

PRESENT HUNG LEGISLATURE IN JAMMU AND KASHMIR AND IT'S WORKING

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Abstract: A new history has been created in Jammu and Kashmir. BJP and PDP have come together to form new government in the state. As Mufti Mohammad Sayed was being sworn in as the new chief minister of Jammu and in the presence of Prime Minister Narendra Modi and BJP president Amit Shah, the people of the state were looking forward for a new future and the nation was watching it with newfound hope and confidence. It was a dawn of the new era in Indian politics as this government was seen as an initiative which may bring long lasting solutions to some of the long standing problems on the basis of bonds of goodwill and trust between the union and the state governments. It was a fitting tribute to the people of Jammu and Kashmir who had voted so enthusiastically in the assembly elections strengthening democracy and speaking in favour of development and progress. The BJP has come to power for the first time in Jammu and Kashmir. It is an emotional moment for the party as the issue of Jammu and Kashmir remained close to its heart right from beginning. Dr. Syama Prasad Mookerjee, the founder of Janasangh was martyred while raising the issue of Jammu and Kashmir. Never before BJP could win so many seats as it was voted overwhelmingly in Jammu region and could win 25 seats to become the second largest party in the state just three seats behind PDP.

Keywords: Coalition, Bharatiya Janta Party, Shearing, National Conference, People's Democratic Party, Indian National Congress, Negotiations, AFSPA, Dulhasti And Uri, Hurriyat, Contrary.

Introduction:

The Jammu and Kashmir state had been consisted of three political regions. Including Ladakh towards the east shearing its borders with China, Jammu towards the south shares its border with the states of Hamichal Pradesh, Punjab and Pakistan, Kashmir valley towards the west bordering with Pakistan occupied Kashmir as same with the other states of India, Indian controlled parts of Jammu and Kashmir have a multi party democratic system of governance. The Main political parties in the state of Jammu and Kashmir are People's Democratic Party (PDP), Bharatiya Janta Party (BJP), National Conference (NC), Indian National Congress (INC). but in the Assembly election of 2014 the state of Jammu and Kashmir saw a good voter turnout of 65% (which is good indication of common people participation in the government by their political right) PDP remains at the top with 28 seats, the second largest party was the Bharatiya Janta Party with 25 seats in the state legislature Assembly of 87 member house.

PDP and BJP Coalition Government:

The formation of the BJP and PDP coalition government with Mufti Mohammad Sayeed a 79 year old politician and the coalition partner as a chief minister and with the two months of hard negotiations between the both political parties based on the common minimum programme (CMP). The main objective of this alliance is the agreement which says would be best for making peace, harmony and confidence building within the state and across the LoC for full development of democracy through inclusive politics. Also the coalition should create such type of condition and platform which would facilitate resolution of all issues which obstacles in the development of the state. So the hung government of Jammu and Kashmir will initiate a system of meaningful dialogue with all the separatist leaders irrespective of their ideological views which will seek to build a broad based consensus on the resolution of all outstanding issues. Besides this the government has recently initiated several steps to normalize the relationship with the neighboring country Pakistan, the present coalition government will seek to support and strength the approach. By developing the civil society exchange and by making a good system of trade and commerce and business across the Loc to the next level.

Alliance Agenda: Status quo on Art 370, AFSPA, WPRs :

The PDP and BJP have decided to maintain status quo on the issue of Article 370 that gives special status to Jammu and Kashmir while asserting that it would examine the need for de-notifying disturbed areas to enable the central government to take a final decision on the continuation of Armed Forces Special Power Act (AFSPA) in these areas. In the 'Agenda of Alliance' released by chief minister Mufti Mohammad Sayeed and his deputy chief minister Nirmal Singh, the two parties have vowed to constitute a steering committee comprising of Presidents of PDP and BJP with four members each from both the parties to oversee implementation of the Agenda.

The 16 page document titled 'Agenda of the Alliance' says both parties have agreed to maintain a status quo on Article 370. "While recognizing the different position and appreciating the perceptions BJP and PDP have on the constitutional status of

Jammu and Kashmir the considering the political and legislative realities. The present position will be maintained on all constitutional provisions including special status”

On settlement of West Pakistan Refugees. The Agenda states: “the state government will take measures for the livelihood and sustenance of west Pakistan Refugees, who have been living in Jammu and Kashmir since 1947”

On renovation of AFSPA, it states: “the state government will review security situation with a view to examine the need for de-notifying disturbed areas. This as consequences would enable the Union government to take a final view on the continuation of AFSPA in these areas.”

The Agenda say PDP and BJP have entered into the governance alliances based on the agreement “which is an effort towards seeking national reconciliation and confidence building within and across the line of control (LoC) in Jammu and Kashmir.”

The Agenda promises one time settlement of refugees from “Pakistan administrated Kashmir of 1947, 1965, and 1971. Besides all benefits accruing to people living on the LoC and international border.”

The Agenda also calls to constitute a delimitation commission for delimiting of legislative assembly constituencies as required by law and also make families of victims in cross border firing “qualify for benefits given SRO-43.”

The coalition government will seek to support and strength the approach and initiatives taken by the government ‘to create a reconciliatory environment and build stakes for all in the space and development within the subcontinent.’

“The same will be pursued by taking CBMs such as people to people contact, trade and travel on across the border to next level and opening new routes across all three regions to enhancing connectivity.” The Alliance Agenda reads, adding “the coalition government will facilitate and help initiate a sustained and meaningful dialogue with all internal stakeholders to build a consensus on resolution of outstanding issues of Jammu and Kashmir”

Developmental Agenda:

“In order to address the real source of J&Ks fiscal problem and pave the way for making J&K fiscally autonomous state, the state government will work with the union government to explore modalities for transfer of Dulhasti and Uri hydro power projects to the state apart from revising royalty agreements” the documents reads

It also processes for allotting a dedicated coal mine in Madhya Pradesh with coal reserves for setting up a thermal power plant with financial support from the centre.

In addition, some key development initiatives of the coalition government will be to create model business villages in Jammu (Basmati village) and in Kashmir (Apple village), besides developing two mega cities viz. Greater Jammu and Greater Srinagar.

“development of Jammu as an independent tourism circuit, rebuilding of Shehr-e-Khass as a heritage destination and Dal lake to be a world heritage site,” the document reads.

It adds the new dispensation would focus on rehabilitation and relief for the flood affected till the development agenda takes a shape and for this, the state government would seek the support of government of India in the rehabilitation and reconstruction plan.

The agenda of alliance also promise a special fully funded employment package for educated and semi skilled youth for engendering, Besides 100% literacy and primary health care.

The alliance has agreed upon earmarking two percent of revenues generated from hydropower for the development of the Chenab region, setting up of high tech IT park and Bio- tech parks in Jammu and Pir Panchal, besides flood and textile park in Kathua.

The agenda of alliance also assures mega fruit mandi and AIIMS- type hospital in the valley, development of ring road around Jammu, development of Ranjir Sagar, Mansar, Wular and Surinar lakes, besides beautification of Jehlum and Tawi.

The first 100 days of this government has been a general disappointment and both PDP and BJP are losing out in their respective constituencies. The biggest challenge for the coalition government was the rehabilitation of the people affected by the September 2014 deluge that marooned Srinagar city-in fact, in their agenda for alliance, both the coalition partners had promised a swift response. However, it has received only drips and drabs so for.

On the political front, the coalition government had promised to “support and strength the approach and initiatives taken by the (central government) to create a reconciliatory environment and build stakes for all in peace and development within the sub continent”. The government, in its agenda, had also promised to pursue “confidence building measures such as enhancing

people to people contact on both sides of the LoC encouraging civil society exchanges, taking travel, commerce, trade and business across the LoC to the next level and opening new routes across all three regions to enhancing connectivity”.

The government had also promised to thoroughly “review the security situation in the state with a view to examine the need and desirability of all the special laws being applied to the state in view of the situation which is improving”. Any remark made by the state government in this regard, has been rebutted by the centre immediately saying the armed forces should have a final say in such matters. In fact public anger is growing over a host of issues detrimental to the peace and harmony in the state. As against what has been promised in the “agenda of alliance” the selective targeting of Muslims in Jammu and Muslim officers in Administration is no more a secret. The eviction plans of Muslims population in Jammu and targeting of Muslim officers in the civil and police administration has gone unquestioned so far. The political analysts who were supporting a PDP-BJP alliance were caught unaware and red-faced. The government has done little to contain hardliners which have stepped up anti Muslim campaign in Jammu and even in the state bureaucracy. No attempts are being made to stop the sectarian conflicts before their escalation.

In fact deep sectarian fissures have taken root in the region as a result of the ‘AIIMS controversy’, heightening divides that previous state policies had already been generating. For example, a foreboding trend towards sect specific administration has emerged, reducing opportunities for socialization and friendship between the two communities. A strong sense of religious difference has emerged and has become politically significant, precisely since the PDP-BJP alliance, but interesting to note is the fact that Congress and other smaller groups having secular credentials are on the forefront in fuelling the communal hatred for power politics.

After completion of ten month journey by PDP-BJP coalition government Mufti Sayed passed away in New Delhi due to natural death. Now presently PDP under the leadership of Mehbooba Mufti is struggling very hard to form coalition government with BJP once again in state. The long delay in government formation clearly indicates that PDP wants to apply some special conditions which will give some more benefit to people of Kashmir where party has got 28 seats. People of Kashmir have voted PDP to power by opposing the communal politics of BJP and the communal agenda of RSS. In this stage of Mehbooba Mufti decides not to form coalition government with BJP by respecting people’s verdict and approach people for new verdict in the form of election will not again the lost credibility. So I think it is better for PDP leader Mehbooba Mufti to form government with BJP to address the core issues which her father late Mufti kept aside during last 10 months government. The issue like Article 370, AFSPA, return of power projects to state, Human Rights violations, Settlement of Migrants, Relief to flood victims and unemployment should be settled with BJP forever with the assistance of Centre government led by Modi.¹

New Dynamics of Conflict in Kashmir: Rise of the BJP:

Though Article 370 of the constitution gives Kashmir special status within the Indian Union, domestic politics have a bearing on how Kashmir and Kashmiri’s are dealt with. The Bharatiya Janata Party (BJP), whose ideological position is defined by Hindutva philosophy with an emphasis on cultural nationalism, territorial integrity and ‘unity in uniformity’, has been opposed to the constitutional exception given to the state of Jammu and Kashmir in the Indian Constitution. Despite BJP’s opposition to Article 370, the BJP led coalition government (1998-2003), do not try to abolish it; rather then Prime Minister Vajpayee addressed the Kashmir issue from multiple dimensions. His approach was guided by three principles: *Insaaniyat* (humanism), *Jamhooriyat* (democracy), and *Kashmiriyat* (Kashmir’s age old legacy of amity). *Kashmiriyat* can be described as a distinct ethno-nationalist character of Kashmir.

After its defeat in the 2004 elections, the BJP reverted back to its previous stance of criticizing Article 370, and its abolition was one of the key ‘selling points’ of BJP’s election manifesto in 2014. However, after assuming power, Prime Minister Modi followed his predecessor’s approach of holding talks with the Kashmir leadership, and initiating a peace process with Pakistan as well. Contrary to expectations, Modi sought to directly engage the people of Kashmir by offering them development, employment and good governance, while ignoring its disputed nature, the role of Kashmiri leadership, and the dialogue with Pakistan.

The BJP, in alliance with the People’s Democratic Party (PDP), has formed a government in IHK and after a month of forming the government, it unveiled a plan to introduce demographic changes in Kashmir. The BJP has been engaged in setting up Sainik colonies and composite townships in IHK. The purpose is to permanently settle Indian soldiers in IHK (such as colony has already become operational in Jammu), while the townships were meant to settle displaced Kashmir Pandits. Kashmiri’s view these development as an attempt to bring demographic changes in the area. Establishment of Sainik colonies is unlawful under international law. Displaced Kashmiri Pandits have a right to return to Kashmir, but this selective return presents serious challenges. Under Article 49 of the fourth Geneva Convention, ‘the occupying power shall not deport or transfer part of its own civilian population into the territory it occupies’. In case of construction of settlements by Israel in Occupied Palestinian Territory, the International Court of Justice in its advisory opinion termed these settlements as an attempt to alter the demographics of the Occupied Palestinian Territory and a violation of Geneva Convention. Similarly India’s seizing of land, displacing the local population and setting up Sainik colonies are illegal.

Kashmir leader Syed Ali Shah Geelani responded to these developments and said that the pandits are part of the Kashmiri society and they would always be welcome in their motherland, but any plan to settle them in exclusive colonies would be completely unacceptable. Kashmir leaders termed BJP’s plans as an attempt to further the agenda of eroding Kashmir’s special

status since under prevailing laws, non Kashmiri's are not allowed to own land in the state. They accused BJP of using the plight of the displaced people to change the ethnic and religious demography by settling 'Hindu fundamentalists' along with the pandits and create a permanent social division in Kashmiri society.

The Modi government has time and again postponed talks with Pakistan. Initially, it cancelled Foreign Secretary level talks in August 2014, and later suspended a meeting between the National Security Advisors in September of the same year in response to a meeting of the Pakistani High Commissioner Abdul Basit with Hurriyat leaders by terming it as interference in Indian affairs. There is nothing untoward or out of the ordinary in the High Commissioner meeting with Kashmiri leaders since it has been an accepted diplomatic practice, and even facilitated by successive Indian governments, including previous BJP administration (1998-2003).

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