

STATE ASSEMBLY ELECTIONS IN INDIAN-HELD KASHMIR: MANDATE FOR GOOD GOVERNANCE

*Fahmida Ashraf**

On January 5, 2009, president of the National Conference, Omar Abdullah, took oath as the eleventh Chief Minister of Indian-held Kashmir (IHK) after the conclusion of the seven-phased elections to the state assembly of IHK held in November-December 2008. As in the last elections held in 2002, no major political party was able to get a clear mandate during the current elections and a coalition government has been formed by the National Conference and the Congress. However, as compared to 2002 when the voter turnout was 43.69 per cent, the voter's participation in 2008 was quite impressive despite boycott calls by the Kashmir Coordination Committee (comprising both factions of All Parties Hurriyat Conference-APHC). According to the Indian Election Commission overall voter turnout was 61.49 per cent. The high mandate has been termed by Indian officials and by some Indian analysts, as a "vote for democracy", rejection of "azadi" struggle, and a defeat for APHC. While commenting on IHK election results on December 28, 2009, the Indian Prime Minister, Manmohan Singh was of the view: "The large turnout of voters is a vote for democracy. It is a vote for national integration". On the same day, the Congress (I) President, Sonia Gandhi said: "the people of the Valley, the people of Jammu, the people of Jammu and Kashmir have placed their faith in the democratic system, which is a lesson to be learnt by our neighbour". Similarly, the Bharatiya Janata Party president, Rajnath Singh regarded the 2008 results as "very encouraging". The Communist Party of India's secretary and Member of Parliament, D. Raja described the results as a "victory for democracy". Indian analyst, Kuldeep Nayar, in his article published in *The Sentinel* on January 8, 2009, stressed that the election results have made one thing clear that "the Hurriyat Conference "was wrong in assessing the mood of the valley because the voters rejected soundly the Hurriyat's call to boycott polls".

The 2008 elections in IHK were held in the backdrop of politically charged atmosphere in the state because of the transfer of forest land to the Shri Amarnathji Shrine Board (SASB) in May 2008, resulting in massive agitation in the Kashmir Valley in June against the transfer. Political situation became complex for the Congress (I)-led government when a key political party, People's Democratic Party (PDP) withdrew support to the coalition government as a protest. The IHK government had to reverse its decision of transfer of land to SASB. This resulted in massive Hindu protests in Jammu. In July 2008 the IHK Chief Minister resigned and Governor's rule was imposed in the state. The months of July-August saw continuous protests in the Valley and Hindu protests in Jammu. According to estimates about 1.8 million people participated in the protests organised by the Kashmiri freedom movement leadership. In the backdrop of anti-India sentiment prevailing in the state, especially in the Valley, and the heavy presence of Indian Army and paramilitary personnel, the public participation and peaceful completion of the process was a surprise development for various circles in India.

* *Ms. Fahmida Ashraf is Director (South Asia) at the Institute of Strategic Studies, Islamabad.*

During the elections for the 87 seats of the IHK state assembly some 1,353 candidates, including 67 women candidates and 468 independents took part. Out of the 43 political parties some major political parties which took part in the elections are: Congress (I), Bharatiya Janata Party (BJP), National conference (NC), Jammu and Kashmir National United Front, Lok Janshakti Party, Panthers Party, and Democratic Party Nationalist. An important development during 2008 elections was that the Indian Election Commission made special polling arrangements for the extirpated Kashmiri Pandit voters in Jammu, Udhampur, and Delhi to make sure their participation, which was not done during state assembly elections in 1996 and 2002. More than 250,000 Kashmiri Pandits left their homes since the freedom struggle began in 1989. However, the pro-freedom political alliance, Kashmir Coordination Committee, including both factions of APHC, boycotted the elections.

According to the results announced by the Election Commission on December 28, 2008 the party positions in 2008 and 2002 elections are as follows:

Table I
Comparison of Election Results 2002-2008

RESULT	2008	2002
National Conference	28	28
PDP	21	16
Congress	17	20
BJP	11	01
Panthers Party	03	04
Others	07	18

Source: Electoral Commission of India

Though the National Conference (NC) emerged as the single largest party in the state with 28 seats, however, it was not able to get simple majority to form government independently. In an assembly of 87 seats 44 are required to form government. Moreover, the NC was not able to improve its position as of 2002 and has maintained the same number of seats in 2008. The PDP has improved its position as it won 21 seats in 2008 as compared to 16 in 2002. The Congress suffered set back because of its policy during the SASB land transfer issue. It could get 17 seats in 2008, three seats less than what it got in 2002. The BJP has improved its position in the assembly from 01 seat in 2002 to 11 seats in 2008. The BJP gained because of its agitation, especially in Jammu, against the IHK government's reversal of its decision to transfer of land to SASB.

The NC and Congress (I) have formed a coalition government with NC president as the chief minister. Numbers of factors have been pointed out by Indian analysts for Congress (I) forming government with NC instead with its last partner, the PDP:

- *First* and the most obvious is that the NC emerged as the largest party and therefore, NC-Congress alliance (28+17) would have 45 seats in the assembly.

- Whereas an alliance with PDP (21+17=38) would have meant 6 seats short of simple majority for forming the government.
- *Second*, the Congress (I)-PDP alliance, formed after the 2002 elections was not a stable alliance from the very beginning. The two parties had differences right from the start. For example, both Congress (I) and PDP were contenders for the chief ministership and a consensus was reached on half-half term basis. For the first half term, the chief minister was to be from the Congress (I) and for the second half the chief minister was to be a PDP nominee. The performance of the 2002 coalition was not welcomed by the people of the state, as observed by Zafar Choudhary in his article in *Epilogue* (November 2008), "post-2002 public stakes in the government were far higher than ever. A dirty competitive politics within the coalition partners left very little for the public to look at the good that may have happened during their regime".
 - *Third*, the Congress lost trust in PDP when it withdrew support from the coalition government in July 2008 over the Amarnath land issue. This was a set back for the Congress (I) especially in the Jammu region. As observed in a report in *The Tribune*, (December 31, 2008), "The agitation had cost the Congress heavily in the Jammu region during the recently concluded Assembly elections. The Congress feared that resumption of alliance with PDP could affect the future of the party in the Jammu region". Also, some Congress party sources believed that since NC president, Omar Abdullah, has friendly relations with Rahul Gandhi and Sachin Pilot, therefore, Omar Abdullah could be influenced easily. Moreover, Congress (I) feared that an alliance with PDP could be detrimental for its performance during the Lok Sabha elections.

The fundamental question is: does the high turnout, despite boycott calls by the APHC, signify that the Kashmiri people have decided to give up their struggle for self-determination? This is obviously not the case. The two contradictory situations in IHK – massive agitations in June-August against the government in view of the land issue and large participation by the same people in assembly elections two months later – shows that there is realisation among the Kashmiri people for the need to make a distinction between their efforts for good governance and the movement for self-determination. For example, according to a report in *The Kashmir Times* published on December 29, 2008, the high turnout does not mean that the Kashmiri people have accepted the status-quo. The report says that people participated in the election process "for getting their day-to-day problems redressed and for good governance. They had also emphasised that the election had nothing to do with the solution of the Kashmir problem". More over, even Mirwaiz Umar Farooq, head of the moderate faction of APHC, in his comment in *Outlook* on January 19, 2009, said: "we got carried away with the mood we saw in the summer, when azadi movement erupted after the Amarnath controversy. We have to learn that we can't just harp on azadi and ignore the people's problems. In rural Kashmir in particular, azadi is an issue but survival is a bigger problem". According to a post-poll survey in the IHK by the Centre for the study of developing Societies (CSDS), New Delhi, Kashmiris have made a distinction between governance and development; and the resolution of the Kashmir dispute. The study says that for development of the state, people trusted the mainstream parties and not APHC. However, in response to the query regarding who suits for solving the Kashmir dispute, 63 per cent in the Valley support APHC as compared to 20 per cent who support other parties.

With reference to the Lok Sabha elections, being held currently, Sajjad Gani Lone, chairman of People's Conference, while announcing his decision to participate in the elections on April 11, 2009, said: "I want a bigger platform to represent the Kashmiri people ... I will continue to challenge the Indian rule in Kashmir. I won't be an Indian poster boy but poster boy of kashmiri separatism". Mr Lone is participating in the elections for the first time. Earlier, he had called for boycotting the Assembly elections in November-December 2008. Thus, there is now a realisation in some factions of the Kashmiri freedom movement that they must work for good governance in the state while continuing their struggle for self-determination.