

## NARROWING OPTIONS IN JAMMU AND KASHMIR

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to The Preamble, Union & its Territories and The Citizenship

It is a little over 100 days since Parliament, on August 5, approved the dilution of Article 370 of the Constitution, and decided to carve out of Jammu and Kashmir (J&K), the Union Territories of J&K and Ladakh. J&K, however, still remains an enigma for Delhi. The continuing clampdown in most parts of Kashmir, and the absence of any worthwhile interaction between Kashmir and the outside world has prevented any realistic assessment of the situation.

Speculation is rife that the current ominous silence masks deep-seated anxieties as also anger at the turn of events that is reflected at times in sporadic instances of violence. This was amply evident during the brief visit of Members of the European Parliament (MEPs) to Srinagar last month when the city shut down and a couple of incidents also took place. It is possible for the authorities to claim that instances of violence are currently fewer than prior to August 5, but it is a moot point whether this is any index of the true situation that exists in Kashmir today.

Irrespective of claims and counterclaims, the reality is that India's proud heritage of being one of the leading democracies in the world has taken a beating. This is bound to continue as long as the clampdown in Kashmir, together with the continuing incarceration of Kashmiri leaders including the three former Chief Ministers viz., Farooq Abdullah, Mehbooba Mufti and Omar Abdullah, continues. Hence, it may be time for Delhi to bite the bullet now rather than later and face the consequences of the step it has taken. Further procrastination would make it more difficult to pull back from an abyss of their own making, however laudable the objective might have seemed in the first instance.

Notwithstanding a massive public relations exercise, it is obvious by now that the results have not been what the Prime Minister and the Indian government would have hoped for. There were, no doubt, some 'highs' such as voiding of direct criticism of India's action in Kashmir by a majority of democratic governments in the West, and by quite a few other allies, including some possessing doubtful human rights antecedents such as Saudi Arabia. There were equally many 'lows', with prominent leaders such as German Chancellor Angela Merkel expressing their concern that "the situation for the people in Kashmir is not good and not sustainable", and the UN Human Rights Commission affirming that it is "extremely concerned" that people in J&K continued to be "deprived of a wide range of human rights" and urging the Indian government to "unlock the situation and fully restore the rights that are currently being denied".

It is not, however, so much international opinion that should worry Delhi, even though for the first time after 1994, Kashmir has once again come on the global radar. Rather, it is India's record and image as a democracy that is currently on trial, as much within the country as in the court of world opinion.

India needs to win the battle of minds within the country before trying to justify itself in the eyes of the world. Unfortunately, this aspect is not being addressed adequately and suitably, and the government appears mired in confusion as to what should, or should not, be done to ensure greater verisimilitude for the steps that it has taken. Unfortunately, as in quite a few other instances as well, the government's efforts only seem to confound rather than provide suitable answers. How else can one possibly describe the undoubtedly stage-managed visit of 20-odd handpicked MEPs, purportedly sponsored by a Delhi-based think tank with suspected links to

intelligence agencies, and with an unknown Brussels-based U.K. citizen of Indian descent fronting for the team (something that seems right out of a John le Carré novel).

Also mystifying to all those seeking plausible answers to the Kashmir imbroglio is why instead of indulging in such needless shenanigans of less than doubtful value, the government did not come out with a straightforward explanation of what it had sought and achieved by its actions. The deed, viz., dilution of Article 370 and reducing the status of J&K into two Union Territories is a *'fait accompli'*. What the government should do is to put out for the information of the people of J&K and India, as also the world at large, what plans it has for this troubled region in the period ahead. Together with affirmations of adherence to democratic protocol, this would meet with far greater resonance from the people than devious steps and 'tactics of the MEP variety'.

The authorities will need to prepare for some degree of violence once the measures put in place are relaxed. This situation would be far better, however, than to be accused of resorting to an authoritarian approach that further prolongation of the curfew and current harsh measures would entail. It is again important to remember that while special measures such as Article 370 and Article 35A can be removed from the statute books, there is another, and bigger, issue at stake — viz. that of 'Kashmiri identity' which cannot be erased. The latter would still require careful nurturing. Ignoring this and merely promising a bright economic future for the two Union Territories would make it sound as hollow as the apologies made in the late 1930s to justify Stalinism's crimes during that period as 'the necessary price for building a socialist future'.

This is a time for healing, not for more confrontation. In Kashmir, what is needed today is a reassurance of democratic traditions rather than what cynics would refer to as a 'bubble', and a promise of vibrant economic opportunities while they worry about their freedoms. Kashmir is not a piece of software for experimentation. To keep repeating that Article 370 was responsible for all of Kashmir's ills is likely to have fewer and fewer takers as time elapses. What is needed is to dispel any notion that Delhi is 'accelerating colonisation' of everyday life in Kashmir. As a very first step, normalcy needs to be restored by removing most of the impediments that exist at present, with the release of political leaders and as many of their followers as possible.

Democracy is at an inflection point today, and liberal democratic trends are in retreat in many regions of the globe. The common presumption is that erosion of democracy occurs when there is excessive concentration of powers in a single authority, accompanied by curbs on the media. Kashmir is today perceived as perilously close to this. It is for India's leaders to confound and confront their opponents by relaxing the measures in place. Today more than ever, India needs to underscore the 'importance of diversity, the dignity of individuals, and protection of their rights. It should be able to demonstrate necessary flexibility, the ability to deal with paradoxes, and manage seemingly contradictory approaches'. India must also convincingly demonstrate that the proclivity of many states to use violence to achieve the ends of policy is not a part of India's democratic traditions. Instead, India adheres to a policy of supporting law and seeking reconciliation, ensuring justice.

In the same context, and given its growing stature in world affairs, India must act with magnanimity and understanding when certain countries react adversely to India's actions, whether on domestic or international matters. India has a tradition of warm relations with almost all countries, with the exception of Pakistan. It should not now blot this record by acting out of a sense of pique in dealing with certain nations such as Turkey and Malaysia, who have been critical of India's actions in Kashmir and of implicitly siding with Pakistan. Such actions do not sit well with India's hoary traditions and civilisational attributes.

*M.K. Narayanan is a former National Security Adviser and a former Governor of West Bengal*

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