

RURAL WOMEN EMPOWERMENT THROUGH PANCHAYATI RAJ INSTITUTIONS IN JAMMU AND KASHMIR, STILL A DISTANT DREAM¹

The empowerment of women has become the most important concern of 21st Century. With the dawn of 21st century, the world view about rural women has undergone sea change. The rural women are now not looked upon as objects of welfare but they are perceived as hardworking productive adults. There is growing realization that there can be no successful development planning without equal participation of women.² UN support for the rights of women began with the Organization's founding Charter. Among the purposes of the UN declared in Article 1 of its Charter is "To achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. One of the principal organs of the United Nations, Economic and Social Council established its Commission on the Status of Women, as the principal global policy-making body dedicated exclusively to gender equality and advancement of women. The United Declaration of Human rights is a landmark declaration adopted by the General Assembly on 10 December 1948, reaffirms that "All human beings are born free and equal in dignity and rights" and that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, birth or other status." In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is often described as an International Bill of Rights for Women.³ The Commission on the Status of Women organized

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² <http://shodhganga.inflibnet.ac.in/bitstream/10603/17877/1/chapter%201.pdf> (Visited on September 22, 2016).

³ <http://www.un.org/en/globalissues/women/> (Visited on September 22, 2016).

and followed up the world conferences on women in Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995).⁴The Millennium Development Goals were the eight international development goals to be achieved by 2015 and these goals were accepted by Millennium Summit of the United Nations in 2000 following the United Nations Millennium Declaration. The Goal 3 was to promote gender equality and empower women. The Goal 3 had one target i.e., Target 3A “Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015”. The MDGs were supposed to be achieved by 2015. A further process was needed to agree and develop development goals from 2015-2030. Discussion on the post-2015 framework for international development began and finally on 25 September 2015, the 193 countries of the UN General Assembly adopted the 2030 Development Agenda titled Transforming our world: the 2030 Agenda for Sustainable Development. It is a set of seventeen aspirational "Global Goals" with 169 targets between them. The Sustainable Development Goal 5 (SDG5) talks about achievement of gender equality and empower all women and girls. SDG5 is specifically on women’s empowerment. Unlike its predecessor, the goal calls on governments to achieve, rather than just promote, gender equality and the empowerment of women and girls. Many key issues needed to achieve gender equality and women’s empowerment were overlooked by MDG3 and this gap was filled by SDG5.⁵ Along with other countries, India too expressed its commitment to work towards achieving these goals by 2030. But, global and national commitments aside, big question that arises is has there been empowerment of rural women in Jammu and Kashmir? That has to be analysed. The socio-economic conditions of women in rural areas of India have been dissatisfactory than in urban areas on account of myriad reasons. The empowerment of women is important for socio-economic development of any society. Women empowerment is an ongoing debate in India and else where. There were several attempts to improve the position of rural women after India got independence and one of the major steps was political empowerment of women through Panchayati Raj Institutions introduced in 1959. But this experiment could not give desired results due to multiple reasons. One of the flaws of the system was its failure to involve women in decision-making and there was only token representation in Panchayati Raj Institutions. In order to remove the flaws, the 73rd

⁴ <http://www.un.org/womenwatch/daw/beijing/> (Visited on September 22, 2016).

⁵ <https://www.theguardian.com/global-development/2015/mar/26/millennium-development-goal-three-gender-equality-explainer> (Visited on September 22, 2016)

Amendment Act (1992) was passed.⁶This Amendment gave constitutional status to Panchayati Raj Institutions (PRIs).The most revolutionary provision in this Amendment Act was reservation of one-third of seats for women in rural local bodies along with reservation of seats for scheduled castes and scheduled tribes in proportion to their regional populations. As mentioned earlier there were already women in rural local government prior to passing of 73rd Amendment but their number was less. In most cases the state laws prescribed atleast one or two seats for women in PRIs but these seats used to be filled by nomination. The nominees were from elite families belonging to higher castes. They were just symbols of tokenism and took no interest in the functioning of the PRIs.The new system of reservation after 73rd Amendment which introduced the competitive elections as well based on adult franchise changed the situation radically. There are variations among states in the magnitude of women's representation. Most of the states managed to meet the constitutional target of 33 per cent seats for women, in some states this proportion has been exceeded like 43.6 per cent seats in local bodies in Karnataka .⁷World is passing through an era of democratic decentralisation and women's empowerment. Many developed and developing countries are experimenting with various forms of devolution of power through democratic structures at local levels and women are becoming part of decision-making at the local level. India also did this experiment and introduced reservation for women in 73rd Amendment Act to ensure women's participation in local governance.⁸ This Act made tremendous change and resulted in entry of large number of women in rural local bodies .This positive discrimination in favour of women was important as there can be no real progress if the women of the country are not made equal partners in this process of development. Mahatma Gandhi also advocated that full and balanced development of the nation and establishment of a just society is possible only when women participate actively and fully in the political deliberations of the nation. The Balwant Rai Mehta Committee (BRC) on Panchayati Raj System emphasized that rural women should not become mere beneficiaries of development but should be made equal partners in its affairs as contributors.⁹ The Committee made recommendations for co-opting of two women i.e., like the rest of male members ,women were not to be elected but were to be co-opted. The State of

⁶ Nisha Garg and Neera Verma, "Women and Panchayati Raj in Haryana:A Review Article",in Surat Singh(ed.) *Decentralised Governance in India* 161(2004.)

⁷ B.S. Baviskar, "Impact of Women's Participation in Local Governance in Rural India" in L.C.Jain (ed.)*Decentralisation and Local Governance* 332(2005).

⁸ *Ibid.*

⁹ Ajit Pal Singh, "Women's Participation at Grassroot Level: An Analysis", *available* <https://www.mainstreamweekly.net/article1207.html>

Maharashtra in 1961 introduced the provision for nomination of women while others like Karnataka and Andhra Pradesh made reservations of women in Panchayats in 1985 and 1986 respectively. From mid-sixties the Panchayati Raj witnessed the phase of stagnation and ultimately decline. No serious attempts were made to revitalize the Panchayati Raj Institutions. In the backdrop of this decline, a Committee was set up by the Central Government under the Chairmanship of Ashok Mehta in 1977 to suggest measures to strengthen the PRIs. The Committee visualized Panchayats as an organic and integral part of the democratic process. However, it never seriously debated the issues of women's representation raised by report of *Committee on Status of women in India (1974)*.¹⁰ In 1988, the National Perspective Plan for Women (NPP) discussed political participation and the issue of under-representation of women at all levels. Drawing from the experiences of the States which had introduced a quota for women in Panchayats and municipal bodies, it recommended 30 percent reservation for women in local bodies with a higher representation of dalits /tribals and women of weaker sections. An earlier draft of this Plan suggested that in the years, seats should be filled by nomination or co-option. But, a Critique of Centre for Women's Development Studies, 1988 by the women's movement called it subversive of the Constitution and recommended that 30 percent reservation for women should be ensured through election process. Finally, as a result of political will, 73rd Constitutional Amendment was passed which introduced 33 percent reservation for women and redressed the gender imbalance in the institutions of self – governance.¹¹ The rationale of reservation for women was that over time by affirmative action there would emerge grassroots-level women leadership through the presence and higher visibility of women in the public sphere and ultimately would lead to substantial gain in the political empowerment of women. There is no doubt that rural women have been empowered following their participation in the Panchayat work. Their participation in the public sphere of Panchayats has enhanced their status but the degree of empowerment varies from region to region and situation to situation. A lot remains to be done constantly to make the rural women empowered as reservation has increased their number and increase in numeric strength does

¹⁰ Mala Khullar(ed.), *Writing the Women's Movement: A Reader* 187 (Zubaan, 2005)
https://books.google.co.in/books?id=Efv3V7Y9WzsC&pg=PA187&lpg=PA187&dq=ashok+mehta+committee+recommendations+on+women&source=bl&ots=Emf4PQQ1om&sig=jXcgVDFQotGXNQ6bgzsts_ILulU&hl=en&sa=X&ved=0ahUKEwj8n57R55vYAhXMto8KHUoMBvkQ6AEIUjAH#v=onepage&q=ashok%20mehta%20committee%20recommendations%20on%20women&f=false (Visited on December 22, 2017).

¹¹ *Ibid.*

not mean that they are empowered. The effective participation in decision-making would lead to empowerment.

The state of Jammu and Kashmir has its own unique history as regards Panchayats. The Panchayati Raj as an institution of local self-government in state of Jammu and Kashmir has not been thrust from outside but it is ingrained in the socio-political history of state. As in rest of country, traditional Panchayats also existed in Jammu and Kashmir and were not structured in modern sense but statutory recognition to Panchayats in the state was given in 1935 as in this year the roots of Panchayati Raj were planted by Maharaja Hari Singh by promulgation of Jammu and Kashmir Village Regulation No.1 of Samvat 1992 i.e.1935 A.D.

With this regulation began the history of Panchayats in state of Jammu and Kashmir. This Panchayat regulation was amended to incorporate better provisions and in 1958 this Regulation was replaced by Jammu and Kashmir Village Panchayat Act, 1958. The 1958 Act, also failed to strengthen the Panchayat Institutions. In spite of some well-meaning administrative measures and enactment of new law, the Panchayats could not be revitalized. It is in this backdrop the Jammu and Kashmir Panchayati Raj Act, 1989, was passed. The preamble itself makes it clear that this Act was passed with the intent to establish healthy PRIs at village, block and district level and to involve and promote the participation of people in decision-making with regard to issues concerning them and these institutions will have the responsibility to over-see the implementation of development programmes. The 1989 Act provided for nomination of women. If a Prescribed Authority is of the view that women are not adequately represented in the Halqa Panchayat, it may nominate such number of women as members as it may deem fit but the number of women members to be nominated shall not exceed 33% of the total number of elected Panches. In 2004 an amendment was made to the 1989 Act and now there is 33% reservation for women. But this reservation was available for the position of Panch only and not Sarpanch. Again in 2014 an amendment was made and this reservation is available to women for the position of Panch as well as Sarpanch. But this reservation of seats for women is made at the level of Halqa Panchayats (Gram Panchayats). There is no provision for reservation of seats for women in the other levels of Panchayat i.e. Block Development Council and District Planning and Development Board.

Research Methodology

The field study was conducted in four districts out of ten districts of Jammu Division in Jammu and Kashmir. The respondents of the study included all the 328 Sarpanches and Panches from 40 Halqa Panchayats (Gram Panchayats) spread over 8 Blocks of four districts.

Sex	EPRs of four Districts								Total	
	Jammu		Samba		Rajouri		Poonch			
	No.	%	No.	%	No.	%	No.	%	No.	%
Male	57	70.37%	57	69.51	51	71.83	65	69.15	230	70.12
Female	24	29.63%	25	30.49	20	28.17	29	30.85	98	29.88
Total	81	100.00	82	100.00	71	100.00	94	100.00	328	100.00

*EPRs = Elected Panchayat Representatives.

The field study also included as many as 320 Halqa Majlis(Gram Sabha) members selected through stratified random sampling method from every Halqa Majlis in such a manner that we are able to include,

- (i) Two General Caste males, GC(M)
- (ii) Two General Caste females, GC(F)
- (iii) Two Scheduled Caste/Scheduled Tribe Males, SC/ST(M)
- (iv) Two Scheduled Caste/Scheduled Tribe Females, SC/ST(F)

District	Category	Male	Female	Total
Jammu	GC(M)	20	00	20
	GC(F)	00	20	20
	SC/ST (M)	20	00	20
	SC/ST(F)	00	20	20
	Total	40	40	80
	%	50%	50%	100%
Samba	GC(M)	20	00	20
	GC(F)	00	20	20
	SC/ST (M)	20	00	20
	SC/ST(F)	00	20	20
	Total	40	40	80
	%	50%	50%	100%

Rajouri	GC(M)	20	00	20
	GC(F)	00	20	20
	SC/ST (M)	20	00	20
	SC/ST(F)	00	20	20
	Total	40	40	80
	%	50%	50%	100%
Poonch	GC(M)	20	00	20
	GC(F)	00	20	20
	SC/ST (M)	20	00	20
	SC/ST(F)	00	20	20
	Total	40	40	80
	%	50%	50%	100%
	Grand Total	160	160	320
	%	50%	50%	100%

(v)

Therefore total number of respondents are 648. Two sets of structured interview schedules were prepared for field study. The data analysis is as follows:

1. After the passing of 73rd Amendment Act, some Indian states have registered significant advancement and have gone beyond 33 per cent reservation for women and a large number of women are in position to win unreserved seats by defeating male candidates. The sample of this study comprises of both male and females, however the proportion of females as per the study is only 29.88 per cent out of total 328 which is less than 33 percent. The reservation of seats has led to increase in participation of women in local governance but still a lot remains to be done to eradicate the barriers to women's political participation.
2. Education is very important for Panchayat members because it is only by having sufficient level of education, they can better understand their role into the functioning of Panchayati Raj Institutions and would have clear understanding of objective of Panchayati Raj. An educated woman has the skills, information and self-confidence to respond to the challenges and change their lives and of others. The reservation has undoubtedly increased the number of women elected representatives but mere reservation does not mean empowerment. There should be active participation of

women representatives and education ensures that. The largest number of respondents belonged to middle standard category 31.71 percent and only a few women representatives were found literate. The lack of education is responsible for less participation of women and wherever they were found participating , they did not put forward their views and had no role in decision-making.

3. In some states , husbands take over the role of their wives so much so that term Pradhan Pati is commonly used to refer to them. The field study revealed that this is prevalent in Jammu and Kashmir also where elected women are mere proxies or surrogates for their husbands.
4. The research shows that Gram Sabhas are either not held or are characterized by low participation rates in most states. In Jammu and Kashmir as well the Gram Sabha meetings are not held generally and wherever they are held participation is poor. There is no minimum quorum fixed for Gram Sabha members. For any meeting of Gram Sabha the government of Jammu and Kashmir should fix the quorum and out of the quorum at least 1/3rd shall be women and participation of SCs and STs should be ensured. The problems of rural women remain unredressed due to absence of Gram Sabha meetings.
5. The data of the field study shows that 28.35 percent respondents out of 328 Sarpanches and Panches were unaware of this reservation Even elected women representatives did not know that there is reservation for women for Sarpanch and Panch seats
6. The lected representative who were interviewed supported the view that there should be separate training cum exposure visit programmes to enhance the participation of women elected representatives as due to illiteracy and various other factors like patriarchal culture and social structures dominant in rural India inhibit participation
7. The first hand experience of researcher was that voice of women is still ignored in meetings .They hesitate to speak due to presence of males and culture of cynicism and apathy. In Muslim dominated districts some elected male representatives said that Islam does not permit the women to mix up with strangers and mixed gender meetings. In districts which are hindu dominated, many women elected representatives said that they belong to Upper Caste and it would not be tolerated by our community to attend meeting with male colleagues .
8. Various studies have revealed that participation of women in Gram Sabha meetings is not satisfactory comparing to males. But it is duty of Halqa Panchayat(Gram Panchayat) to

resort to persuasion of women of Gram Sabha/Halqa Majlis to attend Halqa Majlis meetings. But as per field study respondents replied in the negative that no special efforts were made to increase women participation in Halqa Majlis/Gram Sabha meetings either by Halqa Panchayat members or government. It is the duty of Halqa Panchayat to provide minimum space for women to raise their voices and to incorporate their choices in the Plan.

9. In some states there is provision for Mahila Sabha (women assembly) consisting of women voters and Panchayats convene Mahila Sabha meetings and explain to them actions which need to be taken and those already taken. For example in Maharashtra, the Panchayati Raj Act mandates Mahila Sabha to be organized before each Gram Sabha meeting to ensure women's concerns are addressed. It is necessary for women to voice their opinions and demands. It is observed from the field study that all the 320 respondents (Gram Sabha members) supported the view that there should be Mahila Sabha as that would suppress the hesitation of women and would encourage them to participate. Separate Mahila Sabha for women should be introduced so that male dominance could be avoided and proper gender balance could be reflected in the Plan. The view points of both the sexes could be blended together towards completeness of Annual Plan. The Mahila Sabha must be made mandatory before each Gram Sabha/Halqa Majlis meeting as that would ensure active participation.

10. Although a lot remains to be done to eradicate the barriers to women's political participation but 33 % reservation has increased their participation. The field study revealed the ground reality. In border areas the elected members strongly opposed the reservation of seats for women for the post of Sarpanch. They said that sometimes shelling takes place near the border and when such emergency arises it is difficult to approach female Sarpanch in such circumstances as women are not allowed to move out of their houses at night. Therefore before reserving seats the government should consult the people at the border areas.

Thus, the structural and operational changes alone would not put the Panchayati Raj System of Jammu & Kashmir on a sound footing. The behavioural changes are also required in the Panchayati Raj leadership for this purpose. There is not only need for changing the behaviour of political elite and bureaucracy but also of rural elite as well as the rural masses. Women have too long been on the fringe of political

power. They should not have numerically expanded presence .Their presence in the Panchayat Institutions will make these institutions more receptive to women's needs and concerns. This requires the support of the state as well as of society as legislation alone can not defeat the patriarchy and other constraints and discouraging factors.After all,women are half of the population and of the electorate and state , the civil society ,rural masses have to accept the role to support women's emerging leadership in rural local governance to make it more responsive,responsible,and effective.



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