



## Seventy Third Constitutional Amendment and Women Empowerment: A Conceptual Analysis

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### Abstract

In India, a strong patriarchal social culture, long-term prejudices, long history of discrimination, subjugation, marginalisation and gender bias mindset of people are the causal factors of poor participation of women in every sphere. According to Global Gender Gap Index (2022) released by World Economic Forum, poorly India ranks 135 among a total of 146 countries. Without achieving gender equality, no society can develop socially, economically and politically. Several social, cultural, economic and religious factors have created obstacles in the way of women representation in politics. To enhance inclusive growth and overall development of country, women's participation in the decision-making process is essential. Although the Union and state Governments have enacted many laws, policies and evolved mechanisms to promote women representation, still the progress is slow and women are underrepresented. This article aims to find out the reasons of gender inequality in political participation and initiatives taken by Government to eradicate the disparity.

**Key Words-**Women, Representation, Gender Equality, Challenges, Policies, India.

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### I. Introduction

Gender equality in every domain of society is a precondition for the sustainable development. Empowerment of women depends on the active involvement of women in social, economic and political arena. Without providing equal opportunity in political participation of women, we cannot ensure their rightful place in society. Women representation in politics is essential for their growth and development. As women constitute half of the population in India, their participation in politics is necessary to build a strong and successful democracy. "Direct and indirect participation of citizens in public affairs is the lifeline of a participatory democracy" (N. Bava: 1984). Women's participation in decision making process enhances democratic values, effectiveness, and sustainable development. It provides opportunity to address their needs and issues that hinder women empowerment. One of the most important issues to consider in the movement for women's empowerment is their role in decision-making. Realizing the importance of female participation in decision-making, the Indian government, like other governments around the world, has begun efforts to broaden the participation of women in the development process. To protect the rights of women and to promote the active and equal participation of women in all affairs of governance, Indian Constitution guarantees equality of sexes. It also announces different articles which are exclusively made for welfare of women. Article 14, 15, 19, 38, 39(a), 39(d), 39(e), 41, 42, 43 and 51(1) guarantees women participation. Article 325 states that women can't be excluded from political rolls on the basis of sex. Article 326 provides political equality to every citizen of India including women on the basis of adult suffrage. Following these constitutional provisions, various women specific policies and socio-economic development programmes initiated to raise their status. However, the participation of women in decision making process was not satisfactory, especially at the grassroots level. The 73<sup>rd</sup> Constitution Amendment Act of 1992 which came into force in April 1993, was historic and instrumental to encourage local leadership, equal participation, active involvement of people in the affairs of the local governance. This amendment act considered as a means for socio-economic transformation of rural people at the grassroots level. One of the objectives of this act is to ensure political space to disadvantaged groups of society to eradicate social issues and gender injustice. This act introduced reservation of seats for SCs, STs and women to maximise the participation of marginalised sections. Political participation of women is crucial for their upliftment and to accomplish the socio-economic expectations of women.

### **History of Political Participation of Women in India-**

The bravery, countless sacrifices, intense patriotism, and unfathomable dedication of the women who dynamically contributed in the Indian freedom struggle are a testament to the glorious history of Indian women. Their contribution cannot be overlooked. Gandhi's call exhorted women to come out of their households and participate in the freedom movement. Many women came forward and contributed greatly in various ways. The influential women like Kasturba Gandhi, Rani Laxmibai, Sarojini Naidu, Vijay Laxmi Pandit, Aruna Asaf Ali, Kamala Nehru, Madam Bhikaji Kama, Begum Hazarat Mahal etc. confronted Britishers with real spirit and set examples for other Indian women.

In 1917, Sarojini Naidu led a delegation of Indian women to the British Parliament and first raised the demand for women's voting rights. According to the Reforms Act of 1921, women were given the right to vote, but this right was subject to limitations on things like being a wife, owning property, and having a degree. As in the Reforms Act of 1921, all women were given the right to vote unconditionally under the Government of India Act of 1935. Finally, all women in India received equal political and legal rights under the 1950 Indian Constitution. Since the constitution comes into effect on January 26, 1950, and from the day of the first free election, all adult citizens have given the right to vote, regardless of their gender. Whether cast by a man or a woman, every vote is equally important in India.

According to Myron Weiner "The concept of political participation refers to any voluntary action, successful or unsuccessful, organized or unorganized, episodic or continuous, employing legitimate or illegitimate methods, intended to influence the choice of public policies, the administration of public affairs, or the choice of political leaders at any level of Government, local or national" (Binder, 1971:164). Irrespective of various orthodox cultural norms and practises, Indian women constantly strive to prove their potential in every field including politics. In the post-Independence era, many women leaders have become prominent by holding important political portfolios such as Prime Minister, Chief Ministers, ministers in council of ministers, Speaker etc. In the national politics, the first woman Prime Minister of India Smt. Indira Gandhi, first woman Chief Minister Sucheta Kripalini, first woman President Smt. Pratibha Devi Singh Patil, first woman speaker of Lok Sabha Meira Kumar and other influential leaders like Sushama Swaraj, Sheila Dixit, Jayalalitha Jayaram, Maneka Gandhi, Nirmala Sitharaman, Sumitra Mahajan, Mayawati etc. became the role model of Indian women. In regional politics, women leaders like Nandini Satapathy, Mamata Banerjee, Vasundhara Raje, Mehbooba Mufti have also a significant influence.

### **Gandhi on Local Self-Government-**

M.K Gandhi was the proponent of local self-governments. He defined its importance as "the best, quickest, and most efficient way is to build up from the bottom. Every village has to become a self-sufficient republic. This does not require brave resolutions. It requires brave, corporate, intelligent work" (Harijan, 1922:4). Gandhi propagated the need of self-rule during the freedom struggle and he stressed upon 'Swaraj' which literally means rule by self or self-governance. Gandhi has proposed a new socio-economic model for independent India which was based on decentralisation and people centric. He realised that every village has its own plight and necessities and because of varied communities and contexts the same problem requires different solution at different places. Therefore, he dreamt about self-government in which power resides in the local people and they can use it for their betterment and development. Gandhi said that "real Swaraj will come, not by acquisition of authority by few, but by the acquisition of capacity by all to resist authority when abused. True democracy cannot be worked from below by the people of every village" (Bal:2). According to him, every village republic should be free from violence, inequalities (based on caste, class, colour and sex), untouchability, tobacco, opium and liquor etc. Village republic should ensure education for all and equal distribution of wealth. The co-existence in society in society should be maintained.

### **Objectives of Local Self-Government-**

1. To stimulate direct and active participation of people which is the primary requirement of a successful democracy.
2. To strengthen the grassroot of democracy through mobilising people for greater participation in democratic process.
3. To decentralise power and authority and to make the whole system people friendly. It aims to create integrity and sense of togetherness to enhance nation-building.
4. To awaken political consciousness among citizen. So that people will be vigilant about their rights, liberty and importance of their involvement in democratic bodies.
5. To deal with local problems and manage local affairs and tackle those efficiently, it aims to build local leadership to enhance the proper implementation of government schemes and policies related to development social justice.
6. To make people more responsible for the development of their own area.
7. To promote political education, awareness and training among people of grassroot level.

8. To create a bridge between Government and local people.

### **73<sup>rd</sup> amendment and women empowerment**

The 73<sup>rd</sup> Constitution Amendment Act of 1992 is a reflection of participatory development which can be achieved with the active and influential participation of people in decision making process. This act added a new part in the Indian constitution called "Part-IX" consists of provisions from Article 243 to 243 O. The new Eleventh Schedule deals with the 29 functional items of the Panchayats, was also added to the constitution. The Amendment act of 1992 was based on various reports, recommendations and suggestions produced by different committees like Balwant Rai Mehta Committee in 1957, Ashok Mehta Committee in 1977, GVK Rao Committee in 1985, L M Singhvi Committee in 1986. These committees provided various recommendations to revitalise and strengthen the leading role of local self-government institutions as the embodiment of direct democracy. Consequently, the constitutional amendment bill was introduced in the Lok Sabha in 1991 and emerged as the 73<sup>rd</sup> Constitutional Amendment Act, 1992 which came into force on 24 April, 1993. This act provides for the establishment of the structure of local administration arranged in three levels which is widely known as Panchayati Raj. The three-tier system of Panchayati Raj contains Gram Panchayat at the village level, Panchayat Samiti at block level, and Zilla Parishad at District level. 73<sup>rd</sup> CAA ensured the 1/3<sup>rd</sup> reservation of total number of seats and offices of chairpersons for women in all three levels of Panchayati Raj Institutions. The 73<sup>rd</sup> amendment to India's constitution, which gives women a 33 percent reservation in the country's Panchayati Raj system, is a major turning point in securing women's equal access and increased participation in political hierarchies. This amendment established direct elections to reserve seats for women in local elections. It served as a structural framework for women's participation in political decision making, as well as an opportunity to put women at the centre of local development and develop new grass-root level leadership. "The legislation has several important implications for the empowerment of women and it has created a silent revolution in the country" (Mohanty, 1995:3346). Article 243D (3) explains that at least one third of the total seats shall be filled by direct suffrage in each Panchayat is reserved for women and these seats can be allocated on a rotating basis to constituencies of Panchayat (T. Deepak, 2018:256). According to Article 243-D (4), women are also entitled to hold the position of Chairperson in Panchayats at the village level or any other level, and this reservation must account for at least one-third of all Chairperson positions in Panchayats at each level. The Chairperson's level offices would also be distributed by rotation to various Panchayats at each level. In addition, the position of Vice-Chairman at all levels of rural local government shall be reserved for women in cases where there are no women Chairpersons at all three tiers of the Panchayati Raj system.

The mandatory reservation provisions following this constitutional amendment have led to a significant increase in the number of women elected to the PRIs. "Even some states like Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tripura and Uttarakhand have legislated for 50 % reservation for women. In Sikkim, reservation for women is 40 %. As a result of this initiative, out of about 28 lakh elected members in Panchayats, around 10 lakhs are women" (Ghose, 2021:81). The 73<sup>rd</sup> Amendment Act's reservation clause was created to guarantee that women have a significant voice in the system of rural local self-government. Additionally, it gave women the opportunities to prove their potential and capabilities as collaborators in the process of rural development by taking part alongside their male counterparts.

At the grassroot level, panchayat is an effective decentralised political institution. It is true that women do not get full freedom and facilities to participate in socio-political life in the villages. Their lives are guided by male family members and they live as per the decrees and wishes of patriarchal customs and systems.

### **Barriers of women participation in Panchayati Raj Institutions**

The formal legal regulations enacted in the amendment act has addressed women participation and encouraged them to get involved in politics. However, our entrenched patriarchal structure and other complexities turned into obstacles and their participation has extended in numbers, but not in the truest sense. "There are several other factors which explain low participation of women in the political process. These factors are criminalisation and factionalisation of politics, emergence of fundamentalism at a macro level and lack of awareness regarding legal and economic aspects of the society, which prevent women from taking part in the public sphere. This indicates that the reservation of seats is a necessary but not sufficient condition for women to take part in the political process in an effective manner" (Mohanty, 1995:3348).

#### ❖ Patriarchal system and Inequality-

Even though the Indian Constitution guarantees equal rights for women in various articles, Indian women still face oppression and fight for everything from resources to survival. Women have come a long way in some key areas, like employment and education, but they are still affected by the patriarchal attitudes prevalent in Indian society. The difficulty for Indian women today is that despite the Constitution's liberal provisions and numerous laws, major inequalities still exist. The women representatives are mostly guided and controlled by the patriarchal system.

❖ Participation as a proxy candidate-

The women representatives got elected due to reservation policy but do not have much participation in decision-making process. In some places, this opportunity is being utilized by their husband or other male family members. The evidences show that they don't get much opportunity to take part in decision-making process actively. They are highly influenced by male leaders and family members during discharge of their functions.

❖ Poor socio-economic condition-

Political participation will be directly impacted by the socio-economic factors like education, employment, income, age, caste, religion, sex, political family background etc. Accordingly, participation is typically higher among those who have better socio-economic conditions. Since so much money is spent on campaigning to motivate voters during elections, billionaires now dominate politics. The Use of money power in elections is eroding transparency and promoting corruptions and undermines the presence of women who come from poor socio-economic backgrounds. Lack of financial resources is an important obstacle to women's political participation.

❖ Lack of proper knowledge and communication skill-

Though women are getting chance to be elected after the establishment of reservation policy, but they have a little knowledge regarding the laws and legal affairs. Lack of communication skill is also another reason. They are not confident enough to run a local administration without help and support of other male counterparts.

❖ Criminalization of politics-

Growing involvement of criminals and criminal activities in politics is a significant barrier which diminishing the democratic system and reducing the faith of common people on democratic process. Due to the prevalence of violence against women across the nation, women are not feeling safe and secured to pursue political careers. Threat of violence is affecting women participation. They are afraid to speak in public, to be recognized as leader.

❖ Other Reasons-

There are several other reasons which hinder the women participation in political realm such as responsibility of family and children, absence of support from family members and local leaders, lack of confidence, lack of education and literacy, lack of awareness, psychological factors like shyness, submissiveness etc.

## II. Conclusion

In modern democratic States, political participation of all will make rulers more accountable and policies more people centric. "Participation is the principal means by which consent is granted or withdrawn in a democracy and rulers are made accountable to the ruled" (Closky, 1968). To make democracy successful and sustainable, participation of women at all level of decision making is essential. Any nation cannot fully develop if equal opportunity is not provided and women are not given their rightful place. Women's participation in Panchayati Raj institutions has sharply increased after the reservation policy implementation. Although 73<sup>rd</sup> Amendment Act is a milestone which has granted a great opportunity to uplift the status of women and to share the responsibility of governance at grassroot level, but the result is not satisfactory. There are many pertaining issues need to be resolved. In addition, proper education, awareness and capacity building training should be promoted among women in order to strengthen the effectiveness of this act.

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