vis the State Panchayat Act. The provision for State Finance Commission and the State Election Commission for Panchayats has been made. A high powered committee has also recommended the process of empowerment of Panchayats. Hopefully, with these changes, there would be a functional relevance of Panchayats, at least at the village level.

Panchayats, as envisaged in the State Act, however, falls much short of being the institutions of self-governance. Unlike the 73rd constitutional amendment, the Panchayats at all the three levels are not democratically structured. The principle of direct election of Panchayats, for instance, is applied only at the village level, neither the Block level Panchayat nor the District level Panchayat is comprised of the directly elected representatives of the people. Actually, the concept of Panchayats, in the sense of institutions of self-governance, cannot be applied at all to the block or the District levels, since these levels are comprised more like the administrative extensions of government rather than autonomous bodies of self-governance.

In a state, where ‘self-governance’ dominates the political discourse, the minimum that is required within the democratic space is institutionalisation of PRIs. Given the positive response of people towards them, these institutions, properly instituted on democratic and federal principles and fully empowered, can contribute their mite in generating a politically conducive environment for resolution of conflict.