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Elections to Kargil Council: One More Step Towards Communalisation of Syncretic Ladakhi Society

Kunal Ghosh
Vikas Kumar

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J&K Legislation in Perspective

The J&K State Assembly unanimously passed a legislation—the Permanent Resident (Disqualification) Bill, 2004—on March 5, just three days prior to the International Women's Day on March 8. The Bill disqualifies a woman from being a permanent resident of the State after marriage with a non-permanent resident, that is, a non-State subject. As the State's Law and Parliamentary Affairs Minister explained, the Bill was necessitated by a J&K High Court judgement on October 7, 2002, holding that there was no provision in the existing law dealing with the status of a permanent woman resident of J&K who marries a non-permanent resident, that is, someone outside the State, and it was thus necessary for the State Assembly to specify the status of such a woman resident through a legislation.

This has triggered a sharp reaction in Jammu in particular with the BJP spearheading the opposition to the Bill. Two of the ruling PDP's alliance partners—the Congress and the Panthers Party—have also come out against the legislation in its present form. While the PM has urged CM Mufti Mohammad Sayeed to rethink in the matter and resolve the issue instead of "further complicating it", the Congress President has exhorted him to defer the Bill by referring it to a Select Committee of the Legislative Council for a thorough debate. Initially the ruling PDP and its CM appeared to take a conciliatory position but since then have displayed an element of adamancy not to dilute its provisions. Perhaps the attitude of the main Opposition party, the National Conference, to back the legislation to the hilt compelled the PDP to harden its stand.

The issue needs to be discussed dispassionately in the historical perspective. Way back in 1927 when the Maharaja had issued a firman on the lines of the latest legislation the executive order was prompted by the Hindu Mahasabha, Kashmiri Pandit Sabha and Dogra Sabha who found that non-State subjects from Punjab were coming and acquiring land and property in the State through marriage and felt that this had to be prevented. In fact the Punjabi Muslims trying to settle in Kashmir in this way (mainly in the Mirpur area) were annoyed by the order. The order was notified on June 27, 1932. In the notification, however, unlike in the executive order, the status of Kashmiri women marrying outside the State was not specified, although the Maharaja's firman was the unwritten law. Much later when the issue came up before the High Court did the latter find that the status of such women residents of the State was not clearly spelt out in the law and this needed clarification. Hence the latest legislation.

The basic objective of the legislation is to uphold and preserve Article 370 of the Constitution (which, many people in the Valley allege, has been eroded over the years) in the sense that it would not permit non-State subjects to acquire land and immovable property in the State through marriage with women enjoying the status of permanent residents. Although it appears to be discriminatory against women, this is being exploited by the BJP (concealing the Hindu Mahasabha's role in pressing the Maharaja...
China, Libya, Syria, Iraq, Iran and North Korea. Out of these seven countries Pakistan has assisted Libya, Iran and North Korea. The possibility of use of nuclear weapons by the United States stands justified, in a war in the Middle East between Israel and Iraq: military conflict between China and Taiwan; North Korea invasion of South Korea; or responding to what are vaguely referred to as “surprising military developments”. These “surprising military developments” could be used against Pakistan in targeting its nuclear weapons. But this strategy would backfire. Obviously the first objective of the US in Pakistan is to capture Osama bin Laden. A pre-emptive strike against Pakistan will not enable the US to achieve this objective. Hence this option is not practical.

Is there any other option for Bush? There is, but Bush would not take that option, as it is time-consuming. Allow democracy to return to Pakistan. Let the governance process take its course. The military in Pakistan has assumed importance mainly due to American Cold war politics. The democratic process may be slow and stunted, but only that process could maintain the accountability of every single institution including the Army under an elected leadership. As long as the Pakistan Army has its own interests against those of the nation, the problem would continue and erupt in other forms in the future.

Is Bush ready to take this option? Why should he? Democracy in Pakistan will not get him votes in the US. After all, for most of the recent American Presidents, democracy is a virtue to be preached to their opponents. Not to be practiced by their allies.

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**ELECTIONS TO KARGIL COUNCIL**

**One More Step towards Communalisation of Syncretic Ladakhi Society**

In 1979 Sheikh Abdullah divided Ladakh district along religious lines into two districts Kargil (Muslim majority) and Leh (Buddhist majority). Now Chief Minister Mufti Sayeed has deepened this division further by creating a separate Autonomous Hill Development Council for Kargil. [Ghosh and Kumar 2003 a and b] Though a Coordination Committee has been formed between the Councils of Leh and Kargil, it does not have any meaningful powers. [Puri 2003, The Hindu 2003a] Ghosh and Kumar (2003 a and b) have explored the history and culture of J&K and located the externally induced polarisation of the Ladakhi society in the larger context of the breakdown of syncretic Kashmiriyat and neglect of vernacular languages in the State. Also, Ghosh and Kumar (2003 a and b) and Puri (2003) have examined the implications of the creation of a separate Hill Council for Kargil for the plural society of Ladakh in particular, and J&K in general. In this article we will examine the implications of the recently held elections (July 2003) for the newly constituted Ladakh Autonomous Hill Development Council of Kargil for communal harmony in the region of Ladakh.

In accordance with the announcement made in December 2002 the J&K Government inaugurated a separate Hill Council for Kargil (Ladakh Autonomous Hill Development Council of Kargil; henceforth LAHDC of Kargil) in July 2003. The July 2003 election for the Kargil Council has proved that far from correcting longstanding regional imbalances, the creation of the LAHDC of Kargil has aggravated the existing problem. In the elections held for 26 seats of the 30-member Kargil Council in July 2003, 60 per cent of the electorate exercised their right to vote. [The Hindu 2003c] The remaining four members will be nominated, two each, by the Chief Executive Councillor of Kargil and the Governor of J&K in consultation with the State Government. The religion-based division of Ladakh has been extended to the sub-divisions of Kargil by the State Government. Only three Council seats have been allocated for the Buddhist dominated Zanskar region. [The Hindu 2003b]

This was justified on the ground of the relatively sparse population of Zanskar. During delimitation

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Dr Kunal Ghosh is a Professor and the Head, Department of Aerospace Engineering, Indian Institute of Technology, Kanpur; and Vikas Kumar is an Engineer, Bharat Heavy Electricals Limited, Tiruchirapalli.
of constituencies of the LAHDC of Leh the principle of equitable representation for far-flung and underdeveloped areas was followed. [van Beek 1997] However, this vital principle was overlooked during delimitation of constituencies in Kargil. It has to be noted that parts of Zanskari remain cut-off from the rest of the country, including Kargil town, for more than six months in a year. The people of Zanskari protested against their political marginalisation and demanded 10 seats in the Council. Since the demand was not accepted, the people of Zanskari, cutting across political and religious boundaries, boycotted the elections and no one filed nominations for these three seats. [The Tribune 2003, The Hindu 2003 d and e]

It is interesting to note that in the October 2002 J&K State Assembly elections, in which more than 70 per cent people participated, a Muslim candidate (National Conference) had won the Buddhist dominated Zanskari Assembly seat and the second and third runner-ups were also Muslims. [ECI]

Prima facie it appears that the demand of Zanskaries was ignored because it is a Buddhist majority region. This discriminatory policy has within it the seeds of communalisation of Zanskar in particular and Ladakh region in general. If the Zanskari region is ignored perpetually, demagogues may succeed in enticing the Muslims against their Buddhist brethren holding the latter’s ‘intransigence’ responsible for the neglect of Zanskar! In fact, after the elections some reporters and analysts have held the Buddhists responsible for the boycott of the polls. We remained silent onlookers when Sheikh Abdullah divided the composite Ladakh district on the basis of religion, also when he carved Muslim majority sub-divisions out of composite regions. The Gool sub-division was carved out of the Reasi sub-division. [Ghosh 1997] Who can guarantee that the Zanskar sub-division will not be artificially divided into Muslim and Buddhist majority sub-divisions?

The people of Kargil and Leh districts belong to the same linguistic group and have shared the same culture and distinctive common features since time immemorial, despite religious differences that emerged during the medieval period. They have fought shoulder to shoulder for more than fifty years against the discrimination meted out to them by the Kashmir-based political parties. It is grossly unjust to divide them artificially on fictitious grounds and weaken the people’s movement for a greater say in governance and development of the region.

The process of externally induced polarisation of the Ladakhi society, that began in 1979 with the division of Ladakh district into two districts, has received a further boost by yet another religion based division (of the LAHDC) and the July 2003 elections held for the LAHDC of Kargil. The creation of the Kargil Council, thus, has the potential of triggering a full-blown communal crisis in Ladakh otherwise known for its exemplary communal harmony.

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