

Deepening Democracy:

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Emphasizing the immense value of having women in leadership roles in village bodies, this article laments the restrictive steps being taken by governments to impose mandatory criteria such as having a bathroom in the house or being able to read and write on candidates wishing to contest elections

This article has been written against the backdrop of a petition that is currently being heard in the Supreme Court of India. The petition challenges the move made by the Haryana Government prescribing a minimum educational qualification as a pre-requisite for contesting the *panchayat* polls.¹ Such disqualification criteria for contesting the *panchayat* elections are not the first of their kind, and the deep concern is that these will not be the last.

OMINOUS SIGNS

Lately, the state governments of Rajasthan and Bihar have introduced additional disqualification measures in their respective Panchayati Raj Acts, leading to systematic denial of opportunities for the rural electorate. Let me illustrate this further by citing specific instances. In Bihar, the recently amended Bihar Panchayati Raj Act (August 2015) now has a clause wherein the candidates contesting the forthcoming *panchayat* elections in April/May 2016 need to have toilets in their households. In Odisha, apart from the two-child norm in the State Panchayati Raj Act, the candidates are also required to read and write in Odiya. In Rajasthan, along with the existing two-child norm as well as the toilet criteria, the recently introduced educational qualifications measure in December 2014 has severely restricted the space for women and other marginalized groups to participate in local politics actively.¹

¹The Haryana Panchayati Raj (Amendment) Act 2015 requires that general candidates must have passed Class X whereas women and dalit candidates need to have cleared Class VIII and Class V, respectively.

The reason I refer to these disqualification measures is to highlight the propensity with which state institutions, mechanisms and their processes disregard the negative impact of its practices in achieving equality.

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This is further compounded by the fact that the poor and the marginalized, who do not have land, water or access to basic services, are the ones most affected by such measures, and not the rural elite. It, of course, does not help when public policies and legislations lead to the exclusion of the very groups that are already bearing the brunt of existing inequalities and discrimination. No one is questioning the importance of education, health and sanitation as important indicators for the overall well-being and growth of an individual, but to try to actualize these by making them a mandated measure for participation in the process of governance strikes at the heart of decentralization.

More importantly, just whose representation is the state ensuring by the introduction of these selective disqualification criteria?

THE ROLE OF THE STATE

Social change cannot be engineered through such blatant discriminatory actions. The state has to take the primary responsibility of ensuring the delivery of basic services. State governments must create enabling institutional mechanisms for empowerment. The approach adopted by them should be complementary and not mutually exclusive. The state should induce positive action on the ground, rather than suppress its people.

For instance, in the case of Rajasthan—in one stroke, the ill-thought-out policy measure has led to 80 per cent of the rural electorate not

being able to contest elections. The figures are alarmingly higher in the reserved categories. At the *panchayat* level, due to the lack of gender disaggregated data/information available, the figures could be significantly higher. In addition to this, it

has led to discrimination, based on age group (currently in the age of 40–55 years), towards people who did not have access to education as a right guaranteed under the Right to Education (RTE).

Introducing such selective disqualification measures such as the two-child norm, mandatory requirement of toilets in the household of potential candidates, and now a minimum education requirement, is hindering inclusive participation of all in grass-roots development and governance in a democratic country. There is a paradoxical trend, wherein, on the one hand, the government has made promises to empower women and, on the other hand, the spaces for women to participate in decision-making roles are shrinking. The principles of equality and fairness—the core of any democratic framework—will not be able to function, if the most disadvantaged, marginalized groups are under-represented in the decision-making processes.

BACK TO THE BASICS: REVISITING THE PRINCIPLES OF 73RD CAA

The 73rd Constitution Amendment Act (CAA) provided an opportunity to the people of this country, especially the marginalized groups, including women, to have a share in the decision-making about and the utilization of public resources. It provided a Constitutional mechanism, to devolve power and decision-making right at the lowest unit of democracy, that is, the villages and to groups that have traditionally been marginalized. It changed

the rules of the political, social and economic engagement between the state and its citizens. "The normative—the political project of greater inclusion and representation of historically disadvantaged and marginalized groups, constitutes the truly exciting part of the Indian experiment. Of course, the persistence of patriarchy and of entrenched caste and class hierarchies often militate against the success of the experiment but there is also much evidence that affirms its worth."ⁱⁱ

The most significant provision under the 73rd CAA was the introduction of 33.33 per cent reservation of seats for women in *panchayati raj* institutions (PRIs), with many states increasing it to 50 per cent. As a result, more than one million women got elected to *panchayats*, making it one of the largest mobilizations of women in the public role—a feat that is unmatched anywhere else in the world.

Over the years, The Hunger Project's experience of working with elected women leaders at the *gram panchayat* in seven states—Madhya Pradesh, Rajasthan, Bihar, Uttarakhand, Tamil Nadu, Odisha and Karnataka—indicates a remarkable progress made by elected women leaders. The nature of leadership exercised by them has evolved—shifting the discourse from reservation to participation to effective participation. These women leaders are constantly challenging the traditionally defined, existing structure of power and dominance. Women who have the capacity to perform, regardless of their educational qualifications, class or caste, have overcome the biggest hurdle to their leadership—that is, gender-based constraints (read the Bhagwati Devi case).

There has been extensive research that showcases the importance of women's leadership in local governance. It has brought

about distinct values and addressed interests that otherwise are neglected in the male-dominated political sphere. Issues of social justice and gender justice have received priority by elected women leaders. To give an example: a study undertaken by the Harvard Business School Professor, Laxmi Iyer, and co-authors attempts to test the impact of women's political empowerment on the incidence of crimes against women. Using the 1993 constitutional amendment, the authors were able to test statistically whether the increase in women's representation had an effect on crimes against women at the local level. They found that the mandated political representation for women resulted in a 44 per cent increase in reported crimes against women, with rapes per capita rising by 23 per cent, and kidnapping increasing by 13 per cent in the period 1985–2007. Based on these statistics, they suggest that women feel more comfortable coming forward to report crimes against them when there are women in the local government with whom they have interacted.ⁱⁱⁱ

The magnitude of problems relating to effective functioning of local governance is daunting. It is even more daunting for elected women representatives to exercise their mandate in a system of governance that is underpinned in a patriarchal social environment.

The crux of the problem is that we are still guilty of attaching notional value to their political agency that has, over a period of time, matured due to reservation in PRIs. This becomes even more evident when selective disqualification criteria are imposed only on elected representatives at the *panchayat* level, and not at the higher echelons of political power. The disadvantaged and the marginalized are punished for no fault of theirs. It doesn't help when state legislations and other mechanisms view them as an

extension of the service delivery mechanisms as well as a means to achieve their state specific targets (read sanitation). One can only fault their aspirations, that is, of contesting elections by exercising their constitutional right.

No system is perfect. Agreed. But to make the current, local democratic framework vibrant and truly representative of public will, de facto equality needs to be progressively realized

to create enabling conditions for women to access and use it. If people have very few tangible resources such as land and income, intangible resources are especially important in shaping their lives. The barriers in the guise of various disqualification measures should be removed or

THE WAY FORWARD

No system is perfect. Agreed. But to make the current, local democratic framework vibrant and truly representative of public will, de facto equality needs to be progressively realized. The state and its institutions need to initiate multi-dimensional interventions to address political and social exclusion. Democratic decentralization has to be supplemented with other development initiatives, to address poverty and marginalization.

Some specific suggestions for making PRIs accountable and effective in their functioning are:

- ♦ Inclusive development cannot be attained unless women participate equally in the development process; this also means that they need to have equal opportunities to exercise their political agency. Equality before law is not enough. The state needs
- ♦ The yardstick for measuring women's participation or decision-making in public roles needs to change. One needs to measure the progress made by women after they become elected leaders. The government should measure the progress of women's participation and influence in decision-making that includes arriving on indices that go beyond measuring the number of women 'entering the local government'. Qualitative Indicators should be able to measure change in perceptions, attitudes and influence, as well as the

Bhagwati Devi is the Sarpanch of Molela panchayat, Rajsamand district in Rajasthan. Bhagwati belongs to the Bhil tribe. She was elected unopposed to the post because there was no other candidate that could meet the educational criteria for contesting the panchayat elections. For her, completing everyday household chores and working as a daily wage worker was a set routine. Slowly, Bhagwati realized and was also made aware of her roles and responsibilities as an elected leader of her community. Her leadership is constantly challenged and defied by the dominant members of her community. Not the one to be deterred easily, Bhagwati Devi recently brought to the notice of the District Collector the discriminatory behaviour of the panchayat secretary towards her political leadership. She also got people their entitlements under MNREGA. The District Collector visited Bhagwati's panchayat and took the necessary action on the issues she raised. This is leadership in action.

impact on decision-making. Such data will help in assessing the outcome of reservation and the impact it has had in realizing gender equality.

To conclude, if we are serious about achieving gender equality in public and political roles, governments, its institutions, actors, laws, policies and programmes—all need to work towards changing the unequal power relations between men and women. People need to see *panchayats* as institutions that promote democracy and development and not the

other way around. The processes adopted need to reflect this intent otherwise women's equal participation in local governance will remain rhetorical, with no real substance to back the claims. Bold action and commitment are needed by respective governments to guide the future of local government in India. It is time for *de jure* enjoyment of equal rights, to translate into *de facto* enjoyment of rights to make the framework of local governance more effective, more representative, more participatory and non-discriminatory.

ⁱThis is further compounded by the dismal literacy level—across social groups in the state. The literacy level of women is 45.8 per cent. It is much worse for the Scheduled Caste women, with the rate standing at roughly 34.38 per cent (Census 2011).

ⁱⁱLocal Governance in India—Decentralization and Beyond: Ed. by Niraja Gopal Jayal, Amit Prakash and Pradeep K Sharma.

ⁱⁱⁱThe Power of Political Voice: Women's Political Representation and Crime in India. Lakshmi Iyer, Anandi Mani, Prachi Mishra, Petia Topalova July 2011