



Key Messages

Women are First Generation Learners

The women members in the PRIs today are ‘first generation learners’ who are gradually adjusting to the new political conditions. The Elected Women Representatives are gaining political knowledge and a sense of confidence, as they are now aware of the problems being faced in their locality.

State Specific Norms are Debarring Women and Younger People (19 to 35 years of age) from Participating in Governance Processes

Women and young people are debarred from contesting gram Panchayat elections due to the education and the two child norm, with marginalised women being affected the most. Only attaining certain level of formal education will not ensure the active participation of women in Governance process. Even otherwise due to social norms, purdah, gender roles, lack of confidence among women, etc. their husbands or other male family members take over their functions.

Collaborative and Long Term Efforts to Create an Enabling Environment could bring more Women into Grassroots Governance

Strong collaboration of SHGs, CSOs, government, trained women leaders, and the people themselves can create an enabling environment in these states for bringing women to actively participate in governance processes. Active does not mean as powerless figureheads. Most importantly, men and women both should be involved in gender sensitisation, which will create a better understanding among the community on how both genders can contribute towards a better future for their villages.

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Removing Barriers to Women Participation in Local Governance

The 73rd Constitutional Amendment - A Landmark Judgment towards Bringing Women to the Local Governance Space

Introduction: 73rd Constitutional Amendment

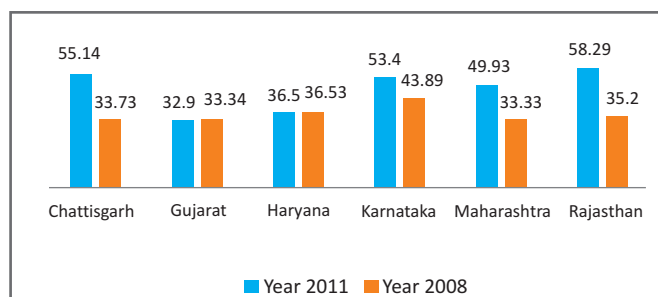
The 73rd Constitutional Amendment Acts heralded a new era in decentralised governance processes in India by bringing women into positions of decision making and power in local grassroots level governance. Though the progressive 73rd Constitutional Amendment has created a pathway for women to come into the public sphere, if we look at the status of women and the participation of women in self-governance systems, both are still low, and sometimes elected women are merely figureheads. Many states (20 states) have increased the reservation of seats for women in Panchayat election from 33 per cent to 50 per cent. Table 1 shows some of the state specific laws and criteria which have limited the entry of women into governance systems. In India 2,32,855 Panchayats have been constituted at the village level, 6,094 Panchayats at the intermediate level and 633 Panchayats at the district level. These Panchayats are being manned by 2.92 million elected representatives in total, of whom one-third are women (i.e. about a million) (Task Force, Planning Commission: 2001).

Table 1: Norms/Policies

Minimum Educational Criteria
Functional Toilets
Two Child Norm
Loan Repayment
Electricity Bill Payment
Not Having Any Criminal Charges
No Confidence Motion

A study was undertaken to understand how state specific norms are impeding and promoting participation of women in local governance processes in six states of India (Haryana, Rajasthan, Chhattisgarh, Gujarat, Karnataka and Maharashtra). There have been very few studies conducted so far on elected women

Figure 1: Status of Elected Women Representatives



Source: Ministry of Panchayati Raj website

representatives. The data available on the Ministry of Panchayati Raj's website shows that number of Elected Women Representatives (EWR) in the six states under study have increased since the 73rd Constitutional Amendment. The graph in Fig.1 shows the data of the number of female representatives in 2008 and 2011. According to the available

data, there is a sharp increase in the number of female representatives in local governance processes, mainly because these states have increased the reservation for women from 33 per cent to 50 per cent.

In states like Rajasthan and Haryana, the functional toilets and education norms are there as eligibility criteria for contesting election. From the field study, it has been found that in Chhattisgarh and Maharashtra, education and functional toilet norms are under formulation. These two states might adopt the education and toilet norms in the upcoming panchayat election (Rajasthan-2022 and Chhattisgarh-2020).

Two provisions that seriously impede the participation of women representatives are the two-child norm and 'no-confidence motion' against the Chairperson. In Rajasthan, a 'no confidence motion' can be raised within two years of assumption of office, and in the event of a motion being passed, the incumbent has to be from the same category.

Table 2: Criteria for Contesting Panchayat Election

States	Education Criteria	Functional Toilets	Two Child Norm	Loan Repayment	Electricity Bill Payment	Not having any Criminal Charges	No confidence motion	Encroaching Government Land	declare assets and liabilities
Chhattisgarh	Class 8 th Pass - the guideline is not passed yet by the State	Yes	Yes	Yes		Yes	Yes (not less than three-fourth)	Yes	
Gujarat			Yes			Yes	Yes (one half majority)		
Haryana	Class 8 th pass for general category and class 5 th pass for SC category	Yes		Yes	Yes	Yes	Yes (three-fourth majority)		
Karnataka		Yes (not in any official paper)				Yes	Yes (two-third majority)		Yes
Maharashtra	Class 7 th Pass	Yes	Yes (only in Municipal Election)			Yes	Yes (two- third majority)		
Rajasthan	Class 10 th pass for general category and class 8 th pass for SC category	Yes	Yes		Yes	Yes	Yes (two- third majority)		

Two Child Norm - Debarring Women from Contesting Election

The Two Child Norm adversely affects the political participation of dalits, adivasis, women, and the poor. Studies from Rajasthan and Chhattisgarh show that the two child norm has resulted in disqualification of these marginalised groups, thus negating the political participation and empowerment of women which was intended by the 73rd Amendment of the Indian Constitution. The norm is a deterrent in building young leadership in the political arena in the country. The secondary data shows that most of the disqualified respondents are of low socio-economic status and that the majority of them belonged to scheduled castes, tribes and other marginalised castes. The younger women are worst affected because they were in their prime reproductive ages after the norm was enacted, whereas those who were older generally had their children before the stipulated cut-off date. The norm does not apply to those who have had all their children, regardless of the number, before the stipulated cut-off date. The data on the total number of women debarred due to the Two Child Norm is not available. The studies done on this topic are also limited.

Education Norm - Creating Hurdles in Bringing Women into Grassroots Politics

The Education Norm is another law which is debarring many women from contesting elections in Haryana and Rajasthan, and resulting in many vacant posts. Many of these vacant posts for Sarpanches are reserved for ST women, due to lack of candidates who fulfil the education criteria. Behind these vacant seats, there is a story of exclusion, especially of the most marginalised sections of society—women who fall at bottom of the caste and class ladder. Census data says that over 70 per cent of the overall rural population over the age of 20 years have been barred from contesting elections. More than 90 per cent of ST women in Rajasthan and more than 80 per cent of ST women in Haryana of 20 years of age have been disqualified from contesting elections. Due to an abysmal female literacy rate, in some villages, there is not a single woman who may legally contest Panchayat elections. The prerequisites and norms, like minimum education level, having a functional toilet, the two child norm, and no confidence motions have created many hurdles in women's political participation but many studies have shown that the elected women representatives have shared changes in their personal and public life. They feel that they are more self-aware, confident, and that their general awareness of government schemes and functioning has also increased. Due to the education criteria for contesting Panchayat elections, in Haryana and Rajasthan there is a rise in polygamy and abandoning of uneducated wives by their husbands.

'No Confidence Motion' - One of the main hurdles faced by EWRs

The 'no-confidence motion' is a power given to the Panchayat members to move any motion in Panchayats. There are notable variations across states under this norms. In Sikkim and West Bengal, a simple majority of the total members can vote out a sitting chairperson, while in most other states, this requires a majority of between two-thirds (Karnataka, Bihar, Maharashtra, Rajasthan and Uttar Pradesh, among others) and three-fourths (Madhya Pradesh). In Punjab and Haryana, a majority of Gram Sabha members can unseat a chairperson, while in Himachal Pradesh; a two-thirds majority of the Gram Sabha members is required for this 'no confidence motion' to be passed.

Functional Toilets - Debarring 40 per cent of India's Population from Contesting Panchayat Elections

The requirement that candidates must own a functional toilet has debarred almost 47 per cent of India's population from contesting elections (Source: Census 2011). To contest an election, the candidate must, in their election affidavit, attach a picture of their functional toilet. According to 2011 census data, more than 29 per cent households in rural areas have no permanent residence – the homeless surely cannot own a toilet – 27 per cent of the households have grass or thatched roof homes, 38 per cent have mud floor homes and 25 per cent live in single room accommodation. Even if one were to take the figures of the state at face value, the toilets still have open drainage with no underground sewage system to take care of human excreta. More than 13.7 per cent households do not have drainage facilities and almost two out of three houses have open drains. From the field level discussion in six study states, it has come out that many candidates tried to violate the toilet norm by showing wrong photographs. In the Swachh Bharat Mission guidelines, it has been clearly mentioned that no one can construct insanitary toilets, ignoring the fact that pit latrines and septic tanks are also counted as functional toilets from which excreta is removed by humans.

Moreover all candidates must fill clearance forms from three agriculture-cooperative banks, clearance of electricity dues, and clearance from any criminal charges from their local police stations, which could require a candidate to spend a huge amount of money and time. For some families, the cost for collecting all these clearance certificates is entirely impossible.

Apart from the norms and criteria, women leaders and panchayat members have to deal with socio-political problems. One of the major problems the women leaders face is the non-acceptability of women as elected representatives

by other panchayat members. In the Ministry of Panchayati Raj study, EWRs reported that very often men representatives try to create hurdles in the smooth functioning of the Panchayats. Also, officials with whom the EWRs must work at times act as impediments in work. Many women sarpanches face

humiliation when they approach government officials for their work. According to the Ministry of Panchayati Raj, women led Panchayats are reported to have faced delays in getting funds for development work in their villages.

Suggestions and Recommendations

- Capacity building and training of Gram Panchayat members from the very beginning will increase the efficiency of Gram Sabhas.
- Most importantly, men and women both should be involved in gender sensitisation exercises, which will help create a better understanding among the community on how both the genders can contribute towards a better future for their village.
- Experience sharing of EWRs needs to be actively encouraged. Wider publicity of success stories and greater exposure for women's groups through visits and sammelans is required for peer learning and encouragement. Building a strong network of Elected Women Representatives will help them in sharing their experiences and in solving problems at the Panchayat level.
- More awareness and information on how the 'no confidence motion' works and what the legal consequences are needed, as even many women Sarpanches who were removed do not understand how this power had been used against them.
- Media can be a strong motivator. Women need strong motivation to gear themselves up to break patriarchal as well as other barriers. It is thus very important to take a critical view of the role that media can play in strengthening women's political capacities.



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Development Alternatives (DA) is a premier social enterprise with a global presence in the fields of green economic development, social equity and environmental management. It is credited with numerous technology and delivery system innovations that help create sustainable livelihoods in the developing world. DA focuses on empowering communities through strengthening people's institutions and facilitating their access to basic needs; enabling economic opportunities through skill development for green jobs and enterprise creation; and promoting low carbon pathways for development through natural resource management models and clean technology solutions.

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