

WOMEN'S MARGINAL ROLE IN POLITICAL LIFE IN JAMMU AND KASHMIR : AN ANALYTICAL STUDY

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ABSTRACT

Like other states of India the position of women in the state of Jammu and Kashmir remained subordinate all over the state. Moreover the problems of women have been further enhanced due to age old political trauma in the state. Jammu and Kashmir is faced with an armed conflict since past 24 years. The past over two decades of conflict have deeply affected people's livelihood, their living environments, health, eating habits, their work and workplaces, their access to education and so on. But it is the women of Kashmir who have felt its impact most severely. Women are affected by its short and long-term effects and thus are among the most vulnerable groups during conflict for more reasons than just violence. Women were not given any reservation in political institutions. It was only by 73rd amendment Act that the women were given 33% of reservation. Jammu and Kashmir has introduced 33 percent reservation in its halqa panchayats through the Jammu and Kashmir Panchayati Raj (Second Amendment) Act, 2003. The political representation of women in the state is far from satisfactory due to less political consciousness and the cross fire of conflict between India and Pakistan. In this context the present paper analyses/reviews the role of women in the political arena and their growing political consciousness with special focus of identifying the causes responsible for their marginal representation in the state politics.

KEYWORDS; women, panchayat, reservation, representation, transformation, jammu and Kashmir, amendments.

INTRODUCTION:

Women around the world at every socio-political level find themselves under-represented in parliament and far removed from decision-making levels. Study shows women hold barely 16 percent of parliamentary seats around the world. In our country women constituting half of the population have been an integral part of our Social structure principally due to their contribution to the socio-economic spheres of life. Notwithstanding the fact, women in India have been treated discriminately because of the gender bias of the prevalent patriarchic values of Indian society. The dominant patriarchy has denied women equality of status and opportunities in socio-economic and political spheres. Amidst such patriarchic bias Women in India cannot be treated as a homogeneous unit. There are differences amongst women in terms of class, caste, status, space (rural-urban divide) etc. Several studies have revealed that Socio-economic and political empowerment of Indian rural women is comparatively much lower than that of their urban counterparts. Rural Indian Women have still been treated as “Object” of development rather than the “Subject” of development (Sarkar, Kumar 2004).

Women in India, as in many other countries, are awfully under-represented in political institutions. Women as an integral part, account for 586.46 million and represent 48.4% of the country's total population as per 2011 census. (Source: Census Report of 2011) The electoral participation of women in India is a much discussed issue with a wide range of opinions and differing views. On the one hand, some theorists argue that the electoral process in India is fraught with male patriarchy and dominance that act as impediments to women participation. The lack of political voice and poor representation of women in Parliament is a result of exclusions on gender basis (Agarwal 2006). On the other hand, there are theorists who dispute this argument and feel that the increased participation of women in electoral competition in the 1990s as voters and sharing of political power at the grass-root level reveal that electoral politics in India is no more gender exclusive but is quite inclusive (Agarwal 2006). The creation of institution of Panchayati Raj was a landmark in the Indian history for democracy to percolate deep down to the grass root level. To empower women, the Government of India brought the constitutional 73rd Amendment Act, 1992 which became the Panchayati Raj law on April 24, 1993 (Kumar, 2007). There is a similar proposal for reservation of seats for them in Parliament and in the State Legislatures. The Constitution of India provides for equal political right to women through the universal adult franchise. With the Indian constitution coming into force in 1950, women were constitutionally granted equal right to political participation in the country. Today the 33% reservation into Panchayat level may have increased women's representation in figures but still their representation remained marginalized.

Panchayats were thus given constitutional status. Consequent to the enactment of the 73rd Constitutional Amendment Act, almost all the States/UTs except Arunachal Pradesh enacted appropriate legislations for setting up of strong, viable and responsible

Panchayats at different levels in their respective States. Part IX of the Constitution pertaining to formation of Panchayats is not applicable to the States of Jammu & Kashmir, Hill areas of Manipur, Meghalaya, Mizoram, and Nagaland. The constitutional 73rd Amendment Act, 1992 which became a part of the Indian constitution in 1993 provides for reservation of 33% of the total seats for women in all the three-tier of panchayats. Since then the state of Jammu and Kashmir had also take certain legislative measures to facilitate the participation of women and other weaker sections (SCs, STs/ OBCs) in panchayati raj institutions. But the state act had adopted a different pattern for the political empowerment of women and other weaker sections i.e. "nomination rather than reservation of seats". However, like other States of India the position of women in the State of Jammu and Kashmir remained inferior. In this context the present study analyses the Political participation of Women in Jammu and Kashmir.

1.1 women's participation in Jammu and Kashmir politics:

Like other states of India the position of women in the state of Jammu and Kashmir remained inferior all over the states. However, from the early decades of 20th century, women in the state of J&K got conscious about their suppression due to emergence of political consciousness, development of modern education, spread of cultural awareness and corrosion of economic conditions (Ruheer R, 2015). Women in Kashmir have played a prominent role in all the spheres of society whether political, social or cultural. But unfortunately their role and contribution has been ignored particularly in the political field or the active politics. From the earlier phase of freedom struggle till today they have got their place in the literature mostly as the sufferers and victims whether in the form of a girl, a mother or wife. Even if it is true but it is just one part of the story. The political representation of women in the state is far from satisfactory due to less political awareness and the cross fire of divergence among India and Pakistan.

Role of women in panchayat Raj institution (PRI's) is attracting a lot of serious attention in the current context in the state (Guha, P, 1974). More prominently the overall percentage of female voters stood at 60 percent for the year 2014. The state elections have helped offer the women of Kashmir with a stage to raise concerns regarding their position in society and many disagree that these elections provided the women with an occasion to "interpret their experiences of conflict into policies for better governance (Shafeeqa K). The Jammu and Kashmiri people were enfranchised in 1934 for the first time and was done on a very inadequate degree. As far as women were concerned, the right to vote was restricted to those who have passed the middle standards or an equivalent examination. The reason for its restricted scale as specified by the Franchise commission was, "The inclusion of women voters would increase the administrative difficulties of the election". But with the enterprise of the admired government headed by Sheikh Mohammad Abdullah, the state elections to the constituent Assembly in 1951 were based on universal Franchise. The part X of the constitution of J & K dealt with the election in the state. It proposed the right of women to elect and to be elected in all institutions on the basis of equality with men and also the grant of equal rights to women in all the fields of the national life including that service in the state. In addition, the provision to Section 47 provides that if the Governor is of the view that women are not sufficiently represented in the assembly, he may recommend not more than two women to be member's thereof (Gull W and Effat Y, 2015).

In 1972 four women candidates were elected to the state legislature, and that remains the highest number of women legislators in the state. Since then, the number of women in the assembly has never been more than 3%. As per the data available in 1972 election out of 8 women contestants 4 stood as independent candidates and 4 were in election fray on INC ticket. Similarly, in 1977 election, the number of independent women candidates was 2 out of a total of 4 and 2 contestants were from Janta Dal. 9 out of 23 women in 1987 election stood as independent and 3 contested on the ticket of JKPP and 1 of INC. In 1996 elections 3 out of 15 were in election fray as independent, 5 were from INC, 3 from BJP, 2 from JD, 1 each from NC and JPP. There were only 29 women candidates in the fray for the 2002 assembly elections. Over 1,354 candidates, including 468 independent candidates and 67 women contestants, are in the fray for the 87-member Assembly in 2008. There were only 29 women candidates in the fray for the 2002 assembly elections. The number has more than doubled this time. In 2014 assembly election only 3% women get tickets. 26 out of 829 candidates were women. 3% were contested in these election. In terms of party wise break up out of the total of 26, 5 women contested on NC tickets, 4 on BJP, 3 each on congress and SP, and one each on PDP, BSP, JKNPP, RPI tickets. Seven women entered the electoral fray as non-party independent. However, the total number of women who really got elected as MLA was only two.

Women's Participation in the Lok Sabha Elections (Shahbaz J, 2017):

Lok Sabha	Total No. of Seats (Elections Held)	No. of Women Members who Won	% of the Total
First(1952)	489	22	4.4
Second(1957)	494	27	5.4
Third(1962)	494	34	6.7

Fourth(1967)	523	31	5.9
Fifth(1971)	521	22	4.2
Sixth(1977)	544	19	3.4
Seventh(1980)	544	28	5.1
Eighth(1984)	544	44	8.1
Ninth(1989)	529	28	5.3
Tenth(1991)	509	38	7.0
Eleventh(1996)	541	40*	7.4
Twelfth(1998)	545	44*	8.0
Thirteenth(1999)	543	48*	8.8
Fourteenth(2004)	543	45	8.1
Fifteenth(2009)	543	59	10.9
Sixteenth(2014)	543	61	11.2

Note: * Including one nominated member

Source: Election Commission of India

1.2 The jammu and Kashmir Panchayat Raj Act 1989:

The Government of India brought the constitutional 73rd Amendment Act, 1992 which became the Panchayati Raj law on April 24, 1993 (Kumar, 2007). Panchayats were thus given constitutional status. Consequent to the enactment of the 73rd Constitutional Amendment Act, almost all the States/UTs except Arunachal Pradesh enacted appropriate legislations for setting up of strong, viable and responsible Panchayats at different levels in their respective States. However, some States as well as Schedule VI areas in States are exempted from the purview of this enactment. Part IX of the Constitution pertaining to formation of Panchayats is not applicable to the States of Jammu & Kashmir, Hill areas of Manipur, Meghalaya, Mizoram, and Nagaland. The state of Meghalaya is not within the purview of part IX of the constitution (Kharlyngdoh, 2010). Under Article 370 of the Constitution, the State of Jammu & Kashmir is accorded a special status while the States of Meghalaya, Mizoram and Nagaland are covered by the Scheduled VI of the Constitution and the traditional system of local self-government exists in these states. In the NCT of Delhi, the Panchayati raj was suspended by the State Government and no effective steps have been taken to revive the PRIs till date. Each of the States/UTs has constituted the State Election Commission (SEC) to ensure elections to the PRIs once in five years. The 73rd constitutional Amendment Act (1992) mandates provisions for establishment of three-tier structure with the establishment of Gram Sabha at village level, Panchayat Samati at intermediate level and Zilla parishad at district level. Regular elections to Panchayat every five year are to be conducted with proportionate seats reserved for schedule castes and schedule tribes. The main purposes of Panchayat elections are to bring power from secretariat to the Grass route level.

Regarding the Panchayats in J&K an Act was laid down by the then Maharaja Hari Singh in 1935, under the Regulation no. 1. The preamble of this Act, stated, “*it is expedient to establish in Jammu & Kashmir State the village Panchayats to assist in the administrative, civil and criminal justice and also to manage the sanitation and other common concerns of the village*” (Jammu and Kashmir Development Report, State Plan Division, Planning Commission, Government of India, September 18 2014). It was in 1937 – 1938 that for the first time Panchayats were established in the state. Subsequently it was amended in 1941 and lastly state government as village Panchayat Act 1958 passed it. Then the Jammu & Kashmir Panchayat Raj Act, 1989 was introduced in the J&K assembly in April 1988 and passed in March 1989. The Governor gave his assent to the bill in July 1989 (Ag. and Rural Development Department Government of J&K). The Panchayati Raj Act of 1989 provides for a three-tier system consisting of *halqa* panchayats, Block Development Council & District Planning and Development Board (DPDB). In addition, the Act provides for a Panchayati Adalat for every *halqa* (Rural Development Department, J and K).

The salient features of the Act are:

- a) reduction of voting age from 21 to 18 years;
- b) holding of elections within six months of supersession of a panchayat;
- c) direct election of the Sarpanch (Chairperson);
- d) constitution of Panchayati Adalat (Panchayat Courts) comprising five members who shall be nominated by the prescribed authority out of the panel prepared and recommended by the *Halqa* Panchayat;
- e) empowering panchayats to prepare plans and implement schemes for poverty alleviation and employment generation, agriculture and allied activities, rural industrialisation, health, universalisation of elementary education, and so on; and
- f) no bar on holding elections on party lines.

The introduction of Jammu & Kashmir panchayati Raj act, 1989 is an important governmental intervention for maximizing women participation in rural Kashmir. The 2011 Panchayati elections were significant from the view that for the first time that women and SCs/STs were given 33% reservation in accordance to their population in panch constituencies. (Government of Jammu and Kashmir Report of The Committee on Devolution of Powers to the Panchayat). Jammu and Kashmir Panchayati Raj (Amendment)

Act, 2013 made certain changes in the section 28, Act XI of 1989 such as: *“Provided that not less than one-third of the total number of offices of Chairmen to be filled by direct election in every district shall be reserved for women and such offices may be allotted by rotation to different Block Development Councils in a district in such manner and by such authority as may be prescribed”*. The reason behind this amendment bill was that the Jammu and Kashmir Panchayati raj Act, 1989 provided for reservation for women at the level of Halqa Panchayat but there was no reservation of Women at the level of selection as Chairmen of Block Development Councils. The Bill seeks to provide for reservation of women at level of Chairmen of Block Development Councils so that they can get their due representation at the level of Block Development Council also. The panchayat elections in J and K are held every 10 years and the process began in early 2011. The last panchayat elections were conducted in the state in 2001–2002, after a gap of 23 years. The panchayat elections were held for the election of 4,130 sarpanches: 2,164 in Kashmir and 1,966 in Jammu; and 29,719 panches: 15,959 in Kashmir and 13,760 in Jammu (Directorate of Rural Development, Jammu, 2011).

WOMEN PARTICIPATION :

What was further interesting was the involvement of women in this election. For the first time, 33 percent panch constituencies were reserved for women. However, most of the women contestants were first time entrants not only in politics, but even in the public life. Since the men could not contest elections, they had persuaded their female relatives, in most cases, the wife, to enter the electoral fray. In any case, the whole family was involved in the electoral process. With two to four women contesting Participation of Women in Panchayati Raj Institutions in Jammu and Kashmir 595 IJSW, 73(4), 589–600, October 2012 elections. In every panchayat, the involvement of women in the elections had certainly increased. At the end of the electoral process, around 10,000 women were elected as panches. In a state where the number of women in the party and electoral politics has been negligible, this is a process of great transformation (Chowdhary, 2011). Out of the 28,248 panches elected (1,471 seats remained vacant) across the state, 9,424 are women, that is, 33.3 percent of elected panches are women. However, in the case of sarpanch posts, women in J and K have failed to break into the male-dominated politics of the state. Out of 4,113 sarpanch posts in the 22 districts of the state, only 28 women managed to win the elections—a dismal success rate of 0.68 percent (Directorate of Rural Development, Jammu, 2011). There are no women sarpanches in 11 of the 22 districts. Out of the 10 districts in the Valley, only two districts have elected women sarpanches—Baramulla in north Kashmir and Shopian. In total, out of the 453 posts, there are only three women sarpanches (Directorate of Rural Development, Jammu, 2011). Surprisingly, Leh and Kargil, the two districts of the state where women are considered to be far more assertive than their counterparts in other districts, have also failed to elect a single woman as sarpanch. The only district in Jammu division not to elect any woman sarpanch is Kishtwar. The remaining nine districts of Jammu region have elected women sarpanches, but again the percentage of winners is negligible. Udampur and Rajouri have elected five women each, followed by four in Poonch and Kathua (Directorate of Rural Development, Jammu, 2011)

OBSTACLES TO WOMEN’S PARTICIPATION IN JAMMU & KASHMIR:

Lack of women participation in political decision-making deprives them of their important rights and duties. Views of women regarding political affairs are missing from grass root level to the national level, be it a budget discussion or Panchayat Samiti. They often remain unheard or ignored. Women’s historic exclusion from political structures and processes is the result of multiple structural, functional and personal factors that vary in different social contexts across countries. However, beyond these specificities of national and local contexts, there is a generic issue in women’s political participation that relates to the wider context of national and international politics, liberal democracy and development. It is, therefore, imperative to critically review these constructs and decode the gendered nature of Democracy as well as Development, which poses limitations on women’s effective political participation. The factors that hamper or facilitate women’s political participation vary with level of socio-economic development, geography, culture, and the type of political system. Women themselves are not a homogeneous group; there are major differences between them, based on class, race, ethnicity, cultural background and education. The exclusion of women from decision-making bodies limits the possibilities for entrenching the principles of democracy in a society, hindering economic development and discouraging the attainment of gender equality. In a state like Jammu and Kashmir where a huge population of women is unemployed and another significant section consists of widows and halfwidows, the importance of women’s economic independence for their overall dignity and even survival is brought out by the fact that there is a linkage between the physical survival of women and their entry into the workforce. Though there are many challenges to women empowerment in Jammu and Kashmir, the main barriers to women empowerment are:

- lack of party support, including financial and other resources to fund women’s campaigns and boost their political, social and economic credibility;
- Violence against Women.
- Lack of decision-making authority and Lack of participation in political affairs.
- Poor and low status of women.

- Lack of education and Lack of awareness.
- The tailoring of many of these institutions according to male standards and political attitudes.
- Inadequate & unorganized health care delivery system
- Under/unemployment leading to poverty.
- Women's perception of politics as a 'dirty' game.
- The way in which women are portrayed in the mass media.
- The lack of coordination with and support from women's organizations and other NGOs;
- Women's low self-esteem and self-confidence, endorsed by certain cultural patterns which do not facilitate women's access to political careers; and
- The lack of media attention to women's contributions and potential, which also results in the lack of a constituency for women.

CONCLUSION:

Any women can grow and progress in her life if she is provided with an environment which is violence-free, where there is no violation of human rights, where there is no discrimination and she can take her own decisions. For this, it is very important that the sphere of violence which has continued in Jammu and Kashmir in the past 24 years should end. The focus needs to be also on the elimination of violence against women. Besides, more and more women from Jammu and Kashmir should be included in the dialogue processes that are now unfolding in the terrorism-hit state. Women of J&K need to be involved in various intra-state dialogue processes too. Steps need to be taken to address this serious gap. The position of women in the political arena of state is again far from satisfactory. Like other Indian states, they remain on the periphery of the political arena. Women's presence in the political process of J & K is abysmally low. In the end, one can say that women have not yet understood or utilized the reservation opportunity to come to the forefront in the political sphere. Although the political participation of many women like Mehbooba Mufti; Chief minister of J&K and Asiya Naqash; a Minister in the present government, have shown the change in the society. Yet at the grass root level, women lack awareness about their role and need in the political affairs and decision-making. Gender biases should be eradicated in every sphere. Women representation in totality is not very effective. Women should be made aware of their role in the nation building so that we can have their adequate participation in the political institutions. Women should be made aware of their rights and obligations in all fields of life. This process can be carried out in the schools and Families. The concept of local self-governance in Jammu & Kashmir needs to be elaborated and detailed so that all the marginalised groups whether women, ST's, or SC's may enter this political arena. The presence of women in local governments serves as support for other women to enter different professions and leads to breaking stereotypes of women's roles in society and public space. People had gained poise in women as good public administrators and local government representatives after considering women making an encouraging difference in other people's life. The active participation of women in the politics of Jammu and Kashmir involves the individual struggle by many on varying planes. It demands a counter balance between the private spheres of their home with the public sphere of political action. It demands departing from the gender stereotypes and creating a meaningful political space for themselves. In conclusion it may be considered that to achieve the women empowerment, advancement can be facilitated with the co-ordination of different sections of the society such as male gentry, religious heads, political leaders who should come forward and shun their interpersonal interest even ego to understand and appreciate that the women are equally as important segments of society as men. Male chauvinism must go the sooner so much the better. Unless the male ridden society is transformed and replaced by a better socio-economic set up where men and women are equal co-workers, the future of human set up appears to be bleak.

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