

The 74th Constitutional Amendment and Urban local governance

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Urban governance is a participatory and inclusionary approach which calls for engagement of all groups, including women in the decision making process. Reservation for women is a unique feature of the 74th Constitution Amendment Act. In Jammu and Kashmir, institutions of urban local governance remained men's monopoly until State provided reservation to women in 2005 municipal election. Democratic decentralization through reservation of seats in the urban local governance structures has empowered several women for the first time and provided them opportunity to attain visibility in the political sphere.

[Key Words: reservation, urban politics, women, participation, governance]

Introduction

Different state governments in India have taken up different experiments in local government systems at different points of time, as local government is a subject allocated to state governments under the constitution of India. When the Indian Parliament passed 74th Constitutional Amendment Act (CAA) in 1993 reserving seats for women belonging to all caste categories, was in sense creating another resource through reservation in the hands of these women to enable them to acquire some power.

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). Women can influence on policy formulation process by practicing in political power structure. In that case, decentralization can provide better opportunity to women as they can play significant role in the political activities. Women can have easy access to local political functions in the decentralized area (Khan, 2011). Women were given a greater opportunity to come forward to the center of the local development and develop their leadership skills in the grass-root levels. The provision for reserved seats for women has open up new space for women

to come forward and to participate in the political decision making process. The role of women in decision making process is one of the most indispensable phenomenon's which are considered in the movement for their empowerment (Khan and Ara 2006). Therefore, proper integration of women intensifies the democratic basis, the efficiency and the quality of the activities of urban local government.

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, more 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. The state of Jammu and Kashmir has witnessed the entry of women in the urban local governance in the year 2005, when the wards have been reserved for the first time in each municipal body in the form of 33.33% of the total seats. 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 women is a great move towards the emergence of leadership at the grass root level.

74th Constitutional Amendment Act – An Affirmative action

Reservation would enable women to articulate their grievances and to fight for their own rights and opportunities. It is argued by the feminists that, reservation will not only help women to share power, but will lead to change in the nature of power and subsequently in the nature of governance (Ghosh 2010). The Second Administrative Reforms Commission noted that women elected to panchayats and municipalities have performed very creditably resulting in their empowerment. The elected women representatives bring along with them enthusiasm, encouragement and their contribution has enriched quality of life of the communities. Still they encounter gender bias, obstruction and exclusion.

With the slogan of decentralization of political power, women's issues and their political degradation attained the central focus of debate. The Constitution (Seventy- fourth) Amendment Act is a watershed in the history of local government in India. 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 74th 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 of posts of chair persons of these local bodies.

The 74th Constitutional Amendment Act (CAA) provides local bodies with a certainty of tenure: an elected council's tenure will be of five years. 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). Local government was exclusively a state subject and the structure and powers of urban local bodies were defined by the municipal laws enacted by the concerned state. The local government thus did not enjoy any constitutional status of its own but had statutory status under the state laws. The Constitution (74th Amendment) Act, 1992, grants constitutional status to urban local bodies and provides for their structure, powers and functions (Sachdeva 2011). Therefore, this act as a strategy of affirmative action for providing the structural framework for the participation of women in decision making and develop new grass roots level leadership in the urban areas too

Understanding Urban Local Governance

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. Urban local governance is essential in improving human settlements and the lives of the urban poor, affecting local service delivery, housing and other conditions related to local communities. Unless women and communities are involved in decision making and policy development at all levels of governance, changes to women's political and socio-economic status will likely be minimal, and the improvement of human settlements will be greatly constrained (UNCHS 2000).

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, appointment of 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 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.

Research Problem

Urban Local governance in Jammu provides an opportunity to women to participate in political decision making process at the grass roots level. The J&K Municipal Act 2000 is a milestone towards ensuring women's equal access and increased participation in political decision making. This Act provided for direct elections to reserved seats for women in municipal elections. In Municipal Corporations, elected members are known as Corporators and in Committees and Councils, they are called as Councillors. For the very first time, women in large numbers have contested and won positions at the Municipal Bodies. This was one of the reasons that this study was undertaken to explore the experiences and participatory role of the elected women in these municipal bodies. An attempt was made to know whether provision of reservation in the act leads to the greater political participation of women in urban areas. How these women shape the local politics and create a space for themselves in that realm through reserved seats, thereby serving the community and society at large? These questions need a probe.

Research Milieu

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 in Jammu and Kashmir unless it is ratified by the state legislature of Jammu and Kashmir. Jammu and Kashmir State is divided into three regions: Jammu, Kashmir and Ladakh. In J&K, there are 62 Municipal Committees, 6 Municipal Councils and 2 Municipal Corporations.

In 1886, two Municipalities were established, one for Jammu and one for Kashmir under J&K Municipal Act No. 16 of 1886. The municipality of the state of Jammu and Kashmir was formed as a result of the reform measures which were undertaken by Lord Ripon. 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 and Kashmir were placed under the control of ministers. They were assisted by the secretary, revenue officer, health officer, etc. On the 51st 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 74th Amendment Act, for the capital cities of Jammu and Srinagar. The Municipal sector envisages classification of the following three:-

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

Thus, in this context, the term Municipal bodies have been used for all the three categories as stated above. 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 contained the provision of reservation of seats for women and for SCs and STs. Statutory provisions such as holding of regular elections, 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 and Kashmir which have already been delayed by 10 years.

The paper is based on the study which has been carried out in the Municipal bodies of Jammu division. 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. 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.

Methods and Procedures

The present paper which is based on the study conducted in Jammu division, has employed the perspective of Non- Western Feminists in order to explore the effectiveness of reservation of seats (quotas) at grass root level in bringing women in the public sphere. Non- Western Feminists argue that women in the third world should enter politics and state structures by joining bureaucracies and try to influence masculine ideologies of the state from within (Bari 2009). It has been found that the provision of one-third reservation of seats for women in the State Act, for the very first time, has enabled several women who had never been in power, to enter into local level politics in urban areas. Data has been collected from both secondary and primary sources. The sample comprised of 54 elected women members from Jammu Municipal bodies and was selected through simple random sampling method. Interview schedule was framed and administered to the respondents, consisting of both open and close ended questions regarding profile of the municipal councillors, their working activities, participation, problems they face, etc.

Research Findings

With the implementation of reservation of 33 percent seats for women, women belonging to all caste categories have been given an opportunity to

occupy political space in these institutions and that too, through direct elections. 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. It is observed that most of the elected women belong to upper castes and have reported the insistence of their family and political parties as the motivating factors for contesting elections. In Jammu, these elections were mainly conducted on party basis. It was 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. Elected women showed their affiliation with political parties, while getting tickets and contesting for elections.

Participation and Performance

Reservation for women, in the context of 74th Constitutional Amendment Act, is the most important factor that motivates and facilitates women to come forward into political life. The decision to allocate reserve seat for the women had been taken to promote women's participation in decision making process as a part of women empowerment and development. Participation and performance of women has been analyzed through the following variables, which are studied on the basis of responses of the elected women respondents.

Knowledge about State Municipal Acts:

Knowledge about the State Acts is also important to participate effectively in the system. Most of the women respondents were aware about the objectives and provisions of the State Municipal Acts. The features of the Act which were highlighted by them – reservation of women and different caste groups, provision of basic civic amenities, construction and maintenance of streets, lanes and parks etc. This indicated that the basic knowledge regarding State Municipal Acts has helped the women corporators/ councillors to contest Municipal elections and participate in different levels of urban local government. It was also found that all the elected women respondents knew the tenure of municipal bodies and are eagerly waiting to contest the next municipal elections.

Knowledge about the functions of Municipal bodies

Most of the women respondents were aware about the functions of municipal bodies. It is seen as positive indicator because the awareness and knowledge about the basic functions of municipal bodies is an essential requirement for the active participation of women corporators/councillors in the development of their respective wards.

Table -1 Function of Municipal bodies

Functions of municipal bodies	Number	Percentage
Work related to provision of basic amenities	49	90.7
Welfare of the weaker sections	28	51.8
Construction of streets, lanes and parks	39	72.2
Health and hygiene	22	40.7
Beautification of cities and towns	30	55.5

Note- The number of responses shown in the table are more than fifty four as this was a multiple choice question and one respondent gave more than one response.

Holding of House Meetings in the Municipal bodies

The State Municipal Act has laid down certain procedural aspects for holding house meetings for the effective functioning of Municipal bodies. Municipal bodies conduct house meetings once or twice in a month. These meetings were conducted/ held under the leadership of Mayor and Commissioner (in case of Corporation) and President and Director (in case of Councils and Committees). The venue for holding the house meetings in case of Municipal Corporation was Office of the Jammu Municipal Commissioner and in case of Municipal Committees and Councils; it was in the office of Directorate of Urban local bodies. In these meetings, officers from different government departments like electricity, food and civil supplies, public works, public health departments, were also invited to attend the same. All the women respondents were informed about the holding of house meetings and the agenda was intimated to the members. These women share that they are informed by posts and on telephone and generally receive the notice well in advance.

Attending Meetings

Attendance in meetings is regarded as one of the important variable to study participation of women in municipal bodies. This was the best place to give the women councillors a general picture of the works undertaken by the Corporation. Since most of them were new to the Corporation, this was their only chance to improve their knowledge, learn to talk in group or sometimes even address people. It was found that all of the women respondents attended the house meetings regularly. They responded that attending the meetings is essential as they get information on many issues.

Kind of Issues discussed in the meetings

The type of issues raised and discussed in the meetings by the women respondents is seen as an important indicator of their involvement in Municipalities. It was found that 48.1% of the respondents mentioned funds related issues were discussed in the meetings, followed by developmental issues mentioned by 40.7% of women respondents and issues related to basic amenities by 59.2%. Only 14.2% of the respondents mentioned that women related issues were just discussed in the meetings and lack of facilities for Councillors by 20.3%. This indicated that women's issues come up relatively with lesser frequency as compared to other issues. Development and issues related to basic facilities were the main issues in the meetings as mentioned by

them. This could be due to the relatively more significance of these issues in women's lives. The issues raised by women were not taken up seriously by others except for pension and family benefits. These issues were generally overlooked because of unfavorable political climate in the meetings dominated by men, but they tried to convince every member in the house about the benefits of issues raised.

Table- 2 Kind of Issues discussed in the meetings

Issues	Number	Percentage
Funds related	26	48.1
Developmental Issues	22	40.7
Issues related to basic amenities	32	59.2
Women/girl related issues	8	14.8
Facilities for Corporators/ Councillors	11	20.3

Note- The numbers of responses shown in the table are more than fifty four as this was a multiple choice question and one respondent gave more than one response.

Holding Ward Meetings

Organizing ward meetings to discuss development matters, identifying the problems occurring in their respective wards and allocating resources so that it can be solved quickly and address the grievances of the people of the ward are some of the variables to know the involvement of women respondents at the local level. They do not have any ward office, provided to them by the government. They stated that whenever they held meetings in their respective wards, they listened to the problems of their voters and represent them before the Mayor or President in the house meetings. But all of them mentioned that they visit their wards whenever they got time and inspects the lanes, drains, electric poles, street lights, garbage, water supply, etc. are functioning properly or not.

Time invested in Municipal work

The time spent by the women respondents in municipal activities is another indicator of participation in municipal bodies. A total of 29(53.7%) women respondents were fully involved in municipal work without setting any time limit. A significant number of women 19(35.2 %) spend two – four hours per day. Only 11.1 % of them spends less than two hours per day in municipal work and said that their husband also accompanied them. This indicated that most of the women attend the municipal affairs over and above their household work.

Table- 3 Time spent in municipal activities per day

Time	Number	Percentage
Less than 2 hours	6	11.1
2-4 hours	19	35.2
No time limit	29	53.7
No time invested	-	-
Total women	54	100

Nature of Problems brought before the Women Corporator/ Councillor

Being elected representatives of Municipal bodies, these women respondents have some obligations towards the voters of their ward. Majority of the problems handled by these women respondents pertain to sanitation and construction of lanes, parks and drains. Some of them opined that they had to make use of police help to settle domestic conflict and sometimes people came with problems which were beyond their powers and expect them to at least make some efforts for their solution. They also provided help to the people in doing attestations of the documents (as they are authorized to attest the certificates), in procuring the official documents such as birth certificates, ration cards, etc. The women feel free to approach these elected women to share their grievances without any hesitation. It is important to note here that even after the expiration of their term or tenure, people frequently visit them for getting their work done or if they have any problem related to their ward.

Implementing programmes and problems

In 2005, the State government in J&K has initiated various schemes and programmes like Valmiki Amedbedkar Yojana (VAMBAY), Basic services to urban poor (BSUP), providing livelihood opportunities by effective implementation of Swarna Jayanti Shahri Rozgar Yojna(SJSRY), Sewerage project in the urban areas. There is no active role assigned to the elected representatives in the formulation of policies and programmes in the municipal governance structure in Jammu and Kashmir. In this context, the extension of all the provisions of 74th CAA in the State Act is important so that the participation of community in the formulation of policies as per local needs and issues can be realized. Most of the women respondents participated in all stages of implementation of programmes including supervision, monitoring and evaluating programme benefits and reported that as they were new comers in the local politics, their key role is to link the people and make them aware of different government schemes and programmes going on in the State. They tried every effort to benefit the beneficiaries in their respective wards.

Problems faced in attending House meetings

On the question related to the different problems encountered by the women respondents in regularly attending the meetings, it was found that 61.1% did not face any problem in regularly attending the meetings. But rest of them did face problems while attending meetings. 22.2% mentioned lack of education/awareness as the main problem in the meetings followed by lack of incentives (16.7%) in attending house meetings. These women got only a meager allowance for attending house meetings and they emphasized that their allowance should be brought at par with that of MLA's because they are the ones who are in constant touch with the people and solve their problem on daily basis, most of them also stressed that minimum education should be made mandatory requirement for contesting municipal elections. This shows that despite of these difficulties, they attended the house meetings regularly.

Table – 4 Problems faced in regularly attending House meetings

Problems faced	Number	Percentage
Lack of education/awareness	12	22.2
Domestic responsibilities	-	-
Sickness/ health issues	-	-
Lack of incentives	9	16.7
No problem	33	61.1
Total women	54	100

Kinds of problems

Further in order to gain insight into the kind of problems faced by these women respondents in carrying out municipal work, it has also been asked from those who faced problems, about the nature of difficulty they faced in carrying out and implementing municipal activities and programmes. Most of them said that there is scarcity of funds in order to solve the problems of basic amenities in their localities and to cover personal expenses incurred in the course of their work as local representatives. Women respondents informed that they find it difficult to get correct information about the total allocations, and availability of funds on time. Municipal bodies lack resources in Jammu division as financial powers like imposition of taxes, regular release of funds, etc. are not transferred to these local self governing bodies.

Efforts made to overcome difficulties

Making efforts to overcome with these difficulties is also an important indicator to evaluate their performance. Most of the women respondents did make efforts to overcome the difficulties faced by them such as forwarding applications, negotiations, submitting memorandum, trying to convince people, sometimes reporting to police, complaining at higher level, seeking cooperation from government officials and from the family.

Opinion on Women's reservation

All the women respondents were aware about the one-third reservation of seats in municipal elections. Media, political party and Family served as effective sources of communication, followed by the community, revealed by these women as source of information about reservation. They were of the view that introduction of quotas (reserved seats) is helpful to women in many ways like for the welfare and development, for political empowerment.

Therefore, the findings of the study have brought in light the fact that women in local government value their experiences. They have made a difference to urban local governance through their presence. Women Corporators and Councilors interviewed during the study described their role as progressive and intermediary between the people and executive wing because it is only the women who is more close to the local environment and know more about the local necessities. They stated that the State Act has incorporated few provisions of 74th Constitutional Amendment Act due to its special status and they had to depend on various departments to get their task fulfilled.

Conclusion

Municipal bodies as institutions of local governance provided a new dimension to urban areas in general and in Jammu division particular. Women participation in politics has no doubt increased tremendously. Contesting for reserved seats in elections, women's participation has a positive impact on their political consciousness. They have taken up their 'new roles' very efficiently, because it is for the first time they had given the chance to come into public sphere and make their contribution 'visible', which remains invisible within the private sphere. Their entry as a part of reservation in municipal bodies has brought a remarkable change in women themselves, their family and in their local community. Although, it is not an end in itself but as the only way to move forward and first step in promoting political participation of women.

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