

Advocating for Change: Promoting Women's Participation and Leadership in Local Governance

Research Study



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Research Study on Advocating for Change: Promoting Women's Participation and Leadership in Local Governance

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Advocating for Change: Promoting Women's Participation and Leadership in Local Governance

Research Study

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ACKNOWLEDGEMENT

In the duration of last one-year Development Alternatives (DA) has been working to understand the impact of the State Panchayati Raj policies on the lives of rural women, specifically on their participation in local governance. This project has been commissioned by United Nations of Women and the study has been conducted with help of Civil Society Organisations and the State community radios (CRs) in six States (Chhattisgarh, Gujarat, Haryana, Karnataka, Maharashtra and Rajasthan).

This report presents the major implications of 73rd Amendment and State specific norms that have been introduced by the State governments under State Panchayati Raj Acts. The study not only shows the status of women in Panchayat participation but also captures the ongoing dynamics and scenario in which this impact happens. Without the support of all partners, this initiative would not have been completed. This collaboration with all the stakeholders has not only helped in getting data and information but also has made the team understand grassroots situations, space which the Elected Women Representatives (EWRs) occupy, their perspectives and thus provides qualitative rigour to the study. We would like to extend sincere thanks to all partners for their support and collaboration.

In this duration several meetings were held with government officials, press, NGOs and most importantly, the women who wanted to participate in Panchayat election and others who already were representing in PRIs. This study has involved lot of field work and this was not possible without the help as well as the coordination done by our partners and associates. We extend our sincere thanks to project Advisory Group (PAG) members (Manoj Rai, PRIA; Kalpana Sharma, Independent Journalist and Supriya Sahoo, Director General of Doordarshan) for their valuable inputs, suggestions and guidance.

We are also thankful to the collaborating community radio of the six States- Haryana (NGF Palwal, Manav Rachna, Alfaz-e-Mewat), Chhattisgarh (Radio Neotech), Rajasthan (Radio Madhuban, Jhunjunu Radio), Karnataka (Radio Active, Krishi Vanilli, Dharwad Radio, and in Mysore - Nammura Bhanuli Radio station), Maharashtra (Radio FTII, Green CRS, Vasundha Vakrishi Vahini Radio, Yeralavani Radio, Radio Mannndeshi, Sharada Krushi Radio, Vidyavani) and Gujarat (Rudi No Radio, Sardar Vallabh Bhai Patel Radio). We extend gratitude to the practitioners from different media houses and media platforms.

We hope this report will be seen in the spirit of strengthening women's participation in the Panchayati Raj which in present context needs attention. We look forward to readers' comments and suggestions, not only for this report but also for all the efforts towards strengthening Panchayats in the six States under study.

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CHAPTER I: INTRODUCTION AND CONTEXT

Introduction

The 73rd Amendment is one of the landmark judgment which brought many women into Indian rural governance processes. It 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 their participation in self-governance systems, both are still low, and sometimes elected women are merely figureheads. Though the amendment aimed at bringing more women into politics, many States have amended State Panchayati Raj Acts. They have introduced new laws and norms, due to which many deserving candidates from marginalised section have been debarred from participation in grass root politics thus making the women to be the greatest sufferers. On the other hand, many unwilling women are forcefully brought into the political space of grassroots (by their families) due to these norms and criteria. (Please see box 1 for 73rd Amendment and its salient features)

In Collaboration with United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), Society for Development Alternatives (Development Alternatives- DA) has undertaken a study "Advocating for Change: Promoting Women's Participation and Leadership in Local Governance" to understand how State specific norms are impacting participation of women in local governance processes in the States of Haryana, Rajasthan, Chhattisgarh, Gujarat, Karnataka and Maharashtra.

Objectives of the Study

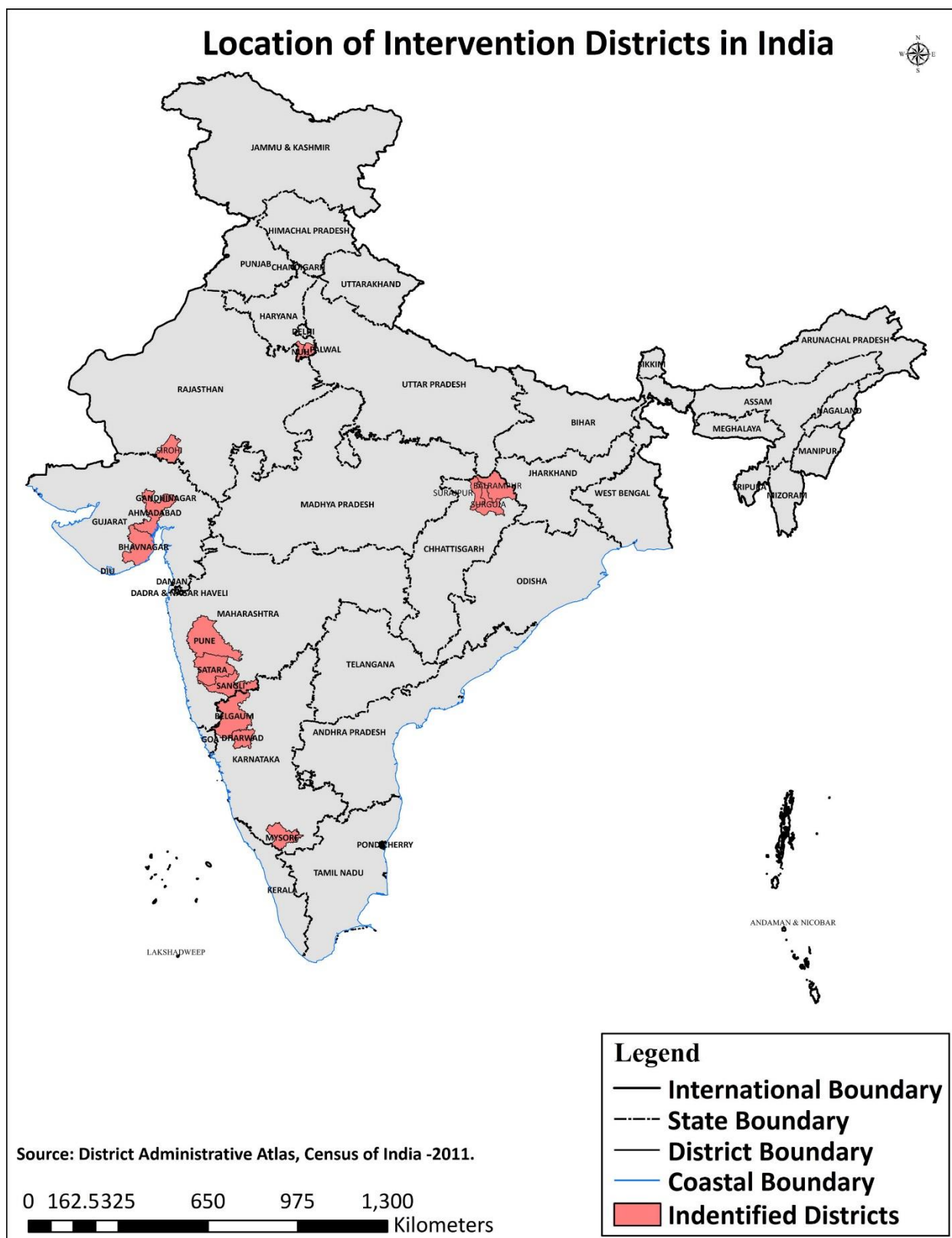
The specific objectives of the study are:

1. Analyse the legislations and policies that promote or impede the participation of women in the local Governance processes
2. Understand the role of media in promoting gender responsive governance

These objectives are achieved through a process of comprehensive review of legislations, literature, case story collection and analysis. The study has tried to build understanding and knowledge on the impact of these laws and policies on local governance processes by secondary and primary research. It has also looked at how vernacular media and community radio can play a role in bringing desired changes. This has helped to identify how these State specific norms have impacted people and more specifically women to take part in grassroots governance. The study has documented and developed case stories/field-based stories of the barriers women face and the potential of social change that women in governance (especially those from the vulnerable sections of society) have demonstrated in six States. Attempts have been made to disseminate the same through newspaper articles/media platforms.

For creating this knowledge base, secondary data analysis, and media reporting trends on women in local governance have been analysed and case stories have been captured from the field. These six States were selected because a lot of efforts and policy measures have been introduced there to promote women's participation in local governance and on the other hand these six States have also amended their State specific policies which have become barriers to bring marginalised people and especially women from marginalised groups into the governance space. The following map shows the States and study areas.

There are 6 chapters in the report. The introductory chapter shares background information, context and objectives of the project. Second chapter deals with the methodology and analysis framework of the study. The third chapter mentions about the State specific norms, and its impact on the women's (especially the marginalised section) participation and identified issues for discussion and suggestions and recommendation for advocacy in six study States. The fourth chapter talks about reporting of media on women in local governance and the last chapter covers the major findings of the study, recommendations and suggestions.



The 73rd Constitutional Amendment – Salient Features

The 73rd Constitutional Amendment from 1992 strengthened the role of the PRIs as well as introduced reservations for women in rural local government. This landmark amendment has increased women participation and greater representation in local governance. This has allowed women to step out of their homes and participate in Gram Sabha's and other local institutional level meetings.

This 73rd Amendment gave a constitutional mandate for the setting up of Panchayati Raj as follows:

- Establishment of a three-tier structure (Village Panchayat, Panchayat Samiti or Intermediate Level Panchayat , and Zila Parishad or District Level Panchayat)
- Establishment of Gram Sabha (village assembly) at the village level, consisting of all adult members of the village as appears in the electoral rolls.
- Regular elections in Panchayats, every five years.
- Proportionate seat reservation for Scheduled Castes (SCs) and scheduled Tribes (STs).
- Reservation of not less than 1/3rd seats for women.
- Constitution of State Finance Commissions to recommend measures to improve the finances of Panchayats.
- Constitution of State Election Commission (SEC).

The main objective of the Amendment was to empower Panchayats as institutions of self-governance at the village level, capable of:

- Planning and executing village level public work and their maintenance.
- Ensuring welfare of people at the village level, including health, education, communal harmony, social justice particularly towards eradication of gender and caste-based discrimination, dispute resolution and welfare of children especially girl children.
- The Constitution envisages the Gram Sabha's (GS) as the Parliament of the people at grass-root level, to which the Gram Panchayats (GP) are solely accountable.

CHAPTER II:

METHODOLOGIES USED FOR DATA COLLECTION

To create a body of knowledge on legislations and policies that either promote or impede participation of women in local governance, the research design stressed on descriptive-interpretative qualitative research methods to generate data from different sources. The quantitative data required for the study was collected from secondary sources and mostly from Ministry and Panchayati Raj Website, Census of India, many CSO websites and training institutes, State Election Commission and National Family Health Survey 4. The major challenge faced during the research was the limited availability of data. This study report is written on the basis of literature review, trend analysis on media reporting on women in governance and case stories collected from six study States. The case stories are exploratory in nature and were collected through semi-structured interviews. The empirical evidence and case stories collected through this research has helped to build six State-specific policy advocacy briefs. The following section includes the detail methodology adopted for this study report.

Secondary research – on legislations and policies that promote or impede the participation of women in the local governance processes

This secondary research study attempts to build understanding and knowledge on the impact of these laws and policies on the local governance processes through desk research. It also looked at how State specific rules, laws and policies have become hindrances to bringing women to public spheres like governance systems. While conducting the secondary research, the following information has been collected and analysed to fulfill the specific objective of the study:

- State specific legislations and programmes that promote and create hindrance to women's participation in local governance. All the six State Panchayati Raj Acts were studied and analysed to understand the 'why' and 'how' of these policies adopted by the State governments.
- Social programmes that support women empowerment, viz. National Population Policy 2000, Nirmal Gram and Swachh Bharat Abhiyan and Adult literacy programmes.
- Academic research reports on women's participation in local governance processes.
- Data from public records of the Government of India and State governments for trend analysis on:
 - Different Panchayat elections and percentage of women leaders and members: segregated by caste, class and religion, including, if possible, formal educational achievements of Elected Women Representatives (EWRs) over time.
 - Number of terms EWRs have served.

Media reporting on women in Panchayats and the analysis framework

The media content has been collected on women in Panchayats for five years from 2012 to 2017. These stories were published in most circulated English, Hindi and vernacular dailies in the six States under study. The media platforms referred for this study were newspapers, local community media, online media, websites and media platforms dedicated to gender empowerment and women's issues. The study has also derived information from websites of Civil Society Organisations (CSO) and blogs.

- The media trend analysis has tried to look at the ways media and newspapers have covered the topic, the words and the language used by the media on women in governance. The news has been collected from national, State, vernacular and online media.
- In the analysis part, a qualitative content analysis methodology was adopted to structure the trend and in coding the data. The coding frame was both topic and issue driven which contained the information derived from the material collected. The issues have been identified after reading each news article and categorising them on broad themes. The articles and content were classified according to the coding and a spreadsheet was prepared with headings, like name of the newspaper, year of publishing, story hooks, time of publishing, coverage on State specific norms, page of the newspaper, word count, etc.
- The categorisation was done on the basis of media houses like regional or national, vernacular or English dailies and the issues emphasised in the news articles. For analysis, the tables were created to prepare the charts on frequencies of publication trends and topics.

Case story collection

The project has documented and developed case stories on women Panchayat members and the barriers women (especially those from the vulnerable sections of the society) have faced, and how norms and policies have created hurdles in their participation in governance processes. The case story collection was done in four steps:

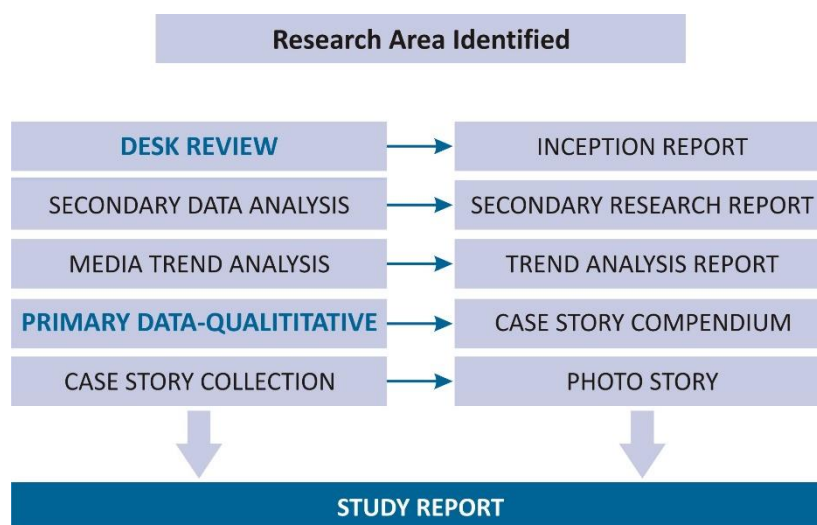
1. Selection of partner Community Radios and Community Reporters to collect the case stories
2. Organising workshops for perspective building among the community reporters and journalists on gender responsive governance and State specific norms and policies that impact women to come forward and participate in local governance processes
3. Collection of case stories from the field
4. Dissemination of these stories through newspaper articles and other media platforms.

Table 1: Number of Case Stories collected from the six States

| S.No. | State | No. of Stories |
|--------------|--------------|----------------|
| 1 | Chhattisgarh | 12 |
| 2 | Gujarat | 12 |
| 3 | Haryana | 12 |
| 4 | Karnataka | 12 |
| 5 | Maharashtra | 12 |
| 6 | Rajasthan | 12 |
| Total | | 76 |

The case stories especially have focused on most marginalised women of the society. A framework for collecting case stories was developed and shared with partner community radio stations. Each nodal community radio collected 11 to 12 stories from their respective areas. Out of 11-12 stories, 5 stories were selected for a case story compendium. The stories were selected based on the diversity they exhibited and how well they were narrated and elaborated (to communicate better). The selected case stories were published in Hindi and vernacular newspapers in the month of February, March and April 2018.

DIAGRAMATIC PRESENTATION OF STEPS FOLLOWED FOR DATA COLLECTION



CHAPTER III:

UNDERSTANDING STATE SPECIFIC POLICIES AND LEGISLATIONS

This chapter focuses on the impact of State specific legislations and policies on women in grassroots 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 their participation in self-governance system, it is still low, and sometimes it is surrogated. Many States (20 States) have increased the reservation of seats for women in Panchayat election from 33 per cent to 50 per cent. 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 2: State-wise Information on the Percentage of Seats Reservation for women Candidates

| S.No. | States | Provision in the State Legislation |
|-------|--------------|---|
| 1 | Chhattisgarh | Under the Chhattisgarh Panchayati Raj (Amended) Act. 2008, reservation has been enhanced from 33 per cent to 50 per cent. |
| 2 | Gujarat | 50 per cent reservation in three tier Panchayat system. |
| 3 | Haryana | 1/3rd seats of the total seats are reserved for women. |
| 4 | Karnataka | Under the Karnataka Panchayati Raj (Amended) Act, 2015 reservation has been enhanced from 33 per cent to 50 per cent. |
| 5 | Maharashtra | As per the Maharashtra State Panchayati Raj Amendment Act 2011, 50 per cent of the total numbers of offices in the Panchayati Raj Institutions are reserved for women candidates. |
| 6 | Rajasthan | The reservation for women in the State of Rajasthan was 33 per cent which has been increased to 50 per cent. |

*Haryana is the only State (out of the all six States), where women's reservation quota in Panchayat has not increased.

In these States, after 1992, at least four rounds of PRI election have taken place, and data shows that there is an increased participation of women in Panchayat elections. The 14th Report of the Standing Committee on Rural Development (2009-10) on the Constitution (One Hundred and Tenth) Amendment Bill, 2009, States that, "The presence of more than 1 million elected women representatives in the institutions of local governance in rural India has rightly been termed as a 'silent revolution' within the process of democratic decentralisation ushered in by the 73rd amendment".

Table 3: Details of the Criteria for Contesting Panchayat Election in Six States under Study

| States | Education Criteria | Functional Toilets | Two Child Norm | Loan Repayment | Electricity Bill Payment | Not having any Criminal Charges | No Confidence Motion | Encroaching Government Land | Declaration of Assets and Liabilities |
|--------------|---|---------------------------------|----------------|----------------|--------------------------|---------------------------------|----------------------------------|-----------------------------|---------------------------------------|
| Chhattisgarh | Class 8th Pass - the guidelines 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 8th pass for general category and class 5th 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 7th Pass | Yes | Yes | - | - | Yes | Yes (two-third majority) | - | - |
| Rajasthan | Class 10th pass for general category and class 8th pass for SC category | Yes | Yes | Yes | Yes | Yes | Yes (two-third majority) | - | - |

General overview: impact of these policies on women participation as EWRs

Two provisions that seriously impede the election of women representatives are the minimum education norm and two-child norm. The education norm is debarring many women from contesting elections in Haryana, Chhattisgarh and Rajasthan. Due to the education norm, there are many vacant posts for Sarpanches which are reserved for Schedule Caste and Schedule Tribe women. As is reflected through these numbers of vacant seats, there is a story of exclusion behind them, especially of the most marginalised sections of society—women who fall at bottom of the caste and class ladder.

The second criteria -Two Child Norm gravely affects the political participation of *dalits*, *adivasi*, and the poor. Many studies from Rajasthan and Chhattisgarh show that the two child norm has resulted in disqualification of people from marginalised groups, especially women from 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 as is visible in Rajasthan and Chhattisgarh. The younger women from socially excluded communities are worst affected because they were in their prime reproductive age when the norm was enacted, whereas those who were older generally had their children born before the stipulated cut-off date.

Among other norms, the 'no-confidence motion' is a power given to the Panchayat members to move any motion in Panchayats. There are notable variations across States regarding this practice. 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 States 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 in rural areas. 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 toilet have to be sanitary toilets, ignoring the fact that pit latrines and septic tanks are also counted as functional toilets, where excreta is removed as compost (during the time of evacuation of the filled pits).

As one of the norms, all candidates must get the clearance forms from three agriculture-cooperative banks, electricity offices (for electricity dues), local police stations (against criminal charges), which could require a candidate to spend a huge amount of money and time. For some families, collecting all these clearance certificates is entirely impossible and for some women, the cost incurred for procuring the same is too much. In Chhattisgarh, a contestant has to show that he/she has been not being charged with encroaching on government land and nor should have any government dues.

* This kind of line whereas it is written in this document or in other documents prepaid in this study is with an assumption that people who got debarred due to any specific norm, were otherwise ready to participant/contest in elections.

State specific information: impact of the policies on women participation as EWRs

This section of the report deals with the State-wise findings of policies and norms that have impeded women entering into politics and contest Panchayat election. The six States are clubbed geography-wise and the policies have been analysed based on the available data from secondary sources and case stories collected from the States. During the analysis, it was found that the gender, class and caste wise data on women's participation in Panchayats is very limited but data on voting pattern is available in many State Panchayati Raj websites.

Northern States: Haryana and Rajasthan

These two States have many similarities regarding the policies and norms to contest Panchayat election. Moreover, the two States have somewhat similar socio-economic condition. Both the States have amended their State Panchayati Raj Act in 2014 (Haryana) and 2015 (Rajasthan) and set similar norms and criteria for a person to contest Panchayat election. Haryana has revoked the two-child norm from its Panchayati Raj act in 2006 and Rajasthan is still continuing with it.

HARYANA

According to the Ministry of Panchayati Raj, Haryana there are a total of 23761 (out of total 59,020 thousand) Elected Women Representatives (EWRs) which constitutes 40 per cent of the total Elected Representatives in PRIs and only 8 per cent women are holding the office of Sarpanch (Year: 2016). In Haryana, the minimum educational qualification to contest elections is class 8th pass for general candidates and class 5th pass for SC candidates. Due to the minimum education norm, more than half of the rural population in Haryana is excluded from getting chance in contesting elections.

The other grounds for disqualification (from contesting polls under the Haryana Panchayati Raj (Amendment) Act 2015), includes failure to repay loans to any primary agriculture co-operative societies or agriculture co-operative banks; failure to pay electricity bill arrears; and not having a functional toilet at home.

According to 2011 Census figures for literacy rates, over 56 per cent of Haryana's rural population over the age of 20 years was barred from contesting the last Panchayat election held in 2015. The degree of exclusion is highest for women belonging to the SC/ST categories. More than 96 per cent of ST women over the age of 20 years in Haryana were disqualified. Table 4 shows, in rural Haryana, 49 per cent of women are illiterate, thus the Education Norms have debarred more than 49 per cent women from contesting Panchayat elections. Though it may be true that all women who are disqualified may not contest in elections, so mentioning this percentage may be not right, but it is just to show the negative impact in overall terms. The law leaves 68 per cent of the Scheduled Caste women and 41

per cent of the Scheduled Caste men in Haryana ineligible to contest Panchayat elections. The judgment may become a rallying point for other States also to amend their laws in the same fashion.

Table 4: Haryana: State Specific Data on Education (Rural)

| Particulars | Total Population (in Lakh) | In Percentage |
|--|----------------------------|---------------|
| Total Rural Population Above the age of 20 | 96,00,000 | - |
| Total Women SC - Class 8th pass | 3,60,000 | 3.8 |
| Total women-General-Class 10th pass | 15,3,7000 | 16 |
| Total Men SC - Class 8th pass | 4,60,000 | 4.8 |
| Total Men-General-Class 10th pass | 20,10,000 | 20.9 |

*Source: Census 2011 Website

To have a functional toilet is another eligibility criterion for contesting Panchayat elections in Haryana. As per the Swachhta Status Report (April, 2016), about 10 per cent of households in rural areas in Haryana still do not have sanitary toilet facilities. Having a functional toilet is compulsory to contest an election. It is a kind of coercion towards bringing behavioral change. Debarring a person from contesting an election on the basis of not having a functional toilet, in areas where people do not even have their own shelter, is a clear case of excluding the poorest of the poor from participation in Panchayats.

Moreover, it is normally not a decision taken by women to build a toilet in home but the brunt is directly on her as even her contesting is denied on this premise. It is a duty of the government to take care of health and sanitation. The law is completely ignoring the fact that a 'functional' toilet requires, as it is understood from the government official documents, a flush system and good amount of water. There is no data produced by the State of Haryana that a pipeline is available to all the people in their State. Thus, the question arises: without pipelines, can functional toilet facilities be run on a sustainable and efficient manner.

In Haryana, a person should not have defaulted in payment of loans as Sarpanch. A farmer has to have a clearance certificate of non-defaulted loan to contest Panchayat elections, a policy which completely ignores the fact that many poor farmers commit suicide because of inability to pay loans. This norm is debarring poor farmers to contest in Panchayat election. This norm has been enacted only because of Haryana government trying to help Primary Agricultural Cooperative Societies (PACS) and the Agricultural Rural Development Banks/Primary Land Development Banks (PLDBs), completely ignoring the fact that 2,70,940 farmers committed suicide between 1995-2011 (Source: NCRB).

Education Norm Debarring Entry of Experienced Women in to the Grassroots Governance

Haleema, a former Sarpanch of Bisru Village in Haryana, could not contest election in 2015 due to education norm. Haleema is not in favour of making education qualification compulsory for contesting the Panchayat election. According to her, to work in a Panchayat, knowledge and interest to work is more important than education. She says that absence of knowledge restricts a person and binds them, but knowledge does not necessarily comes only with education. It can come with experience, skills and exposure. She is scared that because of the new rules people might just misuse their educational status to win the elections against more deserving and experienced (but uneducated) people.

RAJASTHAN

As per the rules in Rajasthan, the SC category women candidate should be minimum class VIII pass and general category candidates should be class X pass to contests Panchayat election in Rajasthan. Like Haryana, in Rajasthan too, a candidate has to have a functional toilet to contest election. Apart from the above mentioned prerequisites to contest elections, the two child norm is also applicable in Rajasthan, which is another big hindrance for women to participate in Panchayat elections.

Rajasthan is one of the largest States of India, with a rural population of 5.15 crore, spread across 9891 village Panchayats. Rajasthan is a State which has amended its Panchayati Raj Act to increase reservation for women from 33 per cent to 50 per cent. Due to increase in women reservation, participation of women in Panchayat has increased and the Ministry of Panchayati Raj data says that, more than 58 per cent Elected Women Representatives (EWR) are there in Rajasthan and 7.21 per cent EWRs are Sarpanches.

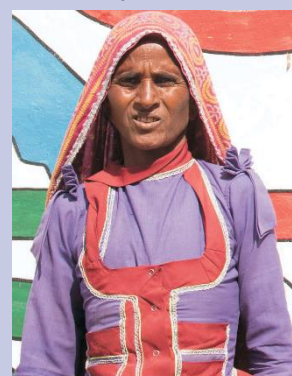
Rules that Limit Democracy

Kesi Bai and Manju Bai- Active women, but they can't contest elections

Two women belonging to Scheduled Caste category namely Kesi Bai (illiterate) and Manju Bai (Class 5th pass), could not contest Panchayat election in 2015 in Rajasthan. Kesi and Manju were active and had been associated with social network and had a good understanding on development activities. But the strict eligibility criterion has taken away the democratic rights of these two deserving and experienced women to contest in elections of PRIs. The new rules are not only restricting the participation of women in these elections but are limiting the options that can be made available to the community as good EWRs.

Gaili Bai - A hard working Panch, but ineligible to be a Sarpanch.

This is the story of Gaili Bai a Ward Panch in Paadar Panchayat (Block Revdar in District Sirohi) Rajasthan. Gaili Bai would not be able to contest elections in 2020 as she does not meet the eligibility criteria of minimum education qualification. This will result in the Panchayat losing a hardworking and experienced Panchayat leader.



Census data shows that more than 93 per cent of ST women over the age of 20 years in Rajasthan would get debarred due to one of these criteria (if they wished to contest in PRI elections). If we look at the social implications of these rules, to retain the political power in families, male members are remarrying educated girls. The Incident of polygamy has been found increasing in Rajasthan whereas, on the other hand, due to the education norm, many disinterested women are forcefully brought into politics. In nutshell many women have been reduced to become just the 'face' for furthering the political ambition of the male members of their family.

Two child norm seems to be a coercive measure to control population growth in India but fertility rate in Rajasthan has already come down from 3.2 to 2.4 and the expected TFR is 2.1. Population prediction shows that there is already a decline in population rate and there is no need to take the 'two child norm' in the State which has already debarred young population from contesting in elections through applying norms like minimum education criterion. Whatever data is available from various sources, it shows that large numbers of people were disqualified due to application of these norms.

In Rajasthan between 1995 and 1997, 450 cases of disqualifications had been documented and 112 or 25 per cent of the persons affected were women. In the 2000 Gram Panchayat elections, 63 persons (53 men and 10 women) were disqualified for violating the two child norm. The studies showed that those who were disqualified on this account were young, illiterate, poor, and they belonged to SCs, STs, and OBC categories (Buch 2005 a; 2005b). Besides, various practices were also seen to be prevalent which were detrimental to women like, sex selective abortion, child given in adoption, remarriage etc. (Panaik 2005a; Buch 2005a, Visaria et al 2006). Rajasthan has more than 56 per cent population below the age of 25. Given this figure, there is adequate scope for this section of the population to play a pivotal role in governance. But the two child norm has banished the scope as they are seen to be having more than two children.

Two-child norm debarring young and marginalised women to contest elections

Pushpa from Scheduled tribe Caste Community is an Anganwadi worker who has lost the opportunity to contest Panchayat election as she is a mother of 4 children. "Despite my no fault, I have to comply by the government criteria and hence I can never contest Panchayat elections. In no case I can abandon my two children to contest a Panchayat election."



As per the Swachhta Status Report (April, 2016), in Rajasthan there are still about 73 per cent households in rural and 14.2 per cent in urban areas which do not have any latrine facility. Due to this, 66 per cent of rural households in the State are still contributing to open defecation. According to 2011 census, only 35 per cent households from general category are having toilets in their house

premises and among STs, it is less than 8 per cent having toilets in their HHs and 27 per cent among SC households. Having a functional toilet is compulsory to contest election and if we look at the data in Swachh Bharat Mission website, it shows that, in Rajasthan in 2018, a total of 83.8 per cent households have toilets. Even as per this data, members from the rest of the 17 per cent households will be debarred from contesting election in 2020.

The ‘two child norm’ for the elected representatives, runs counter to the objective of bringing younger women from the weaker sections, in these institutions¹. Overall these norms have resulted in disqualification of dalits, adivasis and poor from participating in the political discourse. It thus hinders the political participation and empowerment provided by the 73rd Amendment of Indian Constitution, to socially excluded groups, especially women, whose reproductive rights often get circumvented by the society and family².

Southern States: Karnataka and Maharashtra

KARNATAKA

In 2011, the State Panchyati Raj Act increased 50 per cent reservation of seats for women in gram Panchayats. The Karnataka government has recognised that women have to overcome hurdles to enter into the public sphere. The government has suggested many mitigation measures through the amendment. In a report prepared by the Karnataka State Panchyati Raj Amendment Committee, it has been suggested that the State government must allocate budget for preparing all elected members and staff across the three tiers of Panchayati Raj System, by imparting training and capacity building, so that the members can carry out their responsibilities efficiently. The Karnataka State Panchayati Raj Amendment Act talked of inclusivity at all three tiers of the Panchayats. It also looks at other enabling factors, such as infrastructural facilities like separate toilets for women and men, enclosure for breast feeding, and crèche facilities. Transport arrangements are also mentioned in the Act, so that women can travel to far flung areas alone and without fear. A specific code of conduct is included in the Amendment for all Gram Sabha members, which is supposed to create a positive environment for women at work.

In 2015, State legislations were passed in which declaring assets availability was made mandatory to contest Panchayat elections. ‘No confidence motion’ is there in Karnataka for suspending a Sarpanch from her/his position. The participation rate of women has increased because Karnataka increased the reservation quota for women from 33 per cent to 50 per cent in 2011. In 2007, there is a special report on Karnataka’s performance on Panchayati Raj by Ministry of Panchayati Raj, which says that

¹ Mohan Rao: (2003): Two Child Norm in Panchayats; Many Steps Back, Economic and Political Weekly, Vol XXXVIII, No 38, PP -3451-53, August 16

² Nirmala Buch: 2005: Law of Two Child Norm in Panchayats, Implications, Consequences and Experiences ,Economic and Political Weekly, June 11

in Karnataka, actual percentage of women elected is over 40, while among Scheduled Tribe women it is 66 per cent and for Scheduled Castes it is over 50 per cent³.

In Karnataka, every member shall, within three months from the date of commencement of their term of office and until the expiry of their term in every calendar year, and within one month of the end of the financial year, file an affidavit of declaration of their assets owned by them and by all their family members, before the State Election Commission through the Chief Secretary, Gram Panchayat.

Karnataka has introduced this criteria for contesting election under the Panchayati Raj Amendment Act 2015. The rule is applicable for Panchayati Raj body members who own movable and immovable assets over Rs 2 lakh – either individually or in the name of any family member. In last Karnataka Panchayat Election majority of the members had failed to do so.⁴

Though, in State Panchayati Raj Policies, it has been written that there will be no political influence in Panchayat elections but political party influence is very strong in Panchayat elections across the State. According to the Karnataka Panchayati Raj Act, 1993 gram Panchayat elections are to be party-less elections, but the data shows that majority of the respondents (70 per cent) contested election due to pressure or influence from political parties and the party regulated their functioning as members of *Gram* Panchayats. A small percentage of women (2.3 per cent) entered gram Panchayat on their own interest. Apart from political parties, pressure from family, village leaders, spouses are the other factors which have influenced women to contest elections⁵.

Like many other States, Karnataka also has special committees for justice and these are usually made up of people from the dominant castes. It is most of the time observed that many committees lack women members. Increasing the number of women in these committees would not be enough, rather the Government should ensure that the attitude of communities' changes and biasness against the poor, marginalised and women gets handled appropriately. These committees are important for grassroots governance and women groups could be a potential collaborator in developing communities in gender-just ways.

MAHARASHTRA

In 2017, in Maharashtra, State legislations were passed in which educational qualification was made mandatory to contest Panchayat elections. Due to this new legislation, more than half of the rural population in Maharashtra is now excluded from contesting elections (assuming that they were otherwise willing to participate in elections). The Maharashtra Panchayati Raj (Amendment) Act, 2017 added that voters can directly elect their village Sarpanch. For contesting Panchayat election, a

³ <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/Aiyar-for-increasing-womens-reservation-to-50-per-cent/article14743255.ece/amp/>

⁴ <https://timesofindia.indiatimes.com/city/mangaluru/Panchayati-raj-body-members-draw-SECs-ire-over-non-disclosure-of-assets-and-liabilities/articleshow/55053510.cms>

⁵ [http://shodhganga.inflibnet.ac.in/bitstream/10603/2392/14/14_chapter per cent 206.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/2392/14/14_chapter%206.pdf)

candidate must have functional toilet at home. 'No confidence motion' is also there in Maharashtra for suspending a Sarpanch from her or his position.

Table 5: Number of Panchayats and Panchayats Members in Maharashtra

| Panchayats | Number | Total Member | Total Women Member |
|-------------------|--------|--------------|--------------------|
| Zila Parishad | 33 | 1955 | 978 |
| Panchayat Samitis | 351 | 3910 | 1955 |
| Gram Panchayats | 27,920 | 190691 | 98669 |

*Data: Census 2011

The above table shows that out of all members of village Panchayats in the State of Maharashtra, 51.74 per cent are women. The participation rate of women has increased because Maharashtra increased the reservation quota for women from 33 per cent to 50 per cent in 2012.

The State of Maharashtra has introduced education norm in the Maharashtra Panchayati Raj Amendment Act in 2017. A person must have passed class 7th to be eligible to contest a Panchayat election. As per the NFHS 4 data in Maharashtra, only 32.6 per cent women are class 10th pass in rural areas. Class 7th pass will be slightly higher than this percentage (data could not be found) but it is still very low. By setting this criterion to contest Panchayat election, more than 60 per cent (assumption) women will not be eligible for contesting Panchayat elections.

To have a functional toilet is another criterion for contesting Panchayat elections in Maharashtra. In 2017, the Bombay Village Panchayat Act was amended to disqualify representatives who do not have a toilet at their residence. After a comprehensive survey, over 1,500 members of Panchayat *Samitis* were disqualified. The Census 2011 data says, in rural Maharashtra, only 38 per cent of households have toilets and only 32.6 per cent of SC and 21.09 per cent of ST households have toilets within their household's premises. It is a kind of coercion towards bringing behavioral change. Debarring a person from contesting an election on the basis of not having a functional toilet, in areas where people do not even have their own shelter, is a clear case of excluding the poor from the management of Panchayats. It is a duty of the government to take care of health and sanitation. The law is completely ignoring the fact that a 'functional' toilet requires, as it is defined by official government documents, a flush system and lots of water. There is no data produced by the State of Maharashtra suggesting that a pipeline is available to all the people in their State.

Maharashtra is the first State to initiate a series of measures for better administration of Zilla Parishads, Gram Panchayats and Panchayat *Samitis*. A decade ago, the State introduced a landmark legislation to permit only those candidates to contest elections who do not have more than two children. After the rule came into force; elected representatives with more than two kids were disqualified. "Over 300 elected representatives have since been disqualified"⁶

⁶<https://www.indiatoday.in/india/story/maharashtra-allows-villages-elect-sarpanchs-Panchayat-people-1022185-2017-07-03> <https://www.hindustantimes.com/mumbai-news/now-maharashtra-voters-can-directly-elect-sarpanchs/story-uFjsR1EBWOMZBTIPphhLlL.html>

A recent amendment of the Panchayati Raj Act Maharashtra in 2017 says that an election need not be held if there is no opposition to a person who wishes to become a Sarpanch, which brings forth the assumption and fear that it will ruin the democratic process of Panchayat elections. Political parties will influence the voters and it will reap the benefits of this decision during Panchayat elections. Gram Panchayat elections are not to be contested on party symbols but this amendment will ensure that political parties influence the election process. The direct elections of Sarpanch will lead to more competition and spending during elections, so much so that people from marginalised and lower economic backgrounds may not be able to contest Panchayat elections. In this process, candidates with the backing of the ruling parties will benefit.

Eastern and Western States: Chhattisgarh and Gujarat

CHHATTISGARH

In 2008, the Chhattisgarh State Panchayati Raj Amendment Act increased the reserved seats for women from 33 per cent to 50 per cent. Chhattisgarh comes under “The Provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996” popularly known as PESA Act, which extends Part IX of the Constitution, with certain modifications and exceptions to the Fifth Schedule Areas. Panchayats and Gram Sabhas, in the Scheduled Areas, have been endowed with special powers and authority as may be necessary to enable them to function as institutions of self-government. PESA Act mainly aims to protect the tribal population from exploitation by making Gram Sabhas and Gram Panchayat centers of self-governance and has laid special thrust on empowering Gram Sabhas, which has not been conferred by any other Act in any State.

The Chhattisgarh Panchayati Raj Amendment Bill 2008 says “an illiterate person aged 30 or below is not eligible to contest Panchayat elections, affecting perhaps a quarter of the incumbents”. The Chhattisgarh Panchayati Raj (Amendment) Bill 2008 started off by prescribing higher secondary certificates as a prerequisite for contesting polls to district Panchayats, but the provision was diluted after protests by the opposition. A guideline of Chhattisgarh government, which has not come to public domain yet says that class 8th pass is compulsory for candidates to contest Panchayat elections. As per Census 2011, the rural literacy rate of Chhattisgarh is 65.99 per cent. The literacy rate of rural males is 76.98 per cent and that of rural females is 55.06 per cent. NFHS 4 Data says, “In Chhattisgarh, only 20 per cent women have completed more than ten years of schooling”. The degree of exclusion is highest for women belonging to the SC/ST categories. Data shows that in Chhattisgarh, 45 per cent of women are illiterate in rural areas, thus the Education Norms have made more than 45 per cent women ‘not eligible’ from contesting Panchayat elections (with assumption that they otherwise are ready to contest).

To have a functional toilet is another criterion for contesting Panchayat elections in Chhattisgarh. A Panchayat member has to have a *pucca latrin* in his/her house within six months of assuming office or he/she may forfeit the Panchayat position. In the interiors of Chhattisgarh, many villages do not have

access to infrastructure like roads, piped water and toilets. In Naxal affected districts of Chhattisgarh, Bastar, and Bijapur, over 80 per cent of households have no access to private toilets. While in Bastar 79 per cent (2.44 lakhs) of the 3.06 lakhs households have no private toilets, the percentage climbs to 94 per cent in Bijapur where only 4.92 per cent of the 50,402 households have toilets within their premises.

In a letter dated October 23, 2017, written by the Joint Secretary S L Nayak, Panchayat and Rural Development Department of the Chhattisgarh Government, addressed to the Managing Director SBA (Chhattisgarh) and marked to Secretary, Drinking Water and Sanitation, Param Iyer, reads, “Under the Swachh Bharat Mission (Rural), the Chhattisgarh government has decided that the State must be made ODF by October 2, 2018. As per information from Left Wing Extremism-affected districts, five districts in 12 blocks, 246 gram Panchayats and 917 villages cannot be made ODF, as toilets can’t be built because of security reasons”. This government letter depicts the current situation of Chhattisgarh and debarring a person from contesting an election on the basis of not having a functional toilet, in areas where people do not even have their own shelter, puts a question mark on the intention of such policies. It is a duty of the government to take care of health and sanitation and the question needs to be answered as is there a pipeline available to all the people in the State.

Any candidate for the Panchayat elections must make sure that they have never been charged with encroaching on government land in Chhattisgarh. The candidate also has to show a ‘no dues’ certificate for any government loan. Failure to repay a loan as a criterion for debarring a person from contesting Panchayat elections is against democracy. If these kinds of certificates are not mandatory for MLAs and MPs, then why should be made as criterion for contesting Panchayat elections. These norms would debar many people, especially women from remote villages to contest Panchayat elections in 2020.

GUJARAT

In March 2017, the Gujarat government amended the Gujarat Panchayati Raj Act. The amendment States that “a village accountant is must for managing 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 is very common. The State adopted the Two Child Norm in Panchayats in 2005 as criteria for contesting Panchayat election. The ‘no confidence motion’ is another criterion which has affected many women in Gujarat.

Like in other States, 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 authorized on 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 (*Talhati*), is compulsory for withdrawing such funds. The newly elected women members of the 2017 Panchayat elections now are supposed to spend an inordinate amount of time and effort to obtain signatures from the *Talhati*.

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 *Talhati* 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 work but also negatively affect the quality of the development work.

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. 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 becomes limited. Women issues will not be brought out if decentralisation planning process is nonexistent.

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. Parents who have three or more children before the law came into effect, remain unaffected.

In the name of "peace and harmony in the village", the Government of Gujarat (GoG) has announced the "Samras Yojana" (meaning 'of common interest' or 'all substances submerged into one form') through a government resolution (GR) in 1992. This encourages nominating representatives to the village Panchayats through consensus among Panchayat members (instead of elections), in the pretext of considering this as a sign 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 samras Panchayat has shown an upwards trend since 2006 in Gujarat. As a result, for incentives for all-female Panchayats, there numbers has increased from 20 in 2006 elections to 254 in 2011 elections. Out of the total 2,147 Panchayats which have adopted the Samras system, 800 Panchayats are Samras for the first time, 472 for the second time, and 621 Panchayats for the consecutive third time.

Data on Samras shows that there were 10,279 village Panchayats in Gujarat in the 2015 Panchayat election. Out of 10,279 Panchayats, 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 limits the potential of greater deepening of democracy at the grassroots levels of governance. The consequences of these Yojanas are that the Sarpanches have to be acceptable to the dominant family or a group of families in the village, thus perpetuating the dominance of elites over rural community.

Table 6: Samras Yojana – Incentives Given as per the Population size

| Samras Panchayat declared based on population | General Panchayat , i.e. Panchayat body with men and women as members and financial incentive given (in Rupees) | Mahila Samras 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' ⁷ | 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 |

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'.

⁷ 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

‘No Confidence Motion’ – Need to Raise Voice

Thirty-nine-year-old Geeta Devi is class 3rd pass and is a former Sarpanch of Shior Village of Bhabnagar District of Gujarat. It was seven months into Geeta’s first session that ‘motion of no confidence’ was proposed by the Panch members of her Gram Panchayat. All the seven votes were against her. According to Geeta, “She received this motion of ‘no confidence’ because she was working using her intelligence while her colleagues wanted her to work according to their wish and will”. Geeta shares that in 2016 elections, all the three women candidates were threatened by the political party (in opposition) but Geeta was not deterred by any threat. The party in opposition filed nomination of four of their candidates. All of them after winning the elections influenced rest of the members of the Panchayat to vote against Geeta and in a matter of second she became Ex-Sarpanch.

Geeta did not sit quiet after the ‘motion of no confidence’. She filed application at all the levels – Tehsil, Taluka and District citing that she has become the victim of conspiracy planned by the male members of the Panchayat. Geeta informs that she was not only forced to resign from her post but was offered a bribe of Rupees 2 lakh to not report the matter to higher authorities. Geeta, unaffected, did not give up and kept on trying. She, however, lost the battle.

Despite being removed from the post of Sarpanch due to ‘motion of no confidence’, Geeta found support in villagers who wanted Geeta to lead them as Sarpanch. They wanted to file application at the District Head Quarters but Geeta asked them to remain calm. She was aware that after the ‘motion of no confidence’, no one will listen to them at any level.

After removal from the post of Sarpanch, she again contested for the elections in 2018 but got defeated by 81 votes. In 2018, Hansa Koli won the post who was the previous Up- Sarpanch. Although, Hansa Koli is the official Sarpanch on papers but all the works and decisions are done by her son. This is the reason that Geeta was not accepted by them as she never allowed anyone to interfere in the Panchayat work unnecessarily.

According to Geeta this law is unfair. She believes that when people (common public) support PRI members to get elected through their votes then why the decision of their removal rests in the hands of PRI members. In other words, the villagers do not get to participate in the ‘no confidence motion’. All the decisions are taken at the Panchayat level and this is done to fulfil their vested interests like what happened in this case. So villagers should also be involved in the process of passing motion of no confidence. Geeta demands that government should facilitate the building of such environment where women leaders (who genuinely want to work) can participate and work freely in Panchayat, rather than just passing rules and then being neutral.

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 Samras Panchayats (AWSP), women are provided incentives to contest election. Incentivised system can bring those women who are otherwise not willing to participate in Panchayat election.

Increased number of women in Panchayat bodies through AWSP does not necessarily empower women, and often instead results in proxy Sarpanches 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 their women members to contest elections. The intention of PR Acts to make PRIs free of social and economic divides, stopping the dominance of elites over rural society and men over women gets diluted. For the adoption of Samras and All Women Samras Panchayats, the government is offering financial incentives, which are very tempting, so village 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. There are lesser number of people from general and scheduled caste candidates as compare to the size of OBC population in Gujarat. The OBCs have more power over GC and SC candidates in grassroots politics.

Panchayat Election -2020

The next Panchayat election in Haryana and Rajasthan is due in 2020. These norms would debar many young people, especially women from marginalised section of the society to contest in Panchayat Elections. Indian Constitution has given democratic rights to everyone to contest election but some of the State specific norms are against democratic rights. Question arises why these norms are only applicable to three tier governance system and not applicable for Lok Sabha and Vidhan Sabha Elections. The constitution does not set any kind of educational qualification, Two Child Norm, Toilet Norm, Loan Repayments Norms etc. for MPs and MLA's, so why is this rule only applicable to Panchayat elections. Lack of education is not an individual's fault, and it is not a crime, so it should not be a criterion for contesting election. If this criterion has to be followed, then it should be followed at all levels, not only limited to Panchayat election. Educational status up to a certain level, having less than two children, functional toilets, etc. are not pre requisites to enable a woman to understand governance, but experiences, skill and willingness are the pre-requisites to do good work so attention needs to be given to these factors.

Chapter IV: Media Reporting on Women Participation in Local Governance

Media can play a pivotal role in changing scenario of grassroots governance and bring positive changes through awareness building, positive and active reporting on their work and in this way enhance more women into political space. The way the media portrays women and addresses issues of special concern to women, has a major impact on women's participation in politics. Even more important than the amount of media coverage devoted to women is the quality of such coverage. The media often perpetuates stereotypes of women in their traditional roles rather than conveying a positive image of women as political leaders. This chapter tries to analyse secondary data on media reporting on women in Panchayats.

In the context of this work, efforts are done to understand the quality of media coverage devoted to women's participation in Panchayats. The quality of media coverage can have a major impact on the advancement of women as candidates and as voters" (see Ukrainian Women's Fund, 2011, pp.17-18). Here in this chapter, the data and content gathered from different news sources (print and online) are put in themes and the treatment of these themes is done according to story hooks, frequency, language, space being provided, location in the print, time of publishing, so on and so forth. The following table shows the issues and topics that have been covered in newspapers and online media (Table 7) for last five years (2012 to 2017). Total of 338 news reports got collected for this media trend analysis.

Table 7: Issues Covered in Newspapers and Online Media Platforms

| S. No. | Issue Specific | National | Regional News | | | | | | Online |
|-----------------------|--|------------|---------------|-----------|-----------|-----------|-----------|-----------|-----------|
| | | | Chh | Guj | Har | Kar | Mah | Raj | |
| 1 | Gender biasness towards women Sarpanch (Pati Sarpanch, use women Sarpanch as rubber stamp) | 7 | 1 | 0 | 1 | 2 | 3 | 2 | 2 |
| 2 | Crime against EWRs | 4 | 2 | 1 | 2 | 0 | 3 | 4 | 5 |
| 3 | Caste, religion, economic status of EWRs | 18 | 1 | 6 | 2 | 6 | 5 | 7 | 14 |
| 4 | State specific norms like 2 child Norm, education, toilet, etc. | 28 | 7 | 1 | 7 | 0 | 5 | 7 | 15 |
| 5 | Political Party Influence | 10 | 0 | 1 | 2 | 0 | 6 | 0 | 2 |
| 6 | Tenure of Sarpanches | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7 | Achievements (New initiatives, positive coverage) | 23 | 6 | 9 | 1 | 8 | 5 | 7 | 16 |
| 8 | Violence | 1 | 5 | 0 | 1 | 1 | 2 | 1 | 1 |
| 9 | Non-Performance | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 1 |
| 10 | Election and Voting(General) | 24 | 0 | 3 | 4 | 11 | 2 | 1 | 2 |
| 11 | Samras Panchayat | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| 12 | Miscellaneous | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Total | | 118 | 22 | 21 | 22 | 33 | 34 | 29 | 58 |
| Total Regional | | | 161 | | | | | | |

From the media trend analysis, it has been observed that most of the media reports have been published when the State specific amendments and policies are declared or about to be declared. At other times, news on this topic gets lost in the crowd of other news. The frequency of reporting is seen to be increasing prior to election. The following section describes trends observed in newspapers and other media platforms.

Story hooks: how media looks at women in panchayats

The content collected for media trend analysis reflects that daily newspapers try to build story lines if and when there is an incidence that takes place in the elected representatives' life. The news articles mostly focus on personal aspects as opposed to focusing on their work style and positive or negative changes the EWRs have brought to their villages. Most elaborate pieces that have been published or covered by mainstream media so far were on case stories of women Panchayat leader's struggles. Many online media like Scroll, The Wire and other feminist platform like Women Feature Service extensively cover detail case stories on women Sarpanches and leaders. Reporting on how women can contribute on specific issues in governance system has been an interesting trend in these above mentioned mainstream online media. The local vernacular media like live Hindustan has been reporting on local issues of Panchayats and how Panchayat leaders have been handling those issues. The mainstream newspapers, Indian Express and the Hindu have been reporting on how women play active roles in Panchayats. On the other hand, Times of India (TOI) and Hindustan Times (HT) have covered case stories on women as leaders in Panchayats.

Media reporting on state specific norms and policies

State level newspapers have been covering State specific norms and criteria but not on a regular basis. Most stories are available online from Rajasthan, Haryana and Gujarat. The mainstream newspapers like TOI and HT have reported on how quota system in Panchayats has increased the participation of women and highlighted the State specific norms and policies that have debarred many women to participate in electoral processes. On the other hand, the local vernacular newspapers cover stories from human angles not as political pieces or analytical pieces or from policy analysis point of view like national dailies. For example, the local newspapers covered stories like how a Sarpanch abandoned her third child for contesting Panchayat election or a man who got married to a woman who was well educated so that she could contest in the Panchayat election. Renowned women rights journalist Aarti Dhar has covered many stories on Rajasthan Panchayati Raj Act, especially on the issue how women and people from marginalised section of the society are structurally taken out from the political processes⁸.

Gender bias and discrimination: proxy panchayat leaders

The newspapers and online media have covered many news and stories on gender biasness and how patriarchal mindsets are affecting women to come and participate in local governance system. National news and online platforms have analysed the prevailing situation of the State's women leaders as how un-empowered they are despite the 50 per cent reservation. In Rajasthan, Karnataka and Maharashtra, local media has covered the stories on how women Sarpanches are affected by the 'no confidence motion'.

Media reports have also covered the issue of proxy Sarpanch⁹. The husbands conducts all meetings, take all the decisions and the women leaders only sign the papers. Such news items are seen to be covered in many national and regional dailies. The regional dailies have analysed the reason behind proxy Sarpanch with specific case stories or feature articles. In an online platform called "Digital journal", a news article provided example of biasness "Besides bias at home, the women village heads also complain about non-cooperation from their male colleagues in the Panchayat¹⁰." The article written by Stella Paul, published in 2013, talked about the gender biases faced by tribal in Chhattisgarh Panchayat "In India, women village heads face gender bias, discrimination".

The report highlighted the State of women in the rural society and the perspectives of political parties and their leaders following the 33 per cent and 50 per cent reservation of seats for women in all the

⁸ <https://www.thehindu.com/news/national/other-States/rajasthan-passes-bill-on-eligibility-for-Panchayat-polls/article7041483.ece>

⁹ <https://www.thehindu.com/todays-paper/tp-national/hc-notice-to-rajasthan-on-eligibility-for-Panchayat-polls/article6758539.ece>

¹⁰ <http://www.digitaljournal.com/article/353298>

tiers of the local governance system. The newspapers and online platforms tried to analyse the general feeling on the puzzlement of women coming into the public space. Many articles tried to analyse the reason behind why women are not able to come forward as active members of the system. The Hindu and The Indian Express tried to analyse policy level issues on women reservation bills and how newly elected members will face difficulties as most women are not habituated to the political doldrums. On the other hand, if they overcome the initial hiccups and take advantage of the reservation policy, the political parties and the male family and party members made it difficult for them, this point has been covered in many national dailies.

There were references to the helpless condition of women candidates who had to rely on family and party members for campaigning and interaction with the voters because they neither had political consciousness nor were they ready for their new roles outside the four pillars of their houses.

Media helps people to create their own identities in relation to the images they see around them. The issue of reservation of seats, State specific norms to contest Panchayat elections has been getting attention from the media and online platforms but not as much attention as is given to the issues of Vidhan Sabha and Lok Sabha Elections. Media reports have been mostly highlighting the percentage of voters and gender wise contestant list and their economic backgrounds. After the first Panchayat election happened in 1993, at least three Panchayat elections were conducted in all the six States. Negative portrayals of women like questioning on confidence level of women Panchayat leaders and gender stereotypes often have characterised media coverage. The newspapers threw light on the status of women, the consequences of reservation on the women candidates as well as on the other community members and the responses of the political parties who were integral part of the Panchayat election process. The newspaper reports underlined how political parties were interested in utilising the constitutional amendment Act for their own benefit but there was no attempt on the part of these political parties to involve the rural women in the local election process or prepare them for their new roles outside their homes.

The media could give emphasis on policy level changes and analysis and how EWRs could work efficiently and on what kind of training they required for becoming empowered EWRs. Empowering women politically may have been the outlook of political institutions (like the political parties and the government bodies) but the task of empowering these women socially could have been undertaken by social institutions like the media.

The newspapers of national and local level, both are not seen to adopt the role of social motivator or create a conducive environment for women to come to political sphere. From the media reporting analysis, it has found that the media has covered news of women in Panchayats but details stories like follow-up story on women Panchayat leaders are less in numbers. It has also been found that the newspaper did not cover issues like why women were not able come into politics, what are their struggles, what can be done in that regard etc. Media can influence on the issue like women's decision to enter politics is the relative lack of role models, not just viewed in terms of women's physical

presence but also in terms of their public presence in media discourses. Women need strong motivation to gear themselves 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.

The mainstream newspapers reflected the picture in the rural society and suggested that seat reservation was not sufficient to involve the grassroots women in the local political and administrative process. It required the political and social awareness of the women. The press as a social institution in a developing society did not play a proactive role in mobilising the rural women for participation in the Panchayat system. The newspaper reports stated that though there were initial apprehensions about the availability of adequate number of women for the reserved seats, after the end of the nomination process it was clear that there was no dearth of women candidates.

CHAPTER V: MAJOR FINDINGS AND RECCOMENDATIONS

Major findings

This study has been a continuous learning process and it has overviewed vast literature that covers Panchayati Raj, State Panchayati Raj policies and how these State policies and norms have impeded women to come into politics and grassroots governance processes. The study has tried to look at the issues, aspects, dynamics and outcomes of policy measures taken by the six study States. The study has thrown light on many unexplored and unsaid issues like, how a woman candidate can be strategically removed from political participation by passing a 'no confidence motion', how women candidates have to show their husband's and father in law's clearance certificates of loan repayment from co-operative banks, etc. to contest Panchayat election and what consequences and implications it has in their participation.

It has captured variety of situations across the States, across villages and blocks in six States of India. The study tried to look at State-wise policies and norms on Panchayati Raj. For that, number of secondary researches and reports, newspaper articles were referred. Though 73rd Constitutional Amendment has opened the doors for women to come into active politics but as we all know Panchayats is a State subject and States have made many policy level changes which have created a new level of hindrance for women who wanted to come into politics. Our secondary data analysis shows that there is a need to bring change at policy level and States need to relook at the policies and norms for bringing women to grassroots governance and in active politics.

The case stories collected during the studies show that the experienced women who have been participating and contesting election in grassroots governance are now debarred because of education criteria, two-child norm, having functional toilets, etc. Though these norms affect both men and women but impact is more on women because of societal norms and other issues, and this is more pronounced in case of women from the marginalised sections of the society. If a woman cannot participate in Panchayat election due to low level of education, it is not her fault and she is the victim of societal mindset, infrastructure gap, and poor economic situation and so on.

Any woman has the right to contest election if she is a part of Indian Democracy. A norm or policy should not debar a less educated woman from her democratic rights of contesting election as compared to the women who got the opportunity to study because of higher social and economic status.

By meeting the women who have been debarred from contesting election, the study has examined the impact of policies like the two-child norm, having a functional toilet with water facility in the household premises etc. on the political participation of the poor and socially disadvantaged groups in villages. Women have shown their discomfort and have questions on the logic of such policies. The analysis of stories has also revealed instances where due to women representatives the nexus of officers and male elected representatives was seen to be breaking, which has a direct impact on reducing corruption and malpractices.

It was observed that women were getting push due to the 73rd Amendment to enter into the sphere of governance as EWRs, but were also facing challenges due to the new rules (on having minimum qualification, functional toilet with water in the house, two child norm among others) and also from the existing social norms and patriarchy. In all the States, women were seen to be impacted by these rules. The much heard phenomenon of ‘Sarpanch Pati’ still exists in most of the locations in the six study States. Whether it is a progressive State like Karnataka or States like Chhattisgarh, Haryana or Gujarat, men's control was seen to be widespread from home to Panchayat.

In Karnataka, for example, there is a rule for bringing the ‘no confidence motion’, but according to this rule, after winning of any Panch or a Sarpanch, the Panchayat body cannot bring the ‘motion of no confidence’ against the person for two years. This rule provides the benefit to the elected person that they get some time to learn and perform, whereas in Gujarat the provision of two years is not given and the rule is used against people including women who want to work on their own (without succumbing to the pressure of fellow men). Similarly there is no special rule in Karnataka for having a toilet as an eligibility criterion to contest in Panchayat election, but from our case story collection, it has found that the contestants are asked whether there is a toilet in their house or not. If there is no toilet in the house, then an affidavit is taken that after winning the election, they will make a toilet in their house within a year. Even Chhattisgarh has the same rule but the State has large population and remote hilly areas, a candidate has to show a functional toilet within three months from winning the election.

On the contrary, under this rule in Maharashtra, if the candidate's house does not have a toilet, then it is mandatory for them to use the toilet, even if they have to go to the neighboring house. The problem of most women getting obstructed by education criterion was seen in Rajasthan and Haryana where they were deprived of contesting in Panchayat elections. It is not that the rules of education are affecting only the elderly women. Women of lower age, especially women of backward classes are also seen to be getting impacted. It is Governments argument that these rules will help setting examples before others for being educated but making women suffer for a reason for which they are not even responsible is a big question.

Moreover if such rules are made applicable for Panchayat elections they should be made applicable for the Vidhan Sabha (VS) and Lok Sabha representatives (LS) as well. On one hand, in Panchayati Raj elections, the rule of educational qualification advocates for the arrival of educated women in local government, but as a side effect how this is hindering a large section of society of even contesting in the elections should be a matter of concern.

Due to the law of two children, women are facing difficulties in contesting in Panchayat elections. In a country where women are not allowed to sit in front of their in-laws' on chair or bed, how can it be thought that they can decide on the number of children they want to have? Though there are small variations observed in the States under study regarding this rule, but overall it has impacted women's participation in Panchayat elections. Two-child norm has been seen to act as discriminatory method to disempower the marginalised groups Dalit, women and Adivasis, apart from disengaging the youth from the political processes. Women have been rendered more vulnerable and doubly disadvantaged as they don't have a say in decision-making but have to bear the brunt of the new norms. This study sponsored by the UNW depicts clearly the plight of women and other socially disadvantaged groups in the society in number of ways.

The study also tried to analyse media reporting on women in governance. Media can and should play a role to bring the issues women are facing to come into the forefront. Media can bring more stories on right based approach or how democratic rights are curtailed due to some specific norms and rules set by State policies. Regional issues of violating political participation rights of women, especially from marginalised section need to be reported more on national dailies. Analytical piece on policy research needs to be covered more in mainstream media. The issues of reservation of seats, State specific norms to contest Panchayat elections have been getting attention from the media and online platforms but not as much attention as the issues of Vidhan Sabha and Lok Sabha Elections. Media reports have been mostly highlighting the percentage of voters and gender-wise contestant list and their economic backgrounds, but they are not much vocal about political and social awareness on women's participation in grassroots governance and so on.

New forms of media, chiefly digital and rural community media, have developed innovative ways of reporting on and highlighting social issues, particularly, underreported ones that are often missed by mainstream media. The Community Radio Stations (CRS) have played a pivotal role in communicating the local governance issues, specially focusing on women in governance system. Community Radio and regional online platforms can build large amount of evidences and knowledge base. This knowledge base can be used for further analysis and bring solutions to foster better governance. In the six States under study, the community radio stations broadcasted stories emerging from ground and tried to create better visibility on State specific norms that have hindered women's participation into grassroots governance processes.

In the secondary research, it was found that majority of reports and writings on EWRs in PRIs have covered women's empowerment in the form of individual struggles vis-à-vis social hierarchies and hostilities, bureaucratic and administrative hurdles, and oppositions from various quarters of the society. It is interesting to know and understand how women as political representatives have fought against constraints like illiteracy, lack of experience, exposure, family responsibilities, restrictive social norms, lack of enabling environment and violence, etc. There are interesting insights as how EWRs have reached out to government agencies; how they negotiated and have become enlightened, and efficiently perform through their political space; how they deal with political actors like bureaucrats, elected representatives, political parties, etc.;

And how EWRs use their political power as a weapon for women's development and empowerment. On the other hand, the State or the government considers them effective in local governance, in order to ensure people's rights and development processes, especially those guaranteeing women's development and empowerment.

Active participation of women, and non-influential political decision making by them, will take a much longer time because of many social, economic and political reasons. It needs to be understood that women in general, and those from historically excluded sections of the society, such as the Scheduled Tribes and Scheduled Castes, minorities and other backward castes have many battles to fight at the family, societies and institutional levels, in order to be able to seek and benefit from economic and political opportunities available as their fundamental rights. The EWRs needs the requisite social space in order to effect the changes that she desires to be associated with. Even after the 73rd Amendment, there remain many obstacles to women leaders getting empowered. And this aspect of gap in the potential and the actual participation becomes more pronounced when it is observed that media's role is also not very pro-active and to the required extent in context of furthering the cause.

Suggestions and recommendations

As this study report was supposed to read and analyse data on the policies and its impact in the six States, lot of attempts were made to get access to the same. The data was collected from census, election commission, newspaper articles and research studies by social scientists and journalists. Still the team felt the brunt of less availability of data, due to which this was realised as one of the major challenge. Moreover there was variation in the data availability among the six States under study. In some, access to data was not that problematic (like in Haryana and Rajasthan) whereas in others (like in Karnataka, Gujarat and Maharashtra) access to updated data was a big challenge.

Based on the analysis of data, hereby the suggestions and recommendations are being provided in the following paragraphs.

Before the State government implements any policy, the Government should understand the status of women in the rural Indian traditional setup. This includes their problems, their concerns, the freedom they get to move out freely on their own, the autonomy they have in terms of making decisions for number of children in family or building a toilet in the household premises, or the repayment of loans. Without considering the local ecosystem if rules are made and implemented it actually fails the objective of getting more women to participate in governance.

- Before setting up any norms and rules for contesting Panchayat election by State government, a baseline study and policy analysis needs to be carried out by an independent agency.
- Strengthen capacities of marginalised groups for understanding legal provisions; account handling to safeguard them from procedural mistakes; dealing with government stakeholders on an equal basis, and empower them to reject undue demands.
- Capacity building and training of Gram Panchayat members from the very beginning will increase the efficiency of Gram Sabhas. Need to relook at the training course and curriculum for Panchayat leaders.
- Strengthen the information dissemination mechanism for better participation of women in grassroots governance.
- 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. Create an overall positive environment among communities so that the working of women leaders and Panchayat members does not face undue hindrances.

- 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 as a collective.
- More awareness and information on how the 'no confidence motion' as a collective works and what the legal consequences are, as even many women Sarpanches who were removed do not understand how this power had been used against them. In parallel, systems and strong rules need to be made so that women do not fall prey of such practice.
- The media, both print as well as electronic can play an important role in creating awareness in the rural society as well as bringing EWRs challenges and concerns to appropriate platforms, where general masses could understand and relate to the issues and concerns of EWRs (their limitations due to the existing gender discriminations and stigma of poor performance)
- The curriculum for the students at the primary, secondary and higher secondary levels, of different courses like mass communications, social sciences, rural development, social work needs to include aspects of governance, its meaning, its possibilities (with a gender lens), so that they can relate well and see themselves to meaningfully contribute in the process.

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About UN Women

UN Women is the UN organisation dedicated to gender equality and the empowerment of women, with specific focus on the elimination of discrimination against women and girls, empowerment of women, and achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace & security. UN Women's office based in New Delhi covers four countries: India, Bhutan, Maldives and Sri Lanka. In these countries, UN Women strengthens women's rights by working with women, men, feminists, women's networks, governments, local authorities and civil society. With all of them, UN Women helps to create national strategies to advance gender equality in line with national and international priorities. In India, the nodal ministry for UN Women is the Ministry of Women and Child Development.

UN Women stands behind women's equal participation in all aspects of life, focusing on six priority areas:

1. Ending violence against women
2. Promoting Leadership and Participation
3. National Planning and Budgeting
4. Economic Empowerment
5. Peace and Security
6. Migration

UN Women's work in local governance space in India: UN Women is currently implementing the second phase of its programme on Gender Responsive Governance (GRG) (2015-2018) in partnership with Ministry of Panchayati Raj (MoPR).

The Programme is being implemented in partnership with the Ministry of Panchayati Raj across six states, namely Andhra Pradesh, Telangana, Karnataka, Madhya Pradesh, Rajasthan and Odisha. The programme aims at strengthening capacities of governance institutions to ensure that gender concerns are embedded in the design and implementation of legislation, policies and programmes. The current phase of the GRG programme builds on learnings that emerged from the first phase of UN Women programme on 'Promoting Women's Political Leadership and Governance in India' (2011-13), also implemented in partnership with the Ministry of Panchayati Raj, in 15 districts across 5 states of the country.

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About Development Alternatives Group

Development Alternatives (DA), the world's first social enterprise dedicated to sustainable development, is a research and action organisation striving to deliver socially equitable, environmentally sound and economically scalable development outcomes. DA's green technology innovations for habitat, water, energy and waste management, which deliver basic needs and generate sustainable livelihoods, have reduced poverty and rejuvenated natural ecosystems in the most backward regions of India.

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