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## SPECIALTY SECTION

This article was submitted to  
Comparative Governance,  
a section of the journal  
Frontiers in Political Science

RECEIVED 16 September 2022

ACCEPTED 02 February 2023

PUBLISHED 27 February 2023

## CITATION

Sharma D (2023) Alternative discourse for  
constituting subjecthood of women: A case for  
an autonomous feminist discourse in Kashmir  
in India. *Front. Polit. Sci.* 5:1045846.  
doi: 10.3389/fpos.2023.1045846

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# Alternative discourse for constituting subjecthood of women: A case for an autonomous feminist discourse in Kashmir in India

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The article is centrally concerned with mapping out the autonomy of the feminist subject in India using the case study of Kashmir after the abrogation of Article 35A. It argues that the autonomy of the feminist subject in India has been subsumed within various other discourses, due to which the feminist subject of the discourse is still denied the necessary space. The article uses the case study of Jammu and Kashmir and argues that women face triple jeopardy being subjected to multiple counter-discourses to their autonomy. Feminism and autonomy in Kashmir cannot be defined in isolation; gender power relations intersect with the ethnic conflict of partitions as well as the militarization of Kashmir. It accounts for women's positions throughout history, including the ancient monarchical system, which resulted in a syncretic *Kashmiriyat* tradition, the Dogra regime with its alliances and misalignments with British rule, and the violence of the Indian subcontinent's partition. Based on multiple variables, the article employs a two-pronged approach. The first approach is to carry out the discursive analysis of the autonomy of the feminist subject in India and Jammu and Kashmir. The second approach considers the narrative of Kashmiri women through detailed interviews to determine how they define their autonomy. Using these two approaches, an attempt is made to investigate the implications of the abrogation of Article 35A in terms of conceptualizing a case of autonomous space for Kashmiri women as democratic citizens of India.

## KEYWORDS

feminist discourse, autonomy, Article 35A, Jammu and Kashmir, women

## Introduction

One of the most cited essays in the field of feminist studies in India is Gayatri Spivak's *Can the Subaltern Speak?* (1987), where she claims that Sati was abolished in India as a result of "White men saving brown women from brown men" (Spivak, 1987, p. 93), which is often interpreted in terms of the imperial civilizing mission in India. However, Spivak later clarified, stating that what she meant was that neither the British nor the Indian men actually understood the subject constitution of the woman standing at the pyre (UC Berkeley, 2010). The idea of the autonomy of the feminist subject was thus lacking in the Indian nationalist discourse. The present work is based on the premise that the autonomy of the feminist subject in India lacks the necessary space, having been subsumed within multiple discourses ranging from nationalist to postcolonial. It takes up the case study of the union territory of Jammu and Kashmir (J&K) after the abrogation of Article 35A and Article 370, which has

constitutionally put the women of J&K on equal grounds as the rest of India. The article seeks to address the impact of this act on the autonomy of the feminist subject in Kashmir.

The article is based on three gaps in the literature concerning the autonomy of feminist discourse [Tilley \(2007\)](#) in India: First, there is no evidence to support women as a separate community of interest in any dominant discourse on equality in India. Second, despite the extensive literature on the impact of the Kashmir conflict on women, no attempt has been made to identify an independent agency of Kashmiri women that is unconstrained by the conflict/non-conflict dichotomy. Third, the existing literature does not address the assessment of the abrogation of abrogation. The article calls attention to how feminist subject in India lacks autonomy before attempting to map the discursive space for the same. It theoretically maps out the discursive space of autonomy in Kashmir by highlighting the counter-discursive field constricting women's autonomy in Kashmir and offering abrogation of Article 35A as a possible recourse. Finally, it examines how women in J&K define autonomy for themselves, how they perceive the repeal of Article 35A, and whether it impacts the autonomy of the subject constitution in relation to feminist discourse in the territory.

The article attempts to address the following questions, how is one to contest the nationalist valorization of women's questions and various contrary discourses in Kashmir that effectively confine Kashmiri women to the confines of the domestic space? How does one disentangle the multiple discursive hegemony over the woman's subjectivity? What are the implications of the abolition of Articles 370 and 35A for the growth of an autonomous women's discourse in Kashmir? And finally, how are women's issues been articulated post-abolition of Articles 370 and 35A?

The article is divided into three major sections, each focusing on a specific issue related to the main theme. The first section focuses on the conceptual issues surrounding the autonomy of the feminist subject in India. The second section looks at J&K as a case study, highlighting the counter-discursive fields that have pushed women's issues to the margins. The third section considers the women of J&K's understanding of autonomy in light of the abrogation and their experience with the consequences of the abrogation of Article 35A.

## I

The origins of feminist politics in India can be traced back to the nineteenth century, to the Bengal Sati Regulation Act of 1829. Raja Ram Mohan Roy advocated for the abolition of a practice that he claimed violated the sanctity of Hindu shastras and traditions and not because it was barbaric and inhumane ([Mani, 1987](#); [Chaudhuri, 2012](#)). While the abolition of the custom contributed to the feminist trajectory, its discursive contours remained within the boundaries of liberating women rather than striving for an ideal in the long run.

In India, the historiography of the autonomy of the feminist subject has been documented and dissected on themes such as caste inclusivity ([Roja, 1992](#); [Guru, 1995](#); [Sharmila, 1998](#)), class consciousness ([Loomba, 2019](#); [Menon, 2019](#)), state-sponsored feminism ([Saxena, 2017](#)), and its restrictions. Despite efforts to understand the conceptualization of autonomy of the feminist subject in India while assessing the impact of British colonization

and the impact of class mobility as a tool of autonomy for Indian women ([Liddle and Joshi, 1989](#)), there has been a research gap in understanding the autonomy of the subject constitution of the feminist subject in India. The feminist subjects' autonomy has been classified chronologically and thematically. [Pande \(2018\)](#) divided the autonomy of feminist subjects in India into three periods: the first (1850–1915), the second (1915–1947), and the third (1947–present). Pande further divided the third period into three phases: accommodation (1947–1960), crisis (1960–1975), and the present (1975 onward). Thematically, as identified by Pande, each period brought about new trends in feminist discourse (*ibid.*). The first phase was characterized by nationalist concern for modernizing their culture's status through social and religious reform within the private domain, away from the threat of the colonial Raj infringing on sovereignty in the private domain as they had in the public and political domain ([Chatterjee, 1993](#)).

The second phase was centered on resolving the women's issue within the context of nationalist politics aimed at political independence from the British ([Pande, 2018](#)). Following independence, it was state-sponsored feminism that spearheaded legislative reforms such as the Indian Constitution's declaration of formal equality of sexes, as well as measures such as the Hindu Code Bills, which codified and reformed personal laws on marriage, succession, and so on ([Roy, 2010](#)). During the crisis period (1960–1975), Marxist Feminism ([Kollontai, 1977](#); [Luxemburg, 2015](#)) and Ecofeminism rose to prominence ([Shiva, 1988](#); [d'Eaubonne, 2022](#)). From 1975 to the present, the issue of the intersection of religious and caste identities with gender has been raised. The case that sparked debate about secularism, minority rights, minority rights within minorities, and the Uniform Civil Code was *Mohd. Ahmad Khan vs. Shah Bano Begum & Ors* (1985 SCALE 767 = 1985 SCR 844 = 1985 SCC 556 = AIR 1985 SC 945). The debate over the rights of divorced women evolved into a debate over community rights to protect their culture from state interference ([Chaudhuri, 2012](#)). *Dalit Women Talk Differently* ([Guru, 1995](#)) by Gopal Guru summarizes the caste and gender intersection, where Guru argued that a Dalit—Women epistemological standpoint must be developed to comprehend the intersection of caste and gender.

It is, therefore, reasonable to assume that the classification of women as a distinct community of interest, as well as the radical restructuring of society along the lines of a feminist social order, have not yet been established. In India, the autonomy of the feminist subject has hardly revolved around the emancipation of women as a social category. This is not to condemn women's social positions within their religion, caste, or class group, but rather to examine them from a feminist standpoint ([Steans, 2006](#)).

The absence of the feminist subject's autonomy in India can be traced back to the independence movement, as defined by the nationalist theoretical framework of feminism, and in the context of colonialism, as defined by the postcolonial theoretical framework of feminism ([Gandhi, 2019](#)). The feminist engagement with the nationalist theoretical framework can be applied to investigate how the concept of Indian womanhood was constructed across the national independence movement's spectrum. For the independence struggle to succeed, a unified consciousness based on the glorious past was required ([Sarkar, 2000](#)). Any deviation from this narrative would jeopardize the independence struggle's ideological foundations. This was the foundation for the concept of

Indian womanhood, and the autonomy of the feminist subject had to be accommodated (Chatterjee, 1993).

India's postcolonial engagement with the autonomy of the feminist subject is significant for three reasons. For starters, social reforms aimed primarily at Indian women were initiated under the auspices of colonial modernity (Bandyopadhyay, 2004). Second, it was during the colonial period that many Indian women came into the public eye and protested the British Raj (Norvell, 1997). Finally, because colonialism was a lived reality and historical fact, as well as the context in which the discourse of autonomy of the feminist subject in India was initiated, it is critical to assess the role of imperial domination in influencing the autonomy of the feminist subject in India. The colonial encounter had four implications for the autonomy of the feminist subject in India. First, Indian women were not involved in the conceptualization of new women; the nationalist discourse was about women, but the women did not speak here (Chatterjee, 1993, p. 133). Second, the creation of this imagery of new women influenced public demands for women's rights, such as suffrage and reservations for women. For suffrage, Indian women justified their claims not as equal citizens of India, but rather because citizenship rights would allow them to fulfill their tasks as cultivators of the nation's spiritual values in public life. Women's representatives like Sarojini Naidu and Muthulaxmi Reddy argued that seeking reservation would imply accepting the colonial claim that Indian women were inferior (John, 2000). The third was the erasure of autonomy by conflating the issue of women with the nationalist goal of political independence. When women's organizations emerged in a country that was independent of the state-led development agenda in the 1970s and 1980s, the hypothesis that political independence would eliminate gender discrimination was debunked. Fourth, and most importantly, the logic used to define femininity was founded on the premise of nationalism, and any deviation from nationalists' definition of femininity became antagonistic to the claim of political independence. The extent of the ideological contestation about the women's question between the imperialists and nationalists can be understood by the following example: Katherine Mayo's text *Mother India* was a satire on the plight of Indian women in terms of child marriage and widow self-immolation (Mayo, 2015). The British heavily appropriated it as a justification for Raj's presence in India. What was interesting was the response to this text by an anonymous male author of "Sister India," who went on about how Indian women would look comical if they imitated memsahib's mannerisms (World Citizen, 1927). It went on to say that Indian women did not need feminism, which was a western construct, and that emancipation for Indian women had to be achieved through an Indian idiom. Neither was written by an Indian woman.

## II

This section addresses the problems of the development of an autonomous space for the women of Kashmir because of several counter-discursive fields that attempted to reduce the women's questions to the margins despite various attempts made by the women of Kashmir to the contrary. It is argued here that the abolition of Articles 370 and 35A seems to have created for the first time an autonomous space for the women in Kashmir to

become not only equal to the rest of the women in India but also to come out of many of the hurdles that were put before them. The present section will discuss the following aspects in relation to the autonomy of feminist subjects in Kashmir: First, the contentious territorial claims over Kashmir by two postcolonial states and their effects on women in Kashmir. Second is the portrayal of Kashmiri women in insurgency discourse and its effects on women. Third, a critical analysis of various social and political movements in Kashmir that attempted to define a space for women. Fourth, a critical examination of the portrayal of Kashmiri women in Bollywood movies. Fifth, a critical understanding of women's questions in Kashmir, and finally, in conclusion, an attempt will be made to analyze the implication of the abolition of Article 35A for conceptualizing a case of autonomous space for the women in Kashmir as democratic citizens of India.

The territorial dispute over Kashmir as a contested territory between India and Pakistan is the result of the Indian empire's partition. This dispute has resulted in the transmission of the models of Pakistani and Indian nationalism in the territory of Kashmir (Khan, 2010). The impact of the Pakistani model of nationalism in the territory has been the transmission of values enforced by the Offense of Zina (Enforcement of Hudood Ordinance), which gives legitimacy to a masculinized order of control on women in Kashmir (Khan, 2003) through insurgents groups such as Jammet-i-Islami and Jaishe-e-Muhammad in the territory (Sikander, 2012). Women often face difficulty in accessing Sexual and Reproductive Rights. In addition, these organizations have attempted to enforce the burqa, but women who resist it often face violent consequences. The Pakistan model can be said to be inadequate for the goal of autonomy for the women of Kashmir since, first, it does not account for the ethnic diversity of the territory (Rai, 2004), and second, the religious discourse legitimizes the control of the state on women, and finally, it perpetuates insurgency in the territory that creates a militarized social order in the territory (Manchanda, 2001). The Indian model of nationalism in Kashmir manifests itself through a postcolonial logic of national security and territorial integrity of the Indian state. The militarization of Kashmir is explained in part by Pakistan's threat to national security, as well as the Indian state's centralizing tendency and reliance on the armed forces to address the Indian state's internal legitimacy crisis, as envisioned in the model of colonial modernity (Kaviraj, 1998; Kazi, 2008). The presence of insurgency in the territory, as well as the Indian state's use of armed forces, has created a culture of militarism that is supported by the logic of nationalism, counter-insurgency, and cessation. The militarization of Kashmir as a conflict society has changed or shifted the understanding of gender relations in Kashmir (Parashar, 2011): Gender analysis of the Kashmir conflict not only adds women to the discourse of conflict analysis but also shows the breakdown of mutually exclusive dichotomies: national/international, military/civil, and social/cultural categories (Kazi, 2008). As a result, militarism becomes ingrained in Kashmir's social fabric. While women participate in the *Azaadi*, or J&K's political autonomy movement, they face patriarchal oppression from both the social fabric of Kashmir and the masculinist nature of militarization (Khan, 2010). Despite their presence in the political sphere, women bear the brunt of the state's human rights violations, such as sexual violence, and are reduced

to “conventional patriarchal ideologies of Kashmir as bereaved widows, mothers, and half widows” (Kazi, 2008, p. 185).

The militarization of Kashmir introduces the discourse of the Indian state as a democratic institution capable of protecting the fundamental rights guaranteed to its citizens by the Indian Constitution. The issue of reimagining the concept of the nation-state and how to protect its integrity without endangering its citizens, particularly women, who bear the brunt of violence and conflict, is also raised in postcolonial discourse. The issue of feminist discourse in Kashmir must consider the state’s role in protecting women’s rights.

The role of women in Kashmir as impacted by insurgency is a complex phenomenon influenced by a violent social environment in which women are exploited by the various militant groups operating in the territory for their right-wing agenda. Dukhtar-e-Milat (DeM) (daughters of the nation), Kashmir’s only all-reactionary women’s group, is one example. It diminishes the agency of Kashmiri women and transforms them into a voiceless burqa-clad cultural symbol whose path is dictated by the Islamic code of conduct (Parashar, 2011). According to the DeM, Kashmiri women are sacrificing figures for the cause of *Azaadi*. The organization is also known for its political support for Mujahideen fighting in the name of Islam in Jihad, often providing logistical support to Lashkar-e-Jhangvi and Hizbul Mujahideen (Manchanda, 2001). DeM’s role in Kashmir can be defined as an organization that promotes “freedom” beyond the Statist narrative by instilling militancy in women. Women in Kashmir have not directly participated in militancy. However, they have provided logistical support such as ammunition distribution and financial aid, as well as manipulating officials in the security forces to monitor their activities (Parashar, 2011). To create a sense of kinship, women from the Kashmir valley are married off to militants in Kashmir. Women are also active in spreading the values of conservative Islamic laws in the valley, where Sufi sects have thrived for centuries. Women who commit religious violence, as well as those who support and participate in militant acts justified on religious grounds, offer a nuanced understanding of “agency,” gender, religious identity, nationalism, and the links between these concepts (Khan, 2007). Religion does not provide women with the same level of liberation as nationalist discourse or secular organizations. Women promote masculine forms of religious doctrine in contexts of religiopolitical conflict, even through violence and militancy. Women’s jihad is encouraged to take place at home, but there are opportunities for women to participate in traditionally male activities such as militancy and suicide bombings. It is also important to remember that religious organizations offer women who engage in militant actions an unprecedented opportunity to conduct their politics publicly, which they have previously denied (Parashar, 2009). The role of women in militancy cannot be said to create autonomy of feminist subjects in Kashmir for three reasons: First, women who take up agential roles are still subsumed within patriarchal militant ideology; second, women in positions of power are actively involved in curtailing the autonomy of women who do not conform to masculine forms of religious doctrine; and third, women in Kashmir are not taking up agential roles for their cause or freedom, but rather against the state apparatus.

However, it would be incorrect to assume that women in Kashmir have been mobilized solely by militant ideology. Women in Kashmir have participated in several social and political movements within the context of Kashmir’s nationalist politics. An analysis is made of two different periods proposed on the assumption that a sense of identification with the idea of Kashmir led to a demand for independence in the first phase and for cessation in the second.

The first phase is marked by the people of J&K’s struggle for independence from the Dogra monarchy. The role of women in this movement can be seen in the July 31, 1931 mass protests held by women in Kashmir who defied the patriarchal confines of their households by marching against the Dogra Rule in Srinagar. Kashmiri women marched, chanted slogans, and demanded the release of prisoners from the Maharaja’s jail, as well as the establishment of a democratic government in Kashmir (Anznoo and Ghosh, 2019). Women have participated in social and political movements transcending the traditional feminine spaces of their homes as well as non-combatant rhetoric for Kashmir’s nationalist ideology. It should be noted, however, that these spaces are not violated in the name of feminist emancipation, but rather are subsumed within Kashmir’s nationalist ideology. The second phase is set within the context of post-1989 militancy in the Kashmir valley, where Kashmiri women assumed agency, which is still constrained by gender roles. A critical examination of Parveena Ahangar, who founded the Association of Parents of Disappeared Persons (APDP) after her son Javed Ahmad was picked up by the National Security Guards in Batamaloo in Srinagar on August 18, 1990, can be used to assess the narrative of women as grieving mothers (Khan, 2010). Parveena Ahangar broke Kashmiri social norms by not grieving privately and instead taking up an agential role. The APDP raises the issue of enforced disappearances in the territory by bringing together the families of the victims. It is one of the focal points for drawing attention to the plight of citizens who are not directly involved in the Kashmir conflict but bear the brunt of militarization and militancy. Despite taking an agential role, Ahangar remains part of the social environment that actively represses the liberty of the women of Kashmir due to a culture of militarism.

The representation of Kashmir and Kashmiri women in Indian popular culture, particularly Bollywood, will be examined in light of the observations made following the abrogation of Article 35A. Those images of Kashmiri women circulated alongside comments from Indian men that they could now marry Kashmiri women and gain access to property in Kashmir. This raises the issue of how Kashmiri women are portrayed in Indian culture and how this affects their autonomy. The image and representation of Kashmir in Bollywood can be seen as a disjuncture between before and after 1989. Before 1989, Kashmir was portrayed as a “romantic destination,” with the romantic genre set in Kashmir’s picturesque landscape. Following 1989, Kashmir is transformed into a “tragic hamlet” depicting terrorism (Kabir, 2010). The valley opened up a new avenue for “cine-patriotism” (Rai, 2003), with soldiers from the Indian armed forces risking their lives to protect the country from terrorists. Films, such as *Haider* (2014), which address complexities such as the question of human rights in the territory, the half-widow narrative, and the psychiatric issues that arise from living in

a conflict zone, have also adequately represented the on-the-ground situation (ibid.). The lack of female representation in Kashmir contributes to Bollywood's inadequacy in depicting the region. Even when Kashmiri women are depicted, they are frequently portrayed as passive and meek victims of militancy.

In Mani Ratnam's 1992 film *Roja*, the protagonist is a non-Kashmiri Indian woman who becomes involved in the Kashmir conflict after her husband, a Research and Analysis wing officer, is kidnapped. The film follows *Roja* as she searches for her husband and seeks assistance from the Indian armed forces and the Indian government. She eventually finds her husband, and they are seen in the final scene preventing the burning of the Indian flag, thus preserving the country's honor. There is no representation of Kashmiri women in the film. In *Mission Kashmir* (2000), the two female characters, Neelima and Sufiya, are portrayed as supporting characters to the male protagonist, where they fulfill the feminine norms of appealing to the moral conscience of the male protagonists. Most recently, in the film *The Kashmir Files* (2022), set in 1989 Kashmir during the mass exodus of Kashmiri Pandits from the valley, Kashmiri women are seen protesting against the Indian government to compel them to take action against atrocities committed against Kashmiri Pandits. In all three films, the portrayal of women is predetermined by femininity norms. *Roja* employs an agency to locate her husband, and Neelima and Sufiya serve as the protagonist's moral compass. Women in *The Kashmir Files* advocate for the rights of their community. In short, Kashmiri women in Bollywood are not regarded as independent agents. Kashmir is portrayed in Bollywood through a gendered lens, with Kashmiri women portrayed as innocent, naive, and childlike, and frequently falling in love with an officer of the Indian armed forces tasked with saving or protecting them from Kashmiri men portrayed as cruel fundamentalist militants (Kaul, 2018). This has resulted in the "feminization of Kashmir" (Kaul, 2018) in the consciousness of nationalism in India, which depicts the territory as an infant incapable of governing itself, necessitating the state's disciplining role in the territory, second that the women in the territory are not autonomous agents, but instead require the paternalistic control of the Indian state. Finally, by tying the territory to an important aspect of Indian nationalism, it prioritizes national security and territorial integrity over issues such as gender justice.

The women's question in Kashmir at the time of its accession to India was sought to be resolved through constitutional means following the National Conference's *Naya Kashmir* (New Kashmir) manifesto highlighting the role of women of J&K in nation-building (Whitehead, 2019). To fulfill this objective, the manifesto extended political, economic, social, legal, educational, and cultural rights to the women of the State of J&K. Kanjwal (2018) highlight the involvement of the Central Government in projects for women's education, employment, and healthcare in the territory. Kanjwal (2018) argued that it was due to the involvement of the Indian state that Kashmir did not witness a grassroots development of the women's movement in Kashmir. Based on the preceding sections, it is argued that this was not the case. Instead, the women's questions in Kashmir got subsumed within the territorial conflict, insurgency, and impact of masculinized militarism in the territory. The women's question in Kashmir can be said to have a resolution

when women of Kashmir can access autonomy as feminist subjects in Kashmir. This article proposes an assessment of the autonomy of Kashmiri women in light of the abrogation of Article 35A from the Constitution of India on August 5, 2019. This act resulted in placing women of J&K on equal grounds as men of J&K in matters of inheritance of property in the union territory (Lalwani and Gayner, 2020).

Women as situated citizens (Lister, 1997) are most visible in J&K, where the state's special status under Articles 370 and 35A of the Indian Constitution has influenced the dynamics of citizenship. Article 35A empowered the J&K state legislature to define "permanent residents" of the state. Article 35A was added to India's constitution by the Constitution (Application to J&K) Order of 1954. The Article was interpreted at various periods by the state's executive and judiciary to disenfranchise the women of J&K (Puri, 2004). The abrogation of Article 35A of the Indian Constitution has brought the Indian state within the scope of autonomy of the Kashmiri feminist subject. This has left no legal space for denying women's rights guaranteed by the Indian Constitution in J&K. However, does this impact the autonomy of the Kashmiri feminist subject? This claim can be evaluated by first considering the position of women in Kashmir as Indian citizens; second, delinking the autonomy of women in Kashmir from the autonomy of the territory of Kashmir; and third, providing recourse to autonomy for women in Kashmir beyond the conflict/non-conflict narrative. Kashmiri women have all the rights and privileges accorded to Indian women, including formal equality and the Indian state's initiative to combat gender discrimination in India. The abrogation of Article 35A has placed Kashmiri women in a state of autonomy juxtaposition—the autonomy of Kashmiri women as equal citizens of India has been juxtaposed with J&K's legislative autonomy to make laws to protect the community's rights. The debate over the rights of the community vs. the rights of women in the community who would become a minority within the minority. Women, as a result, suffer when the state is unable to take a proactive role in protecting the rights of women when they belong to a specific protected community (Yuval-Davis, 1997). The abrogation of Article 35A would mean that the Indian state would not be hampered from enacting necessary laws or policies for the welfare of women in J&K by community rights rhetoric. The third aspect is recourse to autonomy for Kashmiri women beyond a conflict/non-conflict narrative—this is not to say that women's autonomy will be achieved in a vacuum from the conflict environment, but rather that the full extent of Kashmiri women's democratic citizenship would place women beyond the narrative of women simply as victims of conflict but also as agents of change as part of the state's democratic processes. However, democratic citizenship's potential as a tool for autonomous feminist discourse is conditional on the nature of the Indian state in the territory. As a result, one could argue that the Indian state must take proactive steps to ensure that women in Kashmir have full access to their citizenship rights without fear of state paternalism. As a prerequisite for the autonomy of the feminist subject in Kashmir, it would also have to work to reduce the impact of militarization on the women of Kashmir. An account of the impact of the abrogation of Article 35A on the women of union territory would be indicative of the long-term impact of Article 35A abrogation. It could account for

variables such as persistent militarization of the territory, the threat posed by militancy, and the role of the Indian state, factors that may further restrict the space for the autonomy of the feminist subject in Kashmir.

### III

The third section attempts to consider the women of J&K's understanding of autonomy as well as their experience with the impact of the abrogation of Article 35A. The data in this section are based on semi-structured interviews conducted with 12 women from J&K using an open-ended questionnaire to collect information on: (a) What role does the state play in providing basic rights and liberties to women in J&K? (b) How does the Indian state appear to the women of J&K? (c) What does autonomy mean to Kashmiri women? (d) How has the abrogation of Article 35A affected women in J&K? The state's role in influencing women's autonomy is assessed by first understanding women's participation in electoral and political processes, then their perceptions of the Judiciary and Police in ensuring law and order for women, and finally, their experiences with the impact of abrogation of Article 35A.

Women's electoral participation is evaluated in relation to their attitude toward voting. Only seven of the 12 participants interviewed had a voter ID, and only three had ever voted. Two narratives are worth mentioning. When asked if the participant would like to vote, Quarat (see text footnote 2) replied, "Absolutely not, in Kashmir, we do not vote because we do not support the government, because of the history of Kashmir, growing up here was traumatic, when you are born (they) say girls are born by the grace of God, They bring peace and sukoon, but in Kashmir instances of rape, Kunan Poshpora, search/frisking without consent shakes our faith in the very idea of state." Aisha<sup>1</sup> (see text footnote 2) states her reason for not opting to vote "I don't relate to the idea that in India we have been denied the very basic right to choose, the very basic right to self-determination. We had been promised the plebiscite-it never happened. If my rights are being compromised—why should I participate."

The participation of women in the J&K District Development Council elections, the first major elections held in J&K territory after the abrogation, can be observed in the table above to<sup>2</sup> assess women's participation in the electoral process. According to the available data, the overall participation rate of women was 46.58%, indicating that nearly as many women as men voted (Chief Electoral Office, UT of Jammu Kashmir and Ladakh, 2020). However, the narrative's correlation with current data makes sense only when we account for the state's overall voter turnout, which was only 50.98%; the breakdown was 72.71% in Jammu and 29.91% in Kashmir. The data indicate that women were fairly represented among those who voted and that overall voter turnout in the union territory was low, owing to lower turnout in the Kashmir division,

1 Pseudonyms have been used in places where participants did not wish to reveal the identity.

2 Written informed consent of the participants was taken who were aware that the article would be published.

TABLE 1 Phase-wise voter turnout in the Jammu and Kashmir District Development Council—2020.

Phase of DDC elections	Female voted	Total votes
Phase I	169,391	362,766
Phase II	175,609	377,401
Phase III	173,099	372,643
Phase IV	169,321	364,527
Phase V	196,883	422,511
Phase VI	178,383	385,606
Phase VII	182,721	393,200
Phase VIII	152,423	321,694
Total	1,397,830	3,000,348

From the official website of the Chief Electoral Office, Union Territory of Jammu Kashmir and Ladakh. Available online at: [https://ceojk.nic.in/DDC\\_PE\\_Phasewise%20turnout.htm](https://ceojk.nic.in/DDC_PE_Phasewise%20turnout.htm) (accessed April 10, 2022).

which is consistent with the highlighted narrative of distrust in the Indian state.

The second factor is women's political participation as representatives. When asked if they wanted to participate in electoral politics, three said yes, eight said no, and one said maybe. Priyanka (see text footnote 2) claims that as the first woman in her village to obtain an education despite societal and community pressure, she wants to enter politics at the grassroots level to effect change. Ananya (see text footnote 2) says she would if given the "right opportunity" and "right ideology." Even among the eight participants who said no two trends emerged: Agreeing that politics is either too problematic or "dirty," at least three participants conceded to the need for visibility of leaders such as Indira Gandhi, Mehbooba Mufti, and Benazir Bhutto who were visible figures of representation of women in politics. According to Table 1, the representation of women in the State Legislative Assembly of J&K before the abrogation of Article 370 and Article 35A was a mere 3%, which is well below the national average and yet not the lowest. However, the issue of women's representation in the Parliament and the State Legislative Assembly is not just limited to J&K; as per the data in Table 2, women are one of the most under-represented categories in legislative bodies. In addition, while there have been attempts to introduce caste-based reservation at the national level to increase representation and representation for women in local level bodies in Panchayati Raj Institutions, the attempt to introduce reservation for women in Parliament has largely been unsuccessful. However, in J&K, the Indian state took a proactive step to encourage women's representation in politics with the notification of the J&K District Development Council (Representation of Office of Chairpersons Rules), 2021, stating that 33% of DDC chairperson seats would be reserved for women (Greater Kashmir, 2021). This is now constitutionally possible due to the abrogation of Article 370 in the union territory of J&K, where the Indian Constitution now applies to its full extent.

The second aspect of understanding women's autonomy in relation to the state in J&K is their perception of the effectiveness of law and order, i.e., their trust in the police and judiciary. When asked if they would feel comfortable approaching the police in the event of sexual misconduct/harassment, eight participants said no,

TABLE 2 Representation of women MPs/MLAs state-wise.

S. no.	Elected from house/assembly	Total voters in the house/assembly	No. of men MPs/MLAs	% of men MPs/MLAs	Total women MPs/MLAs	% of women MPs/MLAs
1	Lok Sabha	543	484	89%	59	11%
2	Rajya Sabha	233	210	90%	23	10%
3	Uttar Pradesh	403	371	92%	32	8%
4	Maharashtra	288	277	96%	11	4%
5	West Bengal	294	260	72%	34	12%
6	Andhra Pradesh	294	260	88%	34	12%
7	Bihar	243	209	86%	34	14%
8	Tamil Nadu	234	217	93%	17	7%
9	Madhya Pradesh	230	205	89%	25	11%
10	Gujarat	182	166	91%	16	9%
11	Karnataka	224	221	99%	3	1%
12	Rajasthan	200	172	86%	28	14%
13	Odisha	147	140	95%	7	5%
14	Kerala	140	133	95%	7	5%
15	Assam	126	112	89%	14	11%
16	Jharkhand	81	73	90%	8	10%
17	Punjab	117	103	88%	14	12%
18	Chhattisgarh	90	79	88%	11	12%
19	Haryana	90	81	90%	9	10%
20	Jammu and Kashmir	87	84	97%	3	3%
21	Uttarakhand	70	65	93%	5	7%
22	NCT of Delhi	70	67	94%	3	6%
23	Himachal Pradesh	68	63	93%	5	7%
24	Tripura	60	57	95%	3	5%
25	Manipur	60	57	95%	3	5%
26	Meghalaya	60	59	97%	1	3%
27	Goa	40	39	98%	1	3%
28	Nagaland	60	60	100%	0	0%
29	Puducherry	30	30	100%	0	0%
30	Arunachal Pradesh	60	58	97%	2	3%
31	Mizoram	40	40	100%	0	0%
32	Sikkim	32	28	88%	4	13%
Total		4,896	4,478	91%	418	9%

It is accessed from the official website of the Association of Democratic Reforms, Available online at: [https://adrindia.org/sites/default/files/Women\\_representation\\_among\\_all\\_MPs\\_and\\_MLAs\\_English.pdf](https://adrindia.org/sites/default/files/Women_representation_among_all_MPs_and_MLAs_English.pdf) (accessed November 22, 2022).

three said yes, and one said maybe. Anamika (see text footnote 1; text footnote 2) stated that she contacted the women's helpline number after being catcalled in her university's parking lot. The first information report was filed against the perpetuates. Her immediate family, university professors, and even the rest of the students tried to persuade her to drop the case throughout the proceedings. The perpetuates were eventually released, and one of

the participants commented on the ordeal, saying that after that incident, a special committee was formed, but nothing will change unless society's mindset changes. Priyanka claims she would not have done so before pursuing a university education, but now that she is free of the baggage of reputation, she would feel comfortable going the police however in her village perception remains "going to the police means something of great shame has happened."

Eight participants said they had no faith in the justice system, two said they did, and one did not respond. “Perhaps,” said one. The narratives of the justice system reveal three trends: The first is a lack of faith as a result of judicial undertrials, and the second is the impact of ongoing militarization and militancy: Aisha (see text footnote 1) says it is difficult for her to believe in the justice system when she sees 5- and 10-year-olds killed in cold blood during crossfires, and she cites cases of rapes committed by security forces in the territory, claiming that no one is ever convicted, “As if it happened in thin air as if nothing had happened.”

The third trend concerns the status of women in the legal system. Shaheen (see text footnote 2) asserts, “I still feel insecure about going out—that was not there during militancy when it was at its peak, women used to dress up. I would use the terminology—westernized, more western, you see more burqa and hijab coming up, which is not bad but sometimes rather than being dictated by the belief in religion it is due to security. Because I don’t know what is going to happen with me—nothing might happen—But I have a sense of insecurity with me so as a girl I don’t see any justice being served.” Concerning the perception of law and order in the state of J&K, two trends emerge from the narratives: First, the inherent patriarchal structure of J&K society discourages women from approaching the police or seeking justice in the territory, and second, when women do approach the concerned authorities, they face obstacles in terms of both societal and institutional support. The latter is the result of the territory’s use of anti-terror legislation such as the Armed Forces Special Powers Act (1958) and the Unlawful Activities (Prevention Act) (1967). These laws establish a parallel investigation and trial system to combat “extraordinary crime.” The provisions of these laws are pertinent to the discussion in J&K that the impunity granted to security forces on J&K’s territory gives them immunity from the investigation in cases of enforced disappearances and sexual violence (Singh, 2007).

Finally, the discourse on the state and women’s autonomy in J&K is evaluated to understand the impact of Abrogation Article 35A on women’s autonomy in the state. Except for one participant who was unaware of the law, eleven of twelve participants stated that the abrogation of Article 35A affected the women of J&K. As far as the positive impact of the law is concerned Amita (see text footnote 1; text footnote 2) stated, “It is a step in the right direction—it was a misogynist law,” concurring with this Priyanka states that “Due to the abrogation of Article 35A, Women will get right to domicile, earlier if I marry outside—what if I am widowed, what if there is a divorce? Or what if I would want to stay in the territory with my parents and take care of them after marriage? My children will not be able to inherit my property. Article 35A worked on the assumption that girls have to leave their house at some point—You are an object and then what about the right of my children to inherit my property?”

Addressing the autonomy juxtaposition brought forth by the abrogation of Article 35A, which grants more constitutional autonomy to women in J&K while removing the State Legislative Assembly’s ability to determine the state’s permanent residency, Shaheen (see text footnote 1) emphasizes the importance of the State Legislative Assembly’s ability to determine the state’s permanent residency. “It (Abrogation of Article 35A) will eventually have an impact, It is a very thought out intent for

example if you marry outside the state you lose the property—eventually, you are taking away from women—what they (women of J&K) want to do it is a very minuscule part of what has happened after the abrogation but you are not giving them the right to do that. How will you determine the political agency or autonomy of women if you do not give them anything to decide, the options you have given them are decided by you—you do not allow them to speak. Women want the option to want to go beyond the conflict—non-conflict dichotomy Times are changing, girls are deciding for themselves—the numbers are really low -you always have a choice to make if you have the agency at some point, Abrogation of Article 35A is a step toward providing that agency.” Shaheen (see text footnote 1) raises an important point about women’s autonomy in J&K: Women in Kashmir may want to choose a non-conflict solution for women as victims. As discussed in the preceding section, Article 35A gives them that option. While assessing the negative impact Aisha (see text footnote 1) states “Yes, I would say it has impacted us, I think the majority of Kashmiris would say that. I think I personally believe it was just a mere example to alter the demography the recent delimitation process for example. It was an instrument of disenfranchisement—I can say so because it comes from the government known to have a conservative outlook. If you want to improve the condition of Kashmiri women, put forward to Kashmiri women to speak for themselves, one can clearly see through the clear agenda, that there was a communication blackout that created perpetual anxiety and fear in the minds of Kashmiri people, Fear that we are going to lose our identity, loss of our culture and special status all done using the women card.” Suri (see text footnote 2) states “Well it does not make much of a difference, women did inherit property—just managed it differently when they lived outside. Kashmir has sharia according to which women do inherit property—35A has done nothing for the valley. It is not about the women but the government—obviously they used women for their own ideology.” Finally, Quarat states, “Yes it has had an impact on the lives of women—after the abrogation, there was so much commotion on social media—videos objectifying women of Kashmir by Indian men who went around stating that ‘now we can marry women of Kashmir and buy property there, my mother today owns more property than my father’—what difference will Article 35A abrogation makes to that?” According to Quarat’s experience, the “feminization of Kashmir” (Kaul, 2018), as mentioned in the previous section, reduces women’s agency and reinforces paternalistic control of the androcentric ideology.

It can, therefore, be observed that, first, participants who emphasized the positive implications of Article 35A assessed the impact it had on them as women and autonomous individuals as a result of discriminatory interpretations of Article 35A that were used to deprive women of their domicile rights and second, women’s autonomy and sense of personhood are defined by the larger identity of the territory they inhabit.

The response to the question of women of union territory defining their autonomy was contextualized in two categories. The first was where women defined their autonomy in terms of control of their decision-making agency. Nigu (see text footnote 1; text footnote 2) states autonomy for me is “Freedom to make decisions and access my rights. The constitution has given us a set of rights without any mention of man or woman—just as citizens—but



does it matter what the constitution has guaranteed you? I do not think it matters. We don't have right to equality, in terms of job opportunities, in terms of settling in anywhere in India. For a Kashmiri woman can I reside in any part of the country without fear?" Shaheen (see text footnote 1) similarly states, "Are my rights—constitutional or natural—my rights to put forward my opinions—do you give me those rights? Do I have my agency? If I have the agency to put my opinion despite the fact if I am right or wrong—that should not come—and I want people to hear and acknowledge—If that is there then my first step of autonomy would be there, the other issues would follow. Just because I am a girl do not sideline me—Listen to me—why am I saying something—what is my thought process behind something, providing opportunities is secondary, first listen to me." Both Nigu (see text footnote 1) and Shaheen (see text footnote 1) associate autonomy with their access to their rights as Indian citizens; it could also be argued that, while these rights are constitutionally guaranteed, their accessibility remains a problem. In addition, Shaheen (see text footnote 1) believes that her autonomy begins with being heard rather than with opportunities.

The second trend is the discourse of autonomy in a conflict zone, with conflict cited as a variable in how seven out of 12 participants understood autonomy for themselves. Two participants, Bisma (see text footnote 2) and Quarat, stated that autonomy would mean not living in a constant conflict zone. Bisma, an English literature student, claims, "There is nothing there I would have been able to do while staying there studying—Internet would get shut down, my father did not want me to come back because he knows I can't study. It is terrifying growing up in Kashmir. You know what zone we are in, if someone has said they haven't faced an issue it is a lie. Everyone has faced issues even if you are in your house -You don't get a notice anything can happen, common people, they suffer no matter whose fault it is I remember a poet who was fond of books - his house was burned down during an encounter operation, he stated 'I have lost everything—I have lost my poetry just making yourself safe doesn't mean he has a reason to live'—that is what living in Kashmir is like- surviving is not enough." Suri (see text footnote 1) states, "Conflict has obviously impacted autonomy. In society women are oppressed in an occupation they are doubly oppressed, Men in family and society instrumentalise patriarchy against women State acts like men, and we are in a state of conflict where every form of oppression in society is intensified. It's like women have to be home all the time but when black boots come to their house—even the house is not safe. If you are outside or inside the house it does not matter anymore. Everything—State, men, patriarchy- women suffer from all directions." Suri (see text footnote 1) exacerbates the problems of autonomy of the feminist subject in Kashmir discussed in the previous section, namely that conflict in the territory has pushed women to the margins as they are oppressed by a double burden of patriarchy, one arising from Kashmir's social order and the other from the territory's militaristic environment. Four observations can be made regarding the autonomy of women in J&K. First, in terms of state discourse, even if the state plays a positive role in creating constitutional provisions that map out an autonomous feminist space—access to these provisions by women is what determines autonomy—second, the ongoing conflict affects women's autonomy as well as territorial

autonomy, resulting in dual oppression—women are unable to speak out against the society's traditional patriarchy because the society is also oppressed by the militarized order. Third, women in J&K continue to identify independent variables such as economic independence, the ability to choose their field of education, and employment as factors influencing their autonomy; however, due to the dominant narrative of conflict, these variables go unaddressed. Finally, the role of the state within the territory contradicts an autonomous feminist discourse in that the state is seen as providing opportunities to women through constitutional means. However, the state's persistent militarization infringes on women's autonomy.

## Conclusion

Feminist scholars have rarely engaged with the question of discursive autonomy of the feminist subject in India. When they engage with the idea of autonomy or freedom for women, that question is often concerned with the autonomy of a community based on caste, class, religion, or in the case of Kashmir autonomy of a region. In this article, I have attempted to map out the erasure of autonomy from the feminist subject in India. I have sought to offer a recourse using the case study of J&K within the paradigm of democratic citizenship. The first section of the article highlights the contestation between the nationalists and the British about the position of Indian women. The result of this contestation was the appropriation of womanhood by both in a way that denied Indian women any agency and autonomy to speak for themselves. The second section maps out the counter-discursive fields that have marginalized the women's question in the territory of Jammu and Kashmir. This section then explores the abrogation of Article 35A as a recourse for women in Jammu and Kashmir to assert their autonomy beyond the conflict/non-conflict dichotomy. The third section using select narratives of women of Jammu and Kashmir explores how they understand their subjective autonomy and how this autonomy is impacted by the abrogation of Article 35A. The autonomy of women in J&K, according to the findings in this section, is impacted by the ongoing conflict in the territory that can be said to sideline any other discourse of autonomy in the territory. Based on the review of the literature and collected data, contradictions have come up over the theoretical understanding of feminist discourse and how women of Kashmir perceive their autonomy and specifically those who partake in largely masculinized and patriarchal engagements such as insurgency and militancy. In addition, how do we account for women who make conscious choices to concede their autonomy for the autonomy of the region? A discursive understanding of feminism is thus important to open such a field of inquiry. This approach is especially desirable in terrain such as Kashmir, with its multifaceted issues and dimensions that affect the gender relations in the territory. Feminists frequently use the concept of conversation to achieve their goal of shareable worldviews. They advocate for understanding through cross-cultural dialogues in which the voices of others, particularly those on the margins, must be recognized as equally valid as one's own. The desire of feminists to separate valid knowledge from what they see as power-induced distortions motivates this method of truth-seeking. Feminist discourse that is used as a lens to understand these issues is

also quite different from the conventional understanding of gender relations in the territory. At the same time, it is also important to be cautious while applying meta-theoretical frameworks to understand the lived experiences of women living in a situation of conflict. While feminist discourse may not always account for these experiences, it does reveal information that has gone unnoticed far too often. It also addresses the question raised by Nitisha Kaul and Ather Zia, which was not “Can Kashmiri women speak” but rather “Can you hear them” (Kaul and Zia, 2018).

## Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

## Ethics statement

Ethical review and approval was not required for the study on human participants in accordance with the local legislation and institutional requirements. The patients/participants provided their written informed consent to participate in this study. Written informed consent was obtained from the individual(s) for the

publication of any potentially identifiable images or data included in this article.

## Author contributions

The author is the sole contributor of this work, responsible for conceiving and designing the analysis, data collection, analysis, and writing the paper.

## Conflict of interest

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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