

Rural Local Self Government and Empowerment of Women in South Asia

Abstract

This Article focuses on the empowerment of women through the rural local self government system (RLSG). It compares and contrast the 73rd Constitutional Amendment Act, 1992(India) with the significant enactments of Pakistan, Bangladesh, Nepal and Sri Lanka specially their provisions for the women.

Keywords: South Asian Countries, Local Self Government.

Introduction

These above mentioned South Asian countries have large majority of rural population. Their societies and economies are at one stage or other of transition to modern and industrial ones. Also, because of geographical contiguity there has been migration of people and also cultural inter-action across these countries. Politically India, Pakistan and Bangladesh have constituted a unified country before its division. The erstwhile unified India and also Sri Lanka were governed by the British Government before their independence during 1947-48. During this pre-independence period modern type of statutory local government was gradually introduced during the second half of the nineteenth century. Since then there have been significant changes in it, in particular during post-independence period resulting in growing democratisation of its structure and devolution of increasing powers, functions responsibilities to it (Bhatia2008). There are very substantial variations in rural local government across these countries (Subha 2001). For instance, changes in political system and environment in Pakistan and Bangladesh have strongly influenced changes in their respective rural local self government systems. Again, adoption of developmental planning as a national policy in these five countries has entailed changes in structures and functional role of rural local government over the years. Recent participation of political parties in local government have tended to strengthen its political status in Bangladesh and Pakistan where as in India and Sri Lanka such status has already been there (Khanna 1999). In Nepal statutory local self government with partial democratic structures and limited-devolution of powers began to evolve very gradually since, the closing years of the third decade of the present century. Over the years it has undergone functional changes. However, it is after the establishment of parliamentary government there during 1991-92, that the local government has been reorganised and substantially empowered as a democratic institutional set up.

Aim of the Study

1. Has there been a process of personal empowerment experienced by the elected women representatives? If so, how has this manifested and made a substantial difference in their lives?
2. Do women RLSG members in south Asia have any impact in local decision making by virtue of their public office?
3. What is the nature of their political participation in the RLSG which they are a part of?
4. To compare the 73rd Constitutional Amendment Act and its provisions for women with the like-acts of Pakistan, Bangladesh, Nepal and Sri Lanka.

South Asia –A Comparative Perspective

Here a comparative perspective has provided regarding the status, structure, composition and functions of rural local government and has been reviewed briefly. It will also compare and make contrast the 73rd Constitutional Amendment Act, the Rajasthan Panchayati Raj Act, 1994 with the relevant enactments of Pakistan, Bangladesh, Nepal and Sri Lanka including their provisions for the disadvantaged sections.

Status

Local government has not only got statutory status, however also has got constitutional status in these countries. In Bangladesh recently



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introduced constitution has mentioned as a principle of state policy that local government has to be set up in every administrative unit. It is to be comprised local bodies who got to be elected and vested with functions as prescribed by an Act of Parliament. The functions have to be included the preparation and implementation of plans relating to public services, economic development as well as maintenance of public order.

In Pakistan, there are even more brief constitutional provisions as a directive principle of state policy. According to it "the State shall encourage local government composed of elected representatives" (LGO, 2000) and within it special representation "shall be given to peasants, workers and women" (LGO, 2000). It does not mention anything about powers of the local government.

In Sri Lanka, the directive principles of state policy in the Constitution has mentioned that the state "shall strengthen and broaden the democratic structures of the government and democratic rights of the people by decentralising the administration and by affording all possible opportunities to the people to participate at every level in national life and government. This has served the constitutional basis for the rural local government" (LGO, 2000).

In Nepal, the directive principle of state policy in the Constitution has declared that the state is to be provided for the maximum participation of people in the governance of the country through decentralisation of administration. This has been authoritatively interpreted to imply the establishment of local government and decentralising of powers to it.

In Bangladesh, Article 9 of the constitution, under 'Fundamental Principles of State Policy', stipulates the representation of women in local government institutions. In India, the constitutional provisions are very explicit and also mandatory for rural local government and urban local government separately. The provisions for the rural local government stipulate its basic structure, composition, representation of women and certain socially weak sections of people and setting up of state level election commission and finance commission. It also authorises state legislatures to vest powers in rural local government so as to enable it to function as "self government institutions" (Khanna 1999).

The constitutional status of the rural local government within the government system in these countries has contributed to its stability and prestige. But this is particular in India.

Structural Levels

Previously in Bangladesh and Pakistan there were three and four tiers of rural local government respectively. Now there are three tiers of rural local government in Pakistan and four tiers in Bangladesh.

In Pakistan there are three tiers system of local government, Union Councils (village level), tehsil council (intermediate level) and Zila council (district level).

The rural local government in Bangladesh, which has been proposed by the latest commission on local government (1997), has four tiers: *Gram* (Village) *Parishads* (being reconstituted in 2003 as

Sarkars), Union *Parishads*, Thana/Up Zila *Parishads*, and Zila (District) *Parishads*.

In Sri Lanka, the organisational structure of local government consists of three legal instruments: the Municipal Council Ordinance, the Urban Council Ordinance and the *Pradeshiya Sabhas* Act. *Pradeshiya Sabhas* are rural focused local body while the Municipal Councils and Urban Councils are urban focused. At present there are 256 *Pradeshiya Sabhas*.

Nepal has a two-tier system of local government, Village Development Council the lower tier and District Development Council as the higher tier.

In India, number of tiers or levels of rural local government vary across the states. As mandated constitutionally, states with the population exceeding two millions have three-tier rural local government: village level, district level and intermediate level local bodies. States with population not exceeding two millions have the constitutional option about intermediate level local body. In Rajasthan, there are three tiers of local government-Gram Panchayat (village level) Panchayat samiti (intermediate level) and *Zila Parishad* (district level).

Coordination Committees

District Coordination Committees have been provided in Pakistan and in certain states in India. In Pakistan, it comprises the representatives of the rural and the municipal bodies and the district level offices of development departments. It is being presided over by the district rural local body chairperson. Its main role is to coordinate the developmental activities of various agencies and the local bodies. There is also *markez* council in Punjab and tehsil council in Baluchistan for similar role at the intermediate level in the district.

In India, District Coordination Committees play similar role in Maharashtra, Gujarat, etc. Recently, district planning committees are being set up in every state to consolidate the developmental plans to be prepared by the rural and urban local bodies respectively and which coordinates their implementation. In large cities, metropolitan planning committees are being set up for similar purposes (Khanna 1999).

In Nepal there is no separate coordination committee at district level. The district development committee comprises representatives of both the rural and urban local bodies which performs the coordinating role in the preparation for developmental plans and their implementation.

In Sri Lanka, there is sub-district planning council and also coordination committee for similar purposes.

In Bangladesh there is coordination committee not only at the sub-district level but also at the village level. The sub-district committee coordinates the plans and the activities of village union level local bodies and governmental agencies (Keefer 2006).

Coordination committees are useful for providing planning and act as functional bridges between rural local government and urban local

government. These need to be strengthened to provide more effective coordination at the local levels.

Election Commission

For conduct of elections of rural local government, the responsibilities have been entrusted to an election commission or authority in each country. In Bangladesh, Nepal and Sri Lanka the national election commission undertakes this responsibility (Awasthi and Adhikary 2002). In Pakistan, a local election authority has presided over by a judge of High Court has been set up in every province for conduct of local election. In India the local election commission as stipulated by the constitution has recently been set up in every state. During 1993-95, elections to rural local government had been conducted by local election commission in many states. This was the visible improvement in fairness of conducting local elections in the various states as the result of this new arrangement.

Elected Members and Chairpersons

Members of the village local bodies have got directly elected on the basis of adult franchise in the various countries except in Sri Lanka. The chairperson of this body has also directly elected in Bangladesh and Nepal. He or she can indirectly get to be elected in Pakistan and in many states in India by members of the village level body from among themselves. In some other states in India the people directly elect him or her.

In Sri Lanka, the village level local body includes the representatives of the registered local associations and non-governmental agencies. The chairperson has directly got elected by these representatives from among themselves. There are also non-voting official members who are participating in working of the body. Members of the district level body have directly got elected on adult franchise basis in Pakistan.

In India too large majority of the members of the district level and intermediate level local bodies have got elected in various states. Some members of these bodies are also either have got elected by chairpersons of the lower level local bodies or else these chairpersons are their ex-officio members. The chairperson of the district level body and also of intermediate body have got indirectly elected by the members from among themselves.

In Sri Lanka, members of the upper level local body at sub-district level local body have got directly elected on the basis of proportionate representation system of adult franchise. The members elect the chairperson from among themselves.

In Bangladesh and Nepal, members and chairpersons of the district level local body have got directly elected. In Bangladesh, they have got elected by members and chairpersons of the village union local bodies situated within a district. In Nepal, members and the chairpersons of the district members elect local level body; chairpersons of both the village level bodies and municipal bodies located within a district.

Direct election is to be envisaged as more democratic method of choice of representatives.

Indirect election is to be envisaged as likely to bring politically experienced and mature representatives in the local body. India has combined the two methods of choice of members in upper level local bodies. Indian experience in this regard deserves analytical study by policy-makers in other countries as well.

Special Reservation Quotas

In recent years there has been growing awareness within the government and among people that both ensuring social justice and improving efficiency and relevance of developmental activities for women and socially weak sections.

India, has taken a significant step towards it. The minimum representation constitutionally guaranteed for women is thirty-three per cent of directly elected membership and also of chairperson offices at all levels of rural bodies. 33 per cent of seats in all rural local self government are reserved for women according to the 73rd Constitutional Amendment. This includes the provision that 33 per cent of the seats reserved for the scheduled classes etc shall be women.

In Bangladesh, there has also been improvement in representation of women in rural local bodies. Nearly one-third of memberships in district local body and about one-fourth of membership in village local body are reserved for women. In the Fundamental Principles of State Policy of the Constitution of Bangladesh, Article 9 stipulates the representation of women in local government institutions. The first election to the union parishad, under the new provision was held in 1997.

In Pakistan, according to the Devolution of Power (a local government plan), adopted in march 2000, 33 per cent of the local legislative seats are reserved for women in legislative councils at the union, tehsil (municipality) and district level. Except for the union councils, the members of tehsil and district council are indirectly elected by the elected councilors at union level, who form the Electoral College for all elections to the tehsil and district councils.

Nepal

Nepal has 3,995 village development committees. Women have had the right to exercise and contest the franchise since 1955 .A quota of 20 percent of seats has been allocated to women as acknowledgement of their need to participate in the decision-making process in local bodies. The Local Bodies Act states that at least one of every five seats in each ward of the village development committees should be reserved for a woman. In addition there are also six seats reserved for social workers, disadvantaged, caste and aboriginal groups

Sri Lanka

At the local government level, Sri Lanka has both provincial and local government. There are three types of local authorities at the local level: 14 Municipal Councils, 37 Urban Councils and 258 Pradeshiya Sabhas, the latter being rurally based. Elections are run on a proportional representation system and there is a requirement that 40 percent of the candidates on the nomination lists are required to be between the ages of 18 and 35 years. This is to ensure youth representation on local authorities.

Women hold 4 percent of provincial council seats and 2 percent of municipal and urban council seats. So far there have been 3 women mayors although there are none at present.

Elected Leadership Traits

Previously very large majority of the elected members in general and more so chairpersons of rural local bodies, in particular at the district level, belonged to the elites and patriarchal family set up. In recent years, changes have been taking place in the social status of the elected leadership in the various countries. This differs across the countries. In countries where land reforms have been taking place and the rural media of communication have become effective and rural economic conditions are improving substantially, domination of the landed elites and even of sub-elites have been diminishing obviously. In India and Sri Lanka, this has been happening very significantly. In Bangladesh, this seems to be happened moderately. In Pakistan and Nepal, however this is taking place very gradually on account of low percentage of educated persons and perpetuation, by and large, of considerably rural inequities in ownership of landed properties. Gender inequality in rural development leadership has been diminishing significantly in India, Sri Lanka and moderately in Bangladesh. It continues to remain very large in Pakistan and Nepal as education and political consciousness among women is rather low and there is no substantial special quota of reservation for them in the rural local government.

Ex-officio Members: Legislators

Most of the states in India have exercised the constitutional options of including legislators as ex-officio members in the upper levels of rural local bodies. In Nepal also, legislators are ex-officio members of the upper level rural body. In Pakistan, Bangladesh and Sri Lanka however legislators are not the members of the local bodies (Mathew 2003).

The moot point is that, the legislature decides on the statutory framework and its amendments as well as annual grants-in-aid for the local bodies, presence of its members within the rural local government are useful. The interface between them and the local government members creates better understanding between the two sides about their needs and problems of functioning of local government. The other point is that the legislators as ex-officio members tend to dominate the decision-making processes and take advantage promoting their own political and social interests.

We would have preferences for participation of legislators in the district level body only. This would probably promote useful linkages between the local priorities and national priorities regarding welfare and development besides providing better understanding of the needs and problems of local governments in the legislature.

Administrative Personnel

As more functions, powers and finances are being assigned to rural local government. In course of time it's requirement for administrative personnel grow. There are three categories of administrative personnel in rural local government in various

countries. One category is of subordinate and minor employees usually to be recruited and to be controlled by local government bodies separately. Another category is of the personnel to be deputed or to be transferred by the government from among its own civil services to local government (Mathew 2003). The third category is of the personnel belonging to unified local government services or services and to be posted in local bodies. This category exists in Sri Lanka and Pakistan and partially in Bangladesh as well as to a limited extent in some states in India (Maharashtra) (Narayana 1998).

In Sri Lanka, Local Service Commission is responsible for recruitment regulation and basic control of unified local government service. Both rural and urban local governments draw upon this service for their administrative requirements. The lower level employees are however, appointed by local government separately on its own. Sri Lanka pattern of unified local government services deserve the appropriate consideration in other countries.

The administrative personnel are usually inadequate in number and the efficiency to cope with the growing number of complex functions of local government in various countries. Hence the formation of unified local services with intensive training and appropriate terms of employment need to receive due attention in the various countries. Also, both the personnel on deputation or transfer from government or get employment directly by local government need to be effectively reoriented through training for suitable interface with the elected chairperson in particular and with the members in general within the local government (Khwaya and Ali 2004).

Functions

The statutes of various countries have prescribed many functions which are to be assigned for rural local government. These comprise of three main categories: regulatory measures, civic services and social and welfare services and economic improvement programmes. In Bangladesh and Pakistan and in some states in India petty judicial functions have been entrusted to village level local bodies. In some of the countries the prescribed functions have been classified into optional and obligatory in several states of India and in district committees of Pakistan.

In actual practices several of the functions are being partially performed. This is on account of certain constraints. One of them is that the government is hesitant to transfer of powers in commensurate with prescribed functions. Another constraint is financial. Neither the rural local government usually exercise financial powers to mobilise local finances approximately nor the government grants are sufficient. The third constraint is insufficient capability of the elected leadership in many local governments to appropriately guide and direct the preparation of plans of civic services welfare and development programmes as well as their implementation. The fourth constraint is insufficient administrative personnel with appropriate expertise and institutional allegiance at the disposal of many rural local governments to provide adequate

assistance for the performances of complex functions. The intensity of these constraints varies across the states along with variation in time.

Functional committees prescribed as statutorily have been set up within rural local government to assist it in the performance of functions and duties. These are elected by the members of local government bodies from among themselves and many have also official or non-official experts as non-voting members. While there are few committees within the village level body. There is fair number of these within the upper level rural local bodies. The efficacy of these committees varies across rural local governments at different places, depending upon the motivation and capabilities of their member's chairpersons and the effectiveness of requisite coordination.

Role of Political Parties and Non-Government Organisations

There was legal ban on participation of political parties in rural local government in Pakistan, Bangladesh and Nepal previously. This was gradually got relaxed in Pakistan after 1985 and has now been abolished by the Government altogether. Similarly in Bangladesh and Nepal bans have been removed very recently. In India, there was voluntary restraint by political parties or else legal ban as regards to participation in elections and working of village level local body in some states. Now the restraint has been removed and self-restraint by political parties has faded out (Kafle 2004).

Participation of democratic type of political parties in election and working of rural local government is useful in many ways. One, this tends to provide general guidance to people in choice of their representatives within it. Second, this would also provide general direction to the elected representatives to prepare and implement the local programme. Third, this would contribute to strengthening of public accountability of rural local government. Fourth, this may contribute to strengthening of mobilisation of public support and local resources by the rural local government. This may also reinforce the lobbying by local government to get more substantive support from the government for its proposals or activities (Mandal 1999).

On the other hand, political parties of sectarian, unscrupulous, parochial or hegemonic types would tend to induct partialities or nepotism in decision-making and actions in the rural local governance. They may also tend to aggravate the factionalism among the people and also corrupt practices within the local government.

It is therefore necessary that political parties of the appropriate types only are being encouraged to participate in the election and should work for of rural local government. Moreover, these parties should prepare their respective local government programmes for public approval during the election and for subsequent guidance of their elected representatives in local government.

A large number of non-government organisations (NGO's) are working in rural areas in the various countries. These sensitise, train and

appropriately support the rural people, particularly the socially weak sections to undertake self-reliantly development or welfare programmes collectively as well as individually. These also inform and motivate the people to participate in the various civic, welfare and developmental programmes which are being sponsored by the government for their benefit. In Sri Lanka there is a regular linkage between the rural local government and NGO's. The village local body comprises representative of the registered NGO's and local associations. This body formulates and implements various developmental and welfare programmes with the participation of the local people and mobilisation of local resources. It also identifies the needs of people for civics services and developmental schemes and sends requisite proposals to the upper level local rural body and also assists for the implementation of the approved ones (Leiten 2000).

In Nepal, representatives of the NGO's have been included in the village advisory assembly, which approves village developmental schemes and their implementation. The NGO's are being invited by the village and district level local government bodies to prepare welfare or development programmes or schemes and after getting of their approval the implementation. Besides, user's committees which are being sponsored by the rural local government to propose local schemes of welfare and implement, maintain the approved ones with people's participation.

Rural local self government has made substantial progress in respect of the status improvement, structural demonstration, social broadening of representation, widening of the functional scope and improving of the financial resources. As a result, it has been contributing increasingly to the processes of democratisation and development in the five countries of South Asia valiantly. However, the efficacy of its democratic and developmental role needs to be enhanced substantially.

Conclusion

The contemporary South Asia is experiencing profound change in the field of rural local self-government and in this context Bangladesh, India and Pakistan are undertaking extensive state reform including decentralization of state structures and functions, public administration reorganization, and transitional steps to democratisation. As a result there is an increased emphasis on the need to address local government more specifically, since in many countries this has been a neglected tier of government in the development effort. Recent dynamics of globalisation of economic and socio-cultural developments, urge for democratisation, decentralisation and structural adjustments and market orientation in economy at the national level and the emergence of enormous problems of over population, poverty, environmental degradation, shortage of shelter and services, increase in violence and gender and child exploitation at the local level and the inability of urban local governments to combat these problems effectively, have all focused attention

on the need for strengthening rural local government. A new form of local government is demand of the day. The need for a new type of local government is being felt by the national governments and also pushed by the international development agencies.

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