

Participation of women in the politics of Jammu and Kashmir

“For me, a better democracy is a democracy where women do not only have the right to vote and to elect but to be elected” -- **Bachelet**

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Abstract: The Jammu & Kashmir was the only state having its own constitution. The Constitution enacted by Constituent Assembly of state which was elected on the basis of universal adult franchisee 1951. The part X of constitution of Jammu & Kashmir deals with the election of the state. It gives right to elect & to be elected in all the institution on the basis of equality with men. Further the section 47 of Jammu & Kashmir constitution ensures that if the governor is of the opinion that women are not adequately represented in the assembly, he may nominate two women to state legislature. However these rights have remained de jure & have not been translated into defacto rights. The 12th Lok Sabha elections & 11th state assembly elections held in state have failed to empower women politically. In this context, the researcher projects to make an attempt to study the political participation & representation of women, the stages of women political participation in Jammu & Kashmir.

Key words: Women, Electorate, Election, Voters, Representation.

REPRESENTATION OF WOMEN IN the STATE LEGISLATURE of Jammu and Kashmir

Section 47 of Part VI of J&K Constitution, deals with the Assembly's composition. A woman may be nominated to the Legislative Assembly by the Governor if he believes that women are underrepresented. This approach is seen as a precursor to allowing women to participate fully in public decisions. Thus, the Constitution of Jammu and Kashmir has many provisions that secure the rights of women. From the very beginning, Preamble highlights the aims and aspirations of the J&K Constitution where social, political, economic justice and liberty of the individual is admired. In the part of the Directive Principles of State Policy, there is a separate section dealing with the rights of women. These sections are mere directive in nature but have a great significance in the governance of the state. In short by having an insight over the J&K Constitution we come to

analyze that these sections and provision promote and secure gender equality and at the same equity. Government initiatives such as free education up to university level and the provision of scholarships, among other things, have contributed to the achievement of constitutional equality. Institutions like as the State Social Welfare Department, the Social Welfare and Advisory Board for Women, and the State Women Development Corporation have been formed to assist women in becoming self-sufficient and improving their financial conditions. In addition, as a direct response to the continuous political violence, a Rehabilitation Council for orphans and widows has been established, which provides free legal assistance to women. In recent years, a State Women's Commission was established to deal with issues related of women across the state.

It is unfortunate that despite constitutional guarantees, laws and institutions, women in this state are still marginalized compared to women elsewhere in the country. On the other hand, a study of the special status provided to the state under Article 370 of the Indian Constitution shows that it has mostly proved to be an obstacle for women. Interestingly, two basic arguments may be made. First, prior to the repeal of Article 370, the state continued to enforce anti-women 'State Subject' legislation. Second, the inapplicability of federal statutes to the state has affected women. In this regard, it is worth noting that the Child Marriage Act of 1978 (as amended) did not apply to J & K State, and child marriage remained lawfully until the state legislature passed the Infant Marriage Act in 1985. Central Pre- Natal Diagnostic Techniques Act 1994 is another law that could get place in the State only with the enactment of the J&K Pre-Conception and Pre-Natal Sex Selection/ Determination (Prohibition and Regulation) Act 2002. One of the biggest setbacks that the women of the State have faced is related to the provisions of the 73rd and 74th amendments of the Indian Constitution. These amendments have brought about a silent revolution by the provisions related to 33% reservation for women in local self-government. They have brought a drastic transformation in India as far as the participation of women at the gross root level politics is concerned. Women's participation in local bodies in J&K, however, is at an all-time low. The number of women running for panchayat elections in the State has remained low when compared to other states. Only 2.46 percent of overall candidates in the Panchayat elections held in J&K in 2000, after a 23-year gap, were women. Only 28 and 2 women were chosen as panches and sarpanches, respectively, out of a total of 22700 panches and sarpanches. Furthermore, according to the J&k Panchayati Raj Act 1989, women's participation in the state is not a right. It permits the

government to nominate women, unlike the 73rd Amendment Act, which provides for a 33 percent seat reserve for women by direct election. In 2002, an attempt was made to fill in the gaps in the law concerning women's reservation. Although the coalition government elected in the 2002 Assembly election decided to implement provisions for women's participation in grassroots politics but without the amendment to the existing Panchayati Act 1989¹.

STATISTICAL ANALYSIS OF WOMEN CONDITION IN THE STATE OF J & K

The position of women in J&K remains unsatisfactory despite the fact that they played a key role in the struggle for political and social reform in the state. Even after the revolutionary recommendations regarding women in the New Kashmir Manifesto of 1944, legislative validation of women's rights in the J&K Constitution, and the incorporation of pro-women laws, the overall position of women in the State in different aspects of life is far from satisfactory. Women continue to be impoverished across the state, as supported by statistics on a number of indicators such as literacy, demographics, employment, political participation, and so on. The study of these variables except political participation, based on the census of 2011 is already made in the Second chapter. Despite the fact that women account for almost half of the state's overall population, their presence in all fields of development is significantly lower than that of men and gender equality appears to exist primarily in numbers. Nevertheless, in terms of numbers, even the equality is only evident due to the relatively low female-to-male ratio in the population

PARTICIPATION AND REPRESENTATION OF WOMEN IN THE POLITICS OF J&K

Again, women's status in the state's political sphere is, again, far from acceptable. As with other Indian states, they remain on the political periphery. Women's participation in J & K's political process is pathetically low. However, despite the limitations imposed by strong patriarchal ideals in the conventional social set-up in the state, they have played a discernible role in politics from the beginning of popular participation in politics in the early decades of the twentieth century. A small but significant role was played by them in popular movements,

¹ Tajuddin Muhammad and Mann Baljit S, Politics of Identities in Jammu and Kashmir A contested Terrain, Jay Kay Book House, Srinagar, 2013-14, p-77.

including various struggles conducted throughout the state to achieve responsible administration and the civil defence organised by the National Conference (NC) to protect the valley from invading forces in 1947. Even throughout the post-independence era, women were prominent in a number of protests organized within the state to voice political displeasure. In this regard, it is worthwhile to mention the protests against Sheikh Mohammad Abdullah's incarceration in 1953 and the Hazratbal sacred relic event. Again, in the early 1990's, Kashmiri women chanting the "Azaadi" slogans gained widespread prominence. They demonstrated their solidarity with the ongoing movement in large numbers. Although women have long exhibited their political consciousness and asserted themselves in popular struggle, it is a paradox that they have been denied a role in politics despite the fact that they have done so for a long time.

People of Jammu and Kashmir were granted their first vote in 1934, and it occurred on a very small scale at that time. In the case of women, the right to vote was restricted to those who had completed the intermediate school examination or an equivalent examination. Its restricted scope was justified by the Franchise Commission on the grounds that "the addition of female voters would aggravate the administrative challenges of the election." In 1951, however, the state elections to the constituent Assembly were held under the supervision of the popular administration led by Sheikh Mohammad Abdullah, and the franchise was extended to everyone. As already mentioned that prior to abrogation of Article 370, Jammu and Kashmir was having its own constitution. All the State Assembly elections were held according to its own constitution and Part X of it deals with electoral affairs. After the state of Jammu and Kashmir's accession to the Union of India, the first assembly elections were conducted in the year 1962, with candidates contesting elections for as many as 75 seats. So far, eleven assembly elections have been held in the state of Jammu and Kashmir, which may be divided into three legs. The first leg spanned from 1962 to 1972, when elections were held on 75-seat constituencies; the second leg spanned from 1977 to 1987, when elections were held on 76-seat constituencies; and the third leg spanned from 1996 to 2014s, when elections were held on 87-seat constituencies².

² Pandita Ramesh, Scenario of Public Participation in Assembly Elections of Jammu & Kashmir: A Study (1962-2008), International Letters of Social and Humanistic Sciences, Vol. 271, May 2014, pp.5-6.

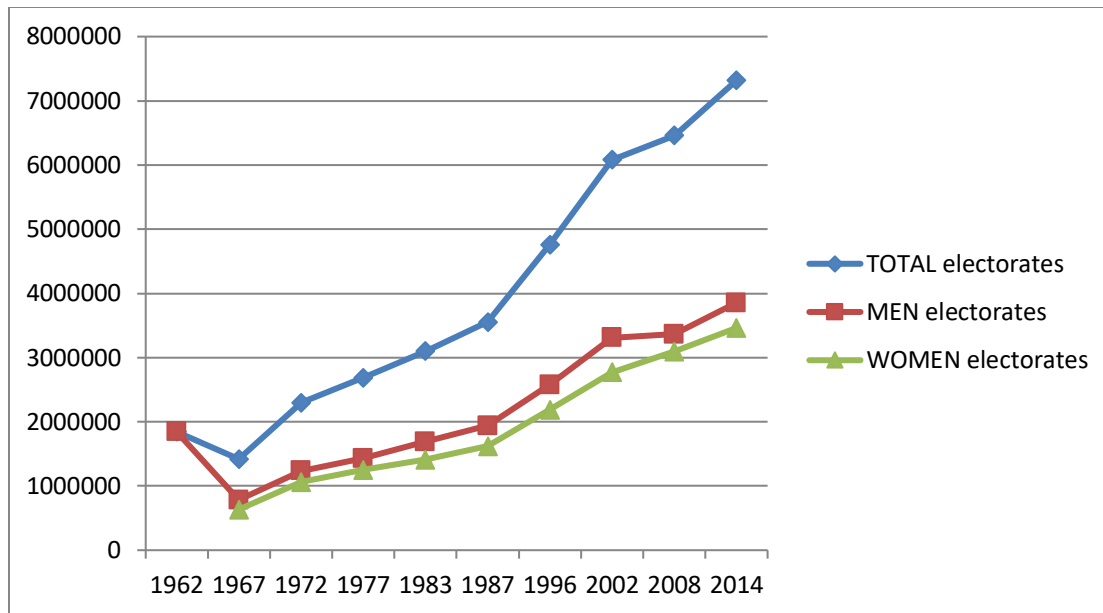
Women of Jammu and Kashmir as Electorate in various Assembly Elections (1962-2014)

Elections are essential and inseparable part of the democratic process, without them the will of the people cannot be determined. The history of Assembly elections of the state of Jammu and Kashmir reflects the ascendancy of men in comparison to women in the total electorate. Table 1.1 shows the percentage of electorate by gender from first election, 1962 to tenth, 2014 Assembly election of the State. The electorate here means the registered voters during the State Assembly elections of Jammu and Kashmir.

Table 1.1 Percentage of Electorate by Gender from First Assembly election to Tenth Assembly Election.

Assembly Election		Electors			Electorate Percentage		
Election	Year	W	M	T	W%	M%	Difference%
Second	1962*	NA	NA	1843930	NA	NA	NA
Third	1967	635181	784072	1419253	44.75	55.25	10.49
Fourth	1972	1062399	1235552	2297951	46.23	53.77	7.54
Fifth	1977	1253302	1431690	2684992	46.68	53.32	6.64
Sixth	1983	1413017	1688648	3101665	45.56	54.44	8.89
Seventh	1987	1618445	1937104	3555549	45.52	54.48	8.96
Eighth	1996	2185882	2575213	4761095	45.91	54.09	8.18
Ninth	2002	2770407	3308163	6078570	45.58	54.42	8.85
Tenth	2008	3097492	3364265	6461757	47.94	52.06	4.13
Eleventh	2014	3462092	3854791	7316883	47.32	52.68	5.37
Average	-----	1944246	2242166	3952165	46.16	53.84	7.67

Source; Election commission of India



Women have historically had a low degree of participation in democratic elections and representation in various democratic institutions across the country. Every individual has the right to participate in political politics after their respective nations have granted them electorate status. As shown in Table 1.1, from the first Assembly election in 1962 through the tenth election in 2014, men clearly outnumbered women in the electorate. According to table 4.1, the male electorate increased from 7.8 lakh in 1967 to 38.5 lakh in 2014 and has remained consistent at between 52 and 55% of the overall electorate across the state. On the other hand, the women's electorate has increased from 6.3 lakh in 1967 to 34.6 lakh in 2014, and has remained consistent at between 44 and 47 percent of the overall electorate in the Assembly elections of J&K. It also shows the growth of the woman electorate over time. The gender gap in electorate has narrowed from 10.49 percent in 1967 to 5.37 percent in 2014. The 2008 election saw the smallest electorate difference between men and women, at 4.13 percent. In comparison to the Assembly election in 2008, the female electorate decreased in the 2014 Assembly election. From the first Assembly election of 1962 through the tenth Assembly election of 2014, the average gender gap has been 7.67 percent. The electorate average of Man and Woman from first Assembly election to tenth Assembly election is 19.4 lakh and 22.4 lakh respectively.

WOMEN OF JAMMU AND KASHMIR AS VOTERS IN THE VARIOUS ASSEMBLY ELECTIONS (1962-2014)

The citizen's participation in the electoral process via the exercise of their voting rights gives the political system effective legitimacy. It also holds the government responsible. Elections bring the vital aspect of responsibility into a political system, and they give a mechanism for achieving it to a greater or lesser extent. The degree of accountability is based on the level of engagement. A democracy's foundational prerequisite is the people's preparedness and willingness to participate in the political process. Democracy entails public control of policymakers, which is achieved through free elections. Elections are the mechanism by which individual voters claim their share of political power, by voting for the representative of their choice, are important from the perspective of individual voters. By voting collectively, voters place decision-makers under public control. The number of women candidates and the participation of women voters in every State election may be used to assess the role of women in this area. In almost every state of the India, women's voting participation has historically been lower than men's.

Jammu and Kashmir has witnessed eleven Assembly elections till 2014. With the rising number of electorate, the percentage of women has also registered a steady rise from first assembly election in 1962 to the eleventh Assembly elections 2014. The voters here are the electorates who have casted their vote in the elections of the state Assembly. Table 4.2 shows the voting percentage by gender from second election to eleventh Assembly election. Their votes have undoubtedly been included in this "on course" corrective voting for giving a fresh lease of power to elected state government.

Table 1.2 Percentage of Voters by Gender from Second Assembly election to Eleventh Assembly Election.

Assembly Election		Electors Who Voted			Voting Percentage		
Election	Year	W	M	T	W%	M%	Difference%
Second	1962*	NA	NA	743806	NA	NA	NA
Third	1967	337052	497363	834415	40.39	59.61	19.21
Fourth	1972	572886	855809	428695	40.10	59.90	19.80
Fifth	1977	756898	1047206	1804104	41.95	58.05	16.09
Sixth	1983	995824	1275985	2271809	43.83	56.17	12.33
Seventh	1987	1138744	1523611	2662355	42.77	57.23	14.46
Eighth	1996	1007249	1559789	2567038	39.24	60.76	21.52
Ninth	2002	1060143	1596484	2656627	39.91	60.09	20.19
Tenth	2008	1823212	2128882	3952094	46.13	53.87	7.73
Eleventh	2014	2294469	2499904	4794373	47.86	52.14	4.28
Average	-----	1109609	1442781	2552390	42.47	57.53	15.07

Source Election Commission of India.*NA- Not Available

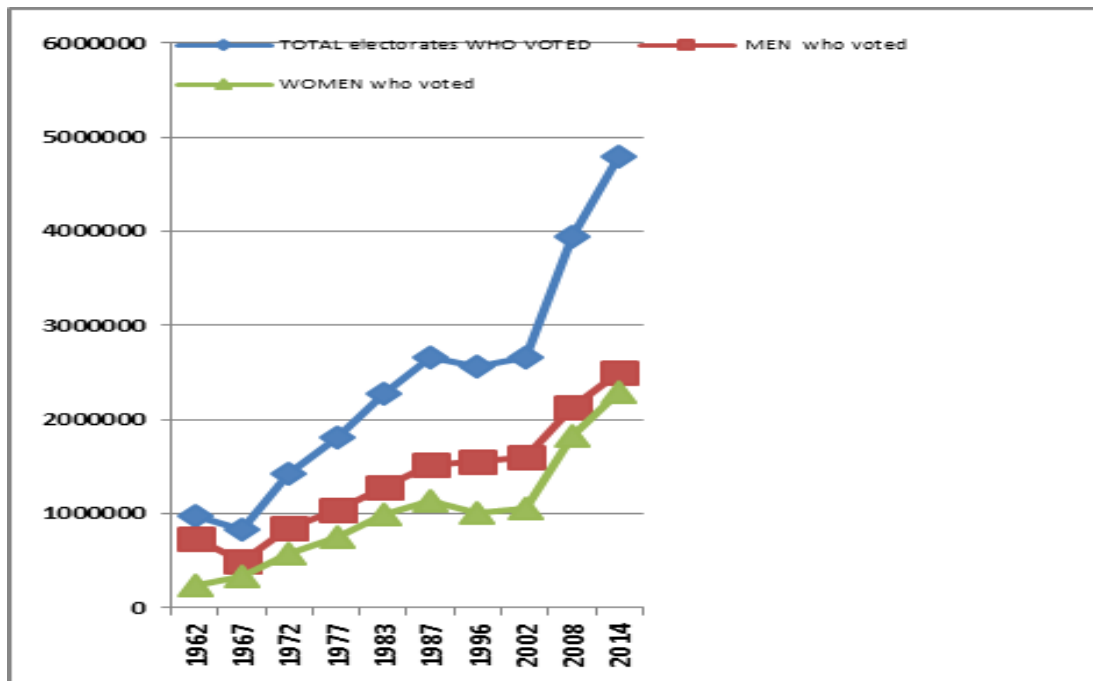


Table 1.2 shows that the percentage of women who vote in the state of Jammu and Kashmir has continuously increased since the 1967 Assembly election. In the 1967 election, women cast their votes at a rate of 40.39 percent, compared to males who cast their ballots at a rate of 59.61%. The turnout gap between men and women differed by 19.21 percent. Due to their lower voting percentage in the inaugural elections, women voted at a rate of 42.47 percent on average, as compared to 57.53 percent of men. In seven of the eleven Assembly elections, women voted at a rate of more than 40% of the total voter turnout. If you look at the first election in the J and K since then, 46.13 and 47.86 percent of the people who voted were in the election in 2008. Men's voting percentages have shown a decline during these elections.

Table 4.2 also reveals that the gender disparity in voter turnout is diminishing. It was just 7.73 percent in 2008, and it fell to a historic low of 4.28 percent in the 2014 election. At least in terms of using their voting rights, the women of J&K state have broken past the barriers of gender marginalisation. The larger percentage of women voters who voted in the most recent round of voting reflects their growing interest and participation in assembly polls.

However, this engagement is limited to voting and is unlikely to result in a major increase in the number of female assembly members. The main conclusion drawn from Tables 1.1 and 1.2 is that women have shown a gradual growth in the exercise of their franchise and this has been proportionate to increase in total voter turnout.

WOMEN OF JAMMU AND KASHMIR AS A CONTESTANT IN THE VARIOUS ASSEMBLY ELECTIONS (1962-2014)

It is important for the people of a democratic country to participate in the democratic electoral process. The concept of political participation has taken on a new and dynamic interpretation in the context of voting behaviour that is difficult to explain using traditional terminology. All of the things that happen during an election are part of the electoral process, from nominations to the announcement of the results. Between canvassing, fund raising, organising and attending election meetings, engaging in election rallies, exercising one's right to vote, and eventually contesting elections, there are several actions. Participation in elections is essential to a democratic system's sustainability. Not doing so may jeopardise the system's survival.

In general, in India and particularly in the state of J & K, participation in the electoral process is mostly limited to casting votes, which is especially true for women. The majority of the J&K State population is hesitant about participating in the majority of electoral activities. Due to a variety of factors and regulations, women are limited to having one vote. Women's participation in election campaigns and other electoral activities is extremely limited. The number of women candidates contesting for the Assembly elections have been extremely discouraging.

Table 1.3 Contestants by gender from the Second Assembly Election to Eleventh Assembly Election.

Assembly Election		Contestants			Percentage of Contestants		
Election	Year	Men	Women	Total	M%	W%	Difference%
Second	1962	NA	NA	174	NA	NA	NA
Third	1967	205	01	206	99.51	0.49	99.03
Fourth	1972	334	08	342	97.66	2.34	95.32
Fifth	1977	405	04	409	99.02	0.98	98.04
Sixth	1983	505	07	512	98.63	1.37	97.27
Seventh	1987	515	13	528	97.54	2.46	95.08
Eighth	1996	532	15	547	97.26	2.74	94.52
Ninth	2002	679	30	709	95.77	4.23	91.54
Tenth	2008	1287	67	1354	95.05	4.95	90.10
Eleventh	2014	803	28	831	96.63	3.37	93.26
Average	-----	544	17	561	98	2	95

Source Election commission of India.

As shown in Table 1.3, which contains information on the candidates running in the Assembly elections in Jammu and Kashmir, the number of women has not been ideal since the second Assembly election of 1962. Women have always been outnumbered in elections, as evidenced by the fact that their number has never exceeded 4.95 percent of the total number of candidates, as was the case during the ninth Assembly election in 2008. Between the second Assembly election in 1962 and the eleventh in 2014, female candidates made up only 0.49 to 4.96

percent of the total candidates. That male contestants dominated state politics in J & K after accession with the Union of India is a disturbing sign for a democratic society, as this clearly demonstrates. Male candidates for the Assembly elections make up 98 percent of the overall field, while female candidates make up only 2 percent of the overall field. Women have been getting more and more involved in the last five elections for the Assembly as candidates. They have gone from 2.46 percent to 4.95 percent of all candidates. The Assembly election of 2008 witnessed highest number of women constants i.e.4.95 percent but in the 2014 election there was decline in their percentage i.e.3.37 percent.

From 98.5 percent in the 1962 second Assembly election to 93.6 percent in the 2014 eleventh Assembly election, the candidate disparity has decreased. However, the number of female candidates has grown since the first Assembly election. Meanwhile, the Ninth Assembly election of 2008 had the highest number of female candidates – 67 – in the state of Jammu and Kashmir's history. However, the sad truth is that the average difference between contestants is still huge, with a difference of 93 percent. Women have been given far less representation in each assembly election than men, even though the representation given to women candidates in the 1962, 1967, and 1977 elections was less than 1%. Female candidates received the maximum 4.95 percent representation in 2008.

WOMEN OF JAMMU AND KASHMIR ELECTED AS REPRESENTATIVE IN THE VARIOUS ASSEMBLY ELECTIONS (1962-2014)

Despite a large electorate, increased voting, and more candidates in the State Assembly elections of J & K, a gender representation gap exists in the Assembly of the state. Women's representation in the Assembly of Jammu and Kashmir has gotten a little better over the years, but is still far from sufficient.

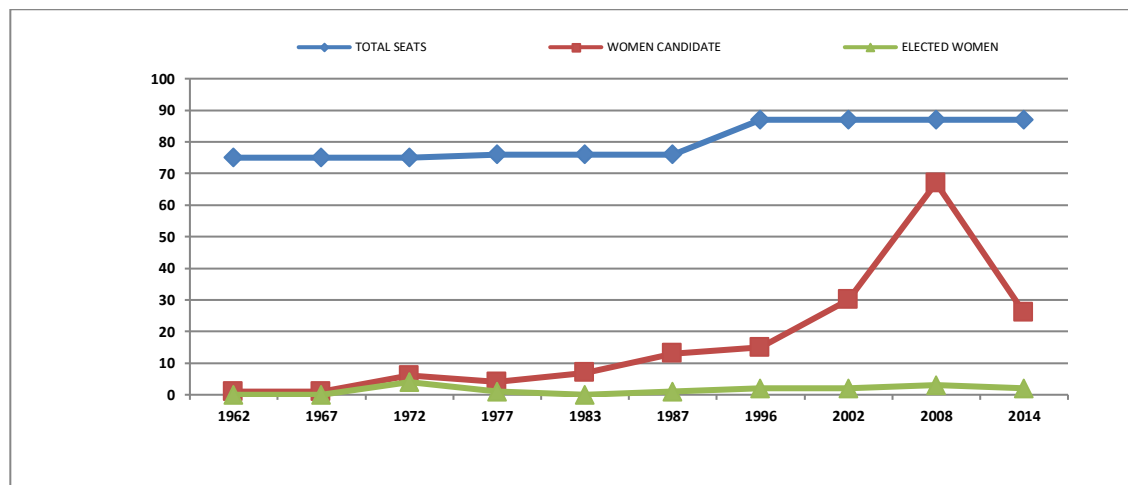
In the words of Seeley, "Democracy is a government in which everyone has a share." As per the perspective of Seeley on democratic government, do women have a significant share in the legislature of J & K? After the first Assembly election, how many women were elected to the J &

K Assembly? Do they have a consistent increase in their Assembly representation or is it a see-saw phenomenon? Now let us answer these questions through table 5.3 below, which depicts a picture of the women elected to the Assembly from the first Assembly election of 1962 to the tenth Assembly election of 2014.

Table 1.3 Elected women Representatives since First to Tenth Assembly Election of J&K.

Assembly Election		Representatives			Percentage of Representatives		
Election	Year	Men	Women	Total	M%	W%	Difference%
Second	1962	75	0	75	100	0	100
Third	1967	75	0	75	100	0	100
Fourth	1972	71	4	75	95	5	89
Fifth	1977	75	1	76	99	1	97
Sixth	1983	76	0	76	100	0	100
Seventh	1987	75	1	76	99	1	97
Eighth	1996	85	2	87	98	2	95
Ninth	2002	85	2	87	98	2	95
Tenth	2008	84	3	87	97	3	93
Eleventh	2014	85	2	87	98	2	95
Average	-----	79	2	80	98	2	96

Source Election commission of India.



The above table 1.3 reveals the political underrepresentation of women from the first election in 1962 till the tenth election in 2014 in the Assembly of J & K. It clearly shows the disparity between women's representation in the electorate and voters. From the first assembly election in 1962 to the tenth assembly election in 2014, women have had an average representation

of 2 percent, while men have had an average representation of 98 percent. During the same time period, the average gender representation gap was as high as 96 percent. In the first, second and fifth assembly election not a single woman was elected to the assembly of J&K. Women in Jammu and Kashmir had not yet been elected to the legislature prior to the 1972 election. For the first time in history, the majority of female candidates (four out of six) won. Thus, this election cleared the way for the largest percentage (5.33 percent) of women to be elected to the legislature. Since then, the percentage of women in the assembly has never exceeded 3 percent. The second highest number of three women got elected in the Ninth assembly election of 2008. But in the 2014 assembly election only two women were elected to the Assembly of J&K. The total share of women in the tenth assembly election is 2 percent, in comparison to 98 percent of men. Since from second assembly election 1962 till 2014 assembly election only 15 women were elected to J&K Assembly in comparison to 786 men. Thus from the analysis of above table, it is quite evident that the representation of women in the state Assembly is against the ideals of democracy.

CONCLUSION

Despite a large electorate, better voting, and an increase in candidates, the discrepancy in female representation remains severe. At least in terms of exercising their right to vote, Kashmiri women have overcome the obstacles of gender discrimination. However, this participation is limited to voting and cannot result in a significant number of women in the Jammu and Kashmir legislature. Women's participation in the legislature of Jammu and Kashmir has somewhat increased over the years but is still generally low. It is undeniable that women in Jammu and Kashmir have made progress since joining the Indian Union, but they continue to face numerous obstacles and social ills in a male-dominated society.