



Democracy of Jammu and Kashmir

Dr Jagbir Dahiya

Abstract

The current study is about the democracy in the state of Jammu and Kashmir, and the problems associated with it. The democracy in J&K has failed to ingrain into the governance and politics. In addition, the current broken condition of the state is not a mark of democracy or politics but oligarchy. The ruling government exploits the impoverished, native, immigrants, subgroups, underemployed womenfolk, pastoral, and secondary class of people. Concentrating on democracy, it weakened the power of presidents, prime ministers, army general, dictators, nobles, and voted leaders in the state. Militants have harmed the cultural ethnicity, restricted and unequal opportunities for minorities, which deprived the quality of democracy. The Kashmiri Muslims identifies their religion in public and private as a way to build uniformity and disparities. The prevalent condition of democracy in J&K equates it with regular, fair, and accurate elections with an anonymous result. The democratic state of J&K allow expression of thoughts through social networking sites, but they have restrictions to defend the security of the state.

Introduction

The current topic identifies the problems related to democracy in the state of Jammu and Kashmir, which has penetrated its roots and declining the parliamentary form of government. Nevertheless, the democracy in J&K has failed to ingrain into the governance and politics. Conversely, the alternative of parliamentary democracy is “radical democracy” or “Panchayati Raj” which envisioned by Gandhi¹. As well, Jammu and Kashmir retain special status within India and function as a partially independent state. To be more precise, democracy in J&K is different from other forms of government which permits civic amenities. Nonetheless, the legislation of the masses eliminated in two broad ways: a. by warping the politicians to form majority and support the local government, and b. by subduing the people to support their local government. Though, the first one was a temporary decision; but the second one destroyed the law of the constitution which created chaos in the legislative governance².

Jammu and Kashmir is the most disturbing territory because of political flux, monetary crisis, and deficit of good administration. In other words, power comes with responsibility. Moreover, democratic actions and parliamentary governance diminishes the objectives of the

¹ Deb Mitra, Sharmila, and Manisha M. “Indian democracy: Problems and Prospects.” 2009

² Antonio García-Trevijano, “A Pure Theory of Democracy,” 2009



political parties and allow citizens to decide on their own. Put simply, to accept parliamentary form of democracy it would have obstacles. In addition, the current broken condition of the state is not a mark of democracy or politics but oligarchy. Furthermore, the crimes in the state including administration bribery, narcotics, militancy, joblessness, communal violence, exodus, are not due to democracy but absence of it. Likewise, the oligarchy prevails under the shadow of independence and the misinformation carried by mass media on TV, press, radio, and internet³.

Democracy is an obstacle in the state of J&K

Regarding the article 370 of the Constitution, it is more than 60 years old⁴. Despite this, the democracy in the state does not give liberty to all the citizens and have limited power in terms of electoral practices and decision-making of the state. However, the ruling government exploits the impoverished, native, immigrants, subgroups, underemployed womenfolk, pastoral, and secondary class of people who do not get benefits. But the elected leaders of the local government are not liable for the benefit of this class of people and hence, exploitation takes over. Evidently when these classes of people want full involvement with the government, they deal with numerous obstacles and do not get equal opportunity from the government. For this reason, democracy gets a grim time in J&K with governmental regulations and road shows and end up damaging the laws. Concentrating on democracy, it weakened the power of presidents, prime ministers, army general, dictators, nobles, and voted leaders in the state. Therefore, it is a threat to the rulers there that other party might come to power, which as a result gave birth to militancy⁵.

Another issue regarding democracy is that people detach and remain unaltered with the democratic process. The strength of such an approach is that the centre abolished the Panchayati raj system and introduced the system of direct election in the valley. Thereafter, militants tried to merge their identity with the local population. Furthermore, the political unrest in the state portrayed as disagreement between state and central government⁶. Similarly, multi-ethnic democracy is a challenge in the valley as reallocation is difficult. In other words, immigration of militants has harmed the cultural ethnicity, has restricted and unequal opportunities for the minorities, which deprived the quality of democracy⁷.

³ Parliamentary form of government establishes balance and vitality. It is deeply rooted to the principles of national portrayal and responsibility of the government. The changes in the society has evolved the need of parliamentary form of government which has a foresight of practising democracy for the citizens.

⁴ On 26th January 1950, the Constitution of India came into power with the outstanding feature of article 370. The special status conferred upon the people of the state where different laws apply while remaining as a part of the Union of India.

⁵ Parker, Joe, "Democracy beyond the Nation State- Practising Equality," 2017.

⁶ The democracy in J&K nurtured a lot and the local political party called off their boycott and participated in the election poll. On 2019, the government of India abrogated the special status from J&K and bifurcated it into two union territories.

⁷ The Kashmiri identity carried by the Muslims of the state relating their cultural past. Simultaneously, the Kashmiri Pandits marginalized and considers them as minority depending on the Muslim majority of the state.



As noted above, democracy in J&K have open cultures than the autocrats, but they do not have open economy. Undeniably, theorist accept the stability of democracy and socialism in J&K but there are difficulties that exist between them. The problem lies with the short-term policies and the market. Previously, politicians undermined the law and destabilized democracy in J&K. Following this, the competitive strategies altered using the independence of judiciary. Politicians turn democracy in J&K against the rule of law, similar importance is they use judicial decisions to subvert democracy and rules for political competitiveness (Przeworski & Maravall, 2003). Moreover, democracy in J&K has the rule of law, democratic rights have significant metaphorical and economic worth. Additionally, they are critical for the efficient functioning of the society in J&K and the government policies when expressed in legislative rules. What is more, people become "public spirited type of character" or become a "community-minded individual" by engaging in democratic practises and organizations. Besides, this is known as democracy's "educative impact," which comes through engagement rather than compulsory schooling. In contrast, this is as an idealistic form of democracy in J&K, which forces people to explore and grow through involvement in democratic institutions. Also, laws in the valley give chances for growth, through voting, jury service, and engagement in smaller business, companies, and social organisations (Patmore & Rubenstein, 2014).

The true hidden nature of democracy in J&K

To further understand the true nature of democracy in J&K, the differences in the laws are important in a democratic form of government. As noted above, people in J&K condemn the government, while other people encourage it, and there the true spirit of democracy maintained. The constructive critique of people in J&K give democracy a chance to enhance the power of the government and improve cultural multicity⁸. Nonetheless, democracy in J&K delays the decision-making process and there is lack of consensus between people before they could reach a solution. Alternatively, democratic government of J&K has instability, contradictions, limited power with other governments, and undemocratic practices executed through democratic way. Consequently, J&K government authorize unlawful projects and programs. The low priority people who are less likely to vote, do not get much help from the government. There is hardly any chance that the government of J&K will make reasonable alternatives⁹.

According to Sir Winston Churchill¹⁰, democracy is the worst form of government. In contrast, democracy in J&K is not liberal where people do not have separate judicial

⁸ The Hindu, "Constructive criticism of Government," 2019

⁹ Principles of Economics, Web sources.

¹⁰ Sir Winston Leonard Spencer Churchill (1874-1965) was the British Prime Minister who served United Kingdom from 1940-



system and free media. On the other hand, abrogation of Article 370 in J&K brought democracy to grassroot level earlier which concentrated to the hands of few families. To add more ideas, the Kashmiri Muslims identifies their religion in public and private as a way to build uniformity and disparities. Conversely, J.L. Nehru and Indira Gandhi was not in favour of democracy in J&K as it is a delicate border region and not ready for democracy¹¹. Building on from the idea that democracy do not exclude the separatist movement but unfortunately the separatists did not receive much attention when democracy was working in early eighties. Despite this, J&K government facilitated incorporation of state development plans. Still, the disloyalty of the people to support state run projects with small aid and the intensity of hostility persisted at a low level with electoral liberties and stable societies (Widmalm, 1997).

Subsequently, post-modern scholars have incorrectly emphasised that democracy in J&K is a marketplace for the personal interests of people. The evidence highlights that, democracy in J&K needs public authority over the army. Also of importance is the issue of civil society which is more of a beneficiary rather than the manufacturer of democracy in J&K. Consequently, the anti-democratic principles and ideas in J&K are a requirement for the proper functioning of the democracy. Alternatively, anti-democratic principles and philosophies are the reason of the failure of democracy in J&K. This idea developed by theorists that the democracy in J&K has emerged because the socio-economic control of the land-owning ruling classes has fallen; and the suppressed rural population are a salaried middle class and a class of minor landowners. Significantly, individuals and organizations who support democracy in J&K is certain that the conditions in the state do not prevent them from succeeding. Despite this, better education, urbanization, and socialization are characteristics of improved economy, and redistribution is a result of sustainable democratic practices in J&K (Madan, 2020).

Democracy is an inherent process in J&K

Another line of thought on the democracy in J&K, demonstrates that impoverished class of people have more share but insignificant opinion in the system than wealthy families. Firstly, the occurrence of democracy in J&K is unique as well as its perseverance. Notably, the recent election in J&K has led in the shift of democracy and successful voting is the beginning of the establishment of democracy. Secondly, the mixed society and the

1945.

¹¹ Following the British withdrawal from the India in 1947, a conflict arose between India and Pakistan for control of the royal valley of Kashmir. Notwithstanding the Muslim - dominated state, Sheikh Mohammad Abdullah, the leader, was concerned of his own political career under Pakistan's autocratic Jinnah, so he joined India, which is Hindu majority country, where Nehru offered him exceptional federal authority through statutory provisions of Article 370. On the other hand, Sheikh Abdullah inherited a divided Kashmir with large swaths of the western provinces, such as Azad Kashmir and Gilgit-Baltistan, captured by Pakistan in a swift incursion in October 1947.



standards in J&K is intricate. Thirdly, the struggle have been fundamental in the democracy of J&K which is unplanned at the local level. Finally, the rebel groups, antagonistic behaviour, and specific interests' groups are undesired and unavoidable in the democracy of J&K, resulting in rivalry. Apart from this, democracy in J&K encourage people to discuss and sort their problems, and to settle down without relying on democratic legitimacy (Johnson, 2009).

In short, the prevalent condition of democracy in J&K equates it with regular, fair, and accurate elections with an anonymous result. However, in extreme situation, the elections in J&K bar certain parties and candidates from participation and a significant percentage of the population denied the right to vote, is a part of J&K democracy. This is a misconception, and the people of J&K participate to impact government strategy through a variety of intermediary, social groups, political movements, and so on. Inevitably, Article 370 had deprived the Gujjar and Bakerwal¹² groups in J&K of their privileges, and its abolition gave them with more authority. For this reason, successful practice of democracy in J&K supplant its core precepts, namely, protection and maintenance of the tribal groups, including governmental, social, cultural, and minority races. Whereas political democracy in J&K has certain issues which is beyond the reach of masses. Again, upholding the constitutional rights and ensuring the independence of local administrations of J&K from the centralized administration. As trying to form alliances between political parties in the democratic system of J&K, the ministerial advisers are not appointed and are frequently drawn from administrative party echelons, since they do not contribute to a participatory democracy of J&K (Przeworski & Maravall, 2003).

In this view, electoral democracy in J&K serves no purpose and it is only an institutional tool to undermine the aristocratic control of democratic government. In spite of this, the function of law is to limit the undemocratic practices which result if democracy becomes the unrestricted tool of self-centred lawmakers and governments in J&K. Nonetheless, critics split into two, those who believe that the internet is a benefit to democracy and those who believe it is an instrument of repression. Thus, the degree of democratic accomplishment in J&K predicted by the extent of internet access. Likewise, the more advanced a state's primary communication system, the more probable that it is favourable for the expression of freedom to its population. Yet, the internet has a significant public benefit because "people who have computers and internet communications find themselves more trained, better educated, and better prepared to engage in democracy¹³". One school of thought holds that internet usage is a better predictor of democracy in J&K

¹² Gujjar and Bakerwal are the group of Muslim Adivasis in the region of J&K.

¹³ Mark Cooper, "Inequality in the Digital Society: Why the Digital Divide Deserves All the Attention It Gets", 2002, "Cardozo Arts & Entertainment Law Journal 73."



and that the internet has lately been a good factor for democratisation¹⁴ (Patmore & Rubenstein, 2014).

Reaffirmation of people’s participation thick and thin in J&K

As mentioned above, scholars studied the political involvement of people in democratic culture of J&K by the use of social networking sites. Though the democratic state of J&K allow expression of thoughts through social networking sites, but they have restrictions to defend the security of the state. Some restrictions are reasonable, while others are not when disputes the social and constitutional affairs of the state. It nonetheless involves blocking online information and, in certain cases, restricting the social networking sites entirely (Patmore & Rubenstein, 2014). It could be concluded that, democracy in J&K has detached and deteriorated over time, and it has gradually diverged from the core of democracy. Simultaneously, political corruption, leftism, bickering between political parties, political gridlock, social separation, ethnic strife, and income disparities have all risen to worse. This has all harmed the operation of democracy in J&K. Meanwhile, J&K government generating constitutional upheaval and social conflict destabilizing internal and social peace in the state (IGNOU, 2017).

Equally, democracy in J&K is a positive thing and desirable by government to possess. Then democracy is worthy of the title, or differentiating across political systems is tough, if not an impossible process. Alas, there are no common norms to resolve such concerns, therefore every person's opinion or judgment of different democracies perceived as the democratic values. Although, the socialist ideals acquired through formal expression, democracy in J&K was not the consequence of a constructive exchange of political ideas and structures. The evidence presented has shown that industrialization spawned new social strata which challenged the aristocrats’ control and power, was based on land ownership, and wanted a share in politics. Slowly, the working middle classes became active and aggressively demanding their rights in political participation. It has been established that, government in J&K has engaged in long-term physical conflicts with one another which necessitated higher levels of technology, the deployment of industrialized economy, and more extensive extraction of revenue and outreach by the state. Gradually, the pressures of democracy aided these changes, with improved literacy, new ways of communication and transportation that enabled political organization for people to govern without really participating in the government. Consecutively, the battle for democracy in J&K is never ending takes only new shapes (IGNOU, 2017).

¹⁴ Wade Keegan., Best, Michael., “The Internet and Democracy: Global Catalyst or Democratic Dud?”, 2009, “Bulletin of Science, Technology & Society 255, (29) 4”.



Conclusion

From this it could be inferred that existing democracy in J&K is challenging and no less complex than the other democracies in the world. Simultaneously, popular opinion influence J&K government in democracy even when no votes casted. At the same time governments, political groups, and political leaders all want to win elections, thus they pay serious attention to civic views. Several conclusions emerge from this analysis as impoverished, jobless, and destitute are unlikely supporters of a democratic government who all are governing on their plight. To put it another way, democracy in J&K considered as nothing more than a method to keep one's autocracy. The most crucial factor is that in J&K oligarchy and aristocracy exist, but democracy is most important and have a strong influence in administration.

References

- Patmore, G., & Rubenstein, K. (2014). Law and Democracy . The Australian National University.
- BC Campus. (n.d.). Flaws in the Democratic System of Government. BC Campus. Retrieved from <https://opentextbc.ca/principlesofeconomics2eopenstax/chapter/flaws-in-the-democratic-system-of-government/>
- Bhatia, M., & Tremblay, R. (2020). Religion and Politics in Jammu and Kashmir. Taylor and Francis.
- IGNOU. (2017). Retrieved from IGNOU:
<https://egyankosh.ac.in/bitstream/123456789/21800/1/Unit-8.pdf>
- Johnson, J. (2009, 08 02). PRINCIPLES OF DEMOCRACY.
- Madan, P. (2020, 06 01). DEMOCRATIC TRANSITIONS: PATTERNS, MECHANISMS AND PROCESSES.
- Manisa, M., & Mitra Deb, S. (2009). Indian Democracy: Problems and Prospects. Anthem Press. Retrieved from https://www.google.co.in/books/edition/Indian_Democracy/kCxErCEzXR8C?hl=en&gbpv=1&dq=indian+democracy+definition&printsec=frontcover
- Noorani, A. (2014). Article 370 - A Constitutional History of Jammu and Kashmir. OUP.
- Parker, J. (2017). Democracy Beyond the Nation State- Practicing Equality. Taylor & Francis.



Przeworski, A., & Maravall, J. (2003). *Democracy and the Rule of Law*. Cambridge University Press.

Scroll.in. (2020, Oct 22). Even as it promises ‘grassroots democracy’ in Kashmir, the Centre speaks an authoritarian language. Scroll.in. Retrieved from <https://scroll.in/article/976222/even-as-it-promises-grassroots-democracy-in-kashmir-the-centre-speaks-an-authoritarian-language>

Seidle, L., & Docherty, D. (2003). *Reforming Parliamentary Democracy*. Mc Gill Queen's University Press.

The Geopolitics. (2021, Feb 5). Kashmir: A Study in Fierce Geopolitics. Retrieved from The Geopolitics: <https://thegeopolitics.com/kashmir-a-study-in-fierce-geopolitics/>

The Hindu. (2019, Sept 29). Constructive criticism of government. The Hindu, p. Open Page. Retrieved from <https://www.thehindu.com/opinion/open-page/constructive-criticism-of-government/article29542527.ece>

Trevijano, A. (2009). *A Pure Theory of Democracy*. University Press of America.

Widmalm, S. (1997). The Rise and Fall of Democracy in Jammu and Kashmir. *Asian Survey*, 1005-1030.

Ziblatt, D. (n.d.). *Challenges to Democracy*. Harvard University. Retrieved from <https://scholar.harvard.edu/dziblatt/challenges-democracy>