

From Margins to Ballots: The Evolution of Women's Political Participation in Jammu and Kashmir

Qurat Ul Ain Bashir

Research Scholar,
Centre of Central Asian Studies,
University of Kashmir, Srinagar J&K
and

Tabasum Firdous

Professor and Director
Centre of Central Asian Studies,
University of Kashmir, Srinagar J&K

Abstract

The paper examines the evolution of women's political participation and representation in Jammu and Kashmir from the pre-independence era to the present day. It studies the historical, constitutional, and societal factors that have shaped women's roles in the region's political sphere. Despite constitutional provisions guaranteeing equality and prohibiting gender-based discrimination, women's participation in J&K's political processes has remained significantly low. The study presents electoral data from 1967 to 2024, revealing a stark gender disparity in political representation. While women's voter turnout has often matched or exceeded men's, their presence as candidates and elected representatives has been minimal. The paper applies Hanna Pitkin's theoretical representation framework to analyse the complex interplay between formal, descriptive, symbolic, and substantive representation of women in J&K's politics. Recent legislative changes, including the J&K Reorganisation Act of 2019 and subsequent amendments, are discussed regarding their potential impact on women's political participation. The study concludes by emphasising the need to bridge the gender gap in J&K's political arena to ensure the full participation of women in the democratic process.

Keywords: Women's political participation, Jammu and Kashmir, Gender Representation, Electoral Politics, Gender Disparity.

Introduction

Women's political participation and representation in Jammu and Kashmir present a complex and multifaceted issue deeply rooted in the region's unique historical, cultural, and geopolitical context. This paper examines the evolution of women's political engagement in Jammu and Kashmir from the pre-independence era to the present day, analysing the constitutional provisions, electoral data, and societal factors that have shaped women's roles in the political sphere.

Jammu and Kashmir, a region with a contentious political history, has undergone significant administrative changes since India's independence. From being a princely state to becoming a Union Territory in 2019, the region's political landscape has been marked by conflict, autonomy debates, and evolving governance structures (Kuszevska 2022, 198–217). Within this dynamic environment, the question of women's political participation has added significance, serving as a barometer for democratic inclusivity and social progress. The constitution of Jammu and Kashmir was ratified by the constituent assembly, which initially comprised 100 members in the legislative assembly and then expanded to 111 members (Rai 2021, 9–25). Following the Jammu and Kashmir State Reorganisation Act of 2019, the total number of seats in the Legislative Assembly of the Union Territory of Jammu and Kashmir designated for direct election is 107, excluding the Union Territory of Ladakh. This number was subsequently increased to 114 through the Jammu and Kashmir Reorganisation (Amendment) Bill of 2023, comprising 43 seats for the Jammu region and 47 seats for the Kashmir region, alongside 24 seats reserved for Pakistan-Administered Kashmir, which are not included in the total membership of the Assembly (Khan 2024, 379–391).

The historical trajectory of women's political rights in J&K can be traced back to the 1931 uprising, which led to the creation of the Legislative Assembly (Praja Sabha) in 1934, providing a limited franchise to women (Gupta 2012, 56-61). Adopting the "Naya Kashmir Manifesto" in 1944 by Sheikh Abdullah's National Conference marked a significant milestone in conceptualising women's rights. This progressive document enshrined principles of gender equality across political, economic, social, legal, educational, and cultural dimensions (Kaul 2022, 37-48). The constitutional framework for women's political participation in J&K has evolved through various stages. The Constitution of India and the erstwhile Constitution of J&K contained provisions guaranteeing equality and prohibiting discrimination based on sex. Both constitutions' Directive Principles of State Policy further emphasised the state's role in promoting women's welfare and equality (Rout and Bez 2017, 20-25). The recent J&K Reorganisation Act of 2019 and subsequent amendments have introduced new provisions for women's representation, including the possibility of nominating women members to the Legislative Assembly (Chauhan 2022, 207-226).

Despite these constitutional safeguards and historical precedents, the actual participation of women in J&K's political processes has remained significantly low. Electoral data from 1967 to 2014 reveal a stark gender disparity in political representation. While women's voter turnout has been impressive, often matching or exceeding that of men, their presence as candidates and elected representatives has been minimal. The highest number of women elected to the J&K Legislative Assembly was four out of 75 seats in 1972, and in most elections, only one or two women have been successful.

Theoretical Framework

Hanna Pitkin's representation concept, described in her influential work "The Concept of Representation" (1967), provides a complex framework applicable to women's political

engagement in Jammu and Kashmir. Pitkin outlined four primary categories of representation:

formal, descriptive, symbolic, and substantive (Kurebwa 2015, 50-60). In the context of women's representation in Jammu and Kashmir, we can see elements of these concepts at play. The formal representation of women is enshrined in the constitutional provisions of both India and Jammu and Kashmir, which guarantee equality and prohibit discrimination based on sex. However, the data set reveals a significant gap between this formal representation and voter turnout; their presence as candidates and elected representatives has remained minimal, with the highest number of women elected to the J&K Legislative Assembly being only four out of 75 seats in 1972. This underscores the challenges in achieving substantive representation, where representatives act in the interest of the represented. The document's discussion of the "Naya Kashmir Manifesto" and its provisions for women's rights points to attempts at symbolic representation, where representatives "stand for" the represented in a symbolic sense. However, the persistent low levels of women's political participation suggest that this symbolic representation has not translated effectively into descriptive or substantive representation. The recent legislative changes, such as the J&K Reorganisation Act of 2019 and subsequent amendments introducing provisions for women's representation, which encompass the option of nominating female members to the Legislative Assembly, can be seen as attempts to improve both descriptive and substantive representation. However, as Pitkin argues, accurate representation requires more than just formal structures; it necessitates active participation and the ability to act on behalf of the represented (Fain 1980, 109-113). The paper analyses the women's political participation in Jammu and Kashmir, thus highlighting the complex interplay between different forms of representation and the ongoing challenges in achieving meaningful political representation for women in the region.

Historical Background

The events in Jammu and Kashmir during 1931 resulted in the establishment of the Legislative Assembly (Praja Sabha) in 1934, initiated by B.J. Glancy, whom the Maharaja appointed. The residents of Jammu and Kashmir were granted the right to vote in 1934, albeit in a restricted manner. The Jammu and Kashmir Praja Sabha Election Rules (Legal Document No 53) regarding the qualifications of electorates stipulate that: "No individual shall be eligible for registration as an elector on the Electoral Roll of a general or special constituency if a female, has not completed the Third Middle Examination or any equivalent examination." The women's franchise was limited to those who had attained middle standards or equivalent qualifications, based on the reasoning that allowing female voters would increase the administrative challenges of the election process. In 1944, Sheikh Abdullah established a dynamic platform for women by adopting the Naya Kashmir Manifesto.

The National Conference enacted numerous resolutions during Party Sessions and legislations within the Government, and developed various schemes to promote the comprehensive advancement of women, initiating this effort with the Naya Kashmir Manifesto adopted in 1944. This program is one of the earliest and most political documents in the whole

subcontinent of India, which upheld women's equal rights (Akhter 2011, 110-114). Naya Kashmir Manifesto includes a special charter for the empowerment of women, subtitled Women's Charter, in which women were entitled to: -

- a) Right to vote
- b) Right to elect or right to be elected, and also
- c) Right to consultation of women representatives in all matters concerning women decided by elected bodies in the state
- d) Provision of reservation of seats for women.

The manifesto's cover, set against a red background, prominently displayed Zuni Gujjar, a Kashmiri Muslim lady and activist in the National Conference (Whitehead 2017, 73). The directive principles of state policy concerning women's rights in the Constitution of Jammu and Kashmir are rooted in the Women's Charter of the Naya Kashmir Manifesto (Akhter 2011, 110-114).

Constitutional Provisions

The Constitution of India

As the fundamental basis of all laws, the Constitution appropriately considers gender issues. Besides the principles of justice, liberty, equality and fraternity, independent India implemented Constitutional safeguards that ensure equality before the law and prohibit discrimination based on sex, caste, ethnicity, etc. However, this fundamental law of the nation aims to promote gender equity by putting women on an equal footing with men through several provisions, including those outlined in the Preamble, Part III discussing fundamental Rights, and Part IV addressing Directive Principles of State Policy.

The Constitution was drafted with special provisions for women in consideration of their social standing. The state is not allowed to discriminate against women based on their sex in areas like public employment and education, because of certain constitutional safeguards in the form of basic rights.

Special protection is given to women under the protective discriminatory provision under Article 15. The Constitution provides guarantees against the exploitation and trafficking of human beings. It acknowledges persons' intrinsic dignity and rights, safeguarding against such acts (Rout and Bez 2017, 16). It also prohibits forced labour or any form of compulsory labour.

According to Basu (1964), the Directive Principles of State Policy also contain requirements about gender equality. The state must use these guiding principles when drafting legislation. Articles 38, 39 (a), (d), and (e), as well as Articles 42, 44, and 45 of Part IV of the Constitution, address the welfare and advancement of women. Additionally, these concepts aim to bring about equality of status by ensuring social and economic fairness. Article 39 of the Constitution upholds the idea of equal pay for equal labour "regardless of sex". Article 42 of the Constitution

incorporates the topic of women's health and well-being, requiring provisions to be made for maternity relief and the establishment of fair and decent working conditions. A set of basic obligations is imposed on all Indian citizens by Article 51A of the Constitution, which was inserted by the Forty-second Amendment to the Constitution in 1976. "To promote harmony and the spirit of common brotherhood among all the people of India, transcending religious, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women" is the obligation placed on Indian citizens by clause (e) of Article 51A.

The Constitution of J & K

The sixth section of Part III of the Constitution of Jammu and Kashmir delineates the provisions about the status of permanent citizens. It confers upon the state Legislature the authority to enact any law delineating the classifications of individuals who are or shall attain the status of permanent residents within the state. Individuals possessing permanent residency within the jurisdiction are accorded specific entitlements and privileges predicated upon their classification as Class I or Class II subjects or their lawful proprietorship of real property within the state, contingent upon a minimum residency duration of no less than a decade preceding the specified date (Khan 2011, 56-61).

The daughter of a permanent citizen who has entered into matrimony with an individual hailing from beyond the erstwhile state of Jammu and Kashmir has relinquished her entitlement to inherit, possess, or procure tangible assets within the jurisdiction of the state (Khan 2011, 56-61). On the 7th of October, 2002, the stipulation about female Permanent Residents of Jammu and Kashmir was rendered null and void in the judicial proceeding 'State of Jammu & Kashmir v. Susheela Sawhney'. This pivotal verdict established that "a daughter of a permanent resident marrying a non-permanent resident will maintain her status as a permanent resident of the state of Jammu and Kashmir" (Singh 2007, 167-168). The adjudication was challenged by the antecedent political factions of the state, culminating in the annulment of Article 35A via the J&K Reorganisation Act 2019, thereby resolving the discourse concerning the delineation of J&K Permanent Residents.

Jammu and Kashmir Reorganisation Act 2019

As per Section 15 of the Jammu and Kashmir Reorganisation Act 2019, the Lieutenant Governor of the new Union territory of Jammu and Kashmir has the authority to appoint two women members to the Legislative Assembly in order to ensure adequate representation for women, if he believes that women are not currently adequately represented in the Assembly. Recently, the Lok Sabha passed two Bills to extend the provisions of the Constitution (106th Amendment) Act, 2023, which grants 33 per cent reservation for women in Parliament and State legislatures to the Union Territories of Puducherry and Jammu and Kashmir. This reservation would also apply to seats reserved for Scheduled Castes (SC) and Scheduled Tribes (ST). The reserved seats would be allocated by rotation, allowing different constituencies to be reserved in each election cycle. The Ministry of Home Affairs introduced the Jammu and

Kashmir Reorganisation (Second Amendment) Bill, 2023, and the Government of Union Territories (Amendment) Bill, 2023, in the Lok Sabha. This measure is a critical first step in creating a more equal and balanced political environment and attaining gender parity in political institutions. However, much needs to be known about its implementation as the legislation is scheduled to come into force after India publishes its next census, the date for which has not been set. It will then remain as law for 15 years.

Women as Voters in State Assembly Elections

In 1951, elections were held for a constituent assembly in which Sheikh Abdullah established a popular government based on Universal Franchise. Since 1967, the voting percentage of womenfolk has been impressive, i.e. 53% for women and 63% for men. Two sets of factors led to a noticeable transformation of women in the twentieth century. Firstly, the emergence of political consciousness, expansion of modern education, spread of cultural awareness, deterioration of economic conditions and large-scale social awakening created direct and indirect opportunities for women to feel and think about their position. Secondly, outside developments in the Indian sub-continent, especially in the erstwhile British provinces of Punjab and Delhi, positively impacted the overall situation (Dabla 2007, 73-86). Kashmir's provincial elections of December 2008 may be an important turning point in Kashmiri politics from the viewpoint of women's issues in Kashmir because of women's vigorous participation in the elections. The women's voting percentage stood at 58.86%, a jump from 38% in 2002 (Kavita 2011,76). In the assembly elections 2014, even the womenfolk surpassed the voting percentage of men in Jammu and Kashmir, which stood at 66.27% for women and 64.85% for men.

Table 1: Participation of Women Voters in State Assembly Elections.

Year	Electors				Electors who voted					
	Male	Female	Total	Female voters percentage over male voters	Male	Female	Total	Percentage of Votes Polled		
								M	F	Total
1967	784072	635181	1419253	44.75	497363	337052	834415	63.43	53.06	58.79
1972	1235552	1062399	2297951	46.23	855809	572886	14288695	69.27	53.92	62.17
1977	1431690	1253302	2684992	46.68	1047206	756898	1804104	73.14	60.39	67.19
1983	1688648	1413017	3101665	45.55	1275985	995824	2271809	75.56	70.48	73.24
1987	1937104	1618445	3555549	45.52	1523611	1138744	2662355	78.65	70.36	74.88
1996	2575213	2185882	4761095	45.91	1559789	1007249	2567038	60.57	46.08	53.92

2002	3308163	2770407	6078570	45.58	1596484	1060143	2656627	48.26	38.27	43.70
2008	3364265	3097492	6461757	47.94	2128882	1823212	3952094	63.28	58.86	61.16
2014	3854791	3462092	7316946	47.32	2499904	2294469	4794374	64.85	66.27	65.52
2024	4489058	4313794	8802020	49.00	2909782	2726705	5721869	64.80	63.20	65.00

Source: *Prepared by the researcher using data from the Election Commission of India*

Women's Participation in State Assembly Elections

Despite the recent infamy of Jammu and Kashmir as a prominent northern Indian state showing a declining female sex ratio, the participation of women in the political arena has been markedly weak in the recent historical context. In the contemporary period, notwithstanding the occasional references to issues pertinent to women within specific manifestos, such allusions have proven ineffectual in exerting substantial influence on decision-making. Moreover, there appears to be a visible absence of electoral manifestos from predominant political entities that authentically address issues and concerns pertinent to women. The portrayal of women within the Legislative Assembly of Jammu and Kashmir is minimal, with a mere 2 to 3 representatives, peaking at a mere 4 in 1972, amidst 87 seats. Among the unit of 30 female aspirants who contended in the 2014 Assembly Elections, a mere duo—Asia Naqash representing the People's Democratic Party and Shameema Firdous from the National Conference—ascended victorious, thereby constituting a negligible 2% of the aggregate seats. This figure starkly contrasts with the proposed 33% reservation for women, which has weakened in deliberation at the national level for an extended duration. The mean proportion of female candidates participating in electoral contests within the state legislative assembly from 1967 to 2014, compared with their male counterparts, was 2.95. The mean proportion of women participating in electoral contests within state legislative assemblies during the identical timeframe is 2.06.

Table 02: Women's Participation and Performance in JK State Assembly Elections from 1967- 2024.

Year	Total Seats Contested	Total Contestants	No. of Female Contestants	Percentage of Female Contestants	No. of Winning Females Contestants	Winning Percentage of Female Contestants
1967	75	206	1	0.48	0	0
1972	75	342	8	2.33	4	50
1977	76	409	4	0.97	1	25
1983	76	505	7	1.38	0	0
1987	76	528	13	2.46	1	7.69
1996	87	1029	17	1.65	2	11.76

2002	87	709	30	4.23	2	6.67
2008	87	1325	67	4.94	3	4.48
2014	87	831	28	3.37	2	7.14
2024	87	873	43	4.93	2	4.65

Source: Prepared by the researcher using data from the Election Commission of India.

Table 03: Winning Female Candidates in Jammu and Kashmir State Legislative Assembly Elections.

Year	No. of Winning female candidates	Name of the winning candidate	Party	Constituency
1972	4	Zainab Begum	INC	Amira Kadal
		Hajra Begum	INC	Banihal
		Nirmal Devi	INC	Tikri
		Shanta Bharti	INC	Jandrah Gharota
1977	1	Gurbachan Kumari	JNP	Bari Brahmanan
1983	0	-	-	-
1987	1	Swaran Lata	INC	Bari Brahmanan
1996	2	Sakina Akhter	JKNC	Noorabad
		Mehbooba Mufti	INC	Bijbehara
2002	2	Suman Lata Bhagat	INC	R.S Pura
		Mehbooba Mufti	PDP	Pahalgam
2008	3	Shameema Firdous	JKNC	Habba Kadal
		Mehbooba Mufti	JKPDP	Wachi
		Sakeena Itoo	JKNC	Noorabad
2014	2	Shameema Firdous	JKNC	Habba Kadal
		Asia Naqash	JKPDP	Hazratbal
2024	3	Shameema Firdous	JKNC	Habba Kadal
		Sakina Itoo	JKNC	D.H. Pora
		Shagun Parihar	BJP	Kishtwar

Source: Prepared by the researcher using data from the Election Commission of India.

Although a handful of women participate in politics, their appearance can be traced back to dynastic influences. Sakeena Itoo of the National Conference was elected after the assassination of her father, Wali Masood Itoo, in 1994, who served as the speaker of the J&K

legislative assembly. National Conference elected Shameema Firdous as the head of their women's wing. There was not a single woman minister for a long time. Sakeena Itoo was made minister in 1996, and in 2024 serves as the only woman cabinet minister in the Government led by the National Conference.

Conclusion

The increase of female agency is of paramount importance at this stage. It shall supplement the caliber and the magnitude of human capital available for developmental endeavors. Thus, the enfranchisement of women is essential for the progression of any nation. Advancement in the status of women is unattainable without collaborative efforts and a transformation in the prevailing male disposition. Individuals of the male gender are equally mandated to participate in this undertaking. Otherwise, praising the virtues of a singular, unattainable addition would be vague. On the contrary, enhancing self-awareness and consciousness in every woman is imperative. Women's status within the state's political sphere is disappointingly deficient. Corresponding to other Indian states, they inhabit marginal positions within the political structure. The portrayal of women within the political apparatus of Jammu & Kashmir is markedly weak. The Women's Reservation Bill has recently been ratified by both chambers of parliament, designating one-third of seats for women within the Lok Sabha, the State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi, inclusive of those allocated for Scheduled Castes and Scheduled Tribes. However, the absence of a clear explanation regarding this legislation by the government, coupled with its announcement after the census, whose date remains unspecified, renders the situation increasingly vague. In summation, it is paramount to improve gender inequity within the state, for no society or civilization can progress without the engagement of half of its citizenry.

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