

# CHALLENGES IN THE SMOOTH IMPLEMENTATION OF 73<sup>rd</sup> CONSTITUTIONAL AMENDMENT ACT WITH RESPECT TO WOMEN

VIJETA SHRIVASTAVA<sup>1</sup>

<sup>1</sup>Research Scholar, Department of Political Science, Vinoba Bhave University, Hazaribag, Jharkhand, INDIA

## ABSTRACT

*When 73<sup>rd</sup> constitutional amendment act was introduced in 1992 it was described as the new chapter in the political empowerment of women. With having more than 20 years being passed it reflects mixed bag of results with some area doing stupendously well in empowering women while others are still laggards. Developed states like Kerala has done profoundly well in empowering women socio politically while states like Bihar, Uttar Pradesh have still to come out of their psycho social cocoon. The paper tries to analyse all those aspects which are detrimental in full realisation of the goals of political empowerment of women and also suggests the remedy for the same. This paper aims to bring forth the issues crippling the efforts of political empowerment of women. It highlights the roadblocks in full realisation of the goal of 73<sup>rd</sup> constitutional amendment act and ways and means to alleviate the same. It brings to the core the socio-political factors which act as detriment in full realisation of the goal of the constitutional amendment. This paper also suggests the measures for the same and what else could be done to smoothen the process of political empowerment of women. This paper tries to draw the parallel between reports of different surveys on women empowerment. It is the motto of this paper that the issue of women empowerment is seen through socio-political prism and bring to notice hitherto untouched facets of problem in empowering women politically.*

**KEYWORDS:** Political Empowerment, Women, 73<sup>rd</sup> Constitutional Amendment Act, Society, Panchayati Raj Institution

## INTRODUCTION

Women empowerment is considered one of the most important pillars on which the civilizational extent of any society can be measured. Women empowerment is the basic edifice of any society and the more the women is empowered socially, politically and economically the more advanced the society is. In order to promote development of women the United Nations adopted "Convention on the elimination of all forms of discrimination against women" on 18th December 1979, which actually came into force on 3rd September 1981. Despite having umpteen number of conventions and time bound measurable goals, status of women is still despicable and they still suffer inequality with men on several counts. Though the constitution of India has explicit provision for equality between men and women like article 14, article 15, article 16 etc.(Lakshminath.), the family status in India is still judged on the basis of male seniority and not the female. In a survey it was shocking to note that functions and duties of Gram Sabha was unknown to large number of women representatives. About large chunk of women were even

unaware of the one of the most important flagship programme for rural development Mahatma Gandhi National Rural Employment Guarantee Act and the funds received under these schemes. Too much dependence on their husband, lack of education, and formal training further handcuffs the government objective of women empowerment. It is found that reservation of 33 percent for elected offices in Panchayats for women through 73rd constitutional amendment has only led to the formal empowerment and not so much the real empowerment of women which had been expected(Ambedkar and Nagendra, 2011) .Unless the effort of the government meets the cooperation of the family members of the women candidate the picture will remain abysmal. Participation of women in preparing budget and framing plans is also not up to the expected extent and can be said to be dissatisfactory. It is also because of less weightage given to the women due to patriarchal and male dominated social system and age old social taboos against women in the rural areas.

Role of Panchayati Raj Institution in women empowerment can be brought to the fore by many aspects. For instance there is a provision of reservation for women in electing members of Village Panchayat, Block level and District level which can contribute immensely in real socio-political empowerment of women (Lakshminath). Social evils like liquor sale and its promotion, prostitution etc. can be curbed more effectively with Panchayati Raj Institution as women members. Through Panchayati Raj Institutions better governance in implementing social programmes like MGNREGA etc. can be achieved and also the objectives of Directive Principles of State Policy such as equal pay for equal work for women workers etc. can be imposed more effectively. With the help of Panchayati Raj Institutions women can work more effectively on creation of basic infrastructure, development and promotion of Self Help groups, Cooperatives, micro, small and medium enterprises. Panchayati Raj Institutions can prove to be the first step for political empowerment of women as the confidence and understanding of polity can help them to participate in elections to state legislatures and Parliament thus enabling the concept of "Panchayat to Parliament".

After coming into force of 73<sup>rd</sup> constitutional amendment act more than one million women entered Panchayats. It was found that of the total women functionary in Panchayati system about 40 percent of the elected women belonged to the marginalized sections and approximately 70 percent of them were illiterate and most among them had no previous political experience (Yojna, June 2012). A survey took place in the year 2012 commissioned by the Ministry of Panchayati Raj and carried out by the Nielsen Company-ORG Marg has provided deep insights into the extent of real social and political empowerment of women after the establishment of Panchayati Raj Institution through 73<sup>rd</sup> Constitutional Amendment Act 1992 and its mirage (Ibid). It was the largest ever survey carried out on the aspect of Panchayati Raj functioning involving 23 states with total sample size of 20,000 including elected women representative (EWR), elected male representative (EMR), ex-elected women representative and official functionaries as well as members of the community (Ibid). The survey contained almost 75 percent of elected women representatives from Schedule caste, Schedule tribe and other backward class communities and were uniformly divided between below and above poverty line. Many interesting insights were drawn from research. It was found that approximately 80% of all representatives got elected from reserved seats. The

importance of reservation was more than conspicuous by the fact that it was an important motivator (43%) for contesting the election for the first time and its withdrawal was an important reason for not contesting election among women representatives (39%) (Ibid). It was found out that majority of ex women representative could not get re-elected because the seat from where they were elected was de reserved in the next round. It was further found that with the more and more women representatives getting elected the participation of common women citizens in various activities such as attending Gram Sabha meeting also reported an increase (68-78 percent). It was found that only 15 percent of women Pradhans were able to win the elections for the second time. Women belonging to younger age group i.e 21-35 years showed better performance than the women in the age group of 35 years and above. Elected women representatives were seen playing an active role in making efforts for smokeless chulhas, stoves, creches, community halls etc. (Ibid). Another study of Ministry of Panchayati Raj pointed out the fact that only 43 percent of women representatives regularly took part in health related campaigns unlike 47 % of elected men representatives (Ibid). It was also concluded that majority of the elected women representatives experienced enhanced personal effectiveness. There were many instances where elected women representative of the Panchayat were being witnessed taking active part in the grass root politics (Study Business Line June 26, 2012).

However this survey also brought to the fore some bleak side of the picture. There was big difference between representation and participation. The proper representation did not automatically lead to proper participation. A study of Karnataka by Neema Kudva (2003) reveals that in Karnataka, the reservation for women in Panchayati Raj Institution yielded mixed result, it made women more visible, reduced the level of corruption and increased the self-efficacy of women.

From various researches it has been found that functioning of Panchayati Raj institution in empowering women is crippled by many factors. There are many obstacles which affect the efficient functioning of the Panchayati Raj institutions in several States with regard to structural pattern, devolution of powers and functions, bureaucratic and state control over Panchayati Raj Institutions, electoral process, reservation policy, composition of Panchayats, organic linkages between Panchayati Raj Institution etc. Gram Sabha which used to be the lynchpin has been sidelined in many cases. Unless

each village has a Gram Sabha of its own, the purpose of accountability may not be served, especially when the village Panchayat serves a population of a few thousand because it is through the gram Sabha that elected representatives are made accountable to the electorate. The structure of Panchayati Raj Institution as stipulated in the act is somewhat rigid, the jurisdiction of village and intermediate levels has not been expressed clearly which retards the spirit as well as the speed of women empowerment (Hazarika, 2011). The designed model for decentralisation should not only consider the developmental thrust but should try to strike a fine balance between developmental needs and need for effective participation in effective decision making. There should be an attempt to maintain proper equilibrium between technology dissemination and manpower engagement. The concept of reservation of seats for Schedule Caste, Schedule Tribe and women through rotation of seats have given rise to certain practical difficulties. If it is interpreted to mean that the process of rotation of seats will take place at the end of five years then no schedule caste, schedule tribe or women member will ever get the opportunity to occupy the office for the second term.

Further there is not a uniform pattern of Panchayati Raj in all the states across India. Some states follow two tier model while other states have adopted 3 tiered structure. Elections to the Panchayati Raj Institutions in the states have also been highly irregular with some critiques having the opinion is that conducting election to the Panchayati Raj Institution have been the duty of state election commission which are constituted by state government so the election cannot be impartial. Even after more than 25 years of this historic constitutional amendment act there have not been standard guidelines in many states with respect to delegation of power to the Panchayats. Bureaucrats and the state government are reluctant to share their power and authority with Panchayati Raj Institutions which would dent their clout so the net result is that though the delegation of power takes place on paper in reality the picture remains more or less the same (Paul, 2004). All these factors tell upon the concept of women empowerment through 73<sup>rd</sup> constitutional amendment act adversely.

On macro analysis of things it was observed that political power remained concentrated in the hands of economically and socially influential people while the people in the lowest strata had a very little say in political decision making. Same story is more or less was also

applicable for women as the number of female member of Parliament hovered between 4 to 11 percent in parliament since independence.

Article 243D provides for the reservation of seats for Schedule Caste, Schedule Tribe and women but the expected benefits of this reservation has still remained unfulfilled.

Illiteracy is one of the most important stumbling blocks in full realisation of the goal of Panchayati Raj Institution. Significant chunk of women who are elected at all three tiers of Panchayati Raj Institution are either illiterate or school or college drop outs which do not go well with the spirit of women empowerment. There is lack of manpower which act as a hindrance in efficient function of Panchayati Raj Institution and their proper discharge of duties.

The approach paper of tenth five year plan (2002-2007) was of the view that the excessive controls at three levels have reduced the efficacy of Panchayati Raj Institution therefore it recommended to bring a constitutional amendment and abolish the block level or district level tier thus making it a two tiered model, which would mean a uniform structure throughout India. It further recommended that the funds from finance commission and other central funds should not be released to states unless the requisite power is delegated to Panchayati Raj Institution by states. It further stated that steps should be initiated to increase the accountability of Panchayati Raj Institution and strengthen its financial management and audit procedures.

According to ministry of Panchayati Raj mid-term appraisal of the "state of Panchayats 2006-2007" no less than 10 lakh women are in our Panchayati Raj institutions, comprising 37 percent of all those elected and rising to as high as 54 percent in Bihar, which has 50 percent reservation for women" (Panchayati Raj Mid Term Appraisal Report 2006-2007). A research study conducted by Ministry of Panchayati Raj in 2008-2009 found out that large proportion of female Pradhans (approximately 86 percent) performed the primary role of organising and attending Gram Sabha meetings on a regular basis (www.devalt.org.newsletter, Retrieved on March 11, 2016). However the picture is not so much optimistic as it seems, a study conducted by ministry of Panchayati Raj corroborated the point that attendance of women in Gram Sabha meeting was particularly low which points to the glaring inequality between men and women. Only 25

percent of women participate regularly in meeting of Gram Sabhas and hardly 25 percent of the issues that were raised were related to women (Retrieved from [www.undp.org/content/dam/india/docs/from\\_reservation\\_to\\_participation.pdf](http://www.undp.org/content/dam/india/docs/from_reservation_to_participation.pdf)) and the condition is far worse in states like Madhya Pradesh, Chhatisgarh and Orissa. However the states like Kerala, Karnataka, West Bengal performed better on this aspect. Going by the data garnered by the Ministry of Panchayati Raj the elected women representatives consistently face hesitation in interacting with the officials in developmental work. In comparison to 45% elected men representatives who interacted with police regularly, merely 32 % of elected women representatives interacted with police on consistent basis. Elected women representatives merely act as puppets at the hand of their husband who in fact take all important decisions. This situation is especially grimmer in northern states of Bihar and Uttar Pradesh. Due to social setup and patriarchal mind set deeply entrenched in society there is not much cooperation by males to females so as to enable them march equally with themselves. Women contesting for election or holding the post of Sarpanch or any elected functionary is still visualised with squint eye in the society and men still doubt their political acumen and decision making capability (World Development Report 2016) . The devolution of power is quite uneven and inadequate in many states even today which further compounds the already aggravated problem for women functionary. Poor exposure to outside world, lack of education, strong patriarchal sentiments in society , and medieval traditional values of rural areas are hiccups in full realisation of the goal of women empowerment through Panchayati Raj. Women members of Panchayats need to be educated about their rights and privileges, policies and programmes for them. Steps should be initiated to mainstream them and eliminate the mental alienation. Women self- help groups can go a long way to mobilise women and end their political impasse. These organisations can serve as catalyst to mobilise women and help solve their political dilemma.

Though surveys have indicated overall rise in self-esteem, confidence and decision-making ability of an elected women representative but still questions are wide open about how much independent they really are? Problem of 'Sarpanch pati' make elected women representatives just puppets at the hands of their male counterparts. Reforms are urgently needed at both legislative and executive level. Training, exposure, interaction among elected women representatives of

various states have potential to make them really independent. Real empowerment of women cannot be achieved until they become an integral part of participatory democracy. In a study conducted by the Centre of Social Research it was found that awareness level of Panchayat members were very poor with respect to the importance of women's reservation in Panchayat Raj Institutions, and also with respect to laws pertaining to women's financial aspects of the Panchayat and the issues which can be solved by Panchayati Raj Institution. The study found that most women unequivocally supported the need for capacity building with special focus on education and the way the Panchayat functioned. The study found that the reservation of seats for women through 73<sup>rd</sup> constitutional amendment act brought the womenfolk in rural India into the political forum. It was further found that surrogate participation might exist for the first elected term of women, though it was quite often found that women increasingly asserted themselves after they got re elected. From the survey it was found that there are some issues plaguing the active participation of women in decision making. In many cases it was noticed that because of lack of conducive environment and mal-functioning of proper grievance redressal mechanism for gender related issues, most of the women who were elected in Panchayats play a minor role in decision making.

There should be separate quorum for attendance of women at Gram Sabha meetings. As the situation is still grim as far as the women empowerment is concerned, so there should be separate quorum for attendance of women at gram sabha meetings. Sub quorum for female attendance should established in the system. An another provision may be incorporated in which the meeting of Gram Sabha may be preceded by the meeting of Mahila Sabha which would comprise all adult women voters of the village Panchayat. Women's effective participation in the Panchayati Raj can become reality only when the Panchayats operate on a self-governing and principled way. Aureliano Fernandes (2003) in his thesis "Aggrandiser Government and Local Governance", found that deficiencies in facilitating the potential of panchayati raj persist at three levels - state, panchayati raj institutions and societal levels." "If panchayati raj has to fulfill its foundational tenets of empowering the community there is a need to recognize the primacy of societal good over individual or political goals".

It is imperative that the decision making power is better defined so that possibility of elite capture, single

point decision and proxy participation is reduced significantly (The World Bank 2001). Reservation for women will not make sense in a system where business rules of representative bodies prefer consensus in decision making because at that time elite can easily prevail. Intervals between the rotation of reservations for women representatives need to be extended. If reservations are rotated after every 5 year term, it leaves very little incentive for the member elected on a reserved seat to perform, because she knows that next time around, there will only be a bleak chance of being elected as she will not have the benefit of reservation at the same seat.

Due to 73rd constitutional amendment act more than 10 lakh women came out of their homes for the first time to hold public office, contest elections and make a dent in the power circle of men. The successful elected women representative in Panchayati election act as role models for the others to emulate (Yojna, June 2012). The increasing proportion of the elected women representative ensured the principles of justice between the sexes in this deeply patriarchal society and this has surely led to the fulfilment of certain interests of women, which could have been otherwise neglected. Without the system of reservation coming after 73rd constitutional amendment act women would have had no role to play in grass roots politics in India and this been substantiated by Centre for Women's Development Studies, 1999 which showed 95 percent of women claiming that they would never come to acquire positions in Panchayats, if there were no provision of reserving seats for them.

## CONCLUSION

Like in any other matter merely formulation of policies and articulation of political will won't suffice for real empowerment of women until working situation for women at ground level improves. The translation of government's intent through policy making warrants a change in administrative and social structures of the system. There should be collaborative and coordinated approach between the household, the community, state etc. which would be catalyst in the overall process of women empowerment. Multipronged approach and multifarious steps should be initiated in a well-coordinated action taking into concern the laws, policies, attitudes, social structure of country. To cherish the goal of women empowerment number of steps can be initiated. Firstly an attempt should be made to bring about the attitudinal change in society. The general perception of society that women are meant only for household chores and rearing

children need to be replaced with the feeling of equal status and equal partnership with their male counterparts. There should be an attempt to bring them out of their isolation. An attempt should be made to make a contact between illiterate elected women leaders with enlightened women. There should be an initiative to enable the interaction of rural women with urban elected women. Effective steps should be initiated so as to ensure the maximum presence of women in meetings of Panchayats as it will make them aware of the grass root politics and instil in them more confidence and self-respect. The women should be motivated to be the part of women self-help groups. Government financial incentives could be channelized to those organisations involved in mobilising women for social and political activities. Government should provide incentives and honour those women leaders who were known to be enlightened and active in decision making process as it will motivate other women to emulate. The government should identify a capable non-governmental organisation which would be entrusted with the responsibility of training and imparting skills and organising the elected women representatives. Various programmes of the government related to education like Sarva Shiksha Abhiyaan, National Literacy Mission etc. can also be used as a platform to generate awareness among the masses regarding the women empowerment through Panchayats. Electronic and print media can play a phenomenal role in disseminating the idea of women empowerment through Panchayats. The curriculum of the students should be suitably tweaked so as to promote gender sensitivity among the students. It is high time that women reservation bill sees the light of the day thus paving the path for reservation of seats for women in Loka Sabha and State Legislative assemblies which would embolden the women further to show their mettle and break the glass ceiling of society.

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