



UNRAVELLING A CRITICAL EVENT: 1987 KASHMIR ELECTION

Sarbani Sharma

ABSTRACT

Crisis as a methodological exercise using the apparatus of an event provide us with certain analytical modes or points of access in the study of human life. This paper demonstrates how a critical event in the history of Jammu and Kashmir- the 1987 Jammu and Kashmir Legislative Assembly Elections instituted a new modality of historical action and practices which were not inscribed in the inventory of the prevailing situation in the state. Using the crisis-event methodology, we may identify election to be an event of loss of faith in Indian democratic system of rule, which was echoed through the subsequent instances of violent resistance by the local guerrilla forces that led to the emergence of a new social in Kashmir.

Keywords- Crisis-Event Methodology, Elections, Kashmir, Historiography.

The ‘modern-liberal democratic states’ in popular parlance discourse are always considered to be the guarantor of the highest sought after ideals of mankind-Liberty, Equality and Fraternity. Of the three stated, ideas of liberty and equality have been almost unanimously instituted in every directives of a democratic states. The such states claims to provide juridico-legal protection to each and every member of the population residing within its territory, upholding the fundamental rights of liberty and equality bestowed on every individual in the state, which then results in conferring the status of a “citizen” of the state- a state which is “sovereign”. Although, the nuances of the concepts like liberty, equality, sovereignty and citizenship stretch far beyond the scope of this paper; the paper attempts to interrogate into the praxis between the ideas liberty and equality to be enjoyed by a citizen and the power of a sovereign state, using the methodology of Crisis-Event.

The significance of this methodology of crisis-event lies in the potential it offers. This potential is realised in the possibility of counter-actualisation through deconstruction. On the one hand, this deconstruction aides us to analyse the processes and theoretical concepts that underlie knowledge production and the generation of ‘meaning’, while on the other hand such deconstruction of critical events also offers the potential to counter-actualise them in ways that can shed new light on our understanding of the contemporary. Such a methodology also works closely with Foucault’s conception of discursive regimes as we are not merely concerned with the content of a critical event but (by postulating that the event in itself is always a process and not a thing), the very processes that provide this content to the event and render it ‘knowable’. Furthermore, as this methodology leads us to the processes of knowledge formation, the Foucauldian question of power and ‘Will to Knowledge’ become pertinent aspects of our analysis that may provide greater insight into the mechanisms of power that contribute to the construction of the contemporary; thereby displaying the politics of the epistemological privileges as much as of the dynamics of human society in terms of space-time-population-territory revealed through this exercise.

For the purpose of this paper, attempts will be made to examine the juridico-political logic of exception in Kashmir Valley to demonstrate how Kashmiri civilians have been identified as threats to national order and incarcerated, literally and figuratively, as prisoners of the state; which however, is not an exhaustive analysis of the entire history and events of Kashmir. Particular attention is paid to how a particular event- the 1987 Jammu and Kashmir legislative assembly election, in this case drawing from Veena Das was marked as a critical event. It is a critical event, because it instituted a new modality of historical action which was not inscribed in the inventory of that situation. A critical event is basically an event *par excellence*, as it institutes “a new modality of historical action” (Das, 1995). Critical events therefore mark a break, a point where pre-existing modes of knowing and understanding become problematized and give away to other modes of understanding such events. The category of critical events is utilized here to analyse the event of the election. The analysis focuses on what is said to be an atrocious episode of denial and subversion of democratic rights, processes, and institutions. Many believe that, the state directed poll rigging, massive booth capturing, numerous citizen not being allowed to vote or disqualified without stating any prior reason or information, manipulation in ballot counting process and strong arm tactics were inflicted on democratic rights of the people of Kashmir. In this case, the loss of faith over the democratic ideals of the Indian state by the Kashmiri people, which revealed to mass scale protests across the Valley which was then attempted by the Indian state to be

contained by use of force and laws of exception, was the accompanying crisis in the context of the event—the election. Using the crisis-event methodology, we may identify election to be the event and the loss of faith in Indian democratic system of rule, which was echoed by the slogans of *azadi* and subsequent instances of violent resistance by the guerrilla forces formed amongst the local people of Kashmir valley.

Crisis as a methodological exercise using the idea of event provide us with certain analytical modes or points of access in the study of human life. According to Das, crisis always initiates new forms of understanding as the existing concepts are unable to interrogate the crisis and resolve it. A crisis, according to Koselleck, is one that demands a choice between strongly contrasted choices. The crisis of democracy therefore required a similar interrogation of existing concepts wherein new choices had to be made in order to ‘resolve’ the ‘crisis’. This crisis therefore needed a new concept in order to resolve it. The concept that was introduced in response to this crisis was the concept of ‘rule of exception’. Enforcing military mechanisms to restoring the rule of the sovereign to what was recognised as their rightful power was the solution to the crisis of democracy. The intensive militarization, authorized through legal provision like AFSPA (Armed Forces Special Powers Act), produces patterns of impunity that exceed and operate beyond the domain of law. The militarism in the rhetoric of national security, implying the efforts of the state to uphold its “sovereign” power which alone has the right to use violence on population produce a prevailing condition of punitive containment for marked categories of the population, leading to the sedimentation of inequalities through patterns of social suffering and social death.

Such techniques of governance may be initially posed through legal provision as states of emergency—temporary and provisional measures for managing an urgent or exceptional problem—but they linger indefinitely as infinite wars, wars without end, with crippling consequences for local people. Giorgio Agamben, in his discussions of sovereignty and the exception, identifies such paradoxical state practices as “legal civil wars” that allow for the elimination of political enemies as well as entire segments of the population that cannot be integrated easily into the political system (2005:2). Duschinski (2009) examines the ongoing legal civil war in Kashmir Valley in India in order to demonstrate how the militarization of everyday life allows for the elimination of those segments of the population identified as “threats to national order” and incarcerated, literally and figuratively, as prisoners of the state. These processes of exclusion cast Kashmiris as enemies existing simultaneously inside and outside of the national political community with questionable and suspect loyalties, motivations, and inclinations. The suspension of rights to this marked category of the

citizenry is legitimized—legally, politically, and culturally—through the totalizing logic of indefinite warfare that is built upon fear of infiltration and terrorism and supported by the machinery of permanent war.

Having deconstructed the notion of the crisis in democracy in the light of the concept of rule of exception through militarization, we can now further analyse the processes that inform both the constitution of the crisis and the formulation of concepts that seek to resolve the crisis, and together their impact on building an understanding of the larger event that they both partake from- the event of election, which can be described to have led to a certain discursive regime. One could point out to the fact that the concept of recovery was informed greatly by notions of sovereignty and national integration; where the people of Kashmir were considered to under the rule of Indian Union, and that their true belonging as per the Instrument of Accession signed by Maharaja Hari Singh and the Indian state lied with the Indian state, which was secular in its constitution and rule. The event of election and its actualisation through the citizenship-sovereignty crisis therefore becomes deconstructed and problematized.

Eventalizing- 1987 Jammu and Kashmir Election

In March 1987, almost two decades since Sheikh Abdullah spoke his mind with such clarity and conviction regarding the shortcomings of Indian democracy when it came to the issues of Jammu & Kashmir. Elections were being held in IJK to constitute a legislative assembly and government. Two men were competing to win the seat in this assembly from Amirakadal constituency, a congested district in the heart of Srinagar. One Ghulam Mohiuddin Shah was a candidate of the National Conference (NC), led since the Sheikh's death in 1982 by his elder son Farooq Abdullah. The NC, by then was far removed from its popular base and very much the tool of the vested interests of narrow political elite, which had allied in this election with Congress, India's ruling party. Ghulam Mohiuddin Shah's opponent was Mohammad Yusuf Shah who represented a polyglot coalition of anti-establishment groups calling itself the Muslim United Front (MUF).

MUF's emergence reflected that the valley was sharply divided between the party machine that brings out the traditional votes for the NC, and hundreds of thousands who have entered politics as participants for the first time under the umbrella provided by MUF. Khemlata Wakhloo, a Kashmiri pandit who was at that time a prominent member of the NC, wrote that a "there is a wave of popular support for the MUF in the valley and contiguous enclaves of

Kashmiri speaking Muslims in the Jammu region”. In her words, in 1987 “there was only one voice of on the lips of the people that in a democracy we would bring the party of our choice to power, a party that will meet the aspirations of the people and heed their grievances.”(Bose 2003) Indeed the MUF’s message of Kashmiri regional pride and its call for responsible government had attracted a huge majority of Kashmiri youth as volunteer workers. For the first time in the IJK’s political history it seemed that a popularly based but constitutionally bound and sanctioned opposition to traditional, New Delhi backed ruling coteries.

The voters’ turnout was significantly high and as the counting of ballots began, it became clear that MUFs Yusuf Shah, a member of a conservative religious party called Jamaat-i-Islami, was winning by a landslide. This was his third attempt to be elected to the IJK assembly, and finally the public seemed to be on his side. The other Shah routed in the contest, left the counting centre in a visibly dejected mode and goes home...but he gets summoned back to-to be declared the winner by the presiding officials. As the crowd protested, police arrived in strength and summarily arrested the MUF candidate and his supporters, including his election manager Mohammad Yasin Malik, a resident of the adjoining lower middle class Maisumma neighbourhood. Both candidate and manager remain in prison until the end of 1987 without any formal charge or court appearance, let alone a trial. The fate of Yusuf Shah’s third and final attempt in becoming a legislator in India’s Kashmir assembly was crushed by the poll rigging and other malpractices directed by the NC-Congress alliance, which had turned the political system of Jammu and Kashmir as a field for circulation of elites. The bureaucrats and clerks administering the process of election, “worked blatantly in favour of NC-Congress alliance,” and “the police refused to listen any complaints.” and “any media coverage which was anti-establishment in nature was completely shut off” (Bose 2003). In the anti-climatic outcome, MUF won just 4 of 76 seats in the IJK assembly (although even according to the official count it won 32% of the votes). The NC-Congress took an overwhelming majority- 62 seats-and formed the government.

This atrocious episode of denial and subversion of democratic rights, processes, and institutions was no aberration: it was entirely consistent with Kashmiri’s political fate in India’s democracy over the preceding forty years. Throughout the subcontinent’s postcolonial history, Indian rule in Kashmir has included militarization, repression, economic deprivation, and indiscriminate violence, including, at various times, the denial of democratic processes, the manipulation of elections, and the jailing of political leaders, most notably Sheikh

Abdullah, the “Lion of Kashmir” who dominated regional politics for over thirty years until his death in 1982 (Bose 2003). Patterns of sustained disenfranchisement and marginalization have entrenched Kashmiri collective feelings of alienation from the Indian state. Kashmiris today use the language of self determination as a way of demanding an opportunity to express their collective will in relation to their own political future.

According to Duschinski, Kashmiris are criminalized, but not in the traditional sense; they are not lawful criminals, but unlawful criminals, alien populations stripped of basic human rights because of their collective identity as Kashmiris. Like other legal statutes designed to create states of emergency, the special powers act produces a certain social and human type, categories of people who may be maimed, tortured, raped, or killed with no legal or political consequence. The totalizing logic of collective responsibility and punishment means that every Kashmiri is a political enemy, one whose life can be taken with impunity, and whose death has no political consequence, legal sanction, or sacrificial value.

This instance of exception reveals a fundamental paradox of popular sovereignty, as the suspension of rights to the “enemy within” is justified through reference to the greater common good of rights-bearing citizens. This presents an impossible situation in which armed forces operating under the special act are exercising violence in the name of the sovereign people whom they kill. In this sense, “the right to life” is necessarily denied at the moment of its invocation, as those categories of the citizenry that are identified as the enemy, those who have been stripped of their rights, are themselves part of the rights-bearing political body. This stark reality of popular sovereignty, in India as well as other national security states driven by interlinked processes of corporate rule and power politics, must be masked through ideological discourses of patriotism, infiltration, separatism, territorial integrity, and declared wars on crime, drugs, and terror (Duschinski 2009). Militarization as everyday practice through reference to a series of state encounters—checkpoints, detentions, surveillance, coercion, harassment, torture—that effectively collapse distinctions between legal and political, criminality and impunity, and civilian and combatant. Throughout the discussion, Duschinski points out how these practices of militarization give rise to conditions of permanent punishment and punitive containment, and how these conditions constitute and constrain local forms of life through the production of the power of the state to delimit the life trajectories of members of an entire category of the population and thereby to permit or preclude certain social futures, including the possibility of life itself.

Such frameworks obscure state violence, making it palatable, even desirable, to society at large. The particular crisis in Kashmir is further complicated more so due to fact that post

1987 election, the state of Kashmir witnessed the growth of number of armed rebellion groups with varied ideological stances but with a common agenda of freedom from Indian rule. Groups like JKLF, (founded by Yasin Malik who was the election manager of the MUF candidate in 1987 election) had tremendous mass support for the call for azadi from the rule of India and Pakistan in order to have a united sovereign state of Jammu and Kashmir based on the *Kashmiriyat* identity; on the other hand groups like Hizb-ul-Mujahideen which drew ideologically from Jamaat-i-Islami called for a nation for the Muslims alone, free from the domination of the non-believers of Islam which reflected in their political stand for merger of Muslim dominated Kashmir with the state of Pakistan, thereby uniting the Islamic *ummah*. This particular response of armed rebellion to the atrocities of Indian and vice-a-versa is further concept which actualizes the crisis to comprehend the event. Thus, after the action new modes of action came into being—redefining traditional categories such as codes of citizenship, the meaning of martyrdom, new forms acquired by new forms of action.

This analysis of the Indian state's production of a highly militarized site of punitive containment through the legal suspension of the juridical order must be considered within the context of the consistent set of exclusions and exceptions that characterize late modern national security regimes. Duschinski draws from Avery Gordon (2006:52) to argue that permanent war and permanent abandonment have become increasingly routine means by which national security states relegate potentially angry, rebellious, and demanding populations “to a remote and closed place where they are civilly disabled and socially dead.” These similarly constituted logics of punitive containment that produce real patterns of social abandonment and social death not only have consequence for communities targeted as enemies of the state; it impacts all members of the society by drawing the entire political body of rights-bearing citizens into the field of state violence.

Further, Duschinski elaborates that the liberal discourse of “the right to life” that constitutes the foundation of the rule of law privileges the same notion of justice that is mutually imbricated with the violence that resides quietly, almost furtively, at the heart of the national security state. After all, states seeking to protect the integrity of their national borders through military violence against resistance movements, secessionist factions, and political rebellions use this same concept of rights to distinguish between those lives that are worthless, expendable, and disposable, and those that are worth living. This is how empires, through the militarization of all domains of social life, imprison, not only the bludgeoned and brutalized peoples occupying the margins of state life, but all state subjects, and state rulers as well.

Conceptualizing the Crisis

Understanding of the violent potential of national security states that are situated, as Agamben (2005) demonstrates, in a precarious position on “the threshold of indeterminacy between democracy and absolutism.” Agamben’s prophetic portrayal of contemporary politics in which the state of exception—normally a provisional attempt to deal with political exigencies— has become a permanent practice or paradigm of government. When the exception becomes the rule, it results, argues Agamben, not only in the appropriation of the legislative or judiciary power by the executive, the suspension of the constitution, and the extension and encroachment of the military’s wartime authority into the civic sphere, but also in a state of global civil war, which “allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reason cannot be integrated into the political system” (2005). In a way, therefore, the *State of Exception* is an exploration or analysis of the ways in which this killing machine of exceptionalism works. Through the idea of the abandonment of life to law, Agamben succeeds in illustrating the bio political significance of the state of exception that culminates in “producing a legally unnameable and unclassifiable being”— bare life. (Damai 2005)

According to Damai, Along with undertaking the task to clarify the conceptual uncertainty around the system, the state of exception—which, in its semantic as well as practical indeterminacy, has been conflated with the state of necessity, emergency, full powers, and martial law—Agamben, in the *State of Exception*, attempts to provide an answer to the question “that never ceases to reverberate in the history of Western politics: what does it mean to act politically”. That is to say, the retrieval of politics in the wake of the end of all politics by the exception is inextricably intertwined with the biopolitical nexus that binds life to law by means of exclusion. The biopolitical threshold of the exception is the extreme zone of intensity wherein law remains but its application is deactivated. Agamben characterizes this exceptional locus where law blurs with violence as a zone of anomie where law remains but only as a pure force of violence. Agamben puts this anomic place of law as the “force of law.” Thus, for Agamben, the exception is neither a purely constitutional nor strictly a historical problem. It is not constitutionally determined because it does not strictly belong to totalitarian governments only; rather it constitutes a threshold of indeterminacy between democracy and absolutism, thereby giving way to what have come to be known as “protected democracies.” Furthermore, it is not a historical issue, not only because it is as much present

in ancient Roman republic as it is in contemporary republics, but also because there is no time prior to the state of exception (Damai, 2005).

Agamben argues that the decisive fact of modernity is the breakdown of the distinction between mere life (*zen*) and the good life (*euzen*) that had defined politics for the Greeks. From Aristotle onwards, Agamben argues, the political realm has been predicated on a caesura that divides the human into a political and a natural life, and isolates what he refers to as 'bare life' (Agamben 1998). The caesura Agamben identifies was predicated on a conception of the life lived in the polis as a particular form of life, from which the maintenance of 'natural' life was decisively excluded. According to Jessica Whyte (2009) the point where Agamben differs from both Aristotle is that, for him, *zoe*, or 'natural life', is not a pre-existing natural substrate but the product of a separation. Further, *zoe*, in his account, was not simply excluded from the polis, but was captured and politicized through this constitutive exclusion, and thus, Agamben uses the term 'ban', borrowed from Jean-Luc Nancy, to signify the exposure through which life is at once excluded from the political community and captured in the realm of sovereign power. In his essay 'Abandoned Being', Nancy highlights the double meaning of the term 'ban'—the one who is banned is both abandoned, or banished, and held in a ban (Agamben 1998). The one who is banned is 'therefore not simply set outside the law and made indifferent to it but is rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside become indistinguishable' (Agamben 1998, p. 29). This ability to hold life in a ban by abandoning it is, for Agamben, the originary political relation. Agamben uses the term 'inclusive exclusion' to define this limit relation, in which people are included in the political community purely by virtue of their exclusion—an exclusion which leaves them utterly exposed to sovereign violence (Whyte 2009).

The sovereign ban is the limit form of relation, but at this limit it remains a relation between the sovereign and that bare life that it includes only by excluding. Whyte propounds that, because *zoe*, in this account, is not merely excluded from the polis, but is captured within it, Agamben can argue that life is originally included in the realm of a politics that is therefore biopolitics from the beginning. The life that is caught in the sovereign ban is, in Agamben's terminology, 'bare life'—a life that is politicized through the fact of its exclusion. This bare life is neither simply natural life nor political life but is the threshold of articulation that enables the passage from one to the other (Whyte 2009). Bare life, Agamben argues, is the sole referent of sovereign power. In stark contrast to this classical model, 'modern democracy', Agamben argues, 'presents itself from the beginning as a vindication and

liberation of zoe' (Agamben 1998). This means politics ceases to be a specific activity—the pursuit of the good life—and comes to be conceived as existing for the sake of life itself, for the protection of natural life. The decisive fact of modernity, in Agamben's account, is therefore the breakdown of the distinction between life (zen) and the good life (eu zen), and between bios and zoe. In Agamben's view, the disappearance of this gulf fundamentally transforms the status of all of those separations through which the ancients understood the specificity of political life(Whyte 2009).

In modernity, Agamben writes, bare life—which had originally been situated in a relation of abandonment at the margins of the polis—'gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, bios and zoe, right and fact, enter into a zone of irreducible indistinction' (Agamben 1998). This location of sovereignty in the nation, Agamben argues, is only enabled by a fiction by which birth is automatically nation, and as such, becomes a political category. It is because rights declarations are predicated on the creation of bare life, that is, because they politicize the fact of birth, that Agamben sees them as double edged—both bearers of liberties and vehicles for the increasing inscription of life in the realm of a state that now finds its rationale in precisely that which the ancients had excluded as unpolitical: natural life, man's biological vulnerability. This transition, through which bare life appears as the modern political subject, is in Agamben's view, a product of those declarations of rights, which, he argues, enabled the transition from divine to national sovereignty. The nation-state, Agamben argues, is founded on a unity of birth-territory-order, and human rights declarations—which locate sovereignty in the natural life of a people—are 'the originary figure for the inscription of natural life in the political-judicial order of the nation-state' (Agamben 2000). This location of sovereignty in the nation, Agamben argues, is only enabled by a fiction by which birth is automatically nation, and as such, becomes a political category.

Conclusion

In the annals of history of Kashmir, the 1987 Jammu and Kashmir election, Critical events therefore exhibit a paradigmatic nature. Such critical events may be said to partake Agamben's conception of a paradigm, as these events serve as isolated and singular examples that are representative of the larger socio-political problematic within which they are located and which are both informed by it and constitute it. Such an analysis of critical events also interrogates history and the notion of discontinuity that occupied much of twentieth century historiography. This methodology approaches constituting an event-based history by

operating through the analysis of paradigms. Therefore, in conclusion, it may be observed that the crisis-event methodology serves to reveal the processes of actualisation through concepts, and thereby provide points of access to analyse such concepts. Through the above illustrations we may also point out that the crisis-concept pair has a two-way relationship where each is necessitated by the other, such a methodology assumes significance as it provokes critical thinking and re-thinking of an event and by raising new questions, opens the possibilities for new answers.

REFERENCES

- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford, Calif.: Stanford University Press, 1998.
- Agamben, Giorgio. *Means without ends*. Minneapolis & London: University of Minnesota Press, 2000.
- Bose, Sumantra. *Kashmir: Roots of Conflicts, Paths to Peace*. Massachusetts: Harvard University Press, 2003.
- Dan Bousfield. The Logic of Sovereignty and the Agency of the Refugee: Recovering the Political from 'Bare Life.' YCISS Working Paper Number 36, October, 2005.
- Damai, Puspa. "The Killing Machine of Exception: Sovereignty, Law, and Play in Agamben's State of Exception." *CR: The New Centennial Review*, Volume 5, Number 3, Winter 2005, pp. 255-276 (Review).
- Das, Veena. *Critical Events: An Anthropological Perspective in Contemporary India*. Delhi: Oxford University Press, 1995.
- Duschinski, Haley. "Destiny Effects: Militarization, State Power, and Punitive Containment in Kashmir Valley." *Anthropological Quarterly*, Volume 82, Number 3, Summer 2009, pp. 691-717.
- Fraser, M. Event. *Theory, Culture & Society*, 23(129), 2006, pp- 129-132.
- Koselleck, R. Crisis. *Journal of History of ideas*, Vol.67 (2), 2006, 357-400.
- Whyte, Jessica. "Particular Rights and Absolute Wrongs: Giorgio Agamben on Life and Politics." *Law Critique*, (2009) 20:147-161.