

WOMEN EMPOWERMENT IN LOCAL GOVERNANCE AND CHALLENGES: INDIAN SCENARIO

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Abstract

“You can tell the condition of a nation by looking at the status of women”

- Jawaharlal Nehru

Women empowerment in local governance is one of the imperative issues of development. Both men and women must act decisively for the growth of any nation. In India, despite many international agreements affirming human rights, women are still much more likely than men to be poor and illiterate. They usually have less access than men to medical care, property ownership, credit, employment etc. They are far less likely than men to be political leaders. But, history is a witness that women in the past like Razia Sultana, Rani of Jhansi, Sarojini Naidu and Indira Gandhi have demonstrated unique leadership capabilities. God has gifted women with compassion, tender-heartedness, caring nature, concern for others. These are very positive signs which imply that women can be leaders. But in Indian society man has always acted as the master of the scene and the decision regarding the issue of empowering women has always been taken by him. In India, the 73rd and 74th Constitutional Amendment provides 33.33% reservation for women in the rural and urban Local Self Governing Bodies. However, some practical difficulties have been experienced at the field level such as no attendance, proxy members, sarpanch pati and even lack of political education and training of women for the role of leadership.

Thus, this paper aims to bring women out of confines in which centuries of traditions had kept them. In order to help women to be in limelight, they need to be empowered. Therefore, empowerment of women is the prerequisite to transform a developing country into a developed country and is vital to sustainable development and realization of human rights for all.

Keywords: *Women empowerment, Political Education, Development, Local Governance, Human Rights*

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INTRODUCTION

“Only if unequal social and institutional discrimination is eliminated, and women and men can participate in the development process, can human development goals be attained.”¹

India is considered to be a male-dominated society; the ideology toward women is to confine them to the private sphere of life and restricts women's existence within domestic roles as wives and mothers. This male hegemony prevails in the decision-making processes both in private as well as public domains. But, politics should be a democratic, participatory, accountable and transparent means to bring about a just, humane and equitable society. Political system should incorporate the interests of all and be accessible to all sections of society of which women constitute half of the population. High cost of electioneering, improper and illegal practices, violence and corruption are some reasons that prevent women from participating in politics. Therefore, it is high time to seek and work towards transformation of politics that would establish a decisive role for women at all levels of governance and politics.

The 73rd and 74th Constitutional Amendments² have constitutionalized the elected grassroots level local governing bodies, i.e., Panchayats and Municipalities as the third strata of the Government structure. These are self-governing institutions that stand for a “*decentralized, participatory, accountable, transparent, relevant polity administration*”. The decentralisation of powers is a pre-requisite of a democratic society. Local Self-Government implies the decentralisation of powers so that the elected bodies may function independently with authority and resources to bring about economic development and social justice.³

The Constitutional Acts have also set into motion a process that has made women's representation in local level decision-making a reality. Women's leadership and effective participation is increasingly on the development agenda of governments, bilateral and multilateral agencies and non-governmental organisations, including women's rights groups.⁴

¹ The United Nation's Fourth World Conference on Women (Beijing, 1995)

² The Constitution (Seventy-Third Amendment) Act, 1992 introducing ‘The Panchayats in Part-IX, Articles 243-243-O’; The Constitution (Seventy-Fourth Amendment) Act, 1992 introducing ‘The Municipalities in Part IX-A, Articles 243-P-243ZG’

³ Biswajit Mohapatra, “*Local Self-Governance and People's Empowerment: Challenges and perspectives*”, 59 IJPA, 804-811 (2013)

⁴ International Centre for Research on Women (ICRW) and UN Women: United Nation Entity for Gender Equality and Empowerment of Women, *Opportunities and Challenges of Women's Political Participation in India- A Synthesis of Research Findings from Select Districts in India*, (2012)

Especially, the 73rd and 74th Constitutional Amendment Acts provide for an opportunity for women's entry into political spheres. These Amendment Acts provide for a 33.33% reservation of seats for women in the governance of local bodies both in rural and urban with aspiration of good governance and fair representation in the development process at grassroots level.

The National Panchayati Raj Day (*National Local Self-Government Day*) is the national day of India celebrated by Ministry of Panchayati Raj on 24th April annually. The then Prime Minister of India Manmohan Singh inaugurated 1st National Panchayati Raj Day in 2010. He mentioned that if PRIs functioned properly and locals participated in the development process, the Maoist threat could be countered. The present Prime Minister Narendra Modi on 24th April 2015 called for an end to the practice of "husbands of women sarpanches" or "sarpanch pati" exercising undue influence on the work of their wives elected to power. He hailed the contribution of women to the functioning of panchayats. He urged panchayat members to work with a five-year vision with concrete plans to bring about positive changes in their villages.

HISTORICAL BACKGROUND

The 73rd and 74th Constitutional Amendment Acts of 1992 are an important landmark in the history of Indian women's participation in the formation of democratic institutions at grassroots level. The '*System of Self-Governance- Panchayat Raj*' was introduced in 1959 following the submission of Balwant Rai Mehta Committee Report of 1957. It recommended that besides 20 members of the Panchayat Samiti, there should be two women as co-opted members. This may be said to be the first official declaration for women to enter active politics at the grassroots. In many parts of India, women were recruited to the PRI by co-option rather than through election.

The 64th Constitutional Amendment Bill was introduced in Parliament in 1989, which provided for "as nearly as may be" up to 30% reservation for women. But it could not be passed. The Bill was defeated by a narrow margin in the Upper House. The Bill was reintroduced in September 1991, as the 73rd and 74th Constitutional Amendment Bills with an additional provision such as 1/3rd representation for women member representatives. It also contained provision for women reservation to the seat of chairpersons. The Bills were finally passed on December, 1992 and ratified by half the states by April, 1993. They came into

operation as 73rd and 74th amendments to the Constitution of India on 24th April 1993.

The provisions of the 73rd and 74th Amendment had far reaching consequences. It provided for direct elections to all the seats for the Panchayat from the village level to the intermediary block committee (Panchayat Samiti) to the district level (Zila Parishad) for a period of 5 years.⁵ The act is most significant for the reservation for women and Scheduled Caste and Scheduled Tribes (SC/ST). There are certain general features, which could be taken advantage of by women. Such as direct elections for membership and Sarpanch, village head or chairperson post at the local as well as the block level. This amendment can be considered as a landmark in the empowerment of women's by providing an opportunity to women's to perform very well in public life. The most significant aspect is that the gender representation in the decision-making has been taken into account.

LEGAL FRAMEWORK: AT INTERNATIONAL LEVEL

India has also ratified various international conventions and human rights instruments committing to secure equal rights of women like Convention on Elimination of All Forms of Discrimination against Women (CEDAW), 1993. The one of the significant goals set out in World Conference on Women, 1995, Beijing was adequate representation of women in all decision-making bodies.⁶

The lesson learned from the MDG (2000- 2015) is that the global development agenda needs to be rooted in the local development agenda and MDGs “best achieved” when local governments are engaged and inter-governmental (national-local) relationships are effective.⁷

The Post-2015 Development Agenda: Sustainable Development Goals (SDGs) also talks about that women's participation at the local level needs to be measured for at least two of the proposed SDGs:-

- **Goal 5:** Achieve gender equality and empower all women and girls

⁵ Article 243-E: Duration of Panchayats etc.; Article 243-U: Duration of Municipalities, etc.

⁶ FWCW 1995, Beijing, under UN

⁷ MDG 3: Promote gender equality and empower women. See *MDG India Country Report 2015*, Government of India, Ministry of Statistics and Programme Implementation, Social Statistics Division, Available at: http://mospi.nic.in/sites/default/files/publication_reports/mdg_2july15_1.pdf (Accessed on: 29/09/2017 at 10:04AM)

- **Goal 16:** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

LEGAL FRAMEWORK: AT NATIONAL LEVEL

The principle of gender equality is enshrined in the Indian Constitution in its Preamble (EQUALITY of status and of opportunity), Fundamental Rights (Part-III), Fundamental Duties (Part-IVA) and Directive Principles of State Policy (DPSP-Part-IV).

The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women under Article 15(3).⁸ The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.⁹

The Constitution (Seventy-Third Amendment) Act, 1992 introduced 'Panchayats' in Part-IX, Articles 243-243-O and the Constitution (Seventy-Fourth Amendment) Act, 1992 introduced 'Municipalities' in Part IX-A, Articles 243-P-243ZG. These are the basic provisions and had to be supplemented by the respective state laws because 'local government' is an exclusive state subject under Entry 5 of List II of VII Schedule of the Constitution. The Union has only outlined the scheme. The Article 243-D and 243-T especially talks about the reservation of 1/3rd seats to women (including the number of seats reserved for women belonging to SC/ST) in the Panchayats and municipalities respectively. The Constitution (73rd Amendment) Act, 1992 introducing Panchayats in Part-IX is a major step in the direction of implementing the directive principle under Article 40.¹⁰

The Government of India has addressed the issue of empowerment by consolidating all programmes for women under the National Mission of Empowerment of Women (NMEW). The NMEW was passed in 2001 and its mission is to enhance economic empowerment of girls and women through skill development, micro credit, vocational training and entrepreneurship. The policy focuses on "*the advancement, development, and empowerment of women.*" Specifically, the policy focuses on ending gender inequality and violence against women. The "*Results-Framework Document (RFD) for Ministry of Panchayati Raj-(2014-*

⁸ Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

⁹ Article 40: Organisation of Village Panchayats

¹⁰ Mahendra P. Singh, *V.N. Shukla's Constitution of India* 350 (11th Ed. 2011)

2015)” of Government of India provides for strengthening of democracy at grassroot level to attain decentralized and participatory local self-governance through Panchayati Raj Institutions by increasing participation of women/other disadvantaged groups in decision making through Gram Sabha and various Panchayat Committees.¹¹

WOMEN AND LOCAL GOVERNANCE: THE PANCHAYAT RAJ

“If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then woman is immeasurably man’s superior. Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her, man could not be.” - Mahatma Gandhi

Local governing bodies in India are called “*Panchayat Raj Institutions (PRIs)*” and 1/3rd of seats and leadership positions must be reserved for women. States such as Andhra Pradesh, Bihar, Chattisgarh, Jharkhand, Kerala, Maharashtra, Orissa, Rajasthan, Tripura and Uttarakhand have increased reservations to 50%.¹² The term “*Local Government*” literally means management of the local affairs by the people of the locality. It is based on the principle that the local problems and needs can be looked by the people of the locality better than by central or state governments. The term “*Local Government*” or “*Local self-government*” means the government by freely elected local bodies which are endowed with power, discretion and responsibility to be exercised and discharged by them, without control over their decisions by any other higher authority. Their actions are, however, subjected to the supremacy of the national government. The common desire was to ensure self-government by the local bodies, that is, “*the third tier*”.

IMPACT OF EMERGING LEADERSHIP AMONG WOMEN IN LOCAL SELF-GOVERNMENT

The effect of reservation for women has been increase in the number of public goods. They have used their elected authority to address critical issues and significantly make more investments in education, drinking water facilities, road construction, hygiene and health, public toilets, village development etc. Women and men have different policy priorities.

¹¹ Results-Framework Document (RFD) for Ministry of Panchayati Raj-(2014-2015), Available at: <http://www.panchayat.gov.in/documents/10198/0/RFD%20201415.pdf> (Accessed on: 30/09/2017 at 11:52AM)

¹² Press Information Bureau, Government of India, Available at: <http://www.pib.nic.in/newsite/erelease.aspx?relid=74501> (Accessed on: 20/09/2017 at 10:08AM)

Women are also likely to bring welfare issues such as violence against women, childcare, and maternal health to consideration onto the agendas of political campaigns. Women representatives devote more energy to women-specific issues than men do and are more successful in passing legislation on women's issues when they propose them. In these and other ways, the issues that women have chosen differ from conventional political platforms, which are usually caste, ethnic and religion based. The some of them were as following:

- 40 teams of women in Sonabhadra (Uttar Pradesh) area carried out systematic campaigns covering ten villages each, to explain the salient features of the 73rd Amendment and the place given in to women. Women, who took part in these campaigns, were very clear about their cattle and for their families. They were equally determined to prevent the inflow of liquor into their area.¹³
- A study of the all-women panchayats of Maharashtra concluded that such panchayats gave expression and importance to local needs, by addressing issues like water scarcity, or schoolrooms. In general, data reveals a high level of awareness about reservations, but low levels of awareness about the powers and responsibilities of panchayats. Decentralisation can be regarded as an important means for addressing gender inequality and empowerment of women.¹⁴

Therefore, women's experience of being involved with the PRI has transformed many of them. They have gained a sense of empowerment by asserting control over resources, officials and most of all by challenging men. They have become articulate and conscious of their power. Despite their low- literacy level, they have been able to tackle the political and bureaucratic system successfully. Thus, the positive discrimination of PRIs has initiated a momentum of change. Therefore, involving women in politics has a positive impact on incorporating gender equal perspective in policies and social programs.

POSITIVE DISCRIMINATION OF PRIs: FROM REPRESENTATION TO PARTICIPATION

¹³ Devaki Jain, UNDP, *Panchayat Raj: Women Changing Governance*, September, 1996, Available at: http://www.devakijain.com/pdf/jain_panchayatraj.pdf (Accessed on: 06/10/2017 at 03:15PM)

¹⁴ UNDP, *Decentralisation in India: Challenges & Opportunities*, Available at: http://www.in.undp.org/content/dam/india/docs/decentralisation_india_challenges_opportunities.pdf (Accessed on: 04/10/2017 at 03:25PM)

While participation is obviously contingent upon representation, it would be a mistake to see representation as an end in itself. Effective participation cannot be legislated. It involves the creation of a political, social and cultural environment in which women acquire the awareness, information base and confidence to articulate their concerns, and an institutional environment that is receptive and responsive to such articulations. This arguably requires more committed and sustained initiatives by political parties and civil society organisations. As such, while laws and institutions can indeed create the conditions for representation, political parties and civil society and especially women's organizations and the women's have an important role to play in creating the conditions for effective participation.¹⁵

What reservation has basically done is to give the other half of the state, i.e. women a say in the political system in a country, albeit at the grassroots. If we see it in another way, once these women taste power at the local level and understand its intricacies, they could very well enter national politics, with or without reservation, provided the political parties give party tickets to the women participants.

Women participation in local level politics brings viewpoints which are essential for a holistic development of the society. The presence of women in local governments serves as an encouragement for other women to enter diverse professions and leads to breaking stereotypes of women's roles in society and public space. People had gained confidence in women as good public administrators and local government representatives after seeing women making a positive difference in other people's life. The society acknowledges the sincerity and commitment of women to their duties and their resistance to criminalization of politics.¹⁶

WOMEN RESERVATION IN LOCAL GOVERNMENT - GOOD OR BAD?

Arguments in support

¹⁵ Niraja Gopal Jayal, *From Representation to Participation: Women in Local Government*, Available at: http://www.un.org/womenwatch/daw/egm/eql-men/docs/EP.3_Jayal.pdf (Accessed on: 05/10/2017 at 01:33 PM)

¹⁶ Richa Shanker (Director, Central Statistics Office, India), Ministry of Statistics and Programme Implementation, India, *Measurement of Women's Political Participation at the Local Level: India Experience*, Fifth Global Forum on Gender Statistics, Aguascalientes, Mexico, 3-4 November 2014, Available at: http://unstats.un.org/unsd/gender/Mexico_Nov2014/Session%206%20India%20ppt.pdf (Accessed on: 17/09/2017 at 12:25 AM).

- Reservation for women does not discriminate, but compensate for actual barriers that prevent women from their fair share of political seats.
- Reservation implies that there are several women together in a committee or assembly, thus minimizing the stress often experienced by the token women.
- Women have the right as citizens to equal representation.
- Women's experiences are needed in political life.
- Election is about representation, not qualifications.
- Women are just as qualified as men, but women's qualifications are downgraded and minimized in a male dominated system.
- It is in fact the political parties that control the nominations, not primarily the voters who decide who gets elected.
- Introducing reservation may cause conflicts, but only temporarily.

Arguments against

- Reservation is against the principle of equal opportunity for all, since women are given preference.
- Reservation is undemocratic, because voters should be able to decide who is elected.
- Quotas imply that politicians get elected because of their gender, not because of their qualifications and that more qualified candidates are pushed aside.
- Many women, who do not want to get elected, get elected just because they are women.
- Introducing quotas creates significant conflicts within the party system.

PROBLEMS AND CHALLENGES FACED BY WOMEN REPRESENTATIVES

- No attendance/ Proxy members
- Sarpanch Pati
- Sexual violence
- Discrimination
- Political Education and training
- Role of family
- Socio-Economic Conditions
- Self-Confidence

- Inadequate support mechanism by Government agencies
- Dalit women participation as representatives in village panchayat

50% RESERVATION FOR WOMEN IS THE URGENT NEED OF THE HOUR

The reform in Bihar (in 2005) is the first of its kind in India and according to the information made available by the Institute for Democracy and Electoral Assistance (IDEA) there is no other countries where the local governance has adopted a reservation of 50%. This is a significant increase in women representation and it is believed that such a reservation policy will have a positive effect on women's empowerment.¹⁷ In India, the 73rd and 74th Constitutional Amendment provides 33.33% reservation for women in the rural and urban Local Self Governing Bodies.

However, some practical difficulties have been experienced at the field level. For example: A particular Gram panchayat has 9-member body. According to 33.33% reservation for women, there will be 6 men and 3 women in this body. Therefore while taking decisions or passing a resolution, the men have the majority. This amounts to disregard and rejection of most of the resolutions tabled by the women members. Women are forced to maintain silence since the men have numerical majority in most of the Gram panchayats. Gradually women start withdrawing from the Gram panchayat proceedings. Same is the scenario at different levels in the government, where women officials are less in numbers. Dominating attitude of the male officials often obstruct the smooth functioning of the women officials.

The Ministry of Panchayati Raj in document titled "*Roadmap for the Panchayati Raj (2011-16): An All India Perspective*", while discussing about women and panchayats provides that the President of India in her Address to the Parliament on 4.6.09 had mentioned the intent to provide 50% reservation for women in Panchayats as women suffer multiple deprivations of class, caste and gender.¹⁸ Women have succeeded in many cases because of the power of unity. Therefore we all should fight against injustice unitedly, at the micro and macro levels. So, the Government is to approve the proposal for enhancing reservation of women in

¹⁷ Institute for Democracy and Electoral Assistance (IDEA), 2006

¹⁸ Roadmap for the Panchayati Raj (2011-16): An All India Perspective, 2011, Available at: <http://www.indiaenvironmentportal.org.in/files/panchayat%20Roadmap.pdf> (Accessed on: 18/09/2017 at 05:55 PM)

Panchayats from the present 1/3rd to 50%.¹⁹

CONCLUSION AND SUGGESTIONS

“It’s empowerment that leads to entitlement and entitlement leads to enrichment.” - Prof. Amartya Sen

The essence of good governance lies, on one hand, the inclusion of local level planning in the national government and on the other hand, the success of a local government depends on peoples’ participation. It is the grassroots level people who could contribute significantly to the governance of their communities. However, unequal participation of women and men in the government planning works as a barrier to ensure good governance In India, reservation for women in political bodies became necessary, considering the social conditions in which women of the country lived even after the constitutional guarantee of their rights to equality and political participation it became necessary for the state to remind the political institutions at different levels, particularly the Panchayat level (district, block, village) to give adequate representation to women. The 73rd and 74th Constitutional Amendment envisaged a significant structural change by decentralizing power and redressing the gender imbalance in the institutions of self-governance.

So, we have to encourage and elicit everybody’s participation for ensuring the success of democracy and well-being of a just society. Every person has unique skills. We should give each individual the scope to realize her or his potentials and utilize them for the betterment of our society. Especially women, she is mother of creation. She is capable of ensuring a healthy society. It is believed that if a woman is educated, the entire family reaps the benefit. Therefore participation of this indispensable component of our society in political and decision-making process is must. The need of the hour is to bring women out of confines in which centuries of traditions had kept them. In order to help women to be in limelight, they need to be empowered. Therefore, empowerment of women is the prerequisite to transform a developing country into a developed country. Women’s empowerment is vital to sustainable development and the realization of human rights for all.

Therefore, the key strategy is to provide support to PRIs, women’s movements and community representatives for strengthening of local bodies’ 360 degree approach on media

¹⁹ Women Reservation in Panchayats, Press information Bureau, Government of India, Available at: <http://www.pib.nic.in/newsite/erelease.aspx?relid=74501> (Accessed on: 20/09/2017 at 11:08AM)

and communication for behaviour change and social mobilization for gender equality.

Ultimately, there is a *need for democratization from within*, i.e., if women are to come even without reservation, the foremost responsibility should be that of the political parties who should recognize the capability and success of women and give party tickets to those who are interested to stand for the said post.

The present system of reserved seats is a necessary evil that may continue until greater representation of women is achieved.