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WOMEN'S RESERVATION IN PANCHAYATS: LEGAL EMPOWERMENT OR SYMBOLIC REPRESENTATION?

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INTRODUCTION

The discussion on making women politically empowered gained a new chapter with the introduction of the 73rd constitutional amendment act ¹ in the year 1992. This act gave Panchayati raj institutions constitutional validation as the third tier government. Among its transformative provisions the landmark transformation came for women of the country. The mandate of reserving one-third of all seats and leadership positions for women at all levels of local governance sought to democratise representation, correct the age old discrimination and gender bias and imbalance and strengthen democracy at the grassroots.

Almost after three decades of the implementation of this act a crucial question is bound to arise- has women's reservation gave results of genuine empowerment or it is just on files kept in shelves? Though the legislation provides women with the legal empowerment of reservation but on ground level representation is dependent on basis of the social setting, economic and educational context of the state or region. This article examines both sides of the coin – legal empowerment and symbolic representation- by looking deeply at the constitutional provisions, empirical studies practical challenges and lived experience of women in local governing bodies.

HISTORICAL AND CONSTITUTIONAL BACKGROUND

Mahatma Gandhi believed soul of India lives in its villages and for India to become a successful democracy we should strengthen the villages make them self sufficient democratic and representative and to bring gram swaraj. This gandhian philosophy guided our constitution

¹ The Constitution (Seventy-Third Amendment) Act, 1992, No. 42, Acts of Parliament, 1992 (India)

makers and the article 40² as DPSP was adopted which mandates states to organize village panchayats and grant them with essential power and resources to make them self-sufficient. But the real work on decentralization began with the Balwant Rai Mehta committee (1957)³ proposing a three tier structured panchayat raj model. Later the Ashok Mehta committee (1978)⁴ recommended the legal validation for regular elections in these PRIs. Despite these early efforts the PRIs were weak dependent and not universal.

The landmark moment in decentralization of power in India arrived with the 73rd amendment act (1992). This introduced:

- A three tier structure : gram panchayat , panchayat samiti and zila panchayat
- Mandatory elections after every 5 years
- Decentralisation of powers and responsibilities
- Gram Sabha as a practitioner of direct democracy
- Most important and path breaking:
 1. 33% reservation for women in all seats⁵
 2. 33% reservation for women in chairperson positions
 3. Reservation across general , Sc and st seats.

Over the period many states such as Bihar, Rajasthan, Madhya Pradesh, Odisha, Kerala and Chhattisgarh expanded the quota to 50%⁶. This made India home to one of the world's largest networks of elected women representatives (EWRs)

Thus, the legal framework created a space for women to hold position and reserved seats for them but legal framework doesn't work unless proper implementation and vigilance at ground level.

WHY WOMEN RESERVATION WAS NEEDED

² India Const. art. 40.

³ Balwant Rai Mehta Committee, Report of the Team for the Study of Community Projects and National Extension Service (Gov't of India 1957).

⁴ Committee on Panchayati Raj Institutions, Report of the Ashok Mehta Committee on Panchayati Raj (Gov't of India 1978).

⁵ India Const. art. 243D(3)-(4).

⁶ The Madhya Pradesh Panchayat Raj Avam Gram Swaraj (Sanshodhan) Adhiniyam, 2007 (State Amendment providing 50% reservation for women).

The need was driven by the need for both democratic justice and developmental necessity.

1. CORRECTING HISTORICAL EXCLUSION

Before 1992 women held very a smaller number of seats in local governments. They were not allowed to keep their opinions in gram submaster exclusion was a representation of patriarchal mindset low literacy and awareness and the public private debate.

2. ENHANCING PARTICIPATORY DEMOCRACY

Local governance touches life of people on daily basis- water sanitation healthcare areas where women have better experiential knowledge and practical exposure

3. IMPROVING GOVERNANCE OUTCOMES

Women's involvement was expected to shift the focus of local governance towards welfare education nutrition and social justice.

4. CREATING NATIONAL LEVEL LEADERS

Grassroot experience of women in governance would empower them to contest state and national level elections and bring positive and meaningful change and increase representation of women at national and state level as well, thus strengthening gender equality in the system

WOMEN'S REPRESENTATION AS LEGAL EMPOWERMENT

From a negligible representation to 1.4 million women elected in PRIs today according to press release of press information bureau of India. reservation has drastically changed the gender composition of PRIs .for many rural women this act initiated their first entry into public life breaking the public-private debate.

There has been a significant change in attitudes of family members and communities and the acceptance of them in gram Sabha official meetings and public spaces.

Empirical research strongly supports this .the most cited of them are the studies by Esther Duflo and Raghendra Chattopadhyay⁷:

- Women leaders have invested more in making drinking water clean and accessible worked more for better roads and sanitation and building primary schools.

⁷ Raghendra Chattopadhyay & Esther Duflo, Women as Policy Makers: Evidence from a Randomized Policy Experiment in India, 72 *Econometrica* 1409 (2004).

Women leader often tend to prioritise schemes like the following for welfare nutrition and development:

- Anganwadi nutrition services
- Maternal health
- Housing schemes
- Scholarship distribution
- Mgnrega employment

This reservation has also opened a career path for women many local body women leaders continue their political career .many women sarpanch became MLAs.

Institutional support has increased -training programs by NGOs state department SHGs have improved women's confidence and skills and made them able to rule efficiently.

There is also development in women's agency participation in panchayat has transformed the self-perception of women they negotiate with officials manage funds address disputes engage in public speaking often for the very first time.

Together these achievements highlight that reservation has played important role in legal empowerment of women.

But the other side of the coin shows a different picture

SYMBOLIC REPRESENTATION: PERSISTENT CHALLENGES

While the legal framework is strong social norms and institutional weakness and loopholes often lower its impact.

The major loophole is the sarpanch Pati phenomenon- the most widespread limitation is the proxy representation.in many areas the husband who used to contest the local body election ,after the reservation for women use their wife or female relatives as proxy candidates, and exercise power on behalf of them. On paper the representation is there but the reality is something else, the husbands informally exercise power take decisions attend meetings and even are called the sarpanch while the real sarpanch is the wife. The reasons for this are first being the lack of awareness about democracy and the importance of participation which is due to the limited experience of women and being closed in the 4 walls of the house. Restrictive social norms and the women's less inclination towards politics and the stigma of politics being the work of men. These issues led to this sarpanch Pati phenomenon.

Class caste religion and literacy shapes political experience. An upper caste woman maybe be able to rule as a sarpanch but a Dalit or Adivasi women may face hostility in public meetings. This is the harsh reality of our society. Thus, not all women have benefited equally from reservations. Lack of training also persists women who manage the household budgets may find problems in big scale budgeting, policy implementation, record keeping, digital governance all these factors lead to dependence on husband or male members leading to sarpanch Pati phenomenon

Fiscal autonomy is not there still in most panchayats they are heavily dependent on state for funds and resources. Elite upper class families use women to secure political dominance and exploit the system from the backstage.

CASE STUDIES

KERALA: MODEL OF EMPOWERMENT

Kerala women panchayat leaders are among the most empowered in India. There is strong decentralisation and policy implementation. And also, one of the factors is high literacy rate makes women aware and educated about the policies for them and use them for their and entire societies empowerment. The most interesting aspect of Kerala is the kudamshree model⁸, which integrates women's empowerment with poverty eradication and local self-governance.

Madhya Pradesh shows a mix of proxy rule as well as strong women sarpanch who changed the landscape of their villages. Rajasthan also shows examples of both empowerment and proxy rule

Thus, this leads to a descriptive vs. substantive debate.

Scholars distinguish political representation in two categories descriptive that is physical presence in political bodies achieved through proxy rule. And the other is substantive representation where women influence decisions policies and outcomes not just on paper but on ground. Reservation ensures women's entry into the arena but training breakage of social norms autonomy physical and self ,family support and the removal of the proxy leadership and the real power in hands of women is necessary for substantive representation.

THINGS THAT NEED TO CHANGE FOR TRUE EMPOWERMENT

⁸ Kerala Local Government Department, Kudumbashree: Community Development Society Structure and Women's Empowerment Model (Gov't of Kerala).

- Mandatory training before post holding
- Regular training programs in budgeting digital governance leadership and awareness of rights and reservation in necessary
- Curbing proxy representation or sarpanch Pati phenomenon
- Legal guidelines strict penalties and monitoring program are needed to prevent proxy representation

Also, on the fiscal aspect there should be strong decentralization and fiscal autonomy of funds and resources and control over schemes, clear function and autonomy .Also, gram sabhas should be made more participative and inclusive so that women's voice is heard. childcare centres for women sarpanch will help women in balancing between family and their duty towards the post. Digital literacy should be increased wit making women familiar to technology so that they are not dependent on any male member.

CONCLUSION

Introduction of reservation for women was a landmark step towards women empowerment, and one of indies most progressive steps towards the upliftment of women and in turn the society. Omens presence in local governance led to betterment of public service and in shaping an inclusive participatory democracy.

Yet the journey from representation to empowerment is a long one. The major challenge lies in fiscal dependency lack of digital literacy and the sarpanch Pati or proxy representation in panchayats.

Thus, it's time we work towards empowering women on ground and not just on files kept in shelves of government offices.

Reservation provides the entry point but genuine empowerment lies in breaking patriarchal norms and making women aware of the change they can bring when in power.

The empowerment of women will empower the villages and thus in turn empowering and making India atmanirbhar and gender just democracy.

