

# Negotiating Space for Empowerment: Women and Panchayati Raj in Jammu and Kashmir

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**Abstract:** *Owing to the special status under Article 370 of the Indian Constitution till August 2019, the provisions of the Panchayati Raj Act (1992) were not extended to the state of Jammu and Kashmir (J&K). The state experienced years of turmoil and the panchayats remained more or less defunct. Elections were not held regularly and transparently for a long time. After the elections in 1978, the state went for panchayat elections only in 2001, then in 2011, and more recently in 2018. As 73<sup>rd</sup> Amendment was not implemented in the state, the rule of mandatory elections every five years was not adhered to, one - third reservation to women was not given and panchayats were devoid of power that make them institutions of self - governance at the grass - roots level. Some Amendments were made in the J&K State Panchayat Acts to empower panchayats and make them more functional, but still, they could not come at par with their counterparts in different states of India. This paper explores the status of Panchayati Raj Institutions (PRIs) in Jammu and Kashmir historically and analyses women's lack of representation in these bodies. It focuses on the recent changes taking place in the PRIs of J&K and the extent to which the new laws have empowered women and given them space for negotiations and decision - making.*

**Keywords:** Panchayati Raj, Article 370, J&K, Women, Empowerment

## 1. Introduction

People in the villages of India have always managed to solve their problems and settle disputes through village councils or panchayats. The word 'panchayat' designated the decisions of the 'panches' or the five elderly, learned, and wise men. The public and political domain were tabooed for women and their presence and participation in the local bodies of governance, whether village panchayats or tribal councils remained negligible. However, with the coming of statutory panchayats, the representation of women in politics became almost inevitable. With the second wave of feminism in the 1970s, the women's movement centered on the issues of justice and equality that challenged women's long - time marginalization and exclusion from decision - making institutions.

The statutory panchayats, the seeds for which were sown during the British rule, were made more systematic and representative (one or two women could be nominated) after the independence of India (1947) and the adoption of the Indian Constitution (1950). The Panchayati Raj system was introduced subsequently (1959) with development programmes in the rural areas. For many years the representation of women in political institutions remained marginal in India. In the Lok Sabha and State Legislative Assemblies, it did not cross the ten percent mark for a long time (Chauhan, 1998). However, this percentage increased to 12.5% in the last Lok Sabha (sixteenth) and 14.4 % in the present (seventeenth) Lok Sabha which is significant, though not sufficient achievement.

The representation of women in the decision - making bodies of Jammu and Kashmir (J&K) from the top to the grassroots level remained very low. Regarding the parliamentary national elections, all the 6 seats in the Lok Sabha and 4 in the Rajya Sabha in the Parliament from Jammu and Kashmir have been occupied by men (Shekhawat and Chowdhary, 2004). This is true even today.

Most of the regional and national level parties do not give adequate posts, especially the decision - making positions to women in their organizations. They also do not give them an adequate number of tickets for contesting elections. The situation in the state assemblies of Jammu and Kashmir has been much worse. In the last J&K state assembly, there were only 2 women out of a total of 87 members. One of these was from the Pahalgam constituency and the daughter of the former Chief Minister, and the other was from R. S. Pura (Jammu) reserved (S. C.) constituency (Khan et. al.2017).

In Panchayati Raj institutions (PRIs), the representation of women was highly skewed till the enactment of the Panchayati Raj Act (1992), introduced as the 73<sup>rd</sup> Amendment to the Constitution of India ensuring 33 percent reservation of seats for women. Clause (3) of Article 243 (D) mandated not less than one - third reservation for women out of the total number of seats of *Panches* and *Sarpanches* to be filled by direct election. There was also a provision for giving representation to marginal sections like the Scheduled Castes (SCs) and Scheduled Tribes (STs) and women belonging to these categories. The state governments in compliance with the Central Act made the necessary amendments in their State Panchayat Acts and elections were held subsequently in accordance with these. In these elections, about 3.4 million representatives were elected throughout India in the local governing bodies including for the first time, 8 lakh women (Chauhan, 1998).

This feat was considered quite revolutionary considering many apprehensions, and uncertainties were expressed about the availability of such a large number of women in the rural areas, and about their being able to participate and perform in the local political bodies. Several forms of backlashes from accusing them of neglecting home, to character assassination, and to disqualifying women under the rules like 'no - confidence motion' were expressed. Despite these, women's representation increased and performance improved over the years. Later on, as many as 20 states made provision of 50 percent reservation for women in

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Panchayati Raj Institutions. As of today, there are approximately 13.45 lakh elected women representatives in Panchayati Raj Institutions constituting 46.14% of the total elected representatives (Sinha, 2018).

Some of the regions like Tribal and Scheduled Areas (Chauhan, 1999) and the state of Jammu and Kashmir (J&K) with a special status under Article 370, did not incorporate the provisions of the 1992 Panchayati Raj Act. The provisions of Part - IX of the Constitution of India did not apply to the state of J&K and therefore, panchayats here remained more or less defunct, elections were not held for a long time (from 1978 to 2001) and were held irregularly (2001, 2011, 2018). No reservation was made for women's representation in panchayats for several years. Though acceded to India under special circumstances, J&K had a democratic rule for most of the time with Parliament and Assembly elections being held more or less regularly. However, it remained a source of conflict between India and Pakistan and 24 Assembly seats to be represented by members from the areas under Pakistan occupation were kept vacant. No panchayat elections could ever be held in these places.

Four major wars (1947 - 48, 1965, 1972, and 1999) and several small - scale duels and skirmishes and firing at the border between the two countries which are continuing even now, have rendered the political process problematic. The state has also seen, and in some ways still witnesses the terrorist activities and internal displacement of the people within and from across the borders, particularly since 1989 when nearly 3 lakhs of Kashmiri Pandits left the valley and settled in different parts of India. Good governance and proper functioning of the Panchayati Raj system is an important way of negotiating tensions and dissatisfaction and paving the path for development. In the absence of appropriate institutional arrangements, not only did the functioning of the state's machinery got affected, but the huge aid that the state received under various schemes was not spent or used improperly. This resulted in corruption and aggravated tension between regions and sub - regions over their respective shares in the allocation of funds (Puri, 2008: 21).

This paper explores how women negotiate for space through their empowerment in the Panchayati Raj system in India and how this is made possible through the reservation. It argues that such a space is essential to make women more visible in the political and decision - making realms in the state of Jammu and Kashmir (now a Union Territory) to bring about the overall development of people and dilute or reduce the conflict - ridden problems of the Union Territory.

These facts raise two important questions and would be dealt with in this paper. *First* is related to the necessity of the presence and participation of women in critical numbers in democratic institutions; and *Second* to the method of ensuring this. The method suggested here is 'reservation' by offering arguments in support of it.

### Panchayati Raj in the Context of Specific Problems of Jammu & Kashmir

According to the 2011 Census, the population of Jammu and Kashmir is 12.55 million of which males constitute 6.65 million and females 5.90 million (19<sup>th</sup> rank). Of the total population, the rural population is 72.63 percent, 52.43 percent males, and 47.57 females. The sex - ratio is 889 females per thousand males (29<sup>th</sup> rank in the country) as against 943 in India. The rural sex - ratio is 908, while the urban sex - ratio is 840. Child sex - ratio is 862 (rural - 865; urban - 850). The literacy rate (+ 7 years) of the state is 67.16, males - 76.75, and females - 56.43. The rural literacy rate is 63.18 (males - 73.76, females - 51.94), and urban is 77.12 (males 83.92; females - 69.01). This shows a clear discrepancy in male and female literacy rates (Jammu & Kashmir Profile. CensusInfo India 2011. Final Population Totals).

In the Constitution of India (1950) and that of Jammu and Kashmir (1957), attempts were made to bring women at par with men. Besides granting equality between sexes on all matters, special provisions for women were made. The extension of the Panchayati Raj to rural areas in the context of the Constitutional 73<sup>rd</sup> Amendment marked a structural change in the national polity and priorities for state action. It involved an interplay among forces at work in the form of diverse political parties, movements, and social formations in different ways in a country of India's dimension.

In Jammu and Kashmir (J&K), the Constitution empowered the Governor to nominate two women members to the Legislative Assembly if their representation was inadequate. Besides several legislations for women's protection like those related to dowry prohibition, property, marriage, and dissolution laws and welfare schemes for women, there were other additional important measures for the empowerment of women undertaken in the state of J&K. These included reservation of seats for women in the representative bodies and free education up to fifty percent in medical colleges.

However, despite these measures, there remained certain discriminatory features based on gender differences that emanated from the position of seeking the exclusive identity of the people of the state. The non - applicability of the provisions of the Indian Constitution owing to its special status under Article 370 led to certain decisions that were not gender just. One of the most important ones was related to the rights of women as permanent residents of the state on marrying an outsider. The law stated that if a woman married a 'non - state' subject she would cease to be a 'state - subject' and automatically lose her right to own land and property or continue in a Government job, pursue higher education, contest or vote in the municipal, panchayat, and State Assembly elections. On her permanent resident certificate (PRC) was written 'valid till marriage' and the PRC was required to be made by all women subjects on or after getting married. In case a woman had married an outsider, her PRC was not resumed and she was required to surrender all her rights. This was discriminatory and arbitrary and continued for a long time.

It was only in 2002 after a legal battle of more than twenty - five years that women of the J&K state became entitled to retain their state - subject after being married to a non - resident of the state, though the same was not applied to the children born of such marriages. The implementation of the court order was however awaited and the state government became adamant upon passing the 'Permanent Resident (Disqualification) Bill' which would squash the rights of women of being the 'state - subject' in case they marry anyone from outside the state. It was on August 27<sup>th</sup>, 2004 that the Bill was defeated in the State Legislature though it was supported by two prominent political parties of the state - the ruling coalition partner, the People's Democratic Party (PDP), and the opposition party, the National Conference (NC). Even women from these parties fully supported the Bill. Another similar attempt was thwarted in 2010.

Since the Constitution 73<sup>rd</sup> and 74<sup>th</sup> Amendments were not implemented in the state, reservation of seats was not provided to women. The Amendment Bill was passed in the State in 2003 and came into force in 2004, by which 33 percent of seats were reserved for women members in both rural (*Panches*) and urban local bodies. Subsequently, other Acts were introduced to strengthen Panchayati Raj and make it more democratic. In 2014, one - third of seats of *Sarpanch* of the *Halqa Panchayat* were also reserved for women, though similar reservations at the Block and District levels were still awaited. Therefore, though not fully, to a certain extent, provisions of the 73<sup>rd</sup> Amendment were made applicable to the state. With such late entry of the Act, the state has been relegated to several years behind the other states in matters of women's representation in panchayats.

### Panchayati Raj in J&K and Women's Participation

The history of Panchayati Raj in the state of Jammu and Kashmir can be traced back to the promulgation of *Jammu and Kashmir Panchayat Regulation Number 1* by Maharaja Hari Singh in 1935 A. D. This regulation is popularly known as Panchayati Raj Act 1935. The Preamble of this Act stated that it is important to establish village panchayats in Jammu and Kashmir to assist in the administration of civil and criminal justice and also to manage the sanitation and other concerns of the villages.

Under the 1935 Act, most of the functions of panchayat were judicial with only a few nonjudicial ones. In 1936, the Department of Panchayati Raj and Rural Development was established to administer the 1935 Regulation. The main function of this department was to supervise the functioning of the panchayats apart from providing necessary funds to them. It was under this department that Village Reform Committee was organized to advise panchayats. The Act was amended in 1941 to widen the function of panchayat with some minor modifications which could now levy taxes and tolls, generate resources for the development of the village, and delegate power in non - judicial areas.

The Act of 1935 as amended in 1941 was replaced in 1951 by Act V in the post - 1947 scenario when the National Conference (NC) assumed power in J&K and committed itself to the programme of rural reconstruction, development, and democratic decentralization. According to

this Act, a panchayat was to cover five to seven villages, which generally also constituted a revenue *Halqa*. The majority of the panchayat members were to be elected on the basis of the adult franchise by show of hands, though rules also provided for a vote through a ballot. The Act also empowered the panchayat officer to nominate some members. Members of the panchayat and not the electorate were entitled to elect the Chairpersons of the panchayat, called the *Sarpanch*. Under the Act of 1951, the panchayat had to perform administrative, developmental, civic, and judicial duties (ISS 1994: 89). A special feature of the Act was the provision for the Joint Committee of Panchayats, which was empowered to perform development functions. Between 1952 and 1958, two important programmes of rural Community Development and the National Extension Service were launched in J&K as in the rest of India.

With the coming of the Balwant Mehta Committee Report in 1957, the Jammu and Kashmir government enacted the Village Panchayat Act, 1958, replacing the 1951 Panchayat Act. The 1958 Act envisaged a two - tier Panchayati Raj System - Gram Panchayat at the village level and Block Panchayat Boards at the block level. This Act was not different from the 1951 Act as far as the major functions and resources of revenue of panchayats were concerned. However, the Act provided for the establishment of *Panchayat Adalats* (courts) to decentralize the administration of justice (ISS 1994: 90). By 1962, the entire rural population and inhabited villages (numbering 6, 956) had been covered by the gram panchayats with each gram panchayat having 3, 098 persons on average which decreased to 2, 543 in 1977 - 78 and again increased to 3, 218 in 1990 (compared to 2, 386 at the all - India level). The number of villages per gram panchayat was 4.7 in 1990 (as compared to 2.8 at the all - India level) (ISS, 1994: 90).

The political stability in the state after the Indira - Abdullah Accord of 1975 and the formation of the government after the elections marked the revival of the democratic process in the state. The government introduced an innovative development administration model known as 'Single Line Administration' in 1976. Accordingly, the planning in the state was decentralized with the constitution of the District Planning Unit. The Boards were given the power to formulate long - term and short - term plans and oversee their implementation. However, despite the state being the first few states in the country to introduce decentralized planning at the district and block level, not considerable attention was given to re - activate the Panchayati Raj system. But as Panchayati Raj was gaining momentum in other parts of the country, the state developed an interest in this direction.

Towards the latter part of the 1980s, as a sequel to the efforts to revive the process of democracy at the grassroots level, the state government repealed the Jammu and Kashmir Valley Panchayat Act, 1958, and replaced it with the *Jammu and Kashmir Panchayati Raj Act 1989*. This Act was described as a radical step as it aimed at promoting and developing the Panchayati Raj system in the state as an instrument of local self - government. At the outset, it states that the Panchayati Raj in the state would be 'an instrument of vigorous local self - government to secure the effective

participation of the people in the decision - making process and for overseeing the implementation of development programmes' (Baba, 2002: 54).

The salient features of the Act were that it reduced the voting age from 21 to 18 years, provided for holding of elections within six months of suspension of a panchayat, provided for direct elections of the *Panches* and *Sarpanches*, made provision for the constitution of *Panchayat Adalat* (Court) and three - tier Panchayati Raj system with powers to *Halqa* panchayat (*gram panchayat*) to prepare and implement schemes for rural development (Ibid.). The full involvement of the people was proposed to be secured through direct election of the *Panches* (Members) and *Sarpanchs* (Chairpersons) and that of the Chairperson of the bodies at the local level, to be called the Block Development Councils. For the effective participation of the rural population in the development programmes and self - governance, the Act had provided a three - tier system of Panchayati Raj system. These tiers were the *Halqa* Panchayat, the Block Development Council, and the District Planning and Development Board. Thus, the basic structure of the Panchayati Raj in the state of Jammu and Kashmir was made almost similar to the other states of India.

The *Halqa* panchayats have a wide - ranging function related to all aspects of rural life and for the overall development of the villages. If the prescribed authority found that women or Scheduled Castes (SCs) or Scheduled Tribes (STs) or any other sections were not represented in the *Halqa* panchayats, it could nominate not more than two persons from such sections. An Amendment to the 1989 Act regarding reservations for women was made by the State legislature in April 1997. This Amendment provided for the nomination of women to *Halqa* panchayats if they were not adequately represented in them with the rider that their total representation should not exceed 33 percent of the total number of *Panches*. Similarly, in the Block Development Councils if the prescribed authority were of the opinion that the categories of women, SCs, or any other weaker sections were not represented it could nominate not more than two members to the Councils (ISS, 2004: 36 - 37).

However, there were many flaws in the J&K Panchayati Raj Act 1989 with enough scope for improvement. Unlike the 73<sup>rd</sup> Amendment of the Constitution of India, which provides that persons chosen by the direct election shall fill all the seats in the Panchayat, the J&K Panchayat Act 1989 provided for nomination at every level (Chowdhary, 2001). It is only at the *Halqa* panchayat level, that the principle of direct elections was applied, at the two other levels the members were not directly elected by the people. In this sense, one can say that instead of three, there was only a one - tier system of Panchayati Raj in J&K. Then, there was no machinery for allocation of funds directly to panchayats. In the Panchayat elections held in 2001 after 1978, there was no reservation of seats for women.

In the year 2003 on 17<sup>th</sup> December, *Jammu and Kashmir Panchayati Raj (Second Amendment) Bill* was passed in the State Assembly. By this Act, which came into force in 2004, the sub - section (3) of Section 4 of the Jammu and Kashmir Panchayati Raj Act 1989 was amended to provide not less

than one - third reservation to women, and to SCs, and STs in proportion to their population at the *Halqa Panchayat* level. These reservations were in the place of the existing provision related to the nomination of these categories to the panchayats (ISS 2004: 39). Further amendments were made in the *Jammu and Kashmir Panchayati Raj Act, 1989* in the years 2006, 2011, 2014, 2016, and 2018. The state government added many features through these Amendments to make the Panchayati Raj in J&K more democratic and systematic.

These included reservation for women and other backward classes for the seats of *Sarpanches*, provision of *Panchayati Adalat* (Court), provision of Ward and *Halqa Majlis* (Gram Sabha), the constitution of the State Election Commission, and State Finance Commission. The Panchayati Raj (Amendment) Act 1989, No. VI of 2014 provided for reservation of not less than one - third of seats of the Chairperson of *Halqa* Panchayats to women to be filled in by the direct elections (Govt. of J&K, Panchayati Raj Act 1989, Amended up to 2018).

The Government of Jammu and Kashmir further approved the devolution of powers and functions to the panchayats related to fourteen departments, including the sectors of health, education, and agriculture as specified in Annexure 1 to XIV under the Cabinet Decisions No.40/3/2011 (dated 09 - 02 - 2011), and No.170/21/2011 (dated 21.09.2011), and Government Order No: 1126 - GAD of 2011 (dated 22 - 09 - 2011) (Lone, 2019; Ganie and Shukla, 2019).

### **Panchayat Elections in J&K and Women's Representation**

The panchayat elections were held in Jammu and Kashmir in the year 2001 after 1978, in 23 years. In these elections, of the total candidates, only 2.46 percent were women as there was no provision of reservation of seats for them. Whereas in other parts of India, 33 percent of seats in panchayats were reserved for women, the Panchayati Raj Act of Jammu and Kashmir allowed only for the nomination of women by the state government which was overwhelmingly dominated by men for whom the interests of women remained at the periphery (Shekhawat and Chowdhary, 2004: 46 - 48). Even in the Jammu region where panchayat elections were more successful, out of the 1230 *Sarpanch* and 10090 *Panch* constituencies, only 166 women *Panch* and 7 *Sarpanch* could win elections (Kumar, 2014).

On the whole, the 2001 elections in J&K were not very successful with the very poor voter turnout. In Kashmir, they evoked fear, insecurity, and threat. Most people defied targeted killings and boycott calls. Many affidavits were filed by 'nominated' candidates or elected *Panches* and *Sarpanches* desiring to be disassociated with the election process claiming that not they, but someone else filed nominations in their names. Some also announced this through newspapers (Chowdhary, 2001). In the Kashmir region polling took place in only 208 out of 2, 348 constituencies in Baramullah, 152 out of 1, 695 in Kupwara, and 53 out of 759 constituencies in Srinagar. No polling was held in any of the 1, 022 Badgam constituencies. The Panchayat elections were scheduled to be held in J&K state

in 2006 but were not held due to security reasons (Wani, 2011).

However, the elections held in 2011 reflected a positive picture as around 80 - 82 percent of the voters exercised their right to vote. The elections were held from 13 April to 18 June 2011 in 16 phases. As per the records of the Chief Electoral Officer, a total number of 29, 719 *Panches* and 4130 *Sarpanches* were elected, and nearly 6 lakh electors cast their votes (Wani 2011: 285). For the first time, 33 percent of constituencies were reserved for women and 9424 (33.3%) women were elected as *Panch* (Kumar, 2012). For the post of *Sarpanch*, very few women were elected as the *Sarpanch* seats were not reserved for them. For the total 4, 113 *Sarpanch* posts, only 28 women were elected. Out of the 22 districts of the state, in 11 there were no women *Sarpanches*. In the two districts – Leh and Kargil of Ladakh also, there was no woman *Sarpanch*. In the Jammu Division, except Rajouri, women *Sarpanches* have been elected in all other nine districts, even if their number was low (Ibid., 2012).

In 2018, Panchayat elections were held from 17<sup>th</sup> November to 11<sup>th</sup> December for 4483 *Sarpanch* posts and 35029 *Panch* posts in which 7806 women representatives were elected as *Panches* and *Sarpanches* forming 26.27 percent. This was again possible due to the reservation of 33 percent seats for women for the post of *Sarpanch* introduced with the *Panchayati Raj (Amendment) 1989 Act* (No. VI of 2014). Besides these, the first District Development Council (DDC) elections were held from 28 November 2020 in eight phases across the 280 DDC constituencies. People's Alliance for Gupkar Declaration (PAGD) won 110 seats while BJP emerged as the single largest party by winning 75 seats. In October 2020, the Government of J&K amended the Panchayati Raj Rules making provisions for reservations for women, Scheduled Castes, and Scheduled Tribes. A large number of women became members and chairpersons as 33 percent reservation was ensured for them (<https://www.indiatvnews.com>; <https://www.greaterkashmir.com>).

The 2018 panchayat elections were boycotted by the National Conference and People's Democratic Party. The responses from Jammu and Ladakh regions were positive but the Kashmir region witnessed low participation. The government also took an initiative to introduce a new programme called 'Back to the Village' across all 4, 483 panchayats of the state in which the officials went to the village, stayed there, and interacted with the people. The first programme was from 20<sup>th</sup> – 27<sup>th</sup> June 2019 and the second from 25<sup>th</sup> – 30<sup>th</sup> November 2019. The main objectives of the programme were to energize panchayats, collect feedback from the villages about the delivery of government programmes and schemes, capture specific economic potential and undertake an assessment of the needs of the villages. The aim was to ensure community participation in resolving their problems and bringing the development of the rural areas and the locals. Many people found the initiative useful, though the success of the programme is still being assessed.

## 2. Conclusion

The debate over women's reservation in political decision-making institutions in India seems to have taken a full-circle with most people, including those in the women's movement, not being in favour of women coming through the reservation to the situation now where the differences are on the methods of ensuring it. Reservation for women in any field was not considered desirable and the women's movement in India often endorsed this line as they thought that women are capable of coming up on their own and they must do so exclusively on merit. The Constitution of India (1950) also did not provide for any provisions, even though this was made for the members of Scheduled Castes (SCs) and Scheduled Tribes (STs).

The Report of the Committee on the Status of Women in India (1975) *Towards Equality*, a landmark study on women's status also did not approve of reservation as the method to increase women's representation (two members of the Committee noted their dissent also). But today women's organizations are keen on getting the Bill passed in the Indian Parliament for reserving thirty - three percent seats for women in the legislative assembly and the Lok Sabha. It is argued that in more than seventy years of independence of India (1947) the representation of women in the Lok Sabha could not cross the 15 percent mark.

It was alleged that the overall political atmosphere, especially during elections when there is use of money and muscle power is not conducive for women. Women generally do not adopt these tactics. They can be sexually exploited and remain prone to character assassination. Many argued that they are mostly illiterate, lack awareness, have a home to look after as expressed in the famous dictum, *And who will make chapatis?* (Aalochana, 1995). Indeed, the separation between the public and the private domains is considered to be still prevalent and strong where women are expected to remain confined to the private and domestic sphere and therefore to unimportant activities compared to the male important public space. This devaluing of women's work and making them nearly invisible in work participation rates is almost a universal phenomenon. Even in tribal and Himalayan regions such as Ladakh where women enjoy comparatively a better status, such an ideal - typical situation continues to exist making women's fight tougher.

Reservation is thus regarded as necessary for all these reasons and also to ensure a 'critical number' of women in decision-making bodies so that their voices are heard and they can take gender-sensitive decisions collectively. Only through this method, women would be able to acquire their rightful place in the politics of Indian society, especially at the grassroots level in rural areas. The success of Panchayati Raj in various parts of India has shown that women have defied many myths and emerged victorious shattering age-old stereotypes about them. Once this is achieved, the reservation might not be required, but for the present, it is an important and necessary step and very much required in Jammu and Kashmir. The difference between women's representation in 2001 (2.36%) and 2011 (33.33%) panchayat elections of J&K when the reservation was introduced is significant for everyone to see.

The most important point in support of women's reservation in political institutions was their negligible presence at all levels throughout the country in many years of India's Independence (Kaushik 1992). The relevance of the mechanism of the reservation is proved by the fact that in most cases it is seen that women have fought elections for the first time and they would have not stood for elections if there was no reservation for them (Chauhan, 1999). Today one finds 33 percent or even more of women in panchayats in every state that went for elections after endorsing the 73<sup>rd</sup> Amendment (ISS Panchayati Raj Update 1997).

Despite the fact women had to fight against all the stereotypes and general backlash against them, which were reported in diverse forms from different parts of India (like from passing a no - confidence motion against woman *Sarpanch* to molesting her), there are, however, more success stories. These deal with how women have come out from the shadows of a male - dominated society and performed well in panchayats. In some states like Maharashtra, West Bengal, Tripura, and Madhya Pradesh there have been all - women panchayats (Aalochana, 1995).

Most of the states in India have overcome these phases, but Jammu and Kashmir is still in its infancy regarding the implementation of the Panchayati Raj Act. The political atmosphere in the state, the terrorist activities, the armed conflict at the borders, the migration of people at different times, the issue of its special status and autonomy demand till recently, and the regional imbalances - all provide diversion and dilution to the question of democratic decentralization and power to the people at the grassroots level. Though after much persuasion, the state brought about changes in the Panchayati Raj Act, still it is not at par with the Constitutional 73<sup>rd</sup> Amendment. It has not yet recognized all the three levels of governance and neither has it provided for women's reservation at all the levels of the panchayat. Therefore, women in the state of Jammu & Kashmir have to fight a long battle for creating spaces for empowerment for themselves, not only to ensure Constitutional provisions but also for their implementation. There are challenges of not only contesting elections but for negotiating spaces for empowerment through their participation and performance, independent of their men.

Nevertheless, the panchayat elections in the State of Jammu and Kashmir in 2011 and then in 2018 are quite different from those of the past, as women contested elections and occupied thirty - three percent of seats reserved for them. It has ushered in an era of democratic decentralization and women's participation that has worked towards building stability and development and could be a step in the direction of restoring peace in the conflict - ridden Union Territory of Jammu and Kashmir.

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