

## Creating Spaces for Women: Inclusion through Reservation in Urban Local Governance

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### Abstract

Inclusion of women in local government through reservation is a major tool for empowering women in politics. Reservations for women have undoubtedly changed the face of India's town halls and municipal committees. Providing an inclusive growth through urban local governance, this issue needs to be examined in the sense- whether 33 percent of reservation for women in local politics can yield the expected output? This paper examines the factors that facilitate the entry and participation of women in the political field, how these women shape urban local politics and create a space for themselves in that realm through reserved seats, thereby, serving the community and society at large. It has been found that the provision of one-third of reservation of seats for women in the State Act has enabled several women who had never been in a position to enter into politics.

**Keywords:** Reservation, Women, Politics, Urban Governance, India

### Introduction

Political empowerment of women is the need of the hour to ensure inclusive growth in contemporary society. Women empowerment in local governance is recognized as an important requisite for the fulfilment of inclusive growth and sustainable development in the country. Unfortunately, not many women are coming forward to occupy the public institutions. There might be certain reasons for this reluctance. Yet not enough scholarly work has been done on this theme. In fact, urban research is essential for solving urban problems and urban local government in India, particularly in Jammu and Kashmir State. However, it has not yet attracted attention of the political and social scientists. At the grass root level urban women still need to be effectively mobilized.

This is possible only by a 'woman to woman contact'. It is now widely accepted that to be effective, governance should be pluralistic: authority should be spread across many levels and across multiple centres of authority (Hooghe and Marks 2003). Decentralized forms of governance are believed to make the process of local democracy more inclusive by creating spaces for increased participation and wider representation by various marginalized or excluded groups from main stream political processes. The Indian Constitution introduced in 1950 adopted adult franchise, thus, creating a political resource for all citizens. Indian Parliament passed 74<sup>th</sup> Constitutional Amendment Act (CAA) in 1993 reserving seats for women belonging to all caste categories, creating another resource through reservation in the hands of these women to enable them to acquire some power.

This paper tries to examine a. how far does the provision of reservation in the CAA lead to the political empowerment of women? b. What is the role of urban local government (in the form of municipal institutions)? c. Is the functioning of these municipal institutions truly participatory and inclusive especially in the context of women? All these questions need to be addressed because cities are becoming more and more urbanized and women are getting involved in this process to a great extent causing concern not only to the policy makers but also to the urbanites.

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One of the reasons why the urban situation is so important –compared to the most accounts of the experiences of women in rural panchayats –is that it includes many more dimensions of the political arena. These include the dominance of political parties in the electoral process, the high stakes of municipal governance with large financial outlays, the significance of various local organizations, leaders and localities, and displays of power on the part of councillors (John, 2007).

The significance of this paper underlies in the fact that greater attention has been paid to rural local institutions, neglecting urban local institutions because of the larger population, widespread poverty and lack of resources in rural areas. Political participation of women in urban areas is also difficult. The critical challenges faced by women in urban areas make them more vulnerable. They have to bear the brunt of the increase in poverty, crime and environmental problems associated with rapid urban growth. To generate this concern, women inclusion in the political decision making process at the city level is particularly important.

### **What is urban local governance really all about?**

Recent concern with governance in urban areas stems from a more general attention being paid to "good governance" as a development issue. One approach sees governance as essentially preoccupied with questions of financial accountability and administrative efficiency. An alternative approach is one more interested in broader political concerns related to democracy, human rights and participation (Robinson 1995). P. Stones (1963) defined Local government as that part of the government of a country which deals with those matters which concern the people in a particular locality. He points out further that it acts as the communities' housewife, in that it makes our surroundings fit to live in, keeps the street clean, educates our children, builds our houses, and does all those other similar jobs which enable us to lead a civilized life.

The urban local government in India operates in towns and cities through municipal institutions which include municipal corporations, committees, councils, cantonment boards, town and notified area committees. It somewhere serves as a reservoir of talents for local and national leadership. It was only during 1980s that the central government took momentous decisions in setting up the Ministry of Urban Development, appointing National Commission on Urbanization, and introducing *Nagarpalika Bill* in 1989 and 1991 to rejuvenate urban self- government institutions in the country (Sachdeva, 2011).

Thus, the essential characteristics of a local government are: (a) its statutory status (b) its power to raise finance by taxation in the area under its jurisdiction (c) participation of local community in decision making in specified subjects and their administration and, (d) the freedom to act independently of central control. The significance of urban local governments in India has considerably increased in the post-independence era with the inauguration of the constitution embodying the principles of democracy and a welfare state, and emphasizing upon the governments in urban areas to promote social and economic development. It also reinforces right to development for communities living on the margins of urban landscape (Jha, 2012).

### **Is provision of reservation in 74<sup>th</sup> CAA truly inclusive for women in India?**

In general, women are better represented at the local rather than at state or national level, although they still remain a minority at all levels of government. This has led some to view the process of decentralization as positive for women (for example recent amendments to strengthen the *Panchyati Raj* in India, and the various efforts towards decentralizing government in countries of Latin America) given the fact that they are most likely to enter local politics when going into public office (Beall, 1996). Reservation for women in local government is not just a question of getting certain number 'in'; it also nurtures their capabilities to play their rightful roles in the development process and makes an important difference as the local government deals mostly with the quality of life for citizens. Municipal responsibilities relate both to women's practical needs and their strategic needs (Kumari, 2006).

Quotas are seen as a way of empowerment and introduced to give women the opportunity to make their voices heard. Quotas in institutions of governance are expected to give women more power (Dahlerup, 1998). He further argues that quotas for women represent a shift from one concept of equality to another. The classical liberal notion of equality was a notion of 'equal opportunity' or 'competitive equality'. Removing the formal barriers, for example, giving women voting rights was considered sufficient. The rest was up to the individual women. Following strong feminist pressure in the last few decades, a second concept of equality is gaining increasing relevance and support- 'the notion of equality of result'. The argument is that just reforms removing formal barriers do not produce real equal opportunity. Direct discrimination as well as complex pattern of hidden barriers, prevents women from getting their share of political influence. Quotas and other forms of active equality measures are thus a means towards equality of result.

Quotas guarantee women a certain number of seats in the local government independent of the electoral result (Dahlerup and Freidenvall, 2003). In India, seats are reserved for women by law, the country has a quota system which means that there are certain seats for women to whom only women are allowed to contest (Frankl 2004). Drage (2001) in a study on women's participation in local government across the Asia- pacific region found that women have gained greater access to local government positions than to those in central government mostly due to quota provisions.

Role of women in political structure had virtually remained unchanged. Their broad based political participation has been severely limited due to the nexus of traditional factors. As a result, they were left on the periphery of the political process. Therefore, the need for the reservation of seats for women in the rural and urban local bodies stemmed largely from the fact that, even after few decades of independence, political parties in our country failed to politically educate and mobilize women and the parties still reflected the traditional values of a patriarchal society where women are viewed as inferior to men physically, mentally and intellectually. Rajiv Gandhi introduced in Parliament the decentralization bill that would become the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts in 1992 under the Narasimha Rao Government, so that women become politically empowered at least at the grass root levels. So from this discussion it can be said that local government is a first step into a political decision making arena in which real differences can be made and provision of reservation (introduction of quotas) is only a starting point in this process.

The Constitution (Seventy- fourth) Amendment Act is a watershed in the history of local government in India. Since the late 1980's, the Indian Government had consistently tried to uplift local bodies from their inconsequential and insignificant status to economically and politically viable units of self-government. The 74<sup>th</sup> Constitutional Amendment Act (CAA) provides several measures to ensure decentralization and empowerment of urban local-governments in the country. With the passage of this amendment, constitutional status was conferred on urban local bodies in India for the first time. In the new dispensation, municipalities are the institutions of self-government, with regularly elected bodies, devolution of additional powers and functions, planning responsibilities and new system of fiscal transfers. One of the important provisions of the 74<sup>th</sup> Constitutional Amendment Act (CAA) is to make city government more inclusive by ensuring the representation of women in local bodies through the introduction of quota system. Not less than one-third of the seats in any municipality are now reserved for women, and such seats are to be allotted by rotation to different constituencies of the municipality. Seats are also reserved for SCs and STs in every Municipality in accordance with their share in the total population of the town and city. There is also a provision of one- third reservation for women at the level of chairpersons of these local bodies.

The 74<sup>th</sup> Constitutional Amendment Act (CAA) provides local bodies with a certainty of tenure: an elected council's tenure will be of five years. If it is dissolved due to atypical circumstances, fresh elections must be held within six months from the date of dissolution. For dissolution of Municipalities, strict rules have been imposed, so that state government cannot dissolve them on flimsy grounds and have to conduct elections at regular intervals. Each State has to constitute an Election Commission which is a statutory body with a definite mandate to conduct local elections on a regular basis (Ghosh and Rewal, 2005). Therefore, this act has served as a major breakthrough

towards ensuring women's equal access and their participation in the urban governance in a meaningful manner.

**Status of women in urban local politics: Indian context**

The issue of women's status and role in politics needs urgent attention because politics is central to everything in a democratic society. All important decisions are made at the political level. Politics reflects and molds the social and cultural conditions of a society. As such, the percentage of women's representation in politics is important. South Asia can proudly boast of giving the first and the second women Prime Minister to the world. Good urban governance is a participatory and inclusionary approach which calls for engagement of all groups, including women in the decision making process. Political participation and representation of women is one of the key elements of good governance. Unless women are involved in the decision making processes of the state, changes in women's political, social and economic status, will continue to be marginal (Drage, 2001).

Jo Beall (1996) argues that urban governance must be gender sensitive if it is to be equitable, sustainable and effective. Participation and civic engagement are critical determinants of good governance, a concept which addresses issues of social equity and political legitimacy and not merely the efficient management of infrastructure and services. The different ways in which women and men participate in and benefit from urban governance are significantly shaped by prevailing constructions of gender, whose norms, expectations and institutional expressions constrain women's access to the social and economic, and political resources of the city. Getting women themselves into the mainstream of public office and the bureaucracy is a vital part of engendering urban governance. When democratic process prevails, women in public office give meaning to the representative nature of democracy and institutionalize and legitimize women's voices in the sites of power.

The status of women in cities is of concern given that women are in a much more vulnerable position than men. In both North and South, women remain unequal to men in terms of employment opportunities, access to resources and representation. Enhancing the role of women in urban governance is a pre-condition for good urban governance. Therefore, a policy on women and urban governance should address two specific aspects. One is women's increased participation and representation in local decision making. The second is greater attention to issues of concern to women to foster gender awareness and competence among both men and women in the political arena and planning practice (UNCHS, 2001).

The question of women's participation in decision making process got the attention of the Committee for Status of Women in India (CSWI) in 1974. It was the status report by Committee for Status of Women in India titled 'Towards Equality' which realized that even after 27 years of independence, women had no role in the decision making process in any spheres of life. Though the report highlighted the need of participation and representation in political institutions to overcome the peculiar problems faced by women, the need for local bodies, especially urban and the role of women in these institutions has not been given due recognition. Nonetheless, in the Indian context women empowerment remained a distant dream for a good five decades till the 74<sup>th</sup> Constitutional Amendment Act (CAA) began to be implemented (Ghosh, 2010). Women in India are not treated as political entity in their own right. Even the few who are elected are side lined and often allotted 'soft portfolios' such as welfare, education, etc. In both cases, women lack access and control over the apex bodies where decisions and policies are formulated.

There are no specific laws or policies so far, that can strengthen the grounds for political and economic empowerment of women. The Government has attempted to empower women politically through affirmative action by providing one-third reservation for women in local bodies, to ensure their participation at the local and district levels of governance. While studying the status of women in the Municipal institutions, it was found that many women are least educated and do not know much about the political procedures, rules or their rights. Such underlying discouragement works toward an unsuccessful attempt to introduce women into politics, even if they are being forced to enter politics by their family members. To counter these problems, women need to be educated about the

importance of their role and influence in politics, how the system works and which rules are prevailing.

### **The Ground Reality**

This paper is derived from the study conducted in Jammu division of Jammu & Kashmir state in India. The empirical evidence is mainly based on interviews with women who have been Municipal Corporators and Councillors in the urban local governing bodies, that is, Municipal institutions. Jammu and Kashmir is a state in northern India and located mostly in the Himalayan mountains. The state has special autonomy under Article 370 of the Constitution of India, according to which no law enacted by the Parliament of India, except for those in the field of defence, communication and foreign policy, will be extendable to Jammu & Kashmir unless it is ratified by the state legislature of Jammu & Kashmir. The state of Jammu & Kashmir has a tradition of government at the local level. In 1886, two Municipalities were established, one for Jammu and another for Kashmir under J & K Municipal Act No. 16 of 1886. The municipality of the state of Jammu & Kashmir was formed as a result of the reform measures which were undertaken by Lord Rippon. This act was again amended in the year 1889. Later, when the J & K Municipal Act was passed in the year of 1941, the municipalities of the state of Jammu & Kashmir were placed under the control of ministers. They were assisted by the secretary, revenue officer, health officer, etc.

On the 51<sup>st</sup> Republic Day of India, the State Legislature passed a legislation known as J & K Municipal Corporation Act 2000, incorporating the functions and duties enshrined in the 74<sup>th</sup> Amendment Act, for the capital cities of Jammu and Srinagar. Municipalities and Municipal Corporations are the two major forms of urban local government. The Municipal sector envisages classification of the following three:

- A Municipal Committee for a small town ( with a minimum population of 5000);
- A Municipal Council for a medium town (with a minimum population of 25000);
- A Municipal Corporation for the capital cities (with a population of more than 400000).

Thus, in this context, Municipal institutions, here, means all the three categories as stated above. In India, some states have a unified legislation covering both Municipalities and Municipal Corporations. But, in most of the States, the laws are different for the two categories of municipal bodies. In Jammu and Kashmir, Municipal Corporations are governed by J & K Municipal Corporation Act 2000, whereas Municipalities (Committees and Councils) are governed by J & K Municipal Act 2000. Both the Acts have the provision of reservation of seats for women and for SCs and STs. Statutory provisions such as holding of regular elections, reservation of seats of chairpersons, the Constitution of State Election and Finance Commissions, District Planning and Metropolitan Committees and so forth, have not been implemented by the J & K State. The municipal elections in the state were due in 2010 after the term of bodies elected in 2005 ended. The Government is yet to finalize the dates for the municipal elections in Jammu & Kashmir which have already been delayed by 10 years.

The twelfth schedule in the 74<sup>th</sup> CAA provides eighteen functions for urban local bodies. It includes all traditional municipal functions relating to the provision of civic amenities (like water, sanitation, waste disposal, etc.) to the local population; in addition , it includes functions like urban planning, including town planning, planning for economic and social development, safeguarding the interests of weaker sections, slum improvement, poverty alleviation, etc. In J & K, although these functions are enlisted in both the acts, decentralization of functions has not yet been achieved and is being performed by the municipalities in consultation with respective state government departments. In J & K, there are 62 Municipal Committees, 6 Municipal Councils and 2 Municipal Corporations.

In Jammu division, there are 30 Municipal Committees and 3 Municipal Councils and 1 Municipal Corporation. These are further divided into various wards. For example, under Jammu Municipal Corporation, the city has been divided into 71 wards. After Independence, elections for the Municipal

bodies were held only four times. The first election was held in the year 1956, then in 1972, followed by the election in 1980 and the last one was held in 2005.

**Municipal bodies in Jammu & Kashmir**

<b>Division</b>	<b>No. of Municipal Committees</b>	<b>No. of Municipal Councils</b>	<b>No. of Municipal Corporations</b>
Jammu	30	3	1
Kashmir	32	3	1
Total	62	6	2

[Source: Directorate of Urban Local Bodies, Jammu]

In Jammu & Kashmir, out of total 858 wards, elections were held for 853 wards. In Jammu division, elections were held for all 446 wards, in which 140 wards were reserved for women (on the basis of 33%) in 2005. It is important to emphasize that the councillors are directly elected from the city's administrative wards. The elected members meet under chairpersonship of the Mayor or President to decide on city related issues. The executive functions are performed by Commissioner, appointed by the state. In Municipal Corporations, elected members are known as Corporators and in Committees and Councils, they are called Councillors. In 2005 elections, 140 women gained seats due to reservation of similar number of wards reserved for them. However, only two women gained seats from open ward without reservation. These elections were mainly conducted on party basis. Political parties play a legitimate role in increasing the women's engagement with politics by extending information and knowledge about municipal elections.

Through reservation in the Act, these elected women members in Jammu Municipal institutions have sensed a positive change in their attitude and have become more confident and independent. By contesting and getting elected to urban local government, women have shattered the myth of their own passivity that women are not willing to enter politics. They have gained a sense of empowerment by asserting control over resources, officials and most of all, by challenging men. They have vested interests in those areas which are the responsibilities of local government namely, schools, water supply, street lighting, parks, and sewerage, etc. They play active role in handling local problems.

**Factors that facilitate entry and participation of women: Evidence from the field**

Women elected as representatives of people in local bodies were so active in making meaningful contribution at the urban local level because it was for the first time after 26 years that they were given the opportunity to come forward for the development of the community. The reservation system has also effected positively on women's confidence, which is an important sign, not only for politics but for the overall empowerment of women. It was only after the enactment of seventy-fourth constitutional amendment act, women are seen as key actors in the process of development and reservation for them is a great move towards the emergence of leadership at the grass root level. As women are more aware about the basic needs of the society, given the kind of roles they perform in their daily lives, they are in a better position to perform the functions of the municipal local bodies involved in urban governance. This study aims at analysing whether the use for changes in consciousness and self-perception for women is a key instrument to promote women's participation in the decision making process, not just as beneficiaries, but as active agents of change and it can be well understood through their experiences.

It is largely the young and middle aged women who have entered in municipal bodies after the enactment of 74th Amendment Act and became municipal corporators and councillors for the first time. Majority of them are educated (up to matriculation), married and housewives and did not have a paid occupation and depend on their family for a living. This can be attributed to the fact that maturity in age and honour attached to marriage are the yardsticks to be acceptable to the members of the community. The more representation of housewives illustrates that the presence of husband is a source of great support and resource for them. With the implementation of reservation of 33 % seats

for them, women belonging to all caste categories have been given an opportunity to occupy political space in these institutions and that too, through direct elections. Most of them stated that – *“Being a councillor or corporator is ideal for women; it’s a work that looks like that of housewives, where you have to take care of water, drainage, power supply, etc...”*

Reservation for women is the most important factor that motivates and facilitates women to come forward into political life. Most of the women contestants in Municipal bodies were the first time entrants not only in politics but even in the public life. In 2005 elections, 140 women gained seats due to reservation of similar number of wards reserved for them. However, only two women gained seats from open ward without reservation. A woman councillor from Municipal Committee, who belonged to a scheduled caste, stated that –

*“I was socially very active and I always wanted to join politics but was not able to get any chance. But when my constituency was reserved for women I thought that it is a good chance to fulfil my desire. Now I can do something for the people. It gives me satisfaction. Thus reservation is the most helpful factor and I support reservation for the reason that without this system women like me could not come into politics and now as I can see that due to reservation, women from SC/ST family are coming in municipalities.”*

Most of the elected women representatives stated that they have got motivation from their family members and other people to come into politics. Those who have come to power in Municipal bodies, belong to two categories—a) family where a male has a political linkage and cannot contest from that ward when it is reserved for women and b) those who are encouraged by the male members of the family. Therefore, family on the one hand, acts a guiding resource to provide support, information to these newcomers, but on the other hand, controlling and dominating them indirectly. A corporator from Jammu Municipal Corporation said that –*“My husband gave me his full support, both financially and morally. During the election campaign he went with me from home to home and helped me a lot. I never felt that I could not come forward in politics.”*

And another respondent stated that – *“The support from your family is very important. I am very happy and lucky in this matter that my family supports me and trust me. No member of my family interferes with my work and decisions and I always get support from them.”*

The political profile of these women shows the influence of patriarchal structure in the urban areas too. These elections were mainly conducted on party basis. Every political party has a women’s wing to encourage women to join politics either at national or local level. It has been found that political parties in urban areas play a legitimate role in increasing the women’s engagement with politics by extending information and knowledge about municipal elections. Most of the national and state level political parties participated directly by giving support to their respective candidates, allowing them to use party symbols in the campaign and on the ballots. Majority of the corporators and councillors showed their affiliation with political parties, while getting tickets and contesting elections.

It has been found that all elected women were aware about the one- third reservation of seats in municipal bodies, but they had least knowledge about 74<sup>th</sup> CAA and its basic provisions. But these women mentioned that with the passage of time, they had acquired new knowledge about politics in general as well as about local issues important to their people and constituencies. One of the councillors from Udhampur Municipal Council stated that – *“Now I have become more aware of political and local issues. Thanks to the reservation which gave me a chance to participate in the political life. I am learning politics and I think it is good for everyone to be aware about their surroundings. It helps us to be a responsible leader and citizen.”* This statement shows that if women get chance to participate in the political field they can know more about the issues and consequently perform for the betterment of the people. Most of the women cited that inadequate funds and resources always hampered their operations and development plans in wards. Women as a group exert pressure in the council or corporation on a variety of issues confronting the city particularly those relating to environmental cleanliness, water and sanitation, pre-school education, preventive health care, etc. and the women specific issues including implementation of schemes related to education

and skill development programmes for females. The issues raised by women were not taken up seriously by Municipal bodies except for pension and family benefits. These issues were generally overlooked because of unfavourable political climate in the meetings dominated by men.

One of the Corporator said – “*Women are born Home ministers. At home, a woman takes care of all problems, so why not on a large scale?*” This shows that these women who were independent of party affiliation had to struggle on their own to establish their rights and get things done because their voices were hardly considered in the local level meetings. It was found that earlier these women were shy and hesitant to come out of the homes but gradually they gained confidence and participated in the resolution of many problems related to their area. Most of the women considered introduction of specific quotas as helpful to women in many ways especially for welfare, development and social, political and personal empowerment. These women presented greater awareness of their roles as women and desired for more education and opportunities for their daughters. They claimed that their husbands and family members have gained prestige in the society as well. In some of the cases, these women found a new personality as they come to be known by their own names rather than of their husbands. For example, a woman Councillor stated that – “*Before the election nobody knew me outside the house and I was a wife, a daughter-in-law and a mother. But after the election people started recognizing me. I am very happy and confident because now I am identified by my name not any other’s name*”. This indicates that the reservation system has a very good effect on women’s confidence.

### **Conclusion**

This paper illustrates the fact that positive discrimination in the form of reservation of seats in the local governance structures resulted in spaces being created for better and increased participation by women as a group. Reservation of seats provides women a chance to participate in political field. It has created an opportunity for women to attain confidence, visibility and knowledge of the political sphere. Moreover, it is clear that by virtue of their participation and effecting changes in decision-making, these women are, and will be, role models for the future generations and act as agents of transformation and change, with a quest to create a more gender-friendly local government. Thus, if women were politically empowered, they would be able to participate in the planning, execution and implementation of development schemes. But still more needs to be done in this area in order to make these women truly accountable for the delivery of municipal services.

### **Notes**

*All the information related to the field was obtained through the interviews and discussions with the higher officials of Directorate of Urban local bodies.*

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