



Women reservation bill at Local Self Government as a powerful tool for Women Empowerment – A study

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Abstract:

In a country like India with around 49 percent of women in the population (according to 2011 population census report), the political participation of women has been very low. Gender inequality and deprivation of power to women, continues to be a political reality in India today. Even though, large number of women votes in the country, only a few of them assume the reins of power. Although the Constitution of India attempts to remove gender inequalities by prohibiting discrimination based on sex and class and enshrining fundamental rights to all citizens, women still have only de jure rather than de facto access to political representation. Several research studies in this direction proves the fact that greater participation of women in the political and administration process would be a precondition and result in their economic and social empowerment. The recent Economic Survey states that there were 13.72 lakh elected women representatives (EWRs) in local self governments, which constitute 44.2 percent of total elected representatives (ERs) as of December 2017. Women Sarpanchs accounted for 43 percent of total gram panchayats (GPs) across the country by December 2018. This is a testimony to the active leadership of women in local government. They are bringing their experience in the governance of civil society making the state sensitive to the issues of poverty, inequality and gender injustice, thus influencing the decision-making process, planning, implementation and evaluation of various developmental programs at the local level. Women reservation bill at local self government, also provided an opportunity for the deprived low caste women to participate in the mainstream political processes. Its multiplier effect boosted women's confidence in their abilities and encouraged them to seek more meaningful and dignified role in society and nation building.

Key words: Local Self Government, Political Participation, Women empowerment, Women Reservation bill, Society and Nation building.

Introduction:

According to United Nations in its report “Women in Politics” published in the year 2017, India ranked at 148th position in ‘women in parliament’ category and at 88th position in ‘women at ministerial position’ category. Indian Parliament currently has 11.8% women representation, and state assemblies have only 9%, even though ‘women empowerment’ has become a catch word in every Government policy. This inequality calls for the introduction of an affirmative action for rightful representation of women in legislation. This must be bottom top approach. Global experience shows that voluntary political party quota system has not improved women participation to a significant extent. On contrary, fixed quota system systemically improves the representation of women, as political parties work towards capacity building to fill the required quota. For example, a country by name ‘Rwanda’ introduced quota system for women, nearly 50% women won, which subsequently rose to 64%, even when the stipulated quota was only 30%. On contrary many developed countries of Europe are struggling with around 20% representation of women with ‘Voluntary Allocation System’. Women face ‘Glass Ceiling’ in politics. The ‘Glass Ceiling’ is described as “those artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into management level positions”. The artificial barriers are stereotypes, media related issues, informal boundaries. Studies have revealed that women candidates tend to receive fewer funds from donors, when contesting against male candidates. Due to entrenched patriarchy, women candidates are also considered to be less capable than their male counterparts by the voters.

In India, Local Self Government System (Panchayat Raj system as known in India) has progressed a long way from its traditional to present day structure. In ancient period and before independence, there were traditional village level institutions based on traditional customs, which took important decisions in matters pertaining to village communities. But these institutions could hardly be described as democratic, depending as they did on the social legitimacy conferred on them by the existing power structure and social order. The role of women were confined to four walls of a kitchen and they were denied the right to participate in the local bodies. Despite great progress was made in the arena of women’s rights in theory and policy formation, women are still facing violation of their social, political and economic rights in the family and community.

Importance of Local Self Government Institutions:

Panchayati Raj institutions are the grassroots units of self-government. They are the instruments for participatory democracy and decentralization at the grassroots level. They carry back the power that really belongs to the people. These institutions have an immense potential for democratic decentralization and devolving power to the people. They are the vehicles of socio-economic transformation. It is therefore necessary that these bodies are effective and function meaningfully. This demands an active involvement of people, both women and men, in decision-making, implementation of development programmes, monitoring and evaluation of programmes and sharing of the benefits of development (Seema, Pradeep: 2009). The regional issues are better understood by localities and given an opportunity, these local people will find more amicable solution to the regional problems. Therefore local self governing

institutions play a vital role in establishing social harmony. Time and again, women play an important role not only in shaping the family but also the society. The hands which can take care of cradle can also equally take care of society. Therefore the need of the hour is to improve women participation in administration and political process. As this is considered to be an important move to uphold 'Women's right to self representation and self-determination'. This also goes a long way in establishing equality between men and women. In empowerment, 'power' is the key ingredient.

According to a study by United Nations University World Institute for Development Economics Research (UNU-WIDER): Women legislators in India raised economic performance in their constituencies by about 1.8 percentage points per year more than male legislators; Women legislators in India raise luminosity growth (measures of night-time lights visible from space) in their constituencies by about 15 percentage points per annum more than male legislators; According to a study by Abdul Latif Jameel Poverty Action Lab (J-PAL), women representatives were more concerned about issues like water supply and road connectivity than men. Another survey conducted in Tamil Nadu, indicated that nearly 30% of women opined that after the system of rotation will be over, they would contest from the same seat. Another 15% said that, they would enter mainstream politics if given a chance. These findings indicate how with the introduction of an affirmative action, women made incremental progress in the field of political empowerment. Yet these changes came in conflict with existing social structure developing some imbalance. Many a times even legislations which aims at providing representation of women in Local Self Government are considered as 'Paper Tigers', as they only pave path for representation of women and lacks participation of women in decision making. This trend is defined as 'Sarpanch Pati'. This is a scenario, where, an elected women serving as proxies for their male relatives, exercising nominal power, while the men retain the real work of governance. This defeats the very objective of providing reservation. Therefore, there must be a way forward to ensure not only gender equality in terms of number but also to make sure equal participation.

The initiation:

In view of this, in 1992, 73rd and 74th Constitutional Amendments were introduced and it was an unparalleled step to consciously empower women as decision makers with 1/3rd of the seats reserved for women in local self-governments such as Zilla Panchayats, Taluk Panchayats and Village Panchayats. Reservation introduced by 73rd and 74th amendment was rotational in nature i.e. for a certain period of time, certain Panchayat / Municipality was reserved for women on rotational basis. Now, 14 states have 50% to 58% representation of women in Panchayat Raj Institutions. Jharkhand leads the way with 58%, closely followed by Rajasthan and Uttarakhand.

The 73rd Amendment has the following provisions relating to women (Art. 243 (D)):

1. Not less than one-third of the seats will be reserved for women (including SCs/STs). These may be allotted by rotation to different constituencies of a Panchayat.

2. There would be reservation for women in the seats that have been allotted to SCs and STs. Not less than one-third of the SC and ST seats may be reserved for women.

3. Not less than one-third of the total number of seats for the office of the chairpersons at each level would be reserved for women.

This would be rotated among different Panchayat at each level. The 73rd Amendment came in force in April, 1993 and accordingly, all the states amended their laws relating to local self-government. This led to a large number of women leaders coming to power at the grass roots levels. Efforts to uplift women in our society are made by securing for them economic independence and by integrating them into political process. Against this background, the 73rd Constitutional Amendment passed in April 1993, by Parliament and all the State Governments ratified by April 1994, which give women 33 per cent of the seats at all levels of the Panchayat System, is a significant measure. It has been widely perceived as a crucial step for empowering women and raised hopes for their increased participation in local decision-making structures.

In this context, the Government of India, proposes to implement a promise made by UPA – II. The Government is intending to amend constitution to increase reservation for women in Gram Panchayats and in Urban Local Bodies from the present 33% to 50%. The government would bring a Bill to amend Article 243 (D) of the Constitution to enhance the reservation. It also provides that one third of the total number of seats reserved for Scheduled Castes and Scheduled Tribes shall be reserved for women of those groups.

Salient features of the Women Reservation Bill:

- The Constitution (One Hundred and Eighth Amendment) Bill, 2008 seeks to reserve one-third of all seats for women in the Lok Sabha and the state legislative assemblies. The allocation of reserved seats shall be determined by such authority as prescribed by Parliament.
- One third of the total number of seats reserved for Scheduled Castes and Scheduled Tribes shall be reserved for women of those groups in the Lok Sabha and the legislative assemblies.
- Reserved seats may be allotted by rotation to different constituencies in the state or union territory.
- Reservation of seats for women shall cease to exist 15 years after the commencement of this Amendment Act.

Key Issues and Analysis

- There are divergent views on the reservation policy. Proponents stress the necessity of affirmative action to improve the condition of women. Some recent studies on panchayats have shown the positive effect of reservation on empowerment of women and on allocation of resources.
- Opponents argue that it would perpetuate the unequal status of women since they would not be perceived to be competing on merit. They also contend that this policy diverts attention from the larger issues of electoral reform such as criminalisation of politics and inner party democracy.

- Reservation of seats in Parliament restricts choice of voters to women candidates. Therefore, some experts have suggested alternate methods such as reservation in political parties and dual member constituencies.
- Rotation of reserved constituencies in every election may reduce the incentive for an MP to work for his constituency as he may be ineligible to seek re-election from that constituency.
- The report examining the 1996 women's reservation Bill recommended that reservation be provided for women of Other Backward Classes (OBCs) once the Constitution was amended to allow for reservation for OBCs. It also recommended that reservation be extended to the Rajya Sabha and the Legislative Councils.

Milestones in Karnataka:

Karnataka was the one of the first state to provide reservations for women in Panchayati Raj Institutions. The Karnataka Zilla Panchayat, Taluk Panchayat Samiti, 7 Mandal Panchayat and Nyaya Panchayat Act of 1983 provided for 25 per cent reservation for women along with reservation for SCs, STs and Other Backward Classes. The Karnataka Panchayat Act of 1993 provides for reservation of not less than 33.33 per cent seats for Backward Classes, 15 per cent for SCs and 3 per cent for STs. In all these categories and in the general unreserved group, not less than one-third seats are reserved for women. The State of Karnataka is ahead of all other States even in providing reservation for women in public employment. For this purpose Government Orders were issued on 30.10. 1991 and 4.12.1992, which were enforced by an order of Karnataka Administrative Tribunal issued on 3.11.1995 (KAT: 1992).

The decision by the union cabinet to raise reservation for women from one-third to 50% of seats at all three levels of panchayats is a welcome one. However, this decision was taken without addressing the problems caused by mandatory rotation of reserved seats, which women have been drawing attention to and the impasse over the Women's Reservation Bill remains. The latter in particular suggests that the 50% reservation in panchayats is a sop to cover up the government's inability to ensure reservation for women in Parliament and state legislatures. In August the union cabinet decided to reserve 50% of the seats in panchayats at the village, district and intermediate levels for women. The posters of the women's movement have always proclaimed that - women hold up half the sky.

The current minimum reservation of one-third positions in panchayats for women was introduced by the 73rd Constitutional Amendment in 1992. This indicated an acceptance that the reservation should have been proportionate to women's share in the population as the bill included women from the scheduled castes (SCs) and scheduled tribes (STs) too.

The major breakthrough took place in 1988 after the emergence of the National Perspective Plan for Women (NPPW) which recommended: Reservation should be made of 30% seats at Panchayat to Zilla Parishad level and local municipal bodies for women. Wherever possible, higher representation of dalits, tribals, women of weaker sections should be ensured. 30% of executive heads of all bodies from village Panchayat to district level and a certain percentage of chief executives of Panchayati Raj bodies at lower, middle and higher levels must be reserved for

women. A more effective step would be to declare a certain percentage of constituencies in the lower tier of Panchayati Raj as exclusively women constituencies and all executive positions in certain number of territorial jurisdictions reserved for women candidates. (National Perspective Plan: 1988, 164-65). This was probably the basis for giving positive discrimination for women in panchayats by legislating the 73rd Amendment Act. Before this enactment, some positive changes took place for women participation in panchayats as exemplified by the Karnataka Panchayat Act 1983 reserving 25% seats for women in both at ZP and mandal panchayat levels.

Conclusion:

Though women comprise about half of the Indian population they have been subjected to discriminatory social ethos resulting in denial of equality of status and opportunities in social, economic and political spheres. Women's contribution to economic development is great both in visible and invisible form. From being primarily a vehicle of human reproduction to a vehicle of social, cultural and economic good, she can create wonders. Furthermore, in sharp contrast to their urban counterpart the hapless conditions of rural women are more glaring and galloping. Because of various socio-economic constraints, clear absence of acceptance of women's public role, more orthodox social milieu of agricultural society and utter confinement in subsistence struggle all have practically and comprehensively strangled rural women political participation in almost every sense. A change in political status may bring about a larger transformation in socio-economic processes. Extending the term of reserved seats for women up to two or three terms would allow women in panchayats the time and space to negotiate their own power relationships within them. If they are given 10 to 15 years of continued opportunity, it can perhaps nudge them in the right direction and encourage and nurture their desire to be assertive and independent.

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