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K O V I E W

## Panchayat by-polls

Days after announcing the Panchayat by-polls, the Election Commission has deferred the polls in the Union Territory. The commission said it was advised by the J&K home department to do so. The EC had announced by-elections for 11,639 vacant panchayat seats, to be held in eight phases from March 5 to 20. It would have been the first democratic exercise to be held in the Valley following the nullification of Article 370 on August 5, 2019 which granted J&K its autonomy under constitution. However, unlike the previous panchayat polls, which were held on a non-party basis in October-November in 2018, the by-elections were to be contested on party basis. Also instead of Electronic Voting Machines (EVMs), the Election Commission was to use ballot papers and for Kashmiri migrants, postal ballot were to be made available.

The elections were being held even as the top leadership of the major regional parties, the National Conference (NC) and the Peoples Democratic Party (PDP) remain under detention. This includes three former Chief Ministers - Dr. Farooq Abdullah, Omar Abdullah and Mehbooba Mufti. In 2018, the NC and PDP had stayed away from the polls in protest against centre's refusal to assure them that it had no plans to abrogate Article 370. This did impact turnout of voters as people also heeded the call for boycott of the exercise by the separatist groups.

This time around the main regional parties like the NC, PDP, and the Congress were reluctant to participate. Among the parties, the PDP had already distanced itself from the exercise, saying it was not possible for it to take part in the absence of the party's president Mehbooba and the other senior leaders.

The NC which had initially also declined to participate was mulling participation. In a U-turn, the party had later agreed to take part if certain "roadblocks" were removed. The party had said it is a strong votary of democratic process but wanted a level playing field where all parties were facilitated to participate and not a select few or the BJP alone.

Similarly, the Congress had made its participation conditional on the government releasing all its leaders and letting them campaign and hold political activity. State Congress president G A Mir had also objected to holding panchayat by-polls on party basis when the main election was held on non-party basis.

The situation was still evolving and it wasn't clear yet whether the NC, PDP and the Congress would eventually have taken part in the exercise. However, the government decision to defer polls is welcome. But as and when the exercise is held in future, government should help create a conducive environment for a smooth conduct of the exercise. For Panchayat by-polls to be truly representative it should be the effort of the government to ensure all parties participate. And this can be made possible only if their leaders are freed and allowed to connect with people and campaign freely.

OTHER OPINION

## High Insecurity

UK Labour MP Debbie Abrahams has been deported from Delhi airport, where she had arrived to visit family and friends. She chairs the All Party Parliamentary Group for Kashmir, and had criticised the revocation of Article 370 last year. While Abrahams claims to hold a valid visa, and the government claims it had been cancelled, what is certain is that this is a public relations gaffe in the international domain. Which party is right or wrong is no longer important. This is just one more of a series of official responses from India which offer no diplomatic or political advantage, and only suggest to the external observer that this government is happy to swat away minor irritants with the ponderous might of the state. And that, in turn, suggests that in terms of political psychology, this country is deeply insecure. This is an extremely weak position to bargain from, and could lead to Delhi losing the argument with key sections of political opinion across the world.

In December, External Affairs Minister S Jaishankar had raised eyebrows in Washington when he cancelled a meeting with Democrat Eliot L Engel, chair of the House Foreign Affairs Committee, the top Republican in the body and their colleagues, because they refused to exclude Pramila Jayapal, the Democrat representative for Washington, who had criticised the abrogation of Article 370, as well as the Citizenship (Amendment) Act. Both Abrahams and Jayapal have clarified that they oppose curbs on human rights everywhere, even in their countries of residence, making the Indian response look ham-fisted and small-minded.

But for sheer pettiness, the response to the writer Aatish Taseer must score very high. Taseer had written a cover story for Time which was not wholly complimentary to the prime minister, and was stripped of citizenship status. The reaction smacked of intolerance and was read, rightly, as the vindictive use of state authority. Over time, and with sufficient effort, such knee-jerk reactions would project, in the eyes of the world, a nation that is so thin-skinned that it must be quite vulnerable. Successful diplomacy is based on dealing, with inexhaustible patience, from a position of apparent strength. It is not a game for high-strung or over-sensitive players. Appearing to be one may cost India many of the advantages it has earned in recent years.

The Indian Express

# 'Extraordinary' Laws: Boon Or Bane?

MAHTAB ALAM | THE WIRE

The recent round of arrests and prolonged detention of several political leaders and activists under the law against sedition, the National Security Act (NSA), the Public Safety Act (PSA) and the Unlawful Activities (Prevention) Act (UAPA) have once again put the spotlight on these extraordinary laws.

Among the notable people charged under these laws are right to information activist and peasant leader from Assam Akhil Gogoi, Jawaharlar Nehru University research scholar and student activist Sharjeel Imam, medical doctor and activist Dr Kafel Khan, former chief ministers of Jammu and Kashmir Omar Abdullah and Mehbooba Mufti, and former IAS topper turned political leader Shah Faesal.

One of the most surprising cases to have made this list is that against the authorities of a Muslim-managed school in Karnataka's Bidar district. On January 26, the Bidar police registered a case of sedition against the principal and other authorities of a local school for allowing its students to stage a drama which allegedly portrayed Prime Minister Narendra Modi in poor light in connection with the Citizenship (Amendment) Act and National Register of Citizens.

On January 20, two women - the school principal and the mother of a Class 6 student who had allegedly said lines insulting Modi - were arrested. After spending more than two weeks in Jail, they were granted bail on Friday by a local court on a personal bond of Rs 1 lakh, with two sureties of the same amount. They have also been asked to cooperate with the investigation and appear before the investigating officer as and when called.

The cases against Omar Abdullah and Mehbooba Mufti are no less strange. As per the police dossiers, while Abdullah was booked because of his ability to "convince his electorate to vote in huge numbers" despite the separatists' call for poll boycott, Mufti is charged for "her dangerous and insidious machinations and usurping profile and nature". Faesal has been charged for his alleged "anti-government" social media posts and for forging an alliance with former MLA engineer Shiekh Abdul Rashid, an accused in a terror funding case.

Several other Kashmiri leaders have also been booked under the PSA for equally strange reasons. What is noteworthy is that this is not the first time that the PSA has been slapped in a similar manner. And interestingly enough, both Abdullah and Mufti have been known for using the PSA to target political opponents and stifle voices in the name of curbing militancy and terrorism in Kashmir during their respective regimes.

These cases have raised several questions about the use and misuse of these laws over the years. One wonders why despite their rampant misuse, nothing has been done so far.

The problem, however, does not stop at misuse. These extraordinary laws are problematic in their very design. They are written to be anti-people and to curb any form of dissent. A mere amendment would, therefore, not suffice. If one were to stop their misuse entirely, nothing short of striking them down from the law books would be acceptable.



For example, the law against sedition, which Mahatma Gandhi described as the "prince among the political sections of the Indian Penal Code (IPC) designed to suppress the liberty of the citizen", was originally designed to curb the freedom of expression and speech during the colonial era. Even in independent and democratic India, it has been used by political dispensations for the same purpose. Despite the constant demand for striking it off the law books and mounting evidence of its misuse over the years, no government has shown any willingness to touch it.

Most unfortunately, even the courts, including the Supreme Court, have failed to act in this regard. Advocate Chitranshu Sinha in his book *The Great Repression: The Story of Sedition in India* draws our attention towards this matter. According to him, in a PIL filed in the apex court by the NGO Common Cause and Kudankulam activist S.P. Udayakumar, in which the prayer before the court was to lay down specific guidelines for sedition cases, the court missed the opportunity to set the record straight. He rightly points out that the Kedar Nath judgement "does not provide (guidelines) for pre-arrest requirements and compliances. Any person arrested for sedition will have to obtain bail, attend proceedings, make themselves present for investigations, etc. before chargesheet is filed or the case is closed."

The stated purpose of the NSA is to prevent individuals from acting in a manner prejudicial to certain state objectives, including national security, public order and the maintenance of supplies and services essential to the community. And this very purpose gives the state and its agencies unlimited power with impunity to detain individuals for up to a year without charges, a trial or other rights that an accused is usually granted under the rule of law. No wonder then that the act is often referred to as the law of 'no vakil, no appeal, no daleel (no lawyer, no appeal, no argument)'. Even though Dr Kafel Khan was granted bail by the court, him being charged under the NSA will now ensure that he will be in custody for as long as as the Uttar Pradesh government wants him to, as was also seen in the case of Bhim Army leader Chandra Sekhar Aazad two years ago. Aazad had to spend 15 months in jail, between June 2017 and September 2018, for no crime.

As far as the PSA is concerned, it is a "lawless law", as Amnesty International put it a few years ago. Like the NSA, it bestows unbridled power on the state to detain someone without charge for a prolonged period. According to information obtained by Amnesty through RTI applications, just between March 2016 and August 2017, over 1,000 people were detained under the PSA.

Section 19 of the PSA is often used by the authorities to issue repeat detention orders, this keeping people in detention for prolonged periods. According to Section 19, "there shall be no bar to the making of a fresh order of detention against a person on the same facts as an earlier order of detention" where the earlier order of detention "is not legal on account of any technical defect" or where the order "has been revoked by reason of any apprehension, for avoiding any challenge that such order or its continuance is not legal on account of any technical defect". This paves the way for further detention of the accused even if there is hardly any proof against them.

The UAPA was amended in 2004 and most provisions of the Prevention of Terrorism Act (POTA) were incorporated into it. In 2008, it was further amended and the most recent amendment was done in 2019. POTA was repealed because of its widespread use to target political opponents and dissidents by the state. However, the UAPA in its current form (barring one aspect - the admissibility of a confession before the police as evidence in court) is nothing but an advanced version of POTA. After the latest amendment, individuals can be declared terrorists and their properties seized even before their crime is proven in a court of law. These kind of provisions in the law makes it prone to misuse and give ruling parties the opportunity to fulfil their vested interests, as we have been witnessing.

What is noteworthy is that in most of these cases, the accused almost always end up being acquitted by the court. But by the time they are acquitted or discharged, their lives and careers have long been ruined, given their prolonged incarceration and persecution at the hands of the state.

These laws also serve another purpose - they have a chilling effect on other activists and ordinary people. The classic case of this is a recent example of over 50 people being charged with sedition for just raising slogans in support of Sharjeel Imam and demanding his release.

## Don't Fight Boredom, Go Along With It

NEEL BURTON

What, exactly, is boredom? Boredom is a deeply unpleasant state of unmet arousal: we are aroused rather than despondent, but, for one or more reasons, our arousal cannot be met or directed. These reasons can be internal-often a lack of imagination, motivation, or concentration-or external, such as an absence of environmental stimuli or opportunities. We want to do something engaging, but find ourselves unable to do so, and, more than that, are frustrated by the rising awareness of this inability.

Awareness, or consciousness, is key, and may explain why animals, if they do get bored, generally have higher thresholds for boredom. In the words of Colin Wilson: most animals dislike boredom, but man is tormented by it. In both man and animal, boredom is induced or exacerbated by a lack of control or freedom, which is why it is so common in children and adolescents, who, in addition to being chaperoned, lack the mind furnishings-the resources, experience, and discipline-to mitigate their boredom.

Let's look more closely at the anatomy of boredom. Why is it so damned boring to be stuck in a departures lounge while our flight is increasingly delayed? We are in a high state of arousal, anticipating our imminent arrival in a novel and stimulating environment. True, there are plenty of shops and magazines around, but we're not really interested in either, and, by divid-



ing our attention, they serve only to exacerbate our boredom. To make matters worse, the situation is out of our control, unpredictable (the flight could be further delayed, or even cancelled), and inescapable. As we check and re-check the monitor, we become painfully aware of all these factors and more. And so here we are, caught in transit, in a high state of arousal which we can neither engage nor escape.

If we really need to catch our flight, maybe because our livelihood or the love of our life depends on it, we will feel less bored (although more anxious and annoyed) than if it had been a toss-up between travelling and staying at home. In that much, boredom is an inverse function of perceived need or necessity. We might get bored at the funeral of an obscure relative but not at that of a parent or sibling.

So far so good, but why exactly is boredom so unpleasant? Arthur Schopenhauer argued that, if life were intrinsically meaningful or fulfilling, there could be no such thing as boredom.

Boredom, then, is evidence of the meaninglessness of life, opening the shutters on some very uncomfortable feelings which we normally block out with a flurry of activity or with the opposite feelings. This is the essence of the manic defence, which consists in preventing feelings of helplessness and despair from entering the conscious mind by occupying it with opposite feelings of euphoria, purposeful activity, and omnipotent control-or, failing that, any feelings at all.

People who suffer from chronic boredom are at higher risk of developing psychological problems such as depression, overeating, and alcohol and drug misuse. A study found that, when confronted with boredom in an experimental setting, many people chose to give themselves unpleasant electric shocks simply to distract from their own thoughts, or lack thereof.

Out in the real world, we expend considerable resources on combating boredom. The value of the global entertainment and media market is set to reach \$2.6 trillion by 2023, and entertainers and athletes are

afforded ludicrously high levels of pay and status. The technological advances of recent years have put an eternity of entertainment at our fingertips, but this has only made matters worse, in part, by removing us further from our here and now. Instead of feeling sated and satisfied, we are desensitized and in need of ever more stimulation-ever more war, ever more gore, and ever more hardcore.

But the good news is that boredom can also have upsides. Even if we are one of those rare people who feel fulfilled, it is worth cultivating some degree of boredom, insofar as boredom provides us with the pre-conditions to delve more deeply into ourselves, reconnect with the rhythms of nature, and begin and complete highly focused, long, and difficult work.

So instead of fighting boredom, go along with it, entertain it, make something out of it. In short, be yourself less boring. Next time you find yourself in a boring situation, throw yourself fully into it-instead of doing what we normally do, which is to step further and further back.

If this feels like too much of an ask, the Zen master Thich Nhat Hanh advocates simply appending the word "meditation" to whatever activity it is that you find boring, for example, "waiting in an airport-meditation."

In the words of Samuel Johnson: "It is by studying little things that we attain the great art of having as little misery and as much happiness as possible." - Neel Burton, M.D., is a psychiatrist and philosopher, who teaches in Oxford, England.

Psychology Today