

Political Rights for Women: Special Reference of Jammu and Kashmir State

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ABSTRACT Women empowerment is still a debatable issue in India. She is still treated as a second class citizen especially in state like Jammu and Kashmir and the reasons are, besides illiteracy, customs, traditions, poverty, ignorance, her own lack of interest and motivation. Her lack of interest in her own political empowerment leads to such governmental policies, which lack proper insight and direction. It is important for the empowerment of women that the women actively participate in the political process of the nation. This paper tries to discuss these issues with special reference to the controversial permanent residents bill of the State of Jammu and Kashmir.

INTRODUCTION

Indian woman, since centuries, has suffered at the hands of the society. During Vedic times her status was much more egalitarian than it is today. The customs and traditions over the centuries took such a shape that she was victimized. The Brahminical period saw a rise in superstitions and a further lowering of her status by the custom of 'sati' and child marriage. Where as on one hand we have had politically powerful women like – Ahilya Bai Holkar, Laxmibai of Jhansi, on the other hand examples of thousands of women committing 'sati' on their husbands pyre. The Brahminical period saw the darkest ages in the historical evolution of Indian women and with the coming of the invaders from central Asia the status further deteriorated. The awakening came with the coming of British and opening up of institution for education of females. The motivation from the literature, which then became approachable for women, was so strong that they became partners in India's struggle for freedom from the British Raj. History stands testimony to the equal participation of women from all walks of life in the struggle for freedom. Activists like Annie Besant, Sarojini Naidu, Lady Aberdeen led to the awakening of Indian women and achieving a right to franchise as well as right to contest election to legislature as early as 1937. The American tenets of Justice, equality and liberty were adopted by the Indian constitution after independence in 1947, in the form of fundamental rights and directive principles. But the zeal with which the war for Independence

was fought was not seen afterwards as women again were closeted in their homes. Still, after fifty years of India's independence, most of the women are not aware or are not ready to make use of the rights they are entitled to.

A recent study by Sushma Rani, under the supervision of Dr. Neeru Sharma (Reader) and Sumati Vaid (Research Scholar) Post Graduate Department of Home Science, examined the awareness of political rights among women – both rural and urban of Kathua District (Jammu and Kashmir State). The main purpose of the study was to compare the level of awareness of political rights among rural and urban women and to study the awareness of political rights as a function in part of socio-economic status and ethnicity. The results of the study reveal that women have little or no awareness about their political rights especially in the rural areas. In spite of a lot of talk in recent years about the participation of women in the political process women are not generally aware about their role or rights as a member of the democratic country, India.

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Three rights in particular have been studied. Two are of national importance i.e. 1. Right to franchise 2. Right to participate in Panchayats. And one issue is of regional (Jammu and Kashmir) importance i.e. 3. Right to Domicile.

1. Right To Franchise: The issue of political rights of women had been a matter of debate

earlier, but it has not been accepted as axiomatic that equal right to vote and to be elected national office are fundamental to women's status. Equality of franchise with men was fought for ardently and for a long time by a dedicated minority against heavy resistance by the majority. One of the function of United Nation Commission on the Status of Women, set up in 1946, was to further the cause of political rights in all countries. In 1952 the general Assembly adopted the U.N. Convention on the political right of women, which was the first instrument of International Law aimed at granting and the protection of women's right in the world. By 1971 almost all the member countries of the UN had allowed women to vote in election and to be eligible for election on the same basis with men. The first countries to grant women electoral equality with the men were New Zealand (1893), Finland (1906), Norway (1913) and Iceland (1915). Most leading countries gave women the right to vote soon after World War I this was encouraging, since women constitute half of the world's population. In terms of the Indian electorate, women constitute 24.3 crores. Political parties often go all out, at the time of election, to attract the women voters, who constitute a large vote bank. Infact it has been calculated that if women vote as a body, they can form as government of their own choice. In the 1989 general election out of a total of 498, 406, 429 voters 236, 861, 287 were women (Aleem, 1996). The low turnout of women voters is also due to the lack of effective mobilization of women at the grass root level. Urban educated women are aware of their right and go to vote any way, but in the rural areas the importance of voting has to be explained to them (Sinha, 1993). Political workers and activists should make more effort to interact directly with the vast majority of women in the village and awaken their political consciousness and encourage them to exercise their franchise. In the Indian political scene, the political parties also do not field enough women candidates, despite their slogans for the need of 30% reservation of women in all Jobs. In the 1991 general election, the number of women fielded by the major political parties was very low. The percentage of women voters in parliament is very low. It is surprising that in a large number of developed countries, like the United Kingdom (6.3 %), the United States (5.3 %), France (6.4 %) and Japan (1.4%) the representation of women in parliament is extremely poor. This may be

attributed to historical social and cultural factor. But it also reflects the negative attitude of a male dominated world. As compared to the developed region some of the developing countries like India have made good progress (8.3 %). In particular unless specific condition are met women face multiple hurdles and find it difficult to participate in the political process that has hitherto been male bastion. The major reason for this is gender specificity is that women are less mobile than men. They have domestic responsibilities, which puts limits on the time they can spend in such process. There are both natural and historical prejudices against the women. Consistent efforts will have to be made over a period of time to engender the political process and institution, and issue that are critical to this process. Some aspects of political process in this context of decentralized governance ensured by the 73rd constitution amendment in India in the last five years. Mangathai (2001) in his findings found that the reservation policy for the women through 73rd amendment had created a favorable environment for the women. Women are entitled to vote in all election on equal terms with men, without discrimination. They are also eligible for election to all publicly elected bodies.

2. Right To Participate In Political Process:

An effort is being made to involve women in the political process. Moreover, they are entitled to hold public office and exercise all public functions without any discrimination at the grass root level, as there is a difference in the political complexion and culture of urban and local government organization. Women for different reason are not actively involved in urban level bodies. But the involvement of women in Panchayati Raj Institution is especially at the lowest level. Making special mention of India, the United Nation Development Fund for Women (UNIFEM) (2003) report said that the 73rd and 74th amendment to the Constitution ensured 33% reservation of seats for women in local self-governance. This has resulted in a million women gaining entry at different levels in the three tiers of the Panchayati Raj System. Although the percentage of women voters in India has been consistently rising, their participation as contestants remains small, when compared to men. The recent legislation of parliament and Panchayati Raj ensures a 30 percent reservation of seats for women. There is no doubt that rural women have become more politically conscious

than women in urban area. It has to be accepted that the increasing involvement of women in politics is a necessary step for a sound democratic society. But the main issue is that what step is taken to increase the political participation of women. The first requirement for women's participation in any field is the need to lessen their household responsibilities. Men should be made to realize the necessity of sharing family responsibilities on an equal footing. Rani (2003) too reached on the similar conclusion that the rural as well as urban women are aware about the Panchayati Raj Institution and reservation of women in the Panchayat 33% but in spite of this the respondent would take permission from the family and if family member forbade them they would remain silent and gave up the idea to participate in the Panchayat. A representative democracy should be able to '*represent*' the various segments of society in a more or less proportionate way. But the present state of affairs is a clear violation of this principle. Hence there is a great need to reserve certain seats for women, so that all political parties may be compelled to nominate women candidates to certain seats. The competition among women contestants may also increase political awareness among women. Political parties have to realize that the issue pertaining to women is not issue to be discussed and decided at the national level. The progress of the nation depends upon the development of manpower. Unless this bitter truth is accepted there is no hope of any significant change as far the development of women is concerned. Recognizing this limitation where a gender is concerned, India has passed a law that makes it mandatory for local government to include women. One third of the seats in local bodies – gram or village Panchayats, municipalities, city corporation and district bodies – are '*reserved*' for women. This means that the contest can only be between women in these constituencies. The first step in enabling women to participate has been taken. This reservation of seats, in the 1993-94 election has brought in about 800,000 women into the political process in a single election. Grass root democracy has been ensured by an amendment to the constitution from the "*top*". This was not because of a mass movement by the people. This is also true of the 1/3rd reservation for women.

3. Right To Domicile: The other issue, which is of particular importance to the state of Jammu

and Kashmir, is the domicile acts: (1) The J & K Grant of Permanent Resident Certificate (procedure) Act, 1963. (2) The J & K Grant of Permanent Resident Certificate (procedure) Rules, 1968, which till now discriminates against the women born in the state but married to a non-state subject. The daughter of this state had an occasion to celebrate as their 25 year old fight for the protection of their status as a state subject had ended in success. The Jammu and Kashmir High Court had ruled that a girl child born to a state subject will no longer be treated as a non-state-subject after getting married to a person not having the status as that of her parents. Her constitutional status as a subject will remain unaffected unless she herself decides to snap this link. Now such women will have the right to property, inheritance, government employment etc like their male counter parts. A major legal lacunae leading to in Justice to the women has been finally been removed. Indian's celebrated the year 2002 as women's empowerment year. This judgment has given a major boost to national integration. Earlier most people in Jammu and Kashmir would avoid marrying their daughter to a non-state subject or outside the state because of the problem of their female offspring losing their right to inherit their property or get a government job. The Judiciary has done a great humanitarian service by interpreting the constitutional provision in correct perspective even though the landmark verdict has been delivered after a very long period. The full bench Judgment, having far reaching consequences, is the result of concerted efforts by a group of socially enlightened women who refused to accept a government decision to scrap their state subject after their marriage to people who are not permanent residents of Jammu and Kashmir. In the process, they had to lose their jobs. Thus, 12 petitions were filled in the High court to settle the matter. Once and for all, the case came up for hearing before a three judge bench comprising Mr. Justice Vijay Kumar Jhan Ji, Mr. Justice Tejinder Singh Doabia and Mr. Justice Muzaffar Jan. The injustice against the females of Jammu and Kashmir had been perpetrated all these years mainly because of misinterpretation of certain law linking citizenship to inherit property etc. The political interests of the government again put this decision to test and the motion was defeated recently in the state assembly.

In spite of all these efforts all is in vein

because of poor advocacy of the governmental initiatives. As found in Rani's (2003) study, that the urban women seem more aware of the domicile act. This may be due to the reason that she is much more educated than the rural women. Both of them are lesser or not aware of the recent changes in the act so there should be more advocacy of such landmark resolutions so that the women become equal stake holders of the democratic process not just marginalized observers. The urban as well as rural women are aware about the Panchayati Raj Institution and reservation of women in the Panchayats i.e. 33% but in spite of the family's consent and approval would be the main decisive force for women's political participation. Data also reveals that respondent would allow their daughter to participate in the election and for any kind of work related to election. So women are aware about the Panchayati Raj Act and are ready to participate if the family allows them. Majority of rural women and all the urban women know about the right age of voting. All the women have cast the vote according to their own will and they feel that every citizen has right to vote. However review shows that women's path toward emancipation is full of restrictions like political, economic and social restrictions.

SUGGESTIONS

Women's empowerment is the process by which unequal power relations between men and women are transformed and women gain greater equality with men. This transformation has been widely recognized – in international – regional and national conferences – as a basic human right as well as an imperative for national development and global progress. At the governmental level, women's empowerment includes extending to them all fundamental Social, economic and political rights. On the individual level, it includes process by which women gain inner power to express and defend their rights and gain greater self-esteem and control over their own lives and relationships. But the present reviews shows that the awareness level of the rural and urban women about their rights especially political right was still low. The main reason behind the low knowledge/ awareness are gender bias, traditional beliefs, lack of education, socio-economic status etc. So there are some suggestions, which would

help the women to improve their status and also protect their rights:

1. Digest of Statistics (2001-2002) indicates that the education level of the women both in rural and urban area is low. So adult education should be provided to the women folk with the help of local leaders especially women leaders.
2. The cultural constraints, which bind women to the four walls of the house, can only be done away with the process of education and awakening. Educational level of females is low in India. Hence free and compulsory education should be promoted.
3. Women should come forward and know their rights which are given by the Constitution. If anybody tries to snatch their rights women should be aware how to protect these rights.
4. It is the duty of the government to organize seminars, workshops to give latest information regarding their rights and encourage the women to come forward and improve their own status.
5. Each village has its own Panchayati Raj Institution and it is the responsibility of the Panchayati Raj Institution system to provide latest information about politics, changes in the political system like 33% reservation of women in the Panchayati Raj institution to the villagers especially women folk. Panchayats should gain the confidence of women in such a way that they do not hesitate to seek their help in case of violation of rights.
6. More and more women need to be involved in the political process. It seems that when women are at the helm of affairs they give attention to those problem like- female exploitation, etc., which otherwise men folk ignore. The need for reservation should become obsolete once women actively participate in the political processes.

Women's empowerment and emancipation is in their own hands and the first step is to be better informed and aware about one's own self, one's rights as well as duties and readiness to fight any access on these rights, as the women activists of Jammu and Kashmir have done. The new government has again put a dampener on women's domiciliary rights and now it is the women who should come forward for their rightful demand to be a permanent resident of this state even after her marriage to an outsider.

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