

# RHETORIC VERSUS REALITY: ANALYSING THE IMPACT OF LEGISLATIONS ON RURAL WOMEN OF KADERA

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## **Abstract:**

Women in the entire world have never got their due share easily. Their fight for their rights now has been a perpetual affair. In such a struggle for revolution, reservation at grass root politics to one of the most vulnerable section of India, the rural women who have more often than not been struggling with the bigoted, fervent and deep routed forces of class, caste and gender at the same time has been a hallmark victory. The recent Panchayati Raj Amendment Bill by Rajasthan state government has set minimum educational qualification for contesting for certain posts in PRIs. The paper takes into consideration the changing face of rural women. It views aforesaid amendment through socio cultural lens and views if the legislation has been explicitly imposed upon the village populace or has the time already ripen to place such formal norms at place. When one is accustomed to privilege equality feels like oppression Boeskool, C. (2016, March 14)[1] for such a change in mind set, the moores, customs and laws need to be in tandem. By surveying a small yet significant village of Rajasthan, Kadera, the paper tries to interrogate the psyche of people with respect to three focal words which needs to stay cynoclosure of all eyes, women, reservation and education.

**Key Words:** Rural women, Legislations, Moores, Education, Reservation

**1.0 Introduction** A bill to further amend the Rajasthan Panchayati Raj Act, 1994 was enacted by the Rajasthan State Legislature. It has made it mandatory, “in case of a member of a Zila Parishad or a Panchayat Samiti, to have passed secondary school examination of the Board of Secondary Education, Rajasthan or of an equivalent Board; in case of a Sarpanch of a Panchayat in a Scheduled Area, to have passed class V from a School; and in case of a Sarpanch of a Panchayat other than in a Scheduled Area, to have passed class VIII from a school. (RAJ, 2015)

The provisions of Rajasthan Panchayati Raj Act, 1994 did not provide for any educational qualification for the representatives of Panchayati Raj Institutions. It was felt that a minimum educational qualification should be determined for persons contesting elections for Panchayati Raj Institutions. Therefore, the provisions of the Rajasthan Panchayati Raj Act, 1994 were amended. To put legal jargons into perspective, Rajasthan Panchayati Raj Amendment Act 2015 has fixed minimum educational qualification for those aspiring to contest elections in Panchayat polls, making Rajasthan the first state to bring forth a legal norm which makes it mandatory to have minimum educational qualification for contesting elections to Panchayati Raj Institutions.

Well the critique of the aforesaid amendment has been many ranging from accusing the legislation as discriminatory to it being elitist. They have also questioned the rationale behind such a move at grass root level where at the state and central level no such obligation has been imposed on contesting elections for Assemblies and Parliament. Many have also pointed out the loopholes while implementing such amendment as they claim presentation of fake mark sheets will be another menace to follow. Post, R. (2016, July 26). The question whether any binding or condition on Right to contest election can be imposed is the again a debate which has revived. In 2015, a two judge bench of the Supreme Court in Krishnamoorthy v. Sivakumar held that the right to contest is not a fundamental right but a statutory and constitutional right in light of such confusion could not put to rest. BAXI, U. (2015, December 24).

Despite of aforesaid claims what one cannot ignore is the impact of progressive legislations like Right to education, the policy of reservation on women of rural India. It has not only morphed the females of rural India but also has helped them evolve and increase their bargaining power. But such changes at times are regarded as toothless because of the dichotomies faced by women especially the village women who work in a complex social system of domination by various hierarchies. The paper explores and investigates the impact of reservation given to women in Panchayats and their degree of acceptance to the new rule regarding basic minimum education for fighting elections in Panchayat. It would further relate this with the level of education and type of education in the village of Kadera, Rajasthan.

## **2.0 Research Methodology**

For the purpose of through empirical investigation use of both quantitative and qualitative research techniques have been taken into consideration. The research methodology tries to absorb the weakness of one method through another. The village of Kadera consists of population from various strata, which includes various castes, religion and class. Keeping this in mind Stratified random sampling was chosen to ensure comprehensive coverage of various fields and elements in the population. The method that is stratified random sampling would help to provide maximum representation of all groups in sample. Further this will ensure comparison between various strata. The comparison between strata become important as each stratum has exclusive set of issues which can only be looked through the prism of their colour. The interest of women cannot be generalized under one particularistic head as there are problems, dominations and subjugation faced by them at multiple levels. Hence the aforesaid method was sort to be more suitable and efficient.

Through the medium of survey thirty households were surveyed. The household was chosen as the unit in order to bring in inter-generational disparities along intra generational comparisons. The household were chosen through stratified random sampling keeping mind caste as one important stratum. The purpose was to include all castes in the survey.

The medium of questionnaire was also taken into consideration along with interview schedule. This was beneficial and proved to highly effective for more than one reason. The village women needed an extra effort to be made comfortable and understand the issue. It helped in detailed investigation. The ambiguities from the questionnaire could be minimalized due to the method of interview. Sensitive discussions could take place due to easing out of women. .

The method of participant observation immensely helped to consolidate the data. The validity of the collected data could be re-evaluated through the method of participant observation. There were striking revelations which could be observed. The method made the process more than researcher oriented to subject driven. The methodology was sufficed with the interview of former village Sarpanch in order to gain various perceptions from the place of higher authority.

## **3.0 Limitations of the Study**

- 1) The study takes into account limited number of households
- 2) The study is limited to the village of Kadera, Rajasthan

## **4.0 Review of the literature**

From ancient India to Modern India's Universal Adult Suffrage, India has its own ancestry of feminist discourse. Where the feminine forces of now the oldest democracy of the world had to fight for women suffrage, women in India cherished such rightab initio from the time constitution was framed. Along with other rights such as Article 15 and 16 undauntedly embosses non-discriminatory attitude towards women in the holy book of our democracy also allowing state to take positive discrimination for women in order to move towards egalitarianism (Basu, 2011) Adding to the legacy the most imperative action towards widening the horizons of democratic culture and the spirit of Gram Swarajis the affirmative action undertaken to extend reservation to women in the Panchayati Raj system. (Basu, 2011) PRI demonstrate the bottom's up approach which is also an anti-thesis to trickledown effect.

According to Mahatma Gandhi the concept of ideal village was very subtle, "My ideal village will contain intelligent human beings. They will not live in dirt and darkness as animals. Men and women will be free and able to hold their own against anyone in the world" (Mehta, K. (n.d.). The word Swaraj is a sacred word, a Vedic word, meaning self-rule and self-restraint, and not freedom from all restraint which "independence" often means. (Gandhi, 1962). The essence of democratic decentralization proliferates further when the most discriminated are elevated in the process so that they share the same sunlight. Women, Dalits and even dreadful is the combination of the two have been safeguarded by the policy of reservation so as to smell equity in its pure flavour. The idea, belief and rational can never be doubted as there has been a sheer increase in involvement of women in grass root politics with women not only in voting but also contesting.

But as said a beautiful façade does not guarantee a nice interior. (Josland) Such increase in women participation cannot be mistaken with women empowerment. What lies behind this façade with other things are many social stigmas which are deep rooted, age old and most importantly legitimized by the institutions of the society. Patriarchy, illiteracy and consequently lack of decision making power are the shackles which chain the women of our society at the lower strata. With this view the recent amendment brought up by the Rajasthan State government should be analysed. In December, a two-judge bench conceded that the education clause alone would result in disenfranchisement. Yet, ruled the judges, prescription of an educational qualification is not irrelevant for better administration of the panchayats. Rajagopal, (2015, December 10). focal point of both the paper and the core issue however rotates around the marriage of three keywords Reservation, Education and Women.

### **5.0 Women in PRI**

According to a nation-wide study on EWRs in Panchayati raj done by AC Nielson ORG-MARG for the Union Ministry of Panchayati Raj in 2008 there are more elected women in India than in the rest of the world put together. (Raj & ORG-MARG, 2008) According to the Ministry of Panchayati Raj's mid-term appraisal of the 'State of the Panchayats 2006-07', there are about 10 lakh women are in our PRIs constituting about 37 % of all those elected. Also, there are about 80,000 female Pradhans. (CDHR, 2015). This undoubtedly is remarkable. For, at a stroke as it were, over a million women in rural India have been liberated from the kitchen and the courtyard and brought into positions of authority and responsibility in their village communities, (Raj & ORG-MARG, 2008) but this alone doesn't assure glory, considering India as the largest democracy in the world. The question revolves around the basic point that whether such a reservation for women resulted into what one can call as qualitative participation? In a study by the Centre for Women's Development Studies 1999, it was revealed that 95% of women surveyed believed that they would not have been elected had it not been for the reservation. (CDHR, 2015)

Reservation per se cannot work in vacuum, it is one of the step to achieve the end and not the only step. Even after reservation it has been found that women are incapable of endorsing their own decisions in front of other members, the reason for such behaviour can range from illiteracy to difficulty faced by women to place their opinion in front of men who continues to carry rudimentary baggage in their thinking process and actions. Such acceptability from women's side can be considered as most heinous. One of the strongest feminist voices comes from the girl's father, while the patriarchal voice comes from the wife of one of the accused. Sirnate, V. (2015, March 9). Acceptability of women as elected representatives is also an issue. Male members try to create hurdles in the smooth functioning of the Panchayat taking advantage of the woman's illiteracy or ignorance. (CDHR, 2015) The socio structural inadequacies coupled with ignore and illiteracy amongst women have held women back in encapsulating reservation in its true sense. This has more often than not also relegated them as proxies for their male counterpart or according to the discretion of their political elderlies, in front of whom they would hardly gather the gumption to leave oppose, even speak.

Real Swaraj will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. (Gandhi, 1962) This precisely focuses on the aspect of empowerment of populace in toto when the people realize their real capacity to control the power, authority and decisions, then only one can claim obtainment of Swaraj.

Contrary to one's own wisdom, Empowerment per se can never be only explicit. Empowerment should lead to de facto increase in freedom of choice over resources, decisions, authority and most importantly control over oneself.

For it to truly realize one should be in a capacity to at first trust her instincts as a complete individual capable of making his own choices without any fear, apprehension and even iota of self-doubt

Amartya Sen in his Development as freedom has reiterated capability approach which encompasses political freedom to be construed in terms of the substantive freedom for people. Sen, A. (2001). Such a freedom liberates women from the feeling of alienation, they no more fall prey to age old notions of patriarchy which have been indoctrinated so vehemently by several agents of socialization and their legitimacy has time and again been cemented through the institutions such as religion, political set up, cultural folkways and mores that gaining wisdom to question such notions is in fact can be termed as empowerment per se.

### **6.0 Role of Education in Empowerment**

Higher levels of education and literacy lead to a greater awareness and also contributes in improvement of economic and social conditions. It acts as a catalyst for social upliftment enhancing the returns on investment made in almost every aspect of development effort, be it population control, health, hygiene, environmental degradation control, employment of weaker sections of the society.

### **7.0 The Social Demographics of the Village of Kadera**

In order to have a better judgement of the situation, I surveyed Kadera village. Kadera is a village located in Chaksu of Jaipur district, Rajasthan with total 399 families residing. The Kadera village has population of 2418 of which 1236 are males while 1182 are females as per Population Census 2011. The numbers of children who do not get education especially in the rural areas are still high. Today, the female literacy levels according to the Literacy Rate 2011 census are 65.46% where the male literacy rate is over 80%. Census. (2011). In Kadera village population of children with age 0-6 is 285 which makes up 11.79 % of total population of village. Average Sex Ratio of Kadera village is 956 which is higher than Rajasthan state average of 928. Census. (2011). Kadera village has lower literacy rate compared to Rajasthan. In 2011, literacy rate of Kadera village was 63.06 % compared to 66.11 % of Rajasthan. In Kadera Male literacy stands at 78.65 % while female literacy rate was 47.00 %. Census. (2011). As per constitution of India and Panchyati Raj Act, Kadera village is administrated by Sarpanch (Head of Village) who is elected representative of village. The chair of the sarpanch this time was reserved for scheduled caste and prior to these elections the village had a woman Sarpanch. There were some paradoxical observations

### **8.0 Interrogating the Village**

While asking the women if they knew the name of their Sarpanch, majority of them stumbled and didn't know the name, but what they knew confidently was the caste identity of the Sarpanch. This cannot be seen as feeling of social inequality present within the village but rather strong caste identity into force which not being anonymous with caste inequality being present.

While asking villagers about the former women Sarpanch the answers surrounded certain confusion while most of the women sounded unaware of such information of women once being a Sarpanch, most men smirked, when asked the reason why, they claimed the lady sarpanch was only as a proxy for her husband. Many women when informed about the former women Sarpanch could only recall her as somebody whose signature also were done by her husband while she was always busy handling the cows.

It was striking to hear that both men and women looked around when asked about reservation hoping if someone else could answer. They hardly knew about the percentage of reservation given to women and how possibly it could help them. However girls from the age group of 18-24 years were aware about the meaning of reservation. After making the unaware, know about possible benefits of reservation, when asked if women in their villages or the EWR were able to fully capitalize such gains arising out of reservation in PRI, majority of the women had a negative sentiment to the answer as they believed that women did not possess the necessary decision making power, education and faced tough socio economic condition.

When asked about the level of education, there was a promising pattern which could have been noticed. While women in the age group of 60-80 years bracket hardly had any educational qualification, majority of women in the

bracket of 40-60 years had atleast studied till class eight. Within the 30-40year bracket there were at least three fourth of total surveyed women who had completed their class XIIth education. Below 30 years of age mainly in the bracket of 10-30 years there was a remarkable change which was to be observed, majority of girls in the bracket had only completed their XIIth class education or plan to do so upcoming years, many also had completed their graduation and wanted to study further. There were several cases where the girls had double bachelor's degree, there were also cases where girls had future aspirations to appear in civil services exam.

When asked parents if they wanted their girl child to be educated, majority of women whether literate or illiterate had a zeal for making their girl child educated till the time she wanted. When asked a mother if his husband endorses her idea of making her girl child study and becomes what she wants, she replied it was only her husband who insisted in making their 6 year old daughter to go to Chaksu (Tehsil) for her education as there were no English medium schools in the village. Only 2% of Indian children went to private schools in 1980, today as many as 21% of rural children go to such institutions (Desai et al 2010). As Dipankargupta points out, clearly, the poor in the countryside are spending way above what they can actually afford to make sure their children get a better future. (Gupta, 2015)

Majority of the villagers had a very optimistic attitude towards education and didn't treat it in binary contradiction with cultural and traditional ethos. These women when asked their opinion on issues such as child marriage presented their resentment except for few women from particular community.

Majority of the girls had done their graduation in BA, further investigation led to the reason for so was as there was only Arts option available in the village school which were five in number, including two private schools. There was no option available for Science and technology or commerce as there were no teachers in that field. Those who wanted to pursue higher studies had to go either to their tehsil or their zilla. Such opportunities came handy mostly for boys as girls were not given a free hand to go outside and study. With the next best option, girls opted for private education which they feared hindered their personality as they couldn't get the kind of exposure they needed.

It was noted that majority of the populace supported the recent government amendment to make minimum educational qualification necessary. Their vehement optimism towards Minimum educational qualification towards such a move seemed more of a necessity than a luxury. The quality of education was one major lacuna, women despite being educated till graduate level had difficulty answering simple question about their tehsil, their voting rights, Sarpanch's name, name of their chief minister, reservation policy and several government related schemes. There weren't many sources found in the villages to disseminate information wrt government schemes, Television after Newspaper were two substantial ways for the aforesaid purpose, but comprehending them for women was again a task. The above analysis points out towards the kind of state intervention needed to make education meaningful, it also points out towards the greater role private institutions need to play in order to bring up substantive and qualitative education system in rural India.

Another drawback which was unanimously pointed out by all women was lack of employment opportunities available for women, even those who'd done their BA, or passed class twelfth or claimed to have had mastered certain skill could not find a single lucrative opportunities where their talent could be capitalized. These women were eager to work, there was felt a need to convert their potential energy into kinetic energy. This lead to another question if there were any NGO's in the village working for women, to which the villagers could only recall one NGO which collects and deposits their money in the banks. They weren't very impressed by its working. This highlights the role of NGO in women education and empowerment. This brings into notice that there was a leadership deficit in the village women. These women had issues and wanted them to be resolved but for this caravan to begin they were waiting for their messiah.

## **9.0 Conclusion**

It must be noted that Reservation can never be end in itself, it can only help one move in the direction of empowerment, for it to sustain is required quality participation by women which can only come through real empowerment which in turn requires qualitative education and awareness amongst women. Does such a positive behaviour amongst people is assured through laws and legislations is another question. It is known that the villages have strong and deep routed folkways, mores and customs such in formal rules may at times have a great impact on human psyche than formal laws and regulations. The relationship between formal and informal norms is complex.

Mores and folkways in society exist even before laws came into play. Sometimes mores may get additional compliance than laws before of the aforesaid reason. At times mores may change while laws remain in force, in this case law fails to comply pace with the customs. The converse maybe true that is laws enacted before their provisions have support of the community. Gibbs, J. P. (1965).

In simplest sense no law can be passed without support of mores. The change in mores can only come through the change in attitudes of people which again requires education. One can never dismiss the prominence of education in the process of socialization of a child, A Qualitative education must entail gender studies and moral education in their syllabus which case of Kadera was found missing.

When asked Neetu, a young Turk who is in class Xth about her future plans in a curious voice firmly she replied, "Dancer and Police officer", following such an undaunted answer was my next question, "are your parents going to allow you in doing so", to which Neetu wittily replied, "it's not them but me who has to do this". This answer was so empowering per se that, it defined what empowerment could really mean. The answer was itself question raised by young girls to the entire society, it was questioning patriarchy, it questioned wits of all those who treated this sex as the lower sex, it questioned all those who believed in sabotaging the wit of the females for centuries, it dared all those who were responsible in converting biological differentiation into social inequality and discrimination. Neetu didn't want herself to be tagged as the damsel in distress and subtly was hinting that she was ready with her questions and they couldn't any longer be left unanswered and that the mores of the society were ready to match the pace with the laws.

Keeping aside all the legal nuances the amendment has once again brought into the notice that focus on education needs to be brought as the cynoclosure of all eyes. The method of implementation of the law can be questioned and should be questioned but intent behind it must be endorsed with utmost enthusiasm.

## 10.0 References

1. Basu, D. (2011). *Introduction to the Constitution of India*. Nagpur: Lexis Nexis Butterworths Wadha.
2. BAXI, U. (2015, December 24). Supreme error. *The Indian Express*, p. 8.
3. Boeskool, C. (2016, March 14). When You're Accustomed to Privilege, Equality Feels Like Oppression. Retrieved June 11, 2017, from [http://www.huffingtonpost.com/chris-boeskool/when-youre-accustomed-to-privilege\\_b\\_9460662.html](http://www.huffingtonpost.com/chris-boeskool/when-youre-accustomed-to-privilege_b_9460662.html)
4. Census. (2011). Kadera Population - Jaipur, Rajasthan. Retrieved from <http://www.census2011.co.in/data/village/81039-kadera-rajasthan.htm>
5. CDHR. (2015). *Women's empowerment through Panchayati Raj*. The Centre for Development and Human Rights.
6. Gandhi, M. (1962). VILLAGE SWARAJ. In *VILLAGE SWARAJ* (p. 32). Ahmedabad : Jitendra T. Desai Navajivan Trust.
7. Gibbs, J. P. (1965). Norms: The problem of definition and classification. *American Journal of Sociology*, 70(5), 586-594.
8. Gupta, D. (2015, June 13). The Importance of Being 'Rurban' Tracking Changes in a Traditional Setting. *Economic and Political Weekly*, pp. 37-43.
9. Josland, A. (n.d.).
10. Mehta, K. (n.d.). Increasing relevance of the Mahatma. Retrieved from <http://www.mkgandhi.org/articles/kanti%20mehta.htm>
11. Post, R. (2016, July 26). SC issues notice on Panchayat qualification ordinance. Retrieved June 12, 2017, from APA Citation Format Generator - Citation Machine

12. Raj, M. o., & ORG-MARG, A. N. (2008). *Study on EWRs in*. Government of India.
13. RAJ, P. (2015). *THE RAJASTHAN PANCHAYATI RAJ (SECOND AMENDMENT BILL),2015*. Jaipur: Government of Rajasthan.
14. Rajagopal, %. (2015, December 10). Supreme Court upholds Haryana panchayat law. *The Hindu*, p. 9. Retrieved June 13, 2017, from <http://www.thehindu.com/news/national/haryana-law-on-minimum-qualification-for-panchayat-polls-valid-says-supreme-court/article7969669.ece>
15. Sirnate, V. (2015, March 9). PINION The banality of evil revisited. *The Hindu*, p. 8. Retrieved June 13, 2017, from <http://www.thehindu.com/todays-paper/tp-opinion/the-banality-of-evil-revisited/article6972723.ece>
16. Sen, A. (2001). *Development as freedom*. Oxford Paperbacks.