

*Introduction: Good governance is an issue of vital importance in South Asia. An essential feature of good governance is promoting people's participation in decision-making, including the participation of women in governance.*

*The 73<sup>rd</sup> Constitutional Amendment that was passed in India in 1992 gave formal constitutional recognition to local self-governance units. Most significantly, it reserved 33 per cent of seats for women. Today, an estimated one million Indian women hold political office at that level.*

*In September 2001, SAP Canada's India Linkage Program brought Dr. Bidyut Mohanty of the Institute for Social Sciences (ISS), New Delhi, on a four-city tour of Canada to speak on the impact of this landmark amendment. Here is her paper on the subject.*

## The Daughters of the 73<sup>rd</sup> Amendment

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### Introduction:

All of you probably have some familiarity with the status of women in South Asia in general and India in particular. The first hand-out shows some of the indicators regarding the low status of women in India. In addition, everybody is familiar about the cases of violence against women—dowry deaths, rape cases, etc. The recent results based on the Census 2001 gives a mixed picture. As, for example, the sex ratio (females per thousand males), which was declining until 1991, has increased by 6 points. The female literacy rate has increased to 53 per cent. According to the Human Development Report 2001, India has moved up from 134 to 115. Since the poverty ratio has declined, women and children have been withdrawn from the workforce according to official reports. But the juvenile sex ratio has declined considerably particularly in the developed states such as Punjab, Haryana, Maharashtra, and Gujarat indicating the low value attached to female babies, sometimes, in spite of having wealth. So much so, that Sikh priests in India have sent out *diktats* to the Sikh community to stop female feticide.

Given the above background, today I am going to present before you, the impact of the 73rd Constitutional Amendment Act, 1992, which not only gave a new lease of life to the panchayat system of India but also ensured at least **33 per cent of the total seats** at the three tiers of local governments—both rural and urban areas for women including those of

the functionaries. Three tiers of panchayats are Gram panchayat at the village level, Block panchayat at the block level, and District panchayat.

The second handout indicates the magnitude of the total number of political institutions [in panchayats in the rural areas and *nagar palikas* in the urban areas], as well as those of the women representatives in India.

It is my contention that the 73rd Amendment has led to:

1. **Empowerment** of Women both in the panchayats as well as in the rural areas of India. Empowerment has been defined here as change of self- perception through knowledge.
2. Tremendous **mobilization** of women in the countryside changing the numerical configuration of local government. (One million elected representatives and three million contestants.)

This contention contrasts with the hypothesis proposed by Nancy Fraser that a quota system may not be able to take us to a politics of redistributions.

However, I am not going to paint a completely rosy picture before you. There are miles to go. Many other enabling measures such as economic independence, access to resources as well as to education, continuous training for capacity building and coordinated functioning of different Government Departments have to be taken, before the status of the women really changes. Nonetheless, I want to argue that a clear beginning has been made in this direction. In places where some of the above conditions are present, women have taken a leadership role. Many leaders have been recruited from the grassroots level for State legislatures.

The 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments are Central government laws which have been enacted by all the states and union territories. The panchayats have been assigned various subjects ranging from agriculture to poverty eradication but they have to depend on the center and state for their lifeline. In other words, they have become sort of the implementing agencies of the various developmental schemes initiated by the other layers of government. The panchayats have a five-year tenure, and they are given 29 subjects to look after ranging from agriculture, forestry, fisheries to family planning, health and education.

There is hardly any coordination between the different tiers of the panchayats. The officials of the different Lines Departments (agriculture, forestry, health, etc.) control the purse.

Nonetheless, each panchayat gets about 1.5 million rupees per year in West Bengal and 0.5 million rupees in Orissa. The chief of the panchayat has the authority to spend the money according to the needs of the panchayat by taking the members into confidence. In particular, the panchayats execute schemes under poverty eradication program. It selects beneficiaries to get money to build low-cost houses, old age and widow pensions, to install tube wells, etc. It also distributes food grains at a subsidized rate.

I would also like to draw your attention to one important clause of the Act namely, the role of **Gram Sabha** or the village assembly. A Gram Sabha consists of the voting members of a few villages or gram panchayats. In theory, the panchayats should be accountable to the Gram Sabha. But in practice they are not always so. In many cases the Gram Sabha meetings are not held or are manipulated.

At this point, I will draw your attention to the issue of the **need for the reservation of seats for women** at the political institutions. Even though Indian women had joined the Indian Freedom struggle in the early 20<sup>th</sup> century, and a large number had participated actively, they still remain underrepresented in the political institutions. In 1950, when the Constitution Makers were discussing about the reservation of seats for women along with other disadvantaged groups the stalwarts in the women's movement totally rejected such a proposition. Until the end of the Eighties there was no consensus on the question of reservation. Various hypotheses are forwarded to explain the situation. Some observe that mostly women from high caste and class had joined the Movement. On top of it all, they were influenced by the international women's movement. So they didn't want the reservation. The *Towards Equality Report* (1974) also rejected the idea of reservation in the political institutions on the similar grounds even though the Committee painted a bleak picture on the status of women and recommended a statutory all women panchayat to look after the welfare of women. But the *National Perspective Plan for Women* (1988-2000) strongly recommended a 30 per cent reservation in the local government. It was shown by them that in spite of 40 years of democracy the share of women in the Union

Parliament didn't exceed eight per cent. The states were no better, including the Communist-ruled states like West Bengal and Kerala. The 73rd Amendment of 1992 attempted to fill that *lacunae*.

## The Impact

The sources of data are:

(a) A longitudinal study of 235 elected women representatives in 22 panchayats spread over three districts of Orissa, keeping different locale in mind, with an objective of monitoring and capacity building for leadership roles. The project spanned five years.

The election is due next year in February.

(b) An Annual program to celebrate April 24 as **Women's Political Empowerment Day**.

I have been conducting this program since 1994 with the objective of creating awareness among the women representatives at a national level and providing a forum to learn from each others' experiences. For two days, about 350 elected women representatives from all over India, congregate in Delhi along with NGOs, academics, parliamentarians, human rights activists and government officials. They deliberate on a specific theme selected from 29 subjects given to them in panchayats and suggest recommendations to overcome the difficulties, which they face in dealing with such issues. I compile and edit the proceedings and distribute them to the elected women representatives later on. Hence there is on-going interaction.

Other NGOs have started celebrating Women's Political Empowerment Day also.

Feedback from the field shows that women who come to this program go back as changed persons, with more self- confidence, being encouraged by shared experiences and armed with useful strategies. These are primary sources. Other sources consist of *Panchayatiraj Update*, a monthly publication published by the ISS, several micro-studies, conducted by different organizations and other published materials.

The third handout gives you the state level pictures of the percentage of elected women representatives in different tiers of panchayats. You will notice that the states like Karnataka, West Bengal, Orissa and Kerala have more than 33 per cent seats occupied by elected women. But the Northern states have women representatives at just 33 per cent or even less. It is also noticed that in the southern states, compared to northern states, women representatives are younger and literate. But you will be happy to know that a

large number of young and literate women have contested and been elected in the recent elections held in Uttar Pradesh and Rajasthan (northern states) compared to the first election. It shows that people are taking women candidature more seriously.

### **Institutional impact: Engendering development**

According to various micro- studies including our own observations from the field, about 80-90 per cent women attend the panchayat meetings regularly. Given their sheer numbers, one might conclude that democracy has become more participatory than before at least at the grassroots level. This argument becomes strengthened because the socio - economic background of these women showed that the majority of them come from the lower income group particularly at the village panchayat level. *In-so-far as the effective participation of these women is concerned, it is noticed that if they get outside support in terms of NGO intervention, women's groups, or any other social or political movement, the women become relatively more vocal.* Their knowledge about the functioning of the panchayats increases.

Women not only take up issues relating to basic needs - drinking water, availability of doctors and teachers in the villages, which is dear to them, but also general developmental activities. One example is installing irrigation facilities for the paddy fields to augment the income of the panchayats. Another example is Ms. Shailbala Samantray, the chief of the Block panchayat who not only supervised the eye camps, where eye problems are treated, but also demanded more money for her cyclone-hit block to rehabilitate the victims.

Similarly, Ms. Nishika Sabitri, a panchayat chief from the tribal area, could augment the income of the panchayat by leasing out the ponds and mango orchards. They also ensure the availability of bathing and toilet facilities at the panchayat office premises. Since the poverty eradication schemes are routed through the panchayats and it involves the distribution of money to build low-cost houses, for widow pension, old age pension, and to start small business, the women members of the panchayats come to know about these very soon. The women of the neighborhood act as the 'watchdog' compelling them to deliver at least some of the goods. The same thing happens regarding the distribution of

the food grains at a subsidized rate through the panchayats. Women of the villages can easily approach the women elected members and can buy rice at any time.

The micro-studies also show that the working culture of the panchayats has changed because of the presence of the women. Finally, a part of the increase of the female literacy rate can be attributed to the presence of women in the panchayats and their willingness to get educated.

**Thus we see in spite of the constraints, contrary to the popular criticism, the standard of the political institutions at the grassroots level hasn't been lowered as a result of the reservations of seats for women and, to some extent, the development process has become engendered.**

## Family and the Self

AK Sen the famous economist has mentioned that the family is an arena of cooperation and conflict. The feminists have highlighted the conflict area more than that of cooperation. According to my observations the reservation of seats in the local governments has increased the areas of cooperation. Evidence from the results of the Census of India (2001) show that the female life expectancy at birth has exceeded that of male, though marginally, indicating that women's self-perception has changed. Similarly the female literacy rate has jumped from 39 per cent to 53 per cent within a decade.

Related to the question of family and self and the impact on institutional standards is the question of the “**proxy women**”. Let us define the concept called proxy women. It is alleged that since many of the women are first-timers and are illiterate, they depend on their men folk for conducting the panchayat activities. In other words, the women follow their men folk without understanding the implications. Hence, they are termed as proxy women.

There are several issues involved here. First of all, the husbands or other male relatives will shield them from the panchayat Secretary, and Block Development Officers if they try to harass the women. In fact, some of the state governments have passed a rule that female elected representatives should be accompanied by their male relatives to the

panchayats. This is because, in some cases, the Secretaries of the panchayats tried to implicate the inexperienced women by asking them to sign blank cheques. Some of the women chiefs went to jail because of those acts. In many cases, no confidence motions were passed in the panchayats against the women chiefs on false charges.

Even if women chiefs depend on their husbands, the power relation between husband and wife has already changed because of reservations, particularly because the husband gets a chance to come to the public sphere because of the wife; the patriarchy is no longer monolithic. As a result in many low-income families the husband-wife relationship hasn't soured. On the other hand the husband supports the wife and helps her in her domestic work also. Even the other members of the family, including the mother-in-law and sister-in-law, help her to complete domestic chores. The community leaders of the same caste support the women candidates.

Besides those who argue that those who come to panchayats are all proxy women, they forget to analyze their background. Many of them even in places like Northern India, are recruited from a white-collar background. Since they are educated and know about the working of the panchayats, they will not remain silent in the meetings. Further, it assumes that all the men who work on behalf of women are corrupt and they influence their women to be corrupt. It may not be true.

Finally, the proxy women are seen as proxies only in the first one or two years of their tenure. Gradually they become independent, as studies conducted in Karnataka show. In the process they come to know about many modern institutions like courts, block development, agriculture and other offices, the existence of various officials and some times about the Prime Minister, Chief Ministers and other ministers. Imagine the change, which Gundia Bai of the film, *Daughters of the 73<sup>rd</sup> Amendment*, would have experienced after receiving a salute from an open jeep. She, an illiterate *dalit* woman from Madhya Pradesh, being saluted! Incidentally, she has been re-elected from an open seat (unreserved) this time.

In yet another case, Ms Meena Rani Behera from the Scheduled Caste, the woman chief, quickly undertook to stop the irregularities in the distribution of money for low-cost

houses. The Secretary of panchayat was responsible for the irregularities. The same woman went to the Land Record office to acquire a piece of land to build a community-cum-cyclone shelter in the super cyclone area with the help of the Institute of Social Sciences. Incidentally, she is going to contest the next election from an unreserved seat.

Similarly, Nathu Begum whom ISS honored as the outstanding panchayat woman leader last year, has been fighting for girls education in a backward community. I could give you several examples like these. In a nutshell, it may be pointed out that women elected representatives have carved out a niche for themselves in the family. More active members get better recognition in the family. As a corollary, the family members don't mind the women talking to the other men nor do they mind if they take off the veils and address the meetings.

Nonetheless, women in panchayats weave many dreams and their self- perception changes when they realize the immense potential of the public sphere. Evidence shows that the villagers also recognize their potential. ISS has interviewed villagers, men and women, as well as the women elected representatives to draw that conclusion.

**Thus we may conclude that as a result of the above amendment, women get a chance to get empowered and at least in 25 per cent of the cases they get to act. One can say that, clearly, unlike the critics who see them only as proxies for men, the varied experiences of women show that the panchayats have become important terrains of struggle which not only empower a certain number of women but also reflect the power struggles regarding class, caste and gender.**

## Mobilization of women

We have noticed that about one million women have come to active politics as a result of the reservation. If we assume that on an average three women contest for one seat, about three million women are involved in the political process and they become aware of the grassroots institutions. Moreover, it is noticed that women in the village become the main campaigners for the women candidates. As a fall-out, it is noticed that women, particularly in the rural areas, have become restless and desire to get engaged in certain economically gainful activities. It is encouraging to note that many Self Help Groups

(SHGs) have been formed in different parts of rural areas. It is worthwhile to note that the central government has given a lot of emphasis on the formation of SHGs in the Year of Women's Empowerment (2001). The success of these SHGs varies across the states. For example, the women groups in Andhra Pradesh are doing extremely well. Nonetheless, a good beginning has been made toward the economic empowerment of women.

In addition, more women than men are attending the *ward sabha* (a smaller unit of Gram Sabha). Along with the elected women, the vocabulary of the village women in general has also increased and they get familiar with the words like Block Development Office, District Magistrate, etc. So a ground has been created to mobilize the women of rural India to seek gender justice in a more vigorous way. The entry of women itself leads to a change in the nature of politics.

## **Constraints**

The constraints are many. In many places the women are not immune to systemic corruption, though as beginners they are more cautious. Coming into politics is still considered as dirty and spurned. The community leaders of the village try to choose candidates who are non-performers. The women themselves don't come forward. It is always the family members or party leaders who push them to contest. The selection of seats for reservations, which are done on a lottery basis and only for one term, doesn't provide much scope for nurturing a constituency. Even if the women perform during the first term, they are not allowed by the men to contest from the same seat again. Some of them get frustrated and become depressed. As mentioned before, the panchayat institutions are used as an implementing agency so the bureaucrats feel that they are the boss and the first-timer female elected representatives are there to obey them.

Violence against women has increased. A woman chief of the panchayat was killed in the Madhya Pradesh because she defied her husband and called the meeting of the village assembly to discuss the agenda of the budget. In some cases, women representatives don't know that they have been elected from certain constituencies. The inter-caste violence has become more acute. A woman member of the *nagar palika* in an urban area of Tamil Nadu was killed because she wanted to bring piped water to her ward. She

belonged to a low-caste community. In yet another case, a woman was forced by the villagers to quit her menial job because it didn't suit her position as elected representative.

## **Conclusions**

The 73<sup>rd</sup> Amendment has created an opportunity for large number of rural women to take part in the public institutions. Democracy has become more participatory in the process of implementing it. In many places, women have been functioning well and have engendered the development process, although in a limited sense. The family has accepted the new role and even the relationship between husband and wife has been altered. The myth of being a proxy woman gets disproved, according to my study. The husband-wife relationship has become relatively more egalitarian. This has led to a mobilization of rural women to a great extent. They are becoming restless.

The elected women prove to be the role model for the village women. Thus we find that the 73<sup>rd</sup> Amendment has an empowering impact on the women. And I would like to argue that in a context where women's labor is still marginalized and the rural hierarchies remain unchallenged to a large extent, the entry of women into politics in such a big way is in itself a radical change. Despite the constraints, they are playing an extremely important role, which needs to be recognized.

The constraints are many. The panchayats are still resource-starved. There are many parallel institutions like the Water Harvesting Committee and Janmbhumi program which by-pass panchayats easily. The Lines Departments control their own budgets. Even now half of the women are illiterate and their economic contributions don't get acknowledged. But a good beginning has been made to achieve the long-neglected gender justice.