



Removing Barriers to Women Participation in Local Governance

Key Messages

Taking away financial matters from Elected Representatives – Killing of Democratic Rights

Taking away financial matters and decisions on development work from Elected Representatives of Panchayat will kill the democratic decisions at grassroots governance. This will weaken self-governance and bring more influence of government, influential people and ruling political party. Putting financial veto power in government employees hand will lead to another level of corruption and bribe system.

Samras – No Election is an Erosion of Democratic Values

Incentive based Panchayats promote the traditional power structure and continue to favor powerful and influential people to dominate PRIs. All Women Samras Yojana promotes proxy sarpanch compare to normally elected Panchayat. Through Samras Panchayat, there is a systemic exclusion of people from the lower caste and class from the Panchayat bodies.

‘No Confidence Motion’

Only removing of this motion will not help much. It needs much deeper attention rather than removal of the inconsistency laws. Socio-economic conditions played an important role in the subjugation of women sarpanches under this motion. Understanding of caste and class divide is necessary.

Decentralised Planning is Must in Democracy

Devolution of powers, i.e. finance, function and functionalities – where the EWR as functionary can bring about overall village development and specially bring about women’s development.

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Significance of the 73rd Constitutional Amendment

Women’s participation in governance processes was not promoted until the 73rd Constitutional Amendment Act of 1993, which mandates a 33 per cent reservation for women in Panchayats and has been one of the most important judgments for bringing women into India’s local governance processes. The 33 per cent reservation in Panchayat bodies has given opportunities to women, especially those from marginalised groups, to contest Panchayat elections. Gujarat state has increased the reservation quota from 33 per cent to 50 per cent. According to the Ministry of Panchayati Raj, Gujarat (updated data on November 2016) there are a total of 43,670 Elected Women Representatives (EWRs), out of a total of 1,32,726 Elected Representatives, which thereby constitutes 32.90 per cent of total Elected Representatives in PRIs, and out of all of these female representatives, only 10.53 per cent are holding the office of sarpanch out of total 43,670 sarpanches.

Gujarat Panchayati Raj - State Specific Policies and Norms

In March 2017, the Gujarat government amended the Gujarat Panchayati Raj Act. The amendment states that “a village accountant is must for local expenses”. Many sarpanches in the state claimed that this amendment has undermined the sarpanch’s position by making their authority in financial matters irrelevant. Gujarat is a state where incentive based Samras Panchayats are very common. The state adopted the Two Child Norm in Panchayat in 2005 as a criteria for contesting an election. The ‘no confidence motion’ is another criteria which has affected many women in Gujarat.

A Village Accountant’s Approval is must for Village Expenses

Panchayats in Gujarat have their own funds earmarked for village development work. These funds are utilised only with the

permission of the sarpanch and any elected body of Panchayats, as it is stated in Section 55 of the Gujarat Panchayati Raj Act 1993, “no money shall be withdrawn from the fund of the Panchayat except with the signature of the sarpanch and any one of the two other members of the Panchayat authorised in that behalf by the Panchayat”, but one of the four amendments brought in the GPA 1993, which came into effect on April 12, 2017 overrides the financial autonomy of sarpanches. This amendment has taken away the autonomy of Panchayats in financial matters and also undermined the position of sarpanch, making them subservient to the secretary. The amendment says that signature of the secretary, a government employee (Talathi), is compulsory for withdrawing such funds. The newly elected women members of the 2017 Panchayat elections now must spend an inordinate amount of time and effort to obtain signatures from the Talathi.

This is a comparatively new amendment, so longitudinal quantitative data on its effects are not yet available, but some case stories have already been collected from the field. Varshaben Thakor, a sarpanch from a village in the Mehsana district of Gujarat explains that the Talathi is a government employee who may oversee four or more villages, and hence is not in a position to give more than an hour or two of their time to one village. This could lead to improper implementations of development work without thorough understanding of what the community needs. This amendment may not only delay but also negatively affect the quality of the development work.

No Decentralised Planning

The concept of fiscal federalism is non-existent in Gujarat. There is no formula for the devolution of funds from the State government to the PRIs. There is no devolution formula existing in Gujarat. Gram Panchayat have to depend on State government for financial planning. There is no decentralised planning in Gujarat. Without decentralised planning, real issues of Panchayat would not be resolved and people’s participation in Panchayat planning process will be limited. Women issues will not be brought out if decentralisation planning process is nonexistent.

Two Child Norm Creating Negative Impact to bring Younger Women into Politics

Gujarat adopted the Two Child Norm (TCN) in 2005, a legislation which states that if a couple has given birth to more than two children after February 2005, neither parent may contest a Panchayat election. Many people are not aware

about this implication of the Two Child Norm. The two-child norm for Panchayat candidates was introduced in 2005 to promote family planning. Those who have given birth to three or more children before the law came into effect remain unaffected. If such a candidate has another child after the cut-off date in 2006, they are henceforth barred from participation according to the Gujarat Panchayat Act. If we look at the data for the Total Fertility Rate (TFR) in Rajasthan, it has come down from 2.4 to 2.0 in Gujarat and the objective TFR is 2.1. Gujarat already surpassed the objective TFR of 2.1 and there is therefore no need to implement coercive measures such as the TCN. A study done by the Institute of Social Development, Udaipur revealed that there is a lack of awareness on two child norm. Many came to know about it while attempting to contest Panchayat elections, some came to know after holding a Panchayat post, and others came to know about it when a complaint was filed for violation of the norm or on receipt of the show cause notice.

SAMRAS Yojana

In the name of “peace and harmony in the village”, the Government of Gujarat (GoG) announced the “Samaras Yojana” (meaning ‘of common interest’ or ‘all substances submerged into one form’) through a government resolution (GR) in 1992 that encourages nominating representatives to the village Panchayats through consensus among Panchayat members, in the pretext of creating a positive environment for development in the villages.

For adoption of this scheme, financial and other developmental incentives have been given by the State Government to the villages since 2002, and more actively since the elections of 2006. The encouragement and incentives for samaras Panchayat has shown an upwards trend since 2006 in Gujarat. As a result of the incentives for all-female Panchayats, they have increased from 20 in 2006 elections to 254 in 2011 elections. Out of the total 2,147 Panchayats which have adopted the Samaras system, 800 Panchayats are Samaras for the first time, 472 for the second time, and 621 Panchayats for the consecutive third time¹.

Data on Samaras shows that there were 10,279 village Panchayats in Gujarat in the 2015 Panchayat election. Out of 10,279 Panchayat, 1,325 were declared as Samras (all ward members and sarpanches were selected through common consensus without public election). These Panchayats were provided incentives, and greater incentives were provided to all-female Samras villages. Samras Panchayats open opportunities for influential people to monopolise the power of administration in village Panchayats. The Samras Yojana

¹ <http://www.smsfoundation.org/wp-content/uploads/2016/04/State%E2%80%99s-Initiatives-for-Strengthening-Local-Governance-and-Impact-on-Women%E2%80%99s-Development-and-Empowerment.pdf>

Samras Yojana – Incentives Given as per the Population

Samaras panchayat declared based on population	General panchayat, i.e. panchayat body with men and women as members and financial incentive given (in Rupees)	Mahila samaras panchayat, i.e. all women panchayat and financial incentive given (in Rupees)
Population of the village up to 5,000 and first time 'unanimously elected panchayat' ²	Rs. 2 lakh	Rs. 3 lakh
Population of the village between 5,001 and 15,000 and first time unanimously elected panchayat	Rs. 3 lakh	Rs. 5 lakh

limits the potential of greater deepening of democracy at the grassroots levels of governance. The consequences of these Yojanas is that the sarpanches have to be acceptable to the dominant family or a group of families in the village to be elected, thus perpetuating the dominance of elites over rural society.

'No Confidence Motion' - Creating Hurdles for Women to Participate Actively in Local Governance

The 'no-confidence motion' is a power given to Panchayat members to move any motion in Panchayats. There are notable variations across states. In Rajasthan, this requires a majority three - fourths vote to unseat a sarpanch from their position. Both secondary and primary sources of data show that influential Panchayat representatives and lobbyists misuse the constitutional provision of 'no-confidence motion' to unseat sarpanchnis (female sarpanches) who are not amenable to fulfilling their illegal and unjustified demands. Many states amended their Panchayati Raj acts in accordance with the 73rd Constitutional Amendment, but have continued with the old sections on removal of Pradhan. Only removing the 'no confidence motion' will help somewhat, but this problem is much deeper and requires deeper attention. Socio-economic conditions play an important role in the subjugation of sarpanchnis under this motion. The 'no confidence motion' is an attempt of the vested interest group to keep EWRs under control. In Kutch district of Gujarat, 20 per cent of the EWRs in the last 20 years have been victims of the 'no confidence motion'.

Impact of State Specific Norms in Gujarat

In Gujarat, the above mentioned norms and criteria have been debarring many people from contesting elections, and women from marginalised communities are worst affected. In

Samras Yojana, poor and illiterate villagers are often forced to accept the recommendations of the Block Revenue Officer and withdraw from the election. Many newspapers reported that women who wanted to contest election were asked for bribes by the Block Revenue Officer under Samras Yojana. In the All Women Samaras Panchayats (AWSP), women are provided incentives to contest election. Increased number of women in Panchayat bodies through AWSP does not necessarily empower women, and often instead results in proxy sarpanchnis being elected to Panchayat bodies. If we look at the social implications of these rules, to retain the political power in families, male members are forcing the women members to contest election. It is intended to make PRIs free of social and economic divides, hence perpetuating the dominance of elites over rural society and men over women needs to be questioned. For the adoption of Samras and All Women Samras Panchayat, the government is offering financial incentives, which are very tempting, so villages Panchayats who are starved for funds are usually choosing to adopt Samras.

Secondary research shows that there is a systemic exclusion of people from lower castes and classes from Panchayat bodies. In Gujarat, the OBC are not necessarily lower class people. The relative paucity of general and scheduled caste candidates in relation to the size of their populations suggests the relative power that OBS's have over GC and SC candidates.

Implications and Recommendations

The next Panchayat election in Gujarat is due in 2020. The current norms would debar many people especially women from marginalised section of the society to contest Panchayat elections. The Indian Constitution has given democratic rights to everyone to contest election but the state specific norms are against democratic rights. The Gujarat model of PRI runs counter to the spirit of the 73rd Constitutional Amendment as this model entails institutional mechanisms which hinder

² A 'unanimously elected panchayat' is an alternative to hosting formal elections in small villages, wherein if there is no objection to the current leader continuing to be leader, an election will not be held.

equality in grassroots governance. The PRIs are treated as extensions of the state government, ignoring the importance of decentralised planning and the partial autonomy of grassroots governments.

We propose amendments in state Panchayat laws and rules to give effect to the following;

1. Dependency on funds from the state government can hinder the autonomy of EWRs, as the funds are given for compliance with Centrally Sponsored Scheme and State schemes. State sponsored scheme and centrally sponsored schemes are pre-defined and pre-structured and have very little scope for community participation. Without devolution of funds, sarpanches are unable to spend according to community's needs.³
2. Promote decentralised planning rather promoting Samras Yojana.
3. Strengthen the capacities of marginalised demographics regarding understanding laws and managing accounts to safeguard them from procedural mistakes, allow them to deal with the CEOs of PRIs on an equal basis, and empower them to reject undue demands.
4. In Gujarat, there are three types of Panchayats – unanimously elected Panchayat, all women Panchayat and all women samaras Panchayat /samaras Panchayat can actually clubbed as one category, that is, 'unanimously elected Panchayat'. These three kinds of Panchayats are promoted by political parties which are under the delusion that unanimity among the elected few is equivalent to equality and development. Most of these Panchayat are found to be driven by the financial incentives. The ruling political party promotes the idea, propagates it through various means, but in the entire process of making unanimous Panchayat, no role or presence of women is observed.
5. Create a positive environment for women leaders and Panchayat members 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 male Panchayat members.
6. Strengthen the information dissemination mechanism for better participation.
7. 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.
8. Increasing number of women in Panchayat through AWSP will not bring empowerment of women. The AWSP promotes proxy sarpanches compared to normally elected sarpanches. The incentive based PRI system should not be promoted in the name of democracy.

³ Dr. Ganguli Varsha (2012-13) State's Initiatives for Strengthening Local Governance and Impact on Women's Development and Empowerment

About Development Alternatives Group www.devalt.org

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