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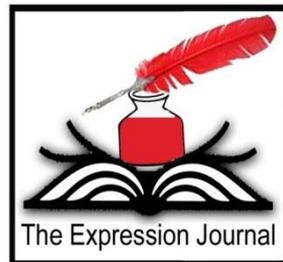
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WOMEN EMPOWERMENT IN POLITICS WITH REFERENCE TO 73RD CONSTITUTIONAL AMENDMENT: ISSUES AND CHALLENGES

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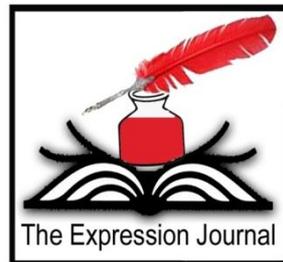
Abstract

Women empowerment in all spheres and in particular the political sphere is crucial for their advancement and for the foundation of gender equal society. It is central to the goals of equality, development and peace. Article 15(3) of the Constitution of India empowers the State to make special provisions for women. This constitutional mandate is recognition of the fact that women in India need to be empowered socially and economically so as to ensure their full participation in social, economic and political activities of the country. For the women's empowerment, the Constitution (Seventy-third Amendment) Act, 1992 for the first time provided one-third reservations for women in Panchayati Raj Institutions (PRIs) and thus ushered a new era of women's participation in the local governance in India. However, the empowerment of women is not an easy process. It is a long drawn process. Though women have achieved some representation in the governance, yet they face numerous challenges. The patriarchal attitudes, lack of political experience and administrative knowledge, and a plethora of social structural limitations under which women function in these institutions have become big impediments in the performance of their expected responsibilities. There is a need for the change in the social institutions, people's mindset, and far more determined effort on the part of the women representatives, NGOs, officials and policy makers concerned. The present paper makes an attempt to study the evolution of women's representation in the Panchayats; to examine the impact of the 73rd Constitutional Amendment; to discuss the challenges faced by the Elected Women Representatives (EWRs); and to recommend some suggestions for strengthening the EWRs.

Keywords

Women Empowerment, Constitution, Panchayati Raj Institutions,
Elected Women Representatives.

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Introduction

Women are regarded as the “better half” of the society and at par with the men.¹ Without the participation of women in national activities, the social, economic or political progress of a country will be stagnated. Issue of political empowerment of women has attracted global attention. The United Nations (UN) adopted Convention on the Political Rights of Women in 1952. UN has organized four World Conferences on Women. Fourth was held in Beijing in 1995 and it declared that women’s equal participation in decision making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women’s interests to be taken into account. It also affirmed that women should have at least a 30% share of decision making positions.²

The status of women in India has seen many ups and downs since ancient times Women in post independent India have been participating in almost all types of economic activities, day-today household chores, voting for a better governance and also in active politics.³ India has elected a woman Prime Minister, Indira Gandhi, and women Presidents, namely, Smt. Pratibha Patil (2007-2012) and Smt. Draupadi Murmu (2022). Participation of women at the higher level is lower in comparison to their participation at the lower level of governance structure.⁴ At the ground level, India has a significant proportion of women in local level politics which has been achieved by reservation for women in Panchayati Raj Institutions (PRIs) provided by the Constitution (Seventy-third Amendment) Act, 1992 and subsequent increase in the quota by States.⁵ This is seen as a means to bolster women empowerment through increased political awareness, self-confidence, and involvement in development and social issues of the region in the world.⁶

Although 73rd Constitutional Amendment Act provides for only 1/3rd reservation for women in PRIs, as many as 21 States namely, Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand, and West Bengal have increased their reservation benchmarks for women in their PRIs to 50%.⁷ Karnataka has more than 50% women representatives in PRIs, which is suggestive of

the fact that more and more women are now emerging victorious in wards that were not reserved for them.⁸ Efforts are on to increase the reservation from 1/3rd to 1/2 all over India.

Evolution of Women's Representation in Panchayats

In India, the journey of political empowerment of women in Panchayats has evolved gradually. During the early years of the 20th century, when the freedom of movement was taking shape, the main struggle was for male and female adult franchise, but the demand for quota of seats for women also made itself heard. Many committees and commissions were dispatched to India at the British government's request to gather information on the subject of franchise and eligibility for election to provincial assemblies. The Franchise Committee (1918), returned with the impression that women in India did not require the franchise since it would be incompatible with the country's conservative attitudes. As a result, the *Government of India Act, 1919* did not give any right to franchise to women and imposed certain eligibility criteria for men. In 1928, when Simon Commission visited India, a group of women made demand for reservation of seats for women in the legislative assemblies. However, this demand was disapproved by the majority of national women's organisations. They demanded equality with men for franchise rights, but did not want special treatment as women. However, in the *Government of India Act of 1935*, seats were reserved for women in the legislatures on communal basis to a very small extent of 5%. Franchise was made subject to wifehood qualifications. The national women's organisations continued with their protests not only against the reservations but also against the Government's failure to grant universal franchise to women.⁹

After Independence, women did not participate in large numbers in the elections. They had very little representation in the federal and state legislatures, despite the fact that the new Constitution guaranteed universal adult franchise and full equality before the law for men and women.¹⁰ In independent India the question of women's limited representation or rather token representation came up for consideration at the national and state levels from time to time. As far as the panchayats are concerned, the Constitution enunciated it as one of the Directive Principles of State Policy¹¹, and left the question of its representation to state legislatures since Panchayat', being "Local government", is a State subject.

The Balwantrai Mehta Committee, appointed by the Government of India in 1957 to examine the working of the Community Development Programme, is credited with giving a blue print of the structure of rural local bodies at three levels, namely, the district, block and village. The Committee Report (1959) had suggested only that the 20-member Panchayat Samiti should co-opt or nominate two women interested in work among women and children.¹² The state Panchayat Acts in 1950s and early 1960s reflected this ideology and consensus. The Committee on Panchayati Raj, (Ashok Mehta committee) also continued the same trend except that it suggested the mode of inclusion of women who lost but received the highest votes and if no women contested, to co-opt eligible women (active community workers).¹³ The National Perspective Plan for Women (1988) recommended 30 percent reservation for women in these bodies. Meanwhile, some states had already proceeded to provide reservations for women. In 1985, Karnataka introduced 25 percent reservation for women in the Mandal Praja Parishads, with a further reservation for women belonging to the SCs and STs. Andhra Pradesh, too, had in 1986 provided for reservation of 22-25 percent for the Gram Panchayat (GP), with two women to be co-opted in the Panchayat Samitis, in addition to the elected women members.¹⁴

In the year 1988 a new initiative was taken under the leadership of Rajiv Gandhi, when a committee headed by P.K. Thungon recommended that Panchayati Raj bodies should be constitutionally recognized and the Constitution should have a provision to ensure timely and regular election to these bodies and their term should be five years. The 64th Constitutional Amendment bill was drafted and presented to Parliament in 1989. It included “as nearly as may be” 30 percent reservation in favour of women in the membership of panchayats at all the three levels, in the seats reserved for SC/ST as well as in the total seats. In the seats reserved for SC/ST it mandated reservation of one seat for women if this reservation was of only two seats. It did not provide for reservation among chairpersons, leaving such reservation permissible in favour of SC/ST women if the state legislature wanted.¹⁵ However, the opposition parties blocked its passage and prevented a good measure from becoming law.

The National Front government of V.P. Singh, which succeeded Rajiv Gandhi after the 1989 elections, introduced the same bill in the shape of the Constitutional (72nd) Amendment Bill in 1990 with minor changes including in it “not less than one third” reservation for women in membership at all levels. However, there was no reference in this bill even to a possible reservation in chairpersons’ positions. History has its ironies: V.P. Singh’s government collapsed before the bills could be passed and it fell to the Congress’s lot to finally. The Congress came back to power after the elections of 1991, a new amendment bill was introduced which finally became the 73rd amendment to the constitution. This continued the “not less than one third” reservation in membership but also introduced this in chairpersons’ posts. Interestingly, while the reservation of seats, according to this amendment, “may be” by rotation, the reservation of chairpersons’ posts “shall be” by rotation.

The Constitution (Seventy-third) Amendment Act, 1992- An Opening Path for the Political Empowerment of Women

After the Constitution of India came into force many States, in pursuance of the Directive Principles of State Policy contained under Article 40, enacted legislations to constitute Panchayati Raj Institutions (PRIs) in their territories. However, there were many flaws. PRIs in many States were not uniform in structure and functions and they failed in many instances to acquire the status and dignity required for viable and responsive people’s institutions due to absence of regular elections, prolonged supersession and inadequate representation of women and weaker sections and insufficient devolution of power and lack of financial resources.¹⁶ From time to time different committees¹⁷ were constituted to study the Panchayati Raj system in India and to give recommendations for reforming the same. They recommended to re-engineer the PRIs by giving them the Constitutional status and making them responsible for planning, implementation and monitoring of the rural development schemes.¹⁸ The attempt to consolidate the PR System resulted in the Seventy-third Constitutional Amendment Act, 1992. The Constitution (73rd Amendment) Act was passed in 1992 and it came into effect on 24 April 1993.

The Amendment Act gave Constitutional mandate to the State Government for the establishment of three-tier panchayat structure at district, intermediate and village level¹⁹, with a life of five years.²⁰ The remarkable feature of the Act is that not less than one-third of the total number of offices of the chairpersons and members of various PRIs has to be reserved for women.²¹ Moreover, even among the reserved seats for SCs and STs, one-third are set aside for women candidates belonging to the SCs and STs.²² The reservation policy at the decentralised level is a big achievement in the area of women’s participation in the democratic process. This is considered to be a big leap towards women’s political empowerment which provided them

the scope and opportunity to participate in public life as well as in the decision-making and nation-building process.²³

Challenges Faced by Elected Women Representative

Though women have achieved some representation in the governance, yet they face numerous challenges. The increased political representation in panchayats has not translated into actual transfer of power. Elected Women Representatives (EWRs) act merely as a rubber stamp for their family members. They have come into politics as proxy candidates and continue to be manipulated by powerful patriarchal elites. A report on eight short state studies in early 1995 stated that many women were proxy candidates; they were not able to make their presence felt at meetings, were ill informed about procedures and functions of panchayats and with odds stacked against them it was noted as not surprising.²⁴ . Another important obstruction towards ameliorated female leadership in panchayats is the male-dominated fabric of the society and the subsequent “all-men” institution that act as impediments for women working or coordinating with them in a participatory development approach.²⁵ This is one of the crucial reasons why men tend to look after the panchayat work related to government approval, thus sidelining women and, subsequently, becoming “*pradhanpati*”.²⁶ Hierarchical caste system in rural India makes it difficult for women from SC and ST communities to function independently and effectively.²⁷ In spite of the affirmative action in panchayati raj in favour of marginalized communities, exclusion of caste, poverty, tribal status, gender and caste sharply demarcate those who have political power from those who do not.²⁸

Financial constraints are yet another factor that hinders the active participation of women in rural governance. While women are more than capable of matching their male opponents in fundraising totals, studies show that they have to work harder in order to achieve the result because men tend to receive more ready support from party leaders.²⁹ There have always been doubts about the extent to which women can or really care to participate in panchayats or in other similar institutions due to their personal disabilities or other social and institutional constraints.³⁰ Women are found to be struggling in maintaining the balance between the political and personal life. Though they are elected and should play important roles in the public domain, they are not free from shouldering up family responsibilities.³¹ There are EWRs from the working class who have to rely on their daily wages. Since the EWRs have been entrusted with so many responsibilities and duties, there is no way to reimburse their loss of wages. This deprives them of their livelihood and hence some women are forced to fill their office with a proxy.³²

Lack of education also puts constraints on EWRs. However, educational criteria introduced by a few States such as Rajasthan and Haryana have brought educated women and girls to Panchayats who are learning fast and are able to function effectively.³³ EWRs are more comfortable with women functionaries. However, there are very few women panchayat functionaries and patriarchal mindsets make it difficult for EWRs to freely interact with male functionaries at times when it is required.³⁴ Further, EWRs find it very difficult to convince the officials in the government offices as they feel that the representatives are in position simply because of the reservation policy and that they do not have any ideas or opinions of their own. They assume that the EWRs would accept whatever advice officials render.³⁵ It is a sorry state of affairs in government offices that the representatives with high social and economic background get respect while the poor EWRs, especially the dalits, face ill-treatment.³⁶ As majority of the EWRs enter into public life for the first time, so there is lack knowledge and

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skills among them to handle affairs of panchayats. Training programmes conducted by government training agencies are unable to cover all elected representatives in time. Furthermore, many of the EWRs are not allowed by their family members to travel and stay alone during the residential trainings.³⁷

Conclusion

Investing in women's right to *political participation* is a necessary *precursor* to achieving global *gender equality* and democratic governance. The reservations for women in PRIs provided by 73rd Constitutional Amendment Act and subsequent increase in the quota by States have brought an unprecedented huge number of women in governance arena in India. Women's political empowerment of such magnitude is among the best in the world. It provides not only an opportunity to women to come out of their houses and participate in administrative and political field but also helps in changing the outlook of the society towards women. However, it cannot be denied that in the process of women's empowerment there are many impediments which are indeed challenging. Though women are making their best efforts at their level to overcome these impediments, yet it is a long drawn process to change the social structure which has been created over centuries to work against the interests of women. There is a need of State's intervention. EWRs need and deserve State's support, solidarity and networking with other women's organisations. Government of India and State Governments are making sincere efforts to strengthen EWRs through various initiatives of capacity building, promoting network of EWRs, etc. Much more is desired to be done to further strengthen the hands of EWRs in future. Some of the steps that can be taken in this direction are to make nationwide 50% reservations, rotation of terms only after minimum two terms, timely induction and refresher trainings, exposure visits, mentoring and handholding of EWRs in PRIs. Furthermore, the community needs to be sensitised so that they realise that the women involved in the affairs of the PRIs are doing an important job for which they require all support and cooperation. This can be achieved through use of media services, campaigns and inter-personal communication.

References

1. P. Srivastava, "Political Empowerment of Women and Panchayat Raj", *available at:* http://yojana.gov.in/public-account_2016sep.asp (last visited on March 02, 2021).
2. Rajput P (2001), Women's Political Participation in India: An Agenda for Empowerment, in Promilla Kapur "Empowering the Indian Women" Publications Division, Government of India, New Delhi, pp. 226- 227.
3. Kritiks, "Empowering Effects of Women through Political Participation in India", 4(8) *International Journal of Advanced Multidisciplinary Scientific Research* 1-7 (2021), at p. 3, *available at:* https://www.researchgate.net/publication/295908189_Empowering_Women_through_Political_Representation_in_India (last visited on December 20, 2021).
4. High Level Committee on Status of Women (2015), Report on the Status of Women in India, Ministry of Women and Child Development, Govt. of India, New Delhi. p.34
5. Rajesh Kumar Sinha, "Women in Panchayat" 66(9) *Kurukshetra (A Journal on Rural Development)* 34-41 (2016) at 34, *available at:* <http://yojana.gov.in/Final%2024-6-18%20Kuru%20July.pdf> (last visited on December 11, 2021).
6. Akancha Singh, Shaurya Srivastava, "Women in Panchayati Raj Institutions." 57(3) *Economic and Political Weekly* (2022), *available at:*

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www.expressionjournal.com ISSN: 2395-4132

- <https://www.epw.in/journal/2022/3/letters/women-panchayati-raj-institutions.html> (last visited on March 11, 2022).
7. List of States having 50% reservation for Women in PRIs, Ministry of Panchayat Raj, Government of India, *available at*: <https://panchayat.gov.in/reservation-of-women-in-pris> (last visited on June 06, 2022).
 8. Akancha Singh, Shaurya Srivastava, "Women in Panchayati Raj Institutions" 57(3) *Economic and Political Weekly* (2022), *available at*: <https://www.epw.in/journal/2022/3/letters/women-panchayati-raj-institutions.html> (last visited on March 11, 2022).
 9. Women in Panchayati Raj, Block-2: Grass Roots Mobilisation for Women's Empowerment, IGNOU (2016) at p. 32, *available at*: <https://egyankosh.ac.in/handle/123456789/25684> (last visited on July 20, 2021).
 10. *Ibid.*
 11. Article 40 of the Constitution of India, 1949: Organisation of village panchayats - The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government
 12. Government of India : 1957b Report of the Team for the Study of Community Projects and National Extension Service (Known as Balwantraji Mehta Report) Vol I Para 2.15 (page10) and para 2.28 p.15
 13. Nirmala Buch, "Women's Experience in New Panchayats: The Emerging Leadership of Rural Women", *Centre for Women's Development Studies*, Occasional Paper No.35 (2000), *available at*: <http://www.cwds.ac.in/wpcontent/uploads/2016/09/WomensExperienc> (last visited on June 11, 2021).
 14. Ministry of Panchayati Raj (2010), Study on EWRs in Panchayati Raj Institutions, Govt. of India, New Delhi. P.4.
 15. Nirmala Buch, "Women's Experience in New Panchayats: The Emerging Leadership of Rural Women", *Centre for Women's Development Studies*, Occasional Paper No.35 (2000), at p. 5, *available at*: <http://www.cwds.ac.in/wpcontent/uploads/2016/09/WomensExperiencePancha> (last visited on June 11, 2021).
 16. Aparajita Sarangi and Gitanjali Mishra, "73rd Constitutional Amendment and Women's Empowerment- An Empirical Study in Tribal and Non-tribal Districts, Odisha", 32(4) *Journal of Rural Development*, 383-394 (2013), NIRD Hyderabad, at p. 384, *available at*: <http://nirdprojms.in/index.php/jrd/article/download/93315/69140> (last visited on March 12, 2022).
 17. Balwant Ray Mehta Study Team (1957), Asoka Mehta Committee (1977), G.V.K Rao Committee (1985), and L.N Singhvee Committee (1986).
 18. Aparajita Sarangi and Gitanjali Mishra, "73rd Constitutional Amendment and Women's Empowerment- An Empirical Study in Tribal and Non-tribal Districts, Odisha", 32(4) *Journal of Rural Development*, 383-394 (2013), NIRD Hyderabad, at p. 384, *available at*: <http://nirdprojms.in/index.php/jrd/article/download/93315/69140> (last visited on March 12, 2022).
 19. Article 243 B(1) of the Constitution of India, 1949.
 20. Article 243 E(1) of the Constitution of India, 1949.
 21. Article 243D(3) of the Constitution of India, 1949
 22. Article 243D(2) of the Constitution of India, 1949

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Editor-in-Chief: Dr. Bijender Singh

23. Aparajita Sarangi and Gitanjali Mishra, "73rd Constitutional Amendment and Women's Empowerment-An Empirical Study in Tribal and Non-tribal Districts, Odisha", 32(4) *Journal of Rural Development*, 383-394 (2013), NIRD Hyderabad, at p. 384, available at: <http://nirdprojms.in/index.php/jrd/article/download/93315/69140> (last visited on March 12, 2022).
24. SST: UMA Report - Strengthening the participation of women in local government Bangalore, 1995.
25. Akancha Singh, Shaurya Srivastava, "Women in Panchayati Raj Institutions" 57(3) *Economic and Political Weekly* (2022), available at: <https://www.epw.in/journal/2022/3/letters/women-panchayati-raj-institutions.html>(lastvisited on March 11, 2022).
26. *Ibid.*
27. Rajesh Kumar Sinha, "Women in Panchayat" 66(9) *Kurukshetra (A Journal on Rural Development)* 34-41 (2016) at 36, available at: <http://yोजना.gov.in/Final%2024-6-18%20Kuru%20July.pdf>(last visited on December 11, 2021).
28. Report of the Working Group on Empowerment of Women for the XI Plan, Ministry of Women and Child Development, Government of India, p. 113, available at: https://www.aicte-india.org/downloads/woman_empowerment.pdf (last visited on March 03, 2022).
29. Kelly Dittmar, "The hardest part of being a woman in Congress? Getting there", Gender Watch 2018, available at: <https://genderwatch2018.org/getting-to-congress-women/> (last visited on March 22, 2022).
30. Nirmala Buch, "Women's Experience in New Panchayats: The Emerging Leadership of Rural Women", *Centre for Women's Development Studies*, Occasional Paper No.35 (2000), p. 16, available at: <http://www.cwds.ac.in/wpcontent/uploads/2016/09/WomensExperiencePanchayats.pdf> (last visited on June 11, 2021).
31. G.S. Mehta, *Participation of Women in the Panchayati Raj System* (Kanishka Publications, New Delhi, 2002).
32. G. Palanithura, "Impediments to Empowerment of Women: Experiences of elected women representatives in panchayats in Tamil Nadu", 63(1) *The Indian Journal of Political Science*, pp37-49 (2002), at p. 46-47, available at: <https://www.jstor.org/stable/pdf/42743573.pdf> (last visited on May 15, 2022).
33. Rajesh Kumar Sinha, "Women in Panchayat" 66(9) *Kurukshetra (A Journal on Rural Development)* 34-41 (2016) at 38, available at: <http://yोजना.gov.in/Final%2024-6-18%20Kuru%20July.pdf> (last visited on December 11, 2021).
34. *Ibid.*
35. G. Palanithura, "Impediments to Empowerment of Women: Experiences of elected women representatives in panchayats in Tamil Nadu", 63(1) *The Indian Journal of Political Science*, pp37-49 (2002), at p. 45, available at: <https://www.jstor.org/stable/pdf/42743573.pdf> (last visited on May 15, 2022).
36. *Ibid.*
37. Rajesh Kumar Sinha, "Women in Panchayat" 66(9) *Kurukshetra (A Journal on Rural Development)* 34-41 (2016) at 36, available at: <http://yोजना.gov.in/Final%2024-618%20Kuru%20July.pdf> (last visited on December 11, 2021).