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EXPERT COMMITTEE: PROGRAMME DESIGN AND COURSE PLANNING

Prof. Sri Krishna Dev Rao New Delhi	Prof. Kamala Sankaran Delhi University	Advocate Vrindra Grover New Delhi
Prof. Ved Kumari Delhi University	Advocate Saumya Uma Mumbai, Maharashtra	Prof. Manjula Batra Jamia Millia University
Prof. Rose Varghese Jamia Millia University	Prof. Sushma Yadav New Delhi	Prof. Amita Singh JNU, New Delhi
Dr. Rajan K. Varghese Jamia Millia University	Dr. Deeptipriya Mehrotra New Delhi	Dr. Sadhna Arya Delhi University
Dr. Julie Thekkudan New Delhi	Rituparna Borah New Delhi	Dr. Smita M. Patil IGNOU, New Delhi
Prof. Anu Aneja IGNOU, Superannuated	Prof. Nilima Srivastava IGNOU, New Delhi	Dr. Sunita Dhal IGNOU, New Delhi
Prof. Savita Singh IGNOU, New Delhi	Prof. Himadri Roy IGNOU, New Delhi	Dr. G. Uma, IGNOU New Delhi
Prof. Annu J. Thomas, IGNOU, New Delhi	Dr. Gurmeet Kaur IGNOU, New Delhi	

PROGRAMME AND COURSE COORDINATORS

Dr. Smita M. Patil (SOGDS) & Dr. Gurmeet Kaur (SOL)

CONTRIBUTORS

Block 1: Smita M. Patil Arvind Kumar Arvind Kumar	Block 2: Chaitali Pal & Jaya Chaturvedi Anitha Ramakrishnan Arvind Kumar Anitha Ramakrishnan	Block 3: Sanil M. Neelakandan Anitha Ramakrishnan Sanil M. Neelakandan Block 4: Sumit Kumar Pathak Sumit Kumar Pathak Rakesh Kumar Singh Sophy K.J.	Block 5: Gagan Krishnadas Sanil M. Neelakandan Sanil M. Neelakandan Gagan Krishnadas Sneha Gole
---	---	---	---

COURSE EDITORS

Content and Language Editing

Rumki Basu

Block 1, 2, 3, 4, 5

In House editing for the Units and Blocks 1, 2, 3, 4 & 5: Dr. Smita M. Patil

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PRODUCTION TEAM

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Assistant Registrar
MPDD, IGNOU, New Delhi

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COURSE INTRODUCTION

Gender and Governance

Governance has become the key term of the policy regime. It also requires rigorous conceptual and practice-oriented approaches. Question of gender is also much discussed across the world. At the same time, it is critiqued that the policies and practices related to governance have not addressed the question of gender. Field of governance has not developed serious critique to power structures based on gender relations. This course, BGS-013 is designed and developed to address the fundamental issues that revolve around gender and governance. The Course delineates category of governance and idea of good governance. It will address the gender parity and equality in different spheres of governance. What kind of hurdles needs to be problematized while accessing various public and private spaces in the context of gender? The Course explores the possibilities of women's representation from the intersectionality approaches in the Indian context. On one hand, it critically engages with an informed and nuanced understanding of gender. The evolution of local governance in India in the pre- and post-independence periods will be discussed. However, after successive attempts in the post-independence period, the desired three-tier arrangement for local governance has been put in place. Gender inequality persists in structures of various institutions in the public and private sphere. Is it possible to imagine the egalitarian notions of gender justice? Thus, the attempt is to trace the evolution of Panchyat Raj Institution (PRI) in the post-independent period. Which are those Committees that gradually shaped Panchyat Raj Institution (PRI) as the third-tier governance bodies? When women entered into governance, they created avenues of positive changes. Their role must be appreciated as women Changemakers in grassroots governance despite being they faced challenges in grassroots governance. This Course introduces the pivotal role of elected women representatives (EWRs) at the local level who strengthen well-being of citizen. It will probe the role of women in legislatures. It analyzes how women engage with the questions of politics. Thus, it will introduce to you a number of case studies in the context of elected women representatives (EWRs) at the local level from Moldova, Germany, France, India, United States of America and Australian Local Government Women's Association. Law and its embedded nature in gender ideology-practice too determines the society in multiple ways. Most of the people are ignorant about the field of legal experts and production of legal knowledge/practice. Therefore, the discussion about the various dimensions related to legal literacy and leadership is necessary to democratize the legal knowledge. The course positions the larger questions in the changing political-economic scenario as well. One of the primary objectives of this Course is to critique the globalization through the lens of gender and development. The relations between gender, globalization and women are probed to understand the nature of social and political changes. The question of labour force participation is also analyzed in relation to gender, economic growth and development. The Course also revisits the current debates on occupational association and development in the backdrop of the economic

reforms. Issues of women in the informal sector is also discussed to foreground the vexing issues related to gender, women and social/economic mobility. The Course cogently argues for the need of recognition of diverse forms of informal work performed by women and their rights like that of workers in the organized sector.

This Course also raises pertinent questions related to the various facets of criminal justice systems and its impact on the larger society. The perspectives related to crime, criminal laws and various criminal provisions of IPC and CrPC are introduced in this course to familiarize you with the fundamental and ongoing debates in the context of law. Multiple readings related to the justice are also discussed in such context. The shifts in the ideas of justice and access to justice are ruminated to explicate the question of the justice of the people. Questions of gender, work and law are also reflected to derive deeper understanding related to the gendered dimensions of women legal professionals. At the same time, this Course offers critical evaluation of the judicial and police reforms. It further delves into the perspectives on the women in conflict with law.

Block 1: Gender and Good Governance

In this Block, we will ponder the larger shifts related to gender in the backdrop of the shift from traditional patriarchal systems to that of modern political systems. Conceptual explorations in the field of laws have unveiled the constant tensions that exist between the customs and modern laws. Debates on the advent of the modern political institutions will be revisited through the changing forms of patriarchy and its consequential-gendered forms of oppression. Questions of governance and good governance thus will be studied in the backdrop of the burgeoning gendered-ideologies/oppressions. Gender parity and equality in the theoretical -pragmatic spaces of governance will be critically evaluated from the gender perspectives. Thus, the question of gender in the realm of governance is central to this Block.

Block 2: Women in Local Governance

This Block traces the historical trajectory of the local governments in India. We will try to engage with the origin of local self-government and explicate the evolution of Panchayati Raj Institutions (PRI) in the pre independence developments related to governance. One of the major interests of this Block is to map the gradual development of Panchayati Raj Institutions (PRI) in the post-Independent (1947-1992) phase by looking at the pioneering contributions of the various Committees and its phenomenal role in determining the stature of PRI institutions. It also evaluates the agency and problems of the women at the grassroots governance.

Block 3: Women's Political representation and Participation

In this Block, we will investigate the role of women in legislatures and analyze how women engage with the questions of politics. It reflects on the various dimensions of the political representation and participation of women. Thus, this Block explains the crucial role of elected women representatives (EWRs) at the local level. It will discuss their challenges and

achievements through case studies in the context of comparative best practices. It will discuss about the various dimensions of legal literacy and leadership, concept of legal literacy and the challenges before legal literacy.

Block 4: Impact of Developmental Policies

This Block discusses the relationship between globalization and gender in general and women in particular. It will introduce you to the vibrant intellectual deliberations on the category of globalization and post-globalization. One of the major focus of this Block is to foreground labour force-participation through the arena of gender. It will also analyze the nature of gender relations across diverse, key sectors. This Block also offers critical analysis of perspectives related to changing nature and current trends of occupational associations. It also situates the perspectives that examine the relations of gender, informal sector and women.

Block 5: Women and Justice System

Crimes are proliferating in the capitalist phase of the neoliberal global order. This Block provides rigorous approaches that analyze crime and criminal justice system. You will be introduced to the diverse forms of offences, criminal courts and criminal proceedings in India. The Block broadly attempts to study the idea of justice and critical engagements related to the idea of access to justice. It also introduces you to the social spaces of law in order to magnify the gendered spaces of legal profession. Questions of judicial reforms and police reforms are central to this Block. It situates the criminal systems related debates via the theoretical questions on gender. Finally, it leads you to the unique debates on the experience of women and their conflicts with law.



BLOCK 1
GENDER AND GOOD GOVERNANCE

THE PEOPLE'S
UNIVERSITY

UNIT 1 CONCEPTS AND CONTEXT

Structure

- 1.1 Introduction
- 1.2 Learning Outcomes
- 1.3 Defining Governance
- 1.4 What is Good Governance
- 1.5 Gender and Governance
- 1.6 Let Us Sum Up
- 1.7 Unit End Question
- 1.8 References
- 1.9 Suggested Reading

1.1 INTRODUCTION

Evolution of customs and the emergence of political institutions are often discussed in the context of the persistence and the larger questions of individual. The question remains is that whether the shift from traditional patriarchal systems to that of the modern political systems challenged the hierarchy of different sorts. Debates on laws have demonstrated the complexities that emerge out of the customs and modern laws. Similarly, the persistence of patriarchy and consequential gendered inequality also haunts the modern political institutions. The shift from the government to governance also needs to be revisited in the backdrop the gender questions and governance. This unit attempts to delineate the category of governance. It also reflects the idea of good governance. Relations of gender and governance are also analysed in the context of the aforementioned debates.

1.2 LEARNING OUTCOMES

After reading this Unit, you will be able to:

- Know the definition of governance;
- Learn about the idea of good governance and
- Engaged with the relationship between gender and governance

1.3 DEFINING GOVERNANCE

Representation and effectiveness are central to governance. Decision making should be the core concern of an effective government. According to Josep Colomer, if it lacks decision making, it will lead to psychological problems and consequential chaos across various communities. Administrative effectiveness is essential for the representation. The lack of administrative effectiveness may result in negative impact. It will lead to government's

decisions that are arbitrary in nature. Therefore, such approaches impact the majority preferences of the citizens. The neologism, governance refers to “ a set of institutional rules, coordination and decision-making processes aimed at attaining effectiveness in defining collective goals, making priorities, and producing outcomes as, in a similar way, one can talk of private corporate governance, rather than of representative government (Colomer,2011: 687). Governance emerged with the underperformance of the hitherto governments. Globalization have also affected the plural nature of the groups. It has also led to legal transformation and political hierarchies. The decline of state also needs to be understood in the context of state. Restructuring of the state also happens in relation to the advent of governance. Failure of the state is part of the emergence of the governance. Governance demands new articulations of public policy. It also calls forth the segmentation of political institutions. Specialization of the political mechanisms is also vital to the field of governance (Colomer,2011:687).

Political scientists also discuss about the issues related to ungovernability. Theoretically, it is analysed that “...recent concerns with governance reflect a decreasing fir between institutional structures and recurrent patterns of behaviour in the environment of these structures -a situation that may emerge in human history in different places and times”. It is further noted that “the current performance of a decreasing performance of a state-centred governance can be attributed to three processes: (1) increasing internationalisation of human exchanges and relationship; (2) state failures, provoked by excessive demands on governments, excessive state intervention, and fiscal crisis of the state;(3) and, the failure of certain states (Colomer,2011:687)It is observed that “vast transnational areas of imperial size going beyond the limits of traditional nation-states”(Colomer,2011:687) It is further noted that traditional armies are becoming insufficient in the period of the “international umbrella for collective security” like that of North Atlantic Treaty Organization(NATO) (Colomer,2011:687) .It is meant to challenge the international terrorism and “diffusion of weapons of mass destruction”(Colomer,2011:687).There are changes happening in the context of transnational trade agreements. It is observed that transitional trade agreements such as the European Union(EU) ,the Southern Common Market (Mercosur), the Association of South East Asian Nations(ASEAN) and the North American Free Trade Agreement(NAFTA) are the proliferating transnational trade agreements. (Colomer,2011:687). It is analysed that most of the countries come under the transitional trade agreements like under that of the World Trade Organization(WTO).It is analysed that transnational process also give the local political units to create its own political space. Expansion of communication and the detached-local ethos also exist with the resistance against the cultural assimilation of hegemonic nation-states. These political developments also result in the decentralisation of large states. Independence of federalism and lop-sided federalism thus give rise to the rise of native, small political units (Colomer,2011:688).

Another important aspect that is usually discussed in relation to governance is the state failure. According to Josep Colomer ,the challenges before the state emerged during the 1970s.The “overloading of government” was

analysed in the context of the report on the governability of democracies, which was presented to the Trilateral Commission dealing with problems in Western Europe, Japan, and the United States (Colomer, 2011:688). Experts who were part of that report analysed three central problems like “increasing demands from diverse social groups, increasing public expenditure, and the decomposition of political party systems, provoking the vanishing of single party majorities in legislatures (and “divided government” in the United States)” (Colomer, 2011:688). It led to the demand for the democratic government and the further stagnation of the capacity of democratic government. Presence of selfish politicians and inhuman bureaucracy worsened the public systems (Colomer, 2011:688). Questions of failed states are also discussed in the backdrop to the debates on governance. Failed states demonstrate the end of functioning states. International organizations have classified the failed states. For instance, it is found that failed states exist in Central and West Africa, the Middle East, Asian territories of the former Soviet Union, Central America, the Caribbean Sea, and the Andean region (Colomer, 2011:688-689). Let us study what is good governance in the next section.

Check Your Progress-1

1) Write your understanding on governance.

1.4 WHAT IS GOOD GOVERNANCE

Governance has become a buzzword across the policy regime. The category of good governance is dated as old as civilization. Goran Hoyden and Julius Court observed that there are people look at governance on the one hand “as concerned with the rules of conducting public affairs, and on the other, those who see it as steering or controlling public affairs” (Hoyden and Julius, cited in Dwivedi, 2011:683). Governance, for Dwivedi, involves the act of decision making. It is the mode through which decisions are being implemented or not implemented by the people who govern any political order/systems. It is also differentiated from the government. Good governance is regarded as the sub-realm of governance. Basic values such as transparency, accountability, justice, equity, fairness and ethics are central to good governance. Those values that are part of liberal democratic polity are also part of the good governance. Good governance is also related to the goal of government that maintains the good life for the citizens. Governance connects with the citizens, interest groups, industry, legislators and judiciary. Thus, it maintains the lawfulness of the public orders and integrate multiple groups to the field of governance (Dwivedi, 2011:683).

It is observed that good governance has become a key term for international organizations such as International Monetary Fund, the World Bank and the United States. Good governance is based on “growing well”. It is in order to address the concerns and issues related to the people and the political institutions. Good governance is based on certain values. Democratic pluralism is one of the important values that is essential to “maintain cultural sensitivity in a pluralistic society to ensure empathy and tolerance of diversity, fundamental freedom and equality for all, and universal participation in the governing process”(Dwivedi,2011:683).Good governance is also based on “legitimacy in the eyes of the public under the law of the land, that is, through constitutional instruments such as free and fair elections”(Dwivedi,2011:683).It is also based on the consensus among the diverse groups. Thus, it attempts to ensure equity across different groups. Good governance also is clear about the public participation in the decision making. It is also based on rule of the law for maintaining fairness and non-partisanship. Good governance is also particular about governing systems’ proper responsible approach towards diverse stake-holders. It also checks the accountability of the institutions and their role in governance. It also ensures the agents of governance are not manipulating the power for their vested interests. Good governance is also focused on the transparency in its functions to boost the level of state and related institutions. Good governance also believes in the value of moral governance. The term, moral governance encompasses “public service ethics and moral accountability in the process of governance” and also aims at “strategic vision for sustainable long-term human development” (Dwivedi,2011:683).It is noted that good governance also emphasises on the ethical conduct, incorruptibility, and sensitivity of those who are part of the governance. Players in the governance thus are responsible for those who are subjected to the governance. Rule of law and transparency therefore are essential to the accountability. Ethical and moral behaviour are also considered as relevant in the field of good governance. People who are part of governance should not do any form of corruption. They should give priority to the public good rather than their personal interests. However, good governance faces major challenges and obstacles especially in developing societies (Dwivedi,2011:683-684).

One of the central questions that is usually discussed is about the impediments that affect the good governance. According to Dwivedi, corruption is considered as an evil that plays as an obstacle to the good governance. Public officials with corrupt behaviour destroy the ideas and practices related to good governance. Bureaucratic problems also hamper the good governance. People across the globe are also finding it difficult to raise their grievances in a highly corrupted, political system. Various developmental programmes and delivery service are also not implemented in proper fashion. Implementation becomes a problem irrespective of the legal systems affiliated with the structures of the governance. Jurisdictional conflicts across the diverse sections of governance also affect the development programmes and related issues. It is analysed that lack of financial, technical and administrative resources impact the implementation of the laws related to social welfare, economic development and environmental protection of diverse countries. It is also noted that powerful

interest groups are able to pressurize the bodies of the governance to implement various laws and policies. People are cynical about the misdeeds of the actors of governance. Thus, the governance is delayed due to aforementioned, complex formations of vicious politics at different levels (Dwivedi,2011:684).

It is analysed that “Two standards are used to suggest what is required to craft good governance: one for developing nations and another for industrialized countries. International aid institutions, such as the World Bank and IMF, developed the standard that applied to developing nations, whereas the standard applied to industrialized nations mimics the features of liberal democracy found in western societies”(Dwivedi,2011:684).It is further noted that “ critics question the validity of a standard, because they believe it imposes values that are “a cover for extending Western influence” (Hoyden and Court,cited in Dwivedi:684).It is opined that “...despite the fact that in some developing nations, as in industrialized nations, resources may be diverted from the purpose originally intended for them, developing nations often suffer disproportionately from direct political interference in the administrative and enforcement process; policy goals deflected and responsibilities for achieving policy mandates evaded; and rampant reliance on tokenism by a government administration to fill ministry positions rather than talent”(Dwivedi,2011:684). Let us try to learn about what is the relationship between gender and governance in the next section.

Check Your Progress- 2

1) What is good governance.

1.5 GENDER AND GOVERNANCE

According to Martha Nussbaum, the political distinction between the categories such as the public(men) and the private, often position women in the realm of the private. It also structured the absence of the women in the field of the governance. It is observed that “Newer accounts of governance have followed a broader understanding of the goals of development. Governance is now understood to include the wide range of ways in which the political, social, and administrative structure of a society affects the access of its members to basic opportunities and capabilities” (Nussbaum,2003:4). It is also noted that “an account of women’s governance in economic institutions that did not take account of their role in democratic politics at the national, regional, and local levels would be both incomplete and obtuse”(Nussbaum,2003:4).According to Martha Nussbaum, researchers who explore the relations between gendered lives and governance are not seriously analysing how the traditional role of women in their family block their choices and social mobility. The category of private therefore needs to be examined in detailed fashion. It is observed that “...the participation of

women in governance has long been hindered by the assumption that their proper sphere is the “private” sphere, and this same assumption has been an obstacle to good theoretical and practical work on the question of gender and governance (Nussbaum,2003:5). It is analysed that education plays a vital role in the lives of the women. According to Martha Nussbaum, it exposes them to employment opportunities. Thus, it will empower them to have control over their reproductive choices. Lack of education exclude the illiterate women from the field of governance. It is analysed that “...one of the most hopeful signs in the Indian panchayat experience is that there seems to be increased support for the education of girls, which is likely to improve their chances of getting an opportunity to represent family and village interests in the panchayat” (Nussbaum,2003:14). Law in modern India have challenged the dominance of the customs. It is observed that “...Women need to be much more fully incorporated into the legal system as lawyers, judges and scholars, and the substantive content of laws need to be rethought with concerns of sex equality in view (Nussbaum,2003:14). Martha Nussbaum provides a critical reading to the questions of governance and gender. It is analysed that “any understanding of development and governance that takes the role of women to be that of reproducers, caregivers, and home-makers is, we have already said, inimical to women’s well-being in a very general sense. An understanding of governance that is committed to values of democracy and accountability implies a definite stand on controversial normative matters. For instance, it reflects the view that all understandings of progress (for example, those that would equate progress with the placing of power in the hands of a single dominant group and the subordination of other groups) are not worthy of equal respect” (Nussbaum,2003:15). Martha Nussbaum also attempts to understand the questions of gender and governance through the capabilities approach. It is analysed that “...the idea of a capability is a complex one. To say that a woman is capable of participating in political life, for example, suggests an internal preparedness: the woman is educated enough, confident enough and healthy enough to enter into the political sphere. This internal capability is fostered through education, health care and supportive social relationships. But the idea of capability requires, as well, material and institutional empowerment: the laws and customs of the nation or region are such that the woman really can go out and participate, her efforts to participate will not be thwarted by unequal legal, or financial, or physical obstacles. Thus, ascertaining whether women are really capable of participation in governance requires looking at more than the qualities of the women themselves (already an exercise that directs us to the social and political conditions that influence education and development). It requires looking at how laws, movements, groups, and social institutions influence the opportunities of women to take part in a wide range of governance-related activities (Nussbaum,2003:17). Martha Nussbaum thus looks at the philosophical and pragmatic nuances related to gender and governance.

According to Amrita Basu, women’s groups challenge the state institutions. At the same time, it is observed that they participate in the state institutions. Both these interventions of women’s groups, for Amrita Basu, deepens the democratic discourse of the women. It is analysed that “...the importance of

defining governance in broader and more far-reaching ways than it has traditionally been understood, emerges from the myriad forms that women's political participation assumes at the local level — both private and public, economic, social and political" (Basu,2003:49). According to Yasmin Tambiah, elitist and bureaucratic approach towards governance lead to the marginalization of vulnerable communities, it thus challenges the equality and governance. The questions related to governance and gender are caught in the societal and political complexities. It is observed that public dimensions of politics and governance impact the lives of the women. It is also analysed that the state-women interface and women's political participation are core to the issues related to governance and gender. Civil society, for Yasmin Tambiah, also plays a cardinal role in engendering the spaces of governance (Tambiah,2003:53-95). Questions of state and market also play a vital role in the research on governance and gender. According to Niraja Gopal Jayal, contemporary discourse on governance looks at state and market in comprehensive manner. It also emphasizes on the virtues of civil society. Role of social capital in the context of development is also regarded in the current framework of governance. Thus, the present perspectives on governance emphasises on state, market and civil society. Institutions of local and global governance are also included with the institutions of national governance. State-society dialogues and partnerships thus have become the central focus of the current framework of governance. It is analysed that "...The convergence between ... definitions of governance and neo-liberal economic policies was unmistakable, as both made a case for democratic capitalist societies, governed by a minimal state. Notably missing from this definition of governance was the idea of politics. It made no allowance for citizens of democratic societies to determine their particular concepts of governance through the political process. In this way, it ruled out the generation of a governance agenda that is a product of democratic politics, rather than a condition of it" (Jayal,2003:98). It is analysed that the diversity of the players in the governance is also read as substance of the governance. In other words, governance is not only the civil service reform. It is not the ways of looking at the impact of public institutional cultures in the privatized domains. On the contrary, current governance framework is based on the questions of decentralisation, participation, governmental responsibility and accountability. It has also incorporated the larger questions related to social equality and justice. It is analysed that "...this new emphasis has been facilitated by a parallel process: the discrediting of the conventional definition of development as economic growth, and the adoption by international agencies, of the human development perspective associated with the writings of Amartya Sen and Mahbub-ul-Haq, most recently linked also with the agenda of human rights (UNDP,Cited in Jayal,2003:99).The category of the governance, for Niraja Gopal Jayal,is beyond the formal institutionalised political and administrative structures. It includes "...the political (e.g., equal application of the rule of law, accountability and transparency, the right to information, corruption in public life); the economic (e.g., corporate governance, the regulation of the private sector and financial markets); and civil society (in its various manifestations, not excluding uncivil associations) (Jayal,2003:99). It is demonstrated that social

movements operate at different modes. Non-governmental organizations are better in handling public goods or services than the public institutions. Markets also aggravate the gendered dimensions of the poverty. Civil society also cannot be read as gender-neutral in nature. Jayal shows how civil society organizations of religious fundamentalist groups are not civil, democratic, oppressive, conservative and so on. The positioning of women at the higher positions of governance may not also result in the engendering of governance. It has to be based on achieving the substantive gender equality. There are certain nuances related to the theoretical understanding of the governance and gender. It is argued that "...an interrogation suggests the possible efficacy of expressing governance concerns, and especially those of gendered governance, in the vocabulary of rights. What sort of rights theory is most hospitable to such claims? Clearly, a negative conception of rights (in terms of liberty or 'freedom from') alone is an inadequate instrument, because the principle of freedom from the state has often (from the liberal political philosopher John Locke to the contemporary libertarian philosopher Robert Nozick) been invoked to assert the indefensibility of state interference in the private sphere. From a feminist point of view, negative rights are suspect because social practices are often oppressive and patriarchal, and the absence of state interference may give license to such forces. A positive conception of rights, on the other hand, has the merit of providing not just a formal structure of rights, but also enabling conditions that make their fulfilment possible (Jayal,2003:102). The question therefore raises about the gendered understanding of governance. It is analysed that "...a gendered view of governance must be a rights-based view in this latter sense, because it has to engage with and address long histories of exclusion, marginalisation and invisibility. Women's claims to voice, and to a recognition of their contribution to the productive life of society, have therefore to be couched in the language of rights" (Jayal,2003:102).

Jayal emphasises on the need for the rights-based approach in the context of gendered governance. It is argued that the following aspects show that how the language of rights is central to women's explorations related to governance. Oppression of the women still persists within the family and outside the family irrespective of the universal and gender-neutral categories of citizenship. Racial or religious minorities, linguistic minorities and lower castes in India are excluded from the realm of rights due to their marginalised, social locations. It is also noted that "...even in their most minimal and negative conception, rights are frequently not available to large numbers of women. Let alone the right to make meaningful choices about one's life in accordance with one's conception of self-realization, basic civil and political liberties are routinely denied or severely curtailed. These include, variously, the free exercise of the right to franchise, freedom of association and movement, the right to be elected, reproductive rights" (Jayal,2003:103). It is critiqued that "...the formal existence of equal rights of citizenship is no guarantee of their equal availability in practice, or of their being realisable to anything like the same degree by different sections of society. In real terms, for instance, they may be available to those who are well-off but denied to the poor. Likewise, even as they are constitutionally available to both the sexes, men may enjoy the meaningful exercise of these

rights while women may not” (Jayal,2003:104). According to Niraja Gopal Jayal,the rights may be denied even it is has the legal sanction. There are equal rights for the women in modern western liberal democracies. However, they have to use it. Thus, “...participation surely is premised on the prior existence of rights, whose foundational importance is therefore irrefutable” (Jayal,2003:104). Another challenge is that it is not possible for the men and women to use their rights in the context of social and economic inequality. Under-representation of the women in the decision making also is toppled by the state elites. At the same time, representation through quotas is used to address such issues related to the women in the governance and gender. Feminists who entered into power like democrats in Australia were also criticised for corruption. Women still are less represented in the different levels of the polity and the governance. At the same time, “... Some engendering of policy - through, for example, institutionalizing gender concerns in policy-making departments or integrating gender into mainstream development planning (WID/GAD) - has, in this limited sense, taken place, and has generally been prioritised over the engendering of the personnel of the institutions themselves” (Jayal,2003:117). Glass ceiling is pervasive in the business organizations. Women are under-represented in the business organizations. They are excluded from the decision-making process in the business organizations. Male-oriented career system thus proliferates the practices and ideology of patriarchy at different levels of the business organizations. Women are lower paid as well. Patriarchal trade unions also marginalise women in different ways. It is observed that “...while it is difficult to posit a definitive criterion for judging the extent to which governance is gendered, it is arguable that the engendering of institutions (especially state institutions) should be tested against the twin criteria of processes (participatory) and outcomes (gender-equitable) (Jayal,2003:123-124)

1.6 LET US SUM UP

The unit explains that how the shift from traditional patriarchal systems to that of the modern political systems determined the nature of governance. It engages in the concept of good governance by introducing different types of scholars. At the same time, it explores the relationship between gender and governance. The shift from the government to governance is revisited in the backdrop the gender questions and governance. Thus, the unit attempts to describe the category of governance. The border understanding of gender and governance are also analysed in the context of the aforementioned debates.

1.7 UNIT END QUESTION

- 1) Critically evaluate the concept of governance.
- 2) Write an essay on good governance.
- 3) Explain the relationship between gender and governance

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UNIT 2 IMPACT OF GENDER INEQUALITY ON GOVERNANCE

Structure

- 2.1 Introduction
- 2.2 Learning Outcomes
- 2.3 Inequality-Equality Conundrum
- 2.4 Social and Cultural Inequality
- 2.5 Inequality of Resource/Gender Gap Index
- 2.6 Inequality of Work and Wages
- 2.7 Inequality of Access to Workplace
- 2.8 Combating Gender Inequality
- 2.9 The Question of Representation
- 2.10 Class-Caste-Gender Intersectionality
- 2.11 Let Us Sum Up
- 2.12 Unit end Questions
- 2.13 References
- 2.14 Suggested Readings

2.1 INTRODUCTION

All human beings are born into a certain race, caste, religion, region, ethnicity or even nationality. Similarly, they are born in a particular 'sex' which is purely accidental and biological in nature. However, whatever sensibilities one gains is a social derivative and is a discreet societal construction arrived at during a long period of time. The notion of superior-inferior dichotomy is deeply engrained in societies across the world. This attribute is largely determined by the dominant ideology of the society that we inhabit in. In this unit, you will study about the nature of gender-inequalities. The attempt is to discuss the problems that emerge in ensuring gender parity and equality in different spheres of governance. At the same time explore the possibilities of more women's representation from a nuanced lens of caste-class-gender intersectionality.

2.2 LEARNING OUTCOMES

After studying this Unit, you should be able to:

- Know the nature of gender-inequalities which is omnipresent and the underlying reasons for it.
- Understand the problems which emerge in ensuring gender parity and equality in different spheres of governance.
- Explore the possibilities of more women's representation from a nuanced lens of caste-class-gender intersectionality.

2.3 INEQUALITY-EQUALITY CONUNDRUM

Inequality is all pervasive. Equality is a utopia. In phenomenological sense of the term, 'inequality' is something which is pre-existing and can be described as 'what is'. On the other hand, 'equality' has to be achieved through a process and hence can be explained as 'what is ought to be'. A noted scholar Granville Austin has rightly dubbed Indian Constitution as a 'living document' for egalitarian principles of equality or justice that it promises to endorse. The basic principle of equality is thus enshrined in the Constitution of India and guarantees all its citizens equality before the law irrespective of caste, creed, or gender (as per Article 14 and Article 16).

Such provisions as enshrined in the law book had a huge impact in terms of how women's rights would be defined and articulated in the times to come. It is worth noting Vina Mazumdar's observation in this regard. She noted: "...the Constitutions's radical departure from inherited social values represented to women of that generation its greatest intrinsic quality. For the women of my generation, with definitive memories of pre-independence society and of the freedom struggle, the acceptance of gender equality in the Constitution was the fulfillment of a dream – of women's entitlement to an independent identity..." (Mazumdar, 2000, p.5).

As discussed earlier, the idea of equality may not inherently come to an individual because as in any society, everyone comes from a different background and experience which has its own inherent inequality. The Constitutional mandate of equality or at least equality of opportunity and the legal sanction that it provides, becomes extremely important in this respect. It does not merely recognize but builds a space for individuals who might be at a disadvantageous position in the social or cultural group that one belongs to because of various historical reasons. It is in this context, that a nuanced understanding of Article 15 becomes crucial from the perspective of gender also. This Article reads: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them".

Thus, so far, despite many positive developments and growing awareness about fundamental rights; the women's roles seem to have remained limited and subjected to so called 'feminine' characteristics even while they aspired for leadership positions. It may be noted that at various levels; they act as mere tokens of representation in democracy and which ideally should not be the case. The idea that needs to be emphasized upon is the inclusive approach to gender which is rarely reflected in the process. We must ask ourselves, what are the hurdles that a woman faces when she chooses to run for public office? What are the social, cultural, political and economic hurdles along her way to work? Similarly, we should be able to analyze how the individual, when once elected chooses to head the office. Does her role remain limited to signing papers or is she able to cause real time impact with her intervention? If she is in a position of authority, how is she looking at the state of affairs from a gender-lens? All such questions become extremely critical in answering how gender inequality impacts the process of governance. Let us read how social cultural inequality related to gender exist in society in the

2.4 SOCIAL AND CULTURAL INEQUALITY

The social and cultural spaces across the globe are deeply patriarchal. Although theological and philosophical explanations by major religions of the world do talk about sameness of soul or *atma* and that all humans irrespective of their individual identities have been created by the mighty in different traditions. Several writers have written about early matriarchy and mother's rights which apparently preceded the coming of patriarchy, or male dominance which is evident in our societies. There exist substantive explanations of why women's position in early agricultural societies could have been better. Since women were not just creators of life but were providers of food, they represented supreme symbols of fertility beyond any doubt. It is for this reason perhaps, that worshipping mother-goddesses was prevalent in all major civilizations of the world, be it Babylonia, Egypt, Greece, Rome or Indus Valley. Similarly, we do find mention of female temple priests and attendants in Egypt, Sumer, Babylonia, Greece and even ancient Japan.

However, such lofty claims have been of very limited consequence in the real world. Ursula King a noted theologian and scholar of religion and gender has noted, "...it is in itself a remarkable phenomenon that we do not know of any woman who was a great religious founder. Moses, Mahavira, Buddha, Jesus, Muhammad are all men. However, this is not as extraordinary as it at first appears; the great statesmen, philosophers, writers and scientists of the past have almost invariably been men, too. Public life was, by and large, notwithstanding a few exceptions of remarkable women in history, the sphere of men. Women's sphere was not public but private life: home and family, preparation of food and clothes, the birth and nurture of children." (King, 1983, p.183) King further underlines that the consolidation of higher religious traditions and its institutionalization have led to a gradual degradation of women's position in religious and cultural spheres.

Since India has been a host to a multitude of religions, personal law becomes extremely crucial. Most often, the state has to walk on the thin tightrope of upholding human rights and simultaneously respecting the personal laws in place for varied religious sects. The fact that women do not have the same rights as males is a fundamental component of most personal laws. There have been efforts toward ending discriminatory practices against women, such as passing the Hindu Succession (Amendment) Act 2005 by the Indian Parliament, which made women coparceners in the same way as sons. Similarly in 2017, a Constitution Bench of the Supreme Court comprising five members, by 3:2 majority deemed *talaq-i-bidat* (a practice which gives a Muslim man the right to divorce his wife by uttering '*talaq*' three times in one sitting without his wife's consent) as unconstitutional. Gender equality in India can only be accomplished under one condition: the creation of uniform family legislation that prioritizes gender equality.

Check your progress- 1

1. Write your understanding on social and cultural inequality

2.5 INEQUALITY OF RESOURCES/GENDER GAP INDEX

According to the latest World Economic Forum's *Global Gender Gap Report (2022)*, it might fairly take another 132 years to reach the expected gender parity at the world level, since by now only 68% of the gender gap has been bridged or closed. It is since 2006, that this global index has attempted to map the world's progress towards gender parity in four specific parameters: (a) economic participation and opportunity, (b) educational attainment, (c) health and survival, (d) political empowerment. If one attempts to understand the level of gender parity in India as per the aforementioned index; it ranks at 135th position out of 146 countries. In 2021 the position was 140th out of 156 countries.

It is indeed a matter of special concern to underline that despite the fact, India has maintained a consistent position when compared to the years of recent past in terms of gender index; its rank in the field of legal reforms has declined to 124th among 190 countries across the world as per the latest report of 2022. Another study conducted by the World Bank titled *Women, Business and the Law 2022* attempts to situate how 'adopting laws that strengthen women's rights and opportunities are essential first steps toward a more resilient and inclusive world'. By taking some eight indicators, it has been established 'how law effect women throughout their working lives' (WBL, 2022, p.15). Why legal reform with respect to gender is such a serious concern was amply demonstrated by a similar report of the World Bank in 2014. This report had categorically underlined that at a global level, women perform close to 60% of the total volume of world's work, produce about 50% of the food but earn only 10% of the income and own merely 1% of the property.

The legal component, therefore, has gained an ever-increasing importance. The report succinctly notes, "...legal gender equality matters for women's economic opportunities. It matters for women's access to finance and entrepreneurial activities. And it matters for increasing inequality of opportunities in economies. Whether by easing restrictions on women's employment and business activities or by adopting policies increasing women's ability to take up economic activities, gender equality is smart economics..." (*Women, Business and the Law 2014: Removing Restrictions to Enhance Gender Equality*, Bloomsbury, p.15). This report, further highlighted that the legal gender differences are more explicit in the regions of the Middle East, North and Sub-Saharan Africa, South Asia, which in any case have countries which are the poorest or at most, the developing

economies of the world.

2.6 INEQUALITY OF WORK AND WAGES

One fundamental hurdle for the women or persons belonging to the so-called weaker genders including LGBTQI+ has been their roles usually defined by the male dominated stereotyped division of labour assigning them with stereotyped feminine roles. Such constraints imposed on them even within the private spaces have direct impact on their ability towards public engagements or seeking employment outside the narrow confines of their household. The reproductive aspect of sexual division of labour has various manifestations like giving birth to child, caring of children and old aged dependants, working in the fields or taking up other economic activities for the larger benefit of the household and family. They have played a major obstacle to women's engagement in politics or other public-private sector jobs (Tambiah, 2003, p. 63). This norm is reflected in why a majority of Indian males even now prefer marrying non-working women thereby, restricting their access to the outside worlds and domesticating their dreams.

Most of the male folk also have gendered expectations towards how a woman should behave, should remain restricted to household activities etc. But even while some women who manage to break the glass ceiling of domesticity and household boundaries due to their educational attainment or other essential skills; face another hurdle while seeking equal wage. Women have faced differentiated wage payments across the world. Even in the United States of America for until early 2000, if a white man got 1 \$ as wage, for the same volume of work, a white woman would get 67 cents; an Afro-American Man got 69 cents and an Afro American Women got 58 cents respectively (Jayal, 2003, p. 122). In India too, they may be paid the similar wage on paper but there are enough evidences of how they are paid lesser amount in absolute terms. Livelihood is essential to everyone and spaces in governance largely fail to recognise the importance of informal sector and more importantly in the grey arena of women's unpaid work. An Oxfam Report dated 16th January 2020, goes on to show that around 3.26 billion cumulative hours are put on an everyday basis by the female workforce in India. Recognising paid work in itself is a very crucial conundrum in itself. Much of this stems from a long tradition of viewing women's jobs as inconsequential in the "real world" of the business and undeserving of significance in the home.

2.7 INEQUALITY OF ACCESS TO WORKPLACE

To make an entry into the workforce has not been so easy for womenfolk. They are under-represented in decision-making not only in politics, but also in the private sector undertakings, at the village level government bodies and in civil society organizations. Men often hold positions of influence at the local level, including religious and traditional leaders, local legislators, and village elders. Women's leadership and representation are typically limited to traditionally 'feminine' fields like social welfare. Women's participation in

informal decision-making processes is typically more widespread than their participation in official roles and institutions, yet it is often overlooked and so undervalued. It is critical to guarantee that women and men may participate equally in both official and informal decision-making institutions in order to enhance democracy at the local, national, and international levels.

One typical barrier that is faced by them is related to sexuality and safety. It was only towards 1992 that the Indian Penal Code was revised to make sexual harassment a crime (Basu, 2003). And in August, 1997 came the famous Visakha judgement of the Supreme Court that noted, "...the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to compass all the facets of gender equality including prevention of sexual harassment or abuse". It prescribed a clear set of norms and guidelines in terms of assigning duty of the employer to defining sexual harassment (physical contacts and advances; a demand or request for sexual favours; sexually coloured remarks; showing pornography; any other unwelcome physical, verbal or non-verbal conduct of sexual nature). It further enlists preventive steps, criminal proceedings, disciplinary action, complaints mechanism and complaints committees and mechanisms for sensitization and spreading awareness. (See Visakha & Others v/s State of Rajasthan, 1997).

Institutional and cultural restrictions have always played a significant role in gender inequalities in formal representation. The latter refers to social standards that make it more difficult for women to quit their conventional household responsibilities and pursue more public roles outside the home. Political systems that run on rigorous timetables often ignore women's family duties. Many nations have implemented quotas for women in order to ensure a fairer representation of women in democratic institutions. But despite efforts of affirmative action and their affirmation in public discourses, we do find strange discriminatory rules even in formal structures of employment.

Supreme Court of India

Air India Etc vs Nargesh Meerza and Others (1981)

Author: S. M. Fazalali

Bench: Fazalali, Syed Murtaza

Conditions of Service Discrimination-Determination of question

1. Retirement of Air-Hostesses in the event of marriage taking place within four years of service whether unreasonable or arbitrary.
2. Retirement of Air-Hostess-provision in Service rule, or on first pregnancy whichever occurs earlier-whether unconstitutional
3. Retirement age of Air-Hostess-Fixation of at 45 instead of 58-whether invalid
4. Air-Hostess-Extension of service – option conferred on managing Director – whether excessive delegation of power

2.8 COMBATING GENDER INEQUALITY

In India, a notable input came with regard to women's representation and welfare with constitution of a committee by the Government of India in 1971 which submitted its report titled, *Towards Equality: Report of the Committee on the Status of Women* (1974). The very title of the report reflected the purpose with which the committee was formed. It was mandated to study and evaluate the working of the term 'equality' in India with respect to its women populace. The report clearly revealed the deplorable conditions of women and introduced the notion of 'multi-dimensionality' in the space of gender inequality. It highlighted that governance cannot be targeted to simply mainstreaming political representation for consider it as an end in itself.

The report adopted multiple indices using demographic data, socio-cultural positions, and legal aid available to women. This report:

- a) Stressed the importance of the 'state' and the 'community' in attaining 'gender equality'
- b) Highlighted the need for targeted initiatives or efforts to eradicate oppressive cultural practices of dowry and child marriage
- c) It emphasized the need for making the "due process" quicker and more efficient when it comes to issues of gender
- d) To strengthen the pre-existing reforms and policies and nudge the national system towards attaining the Uniform Civil Code.

Health forms a crucial area where a lingering sense of stigma relating to gender is prevalent. Millions of women and teen-aged girls throughout the world suffer from poor health conditions. Poor nutrition affects women's growth and development at all stages of life, and they are more likely to give birth to kids with low weight. Women are frequently mistreated and abused as a result of gender-based discrimination (desire for a son) and other societal ill such as the dowry system and child marriage, which have a severe influence on their physical health. The insecurities relating to economic slowdown, jobless growth, surging unemployment and the latest pandemic has had huge impact on mental health. Here too, the worst affected party have always been women.

Education is yet another area where gender gap needs to be bridged. It does not only contribute to the development of close to half of the world's human resources but also to the improvement of the quality of life at home and abroad. The educational system is divided into two distinct structures: formal and non-formal. Other educational programmes like online education and distance education have been developed which may benefit women to pursue higher education. The low literacy rate has a severe influence not just on the lives of women, but also on their families and the country's economic development. The new targets for improving upon the GER (Gross Enrollment Ratio) may have far reaching consequences in the times to come.

2.9 THE QUESTION OF REPRESENTATION

The feminist movements of the 1950's and 60's in Europe and United States of America; the politics of recognition of various identities; social movements of varied shades brought about the question of representation to its fore. The decades of 1980s and 1990s saw its further galvanization. The statistics clearly show how the number of women ministers across the globe almost doubled within a decade between 1987-1997. But since the earlier figures were so miniscule that despite this rise it could hardly generate big ripples. It simply rose from 3.4 to 6.8 (Jayal, 2003, p.109). It is startling to note that allocation of portfolios to the women ministers reflected deeply patriarchal thinking as they mostly dealt with the departments relating to women, child, family welfare, health or at the most education. This reflects a pattern of thinking and hence the “engendering” project becomes even more important.

Politics in India have deep links to the electoral success of political parties those who control the affairs of parties are usually males and hence women with limited access to political power remain the last beneficiaries. The data of Election Commission of India reveals a discouraging picture in this regard. In the first General Election held in 1952, there were 22 elected women MPs, which constituted 4.4% of the total 489 members. This number dipped to merely 3.4% in 1977 when only 19 women parliamentarians made it to the Lok Sabha. Although in the latest elections held for the national parliament in 2019, some 78 members won, reaching the representation percentage to 14%. Women's turnout as voters on the contrary have generally remained close to fifty-fifty five percent in most of the national or state elections.

With the 73rd and 74th Constitutional Amendments (1993), the question of representation took a critical turn. These amendments ensured that grassroot institutions like *panchayats* and *zila parishads* will have women elected candidates, to uphold a “bottom-up” approach to strengthen and engender local governance. Both at the panchayat and municipality level some 33% of seats came to be reserved for women. The state governments could raise this ceiling up to 50%. The state government of Bihar in 2006, set an example by providing 50% reservation for women in panchayat bodies that led to the election of some 1.3 lakh women in local bodies across the state.

In 1996, the United Front coalition government brought the 81st Amendment Bill, proposing reservation of 33 percent of seats in the Lok Sabha and state assemblies. This bill, though passed in upper house of the Parliament in 2008, is still waiting to become a law for more than a quarter century now. Although as per the WEF Global Gender Gap Report 2020, India ranks 18th in terms of women's political participation which is far better than her ranking on other parameters. Yet, on the leadership front, things are not very encouraging. It has been observed, “...six states in India have no female ministers, including Nagaland, Sikkim, and Manipur. No state comes close to a third of female ministers – the highest proportion of female ministers is in Tamil Nadu with 13%, and 68% of states have less than 10% female representation in state leadership roles.” (Gulati and Spencer, 2021).

The underrepresentation of female cadres let alone the other groups who face gendered exclusion like transgenders are evident even in almost all decision-making sectors. Their under-representation is evident in judiciary and media too. Military services across the world have visible under-representation of women, and an underlying reason for this could be the lingering mentality that men are physically stronger than women and that women have the historical burden of domesticity. India has had three judges in the Supreme Court benches and some 15 in High Courts till the decade of 2000. Now in 2022, the number of women judges have reached four in the Supreme Court out of a total of 31 including the post of Chief Justice of India. Till recently, there were 76 out of a total of 650 judges in some 25 High Courts of India which is less than 12% (Kashyap, June 24, 2021, *Supreme Court Observer*).

Check your progress- 2

1. *Write your views on question of representation of women.*

2.10 CLASS-CASTE-GENDER INTERSECTIONALITY

The invisibility in the work force of the so-called weaker genders is rampant. This discrimination is much more layered and therefore, most often ignored or brushed aside. The exploitation of Black or Afro-American Women in American societies or the Dalit / Adivasi / Shudra women in Indian societies who are without an iota of doubt “doubly” discriminated compared to their corresponding counterparts like White women or the so-called privileged caste women. The scholars who have worked on intersectionality of race and gender and similarly between caste and gender have arrived at such conclusions based on their empirical evidences.

With regard to the varied class positions of women and how their standpoint may differ can be understood by Flavia Agnes’s observation, “...it is true that the hardships and the sufferings experienced by women of all communities, minority as well as the majority cannot be swept under the carpet nor glossed over with the rhetoric of freedom of religion. But within a complex social political and economic structure, the demand for gender equality cannot be confined to a linear mould of granting uniform rights to women of all communities. In order to be relevant to women’s lives, there is an urgent need to contextualize the proposed reforms within a comprehensive framework, inclusive of political and economic diversities...” (Agnes, 2001, p.1). Similarly, the discourse of Black/Dalit/Bahujan feminism has gradually been recognised and new researches are continuously dissecting the myths about the feminist standpoint being singular and monolithic.

2.11 LET US SUM UP

The unit discuss about the nature of gender-inequalities that are omnipresent and address reasons for it. It deals with gender parity and equality in different spheres of governance. It explores the possibilities of more women's representation from intersectional perspectives. We have discussed earlier in this unit about "inequality of access" to workforce for women vis-à-vis men. But this access is often more difficult for women belonging to so the called lower castes and lower classes. Mazumdar's honest observation ...but then we came from progressive middle-class families, had been trained in higher education and had little experience of what life was really like outside our protected and privileged existence, in families, communities or institutions which did not feel it necessary to adapt to the implications of the Constitutional guarantees or remained unaware of them..." (Mazumdar, 2000, p.5) puts everything in perspective.

2.12 UNIT END QUESTIONS

1. Describe the inequality of resource and gender gap index with examples you have read in any newspapers.
2. Explain the inequality of work and wages with reference to gender and governance.
3. Write an essay on inequality of access to workplace.

2.13 REFERENCES

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UNIT 3 LOCATING GENDER IN GOVERNANCE DISCOURSE

Structure

- 3.1 Introduction
- 3.2 Learning Outcomes
- 3.3 Contextualising Gender
- 3.4 Understanding Governance: Concept
- 3.5 Changing Paradigms of Governance
- 3.6 Engendering Curriculum
- 3.7 Engendering Private Sector
- 3.8 Engendering Civil Society
- 3.9 Engendering Public Sector and Polity
- 3.10 Let Us Sum Up
- 3.11 Unit End Questions
- 3.12 References
- 3.13 Suggested Readings

3.1 INTRODUCTION

In the preceding unit you have understood the impact of gender inequality on various dimensions of governance. By now, you are familiar with the basic concepts relating to gender. The idea of gender is integral to the modern imagination of human diversity. While ‘sex’ may be understood as biological determinant, ‘gender’ is socially and culturally constructed. For long period of human history, the dominant gender discourse remained restricted to what may be called as male-female binary to an extent of even denying the possible existence of any other gender types. Of late, there has been a growing recognition of other gender identities which collectively corresponds to LGBTQI+ (Lesbian, gay, bisexual, transgender, queer, intersex etc. But the ideas of masculinity and patriarchy remain dominant. The notion of patriarchy does not simply mean acceptance of male superiority, rather it entails conceding to the superiority of male values and hence the popular dictums emerging out of such values like ‘boys don’t cry’ or ‘be a man’. Such usage has huge psychological role in shaping up of a public sphere with a patriarchal worldview. Therefore, it has become much more important than ever before that the notion of gender is integrated with the changing discourse of governance. In this unit, we will study about how gender inequality prevalent in structures of various institutions both public and private. What are the possible ways to have a debate around egalitarian notions of gender justice be initiated. How we should further understand the linkages between gender and larger discourse of governance.

3.2 LEARNING OUTCOMES

After reading this Unit you should be able to:

- Gender inequality prevalent in structures of various institutions both public and private.
- Know how debates around egalitarian notions of gender justice be initiated.
- Know the linkages between gender and larger discourse of governance.

3.3 CONTEXTUALISING GENDER

In the unit 1, we have already studied about gender and governance partly. In this unit we will further elaborate on gender and governance as a conceptual category. The dominating patriarchal values manifests in myriad forms of violence. While covert violence may amount to verbal abuses which are sexiest in nature; the overt violence includes sexual violence targeted against women and the ‘so-called’ weaker genders. This necessarily may include man too; along with children belonging to those genders beyond the binary of female and male. They become victims of such violence mostly resulting out of valorisation of masculine bodies. So much so, the descent and inheritance of parent’s properties is also decided by a patriarchal law and rule. It is needless to mention that most of the property all over the world is held by family patriarchs who are mostly male members of the family. These find legitimacy from the women folks too, since they become so accustomed to the everydayness of patriarchal sensibilities and such commonsense created thereof.

Thus, despite feminist claim of ‘personal is political’ we realise the deep entrenched tentacles of patriarchy. Both private and public spaces are largely dominated by patriarchal values. The governmental and non-governmental institutions too, operate under such patriarchal regimes. In recent past, the discourse of inclusion has gained an unprecedented attention and hence it advocates for a common minimum representation of all the diverse groups that exists around the world. The traditional notion of governance itself has transformed manifold. While during the colonial times it was mostly a relationship between the governor and the governed, in the post-colonial period that the idea of self-governance has gained unprecedented attention.

The world of political philosophy too, has largely been dominated by men since ancient times. A noted philosopher like Aristotle whose ideas are taught all over the world, his opinions about women being inferior to men is a subject of serious scrutiny and has rightly become matter of ridicule in recent scholarships (Chaudhury, 2018). We do find instances of modern classic like *Rights of a Man* by Thomas Paine written during the aftermath of French Revolution. It is fairly understood and rightly believed so that the French Revolution brought about and validated the notion of liberty, equality and fraternity for the first time during modern times. One wonders, however, why Paine’s title ironically referred to Man’s right only. In retrospect one

may realise that it might not have been intended but the gender bias against other genders that exists certainly reflected in Paine's title.

If one takes a stock of the modern political philosophy; it was John Stuart Mill, who perhaps for the first time spoke of individual rights and hence he can be credited to be endorsing the idea of rights for individual which obviously included womenfolk too. During colonial rule in India, it was William Benetict a British administrator who initiated to reform the conservative and regressive practices like, sati, child marriage, prohibition on widow re-marriage and prohibition for education too for girl child more specifically belonging to the OBC, SC and ST background. It is intriguing to note here that even in the United States of America, once the Civil-War (1860-65) ended; it was the Afro-American men who got the right to franchise but not the Afro-American women.

Check Your Progress-1

1) *Write your understanding on the concept of governance.*

3.4 UNDERSTANDING GOVERNANCE: CONCEPT

A rudimentary definition as per the Oxford Dictionary, of governance may literally, "an act of governing a country or controlling a company or an organisation; the way in which a country is governed or a company or institution is controlled." However, in broader context, governance is an umbrella term which entails both macro and micro management of state of affairs from an informal unit as family to a formal unit like state or government. A modern utilitarian conception of governance presupposes a symbiotic convergence of three separate units: state, civil society and market. All these three units are major domains of social action (Jayal, 2003, p.96). All these three coordinates the new model of governance. With the advent of the new liberal economic policies across the world barring very limited miniscule number of states being run under socialistic pattern of governance, this pattern is becoming all encompassing.

The domain of governance has also diversified itself in myriad ways in its structures as well as manifestations. The newer dimensions of governance entails being more inclusive by bringing in the excluded groups to the mainstream which necessarily includes women and other excluded genders who constitutes close to half of the world population but their representation is hardly anywhere closer to their proportion. The attempt of mainstreaming too, therefore ironically seen by some the radical feminists as 'male-stream' and not 'mainstream'. Hence, in order to locate gender in the larger

governance the following steps may be considered.

3.5 CHANGING PARADIGMS OF GOVERNANCE

With the disintegration of Soviet block and push for laissez faire, opened up the market that led to the uni-directional march of the capitalistic market economy which was primarily based on profit maximization and labour minimization. This is evident from the labour laws that have been enacted or reformulated or amended in different country specific circumstances. The global financial institutions like World Bank, International Monetary Fund (IMF), World Trade Organisation (WTO) started playing central role in disbursing to the developing and underdeveloped nations. It was only towards 1989 informs, it was in the third world countries, that the notion of governance was problematised in a World Bank document keeping in view, the Sub-Saharan region of Africa which remains one of the poorest regions of the world even today (Jayal, 2003, p.98). It is fairly understood that the role of state started diminishing or rather the stakes of the private parties started increasing in setting the agendas of governance. Initially, it seemed that the private players are shouldering their responsibilities to share the burden of governance.

Thus, a newer emphasis on the participation, decentralisation, accountability and responsive governance emerged. In this context, it becomes even more prudent to include or situate the core components of gender justice in the whole ambit of governance discourse. This critical turn in the way we look at governance are propelled by new dimensions brought in by scholars like Amartya Sen, Mahbub-ul-Haq, Jean Dreze etc. whose intervention made us believe that the development does not simply achieve its desired results unless it is blended with notion of social justice and equity. The notion of engendering primarily means adopting the ways to bridge the Gender gap. Now a days, we do have Global Gender Gap Index. The World Economic Forum during recent years have revealed that even though women work force is participating in the work force but they are hardly contributing to the GDP of various nation states.

3.6 ENGENDERING CURRICULUM

Our understanding of gender is built over a period of time that includes our intergenerational learning about woman-man relationship and even third gender which is replica of half female-half male mythical character like *ardhnarishwar* (half female god) in certain religious- cultural contexts. Such relationship is more of complementary in nature rather than being contradictory or one dominating over other. It is intriguing, however, why standardized pedagogies of school learning teach woman and man being antonym of each other. Another startling fact is that the boys and girls are often dubbed as contradictory owing to societal determined behaviours and family induced gendered roles. For instance, while teaching synonym-antonym, girls are taught to be antonym of boys, however, they need to be

portrayed as complementary to each other.

The courses and curriculum at offer across the school, colleges and universities have deeply remained patriarchal and it undermines the contribution of women folks in the process of nation building. The preference of male child over female child remains general trend as it is usually assumed that the girl child once grown up, will get married and move to their bridegroom or in-laws' house and hence investments made on their education will not bring back to their household. On the contrary, the boys will earn for their own family. These prejudiced views have largely influenced the way people think about gender relations and these need serious rethinking for a more gendered and just perspectives about intra-human relationships and shared roles in the society which we live in. it also requires serious reorientation about gendered-roles taught to our children.

3.7 ENGENDERING PRIVATE SECTOR

The private sector institutions mostly have their own governing and management bodies which many a times fail to adhere with the government regulations about equity or parity. It is at most, in the formal corporate sector that we may witness some degree of gender parity. But a large arena of informal sectors like agriculture, manufacturing units of micro, small, medium units of productions like fireworks of Shivkashi in Tamilnadu, the brassware factories in Moradabad, or bangle work factories in Firozabad to name a few, do account for women and children workforce. But the terms and conditions of work in these sectors are mostly based on adhoc-ism and they are so informal in nature. Hence, there are gross violations in terms of minimum wages and other benefits like maternity or child care leave etc for womenfolk. On the contrary, the unorganised sector has a substantive contribution in the economy.

In India, for instance, close to some 55% women workforce is involved in agriculture. Since most of them consider it as part of their family or household duty for which neither they are paid nor do they expect a wage or entitlement of any kind. This workforce may include small fraction of womenfolk belonging to the so-called privileged castes or general category too but most of them belong to Adivasi, Dalit or Shudra-OBC categories. It is startling that more than 80% of them get lesser than what is officially prescribed as minimum wage. It is surprising that even in the sectors where there is substantive presence of women in trade union like tea plantations or nursing industry etc. there are male members in the leadership of such unions. However, things are changing fast and we do have exceptional instances of women organising themselves independently like SEWA (Self Employed Working Women's Association) in Gujarat.

The female presence in the private sector industries like nursing and housekeeping are rampant. Mostly in the health and hospitality businesses like hospitals, hotels and restaurants they have a visible presence. The tourism and airlines business too have presence of the women folks but their too, their roles are mostly gendered be it the air-hostesses or receptionists. A

gendered perspective, therefore, must become integral to new imagination of governance. Since markets do not automatically provide easy access to women or so-called weaker gender, the role of the state apparatus becomes even more important for such redressal. Poverty too, is gendered as their representation is skewed in the formal sector employment and while they have some presence in the informal sector, most often there are instances of unequal pay for the women workforce. However, the next section deals with engendering civil society.

3.8 ENGENDERING CIVIL SOCIETY

The civil society spaces are largely hierarchical based on race, caste and gender. Recently Centre for Sustainable Employment, Azim Premji University conducted a study on India's labour market across various sectors and published a report titled, *State of Working India 2018*. As per this report, close to 92% of women workers get less than Rs. 10,000/- per month. It further endorses that the gender wage gap in organised manufacturing is definitely high but has been declining. This report also reveals caste-gender intersectionality present in our society. For instance, women constitute about 16% of total workforce but close to 60% of them are domestic workers alone. While people belonging to SC and ST categories are over-represented in poorly paid occupations; the so-called privileged castes or those belonging to general category are over-represented in well-paid jobs. While analysing labour market with respect to gender, this report underlines two specific problems. One, there is overall less participation of women in paid workforce and two, industrial and service sector are highly segregated. The agrarian sector on the contrary is being further feminised which only reiterates that their lower wage share (*State of Working India, 2018, p.143*). The data of various kinds reveal that there is lesser incidence of domestic violence only if the women are financially independent and do possess the right to own property. The insecurity owing to the nature of job restrict the women members to raise even the genuine grievances relating to sexual harassment at work place or differential treatment in terms of package and perks when compared to their male counterparts. Many a civil society organisation in India are religio-cultural and political in nature. They surprisingly reflect a patriarchal and conservative outlook particularly those of which propagate rightwing ideologies like *Durga Vahini* etc. which despite claiming to be organisations devoted to women's liberation; end up as agency of patriarchy where an emphasis is given on militarisation of women for the sake of religious solidarity and mobilisation. On the other hand, we have organisations which like Jamiat-Ulma-i-Hind or *Jamat-i-Islami* which put too much emphasis on *burkha* or *hijab*. Women belonging to religious minorities too face such discriminatory practices. Three important Supreme Court judgements may be mentioned here are: (a) Mohd. Ahmed Khan v/s Shah Bano Begum, 1985, (b) Shayara Banu v/s Union of India, 2017 popularly known as Triple Talaq case, (c) Indian Young Lawyers Association v/s The State of Kerala, 2018 popularly known as Sabrimala case.

Check your progress-2

1) Evaluate the role of civil society in the context of gender.

3.9 ENGENDERING PUBLIC SECTOR AND POLITY

Anne Philips is credited to have forwarded the philosophical or ideological push for quota which she calls ‘politics of presence’ (Phillips, 1995). Such out of the box thinking may definitely make the politics more inclusive. And a gendered view of governance may become even more robust when it is approached from a rights-based perspective. There always exists a gap between what is promised by the state and state authorities as rights and what is realised by the citizenry as those rights. Therefore, the capability approach as propounded by scholars like Amartya Sen and Martha Nussbaum have been realised to be a tool of great help. Usually, the initiatives towards engendering of the institutions may lead to ensuring better representation of women in state structure and machinery. The under-representation of women on high positions is quite visible and appalling. Martha Nussbaum’s insightful intervention ascertains that providing rights as constitutional provisions are not enough rather the state shall be held responsible or at least the onus be fixed on the state to protect and promote such rights. She has further endorsed that it is incumbent on elected government to provide enabling conditions for the promised rights to be realised. And hence basic literacy and access to information are integral tool to achieve the political rights (Jayal, 2003, pp.106-107). The notion of engendering governance be viewed as a larger project of deep-rooted structural transformation rather than just providing a lip service with representations in some leadership positions be it at the level of state, civil society or non-governmental organisations. Thus, their representations at lower echelons too make an entirely different push in terms of decision making. It is extremely important to locate as in how many ways the so-called weaker gender be it women or transgender etc. face discrimination, exclusion, oppression or exploitation of various kinds and how these processes linger from domestic affairs to the public affairs. It may generally be assumed that a woman in leadership position will be more sensitive and empathetic towards women related demands or grievances. However, there are instances where women who have once occupied higher positions in the bureaucracy and other avenues, themselves tend to be less receptive towards the demands raised by women’s movement or feminist organisations. It may be quite possible that the women on top positions become co-opted by the larger structure of patriarchy and they themselves become state-quoist and block the larger transformation. Thus, we do have instances where women may act contrary to the assertion of women’s rights. One such instance may cite here. The Nagpur bench of Bombay High Court acquitted a man of sexual assault on the grounds that pressing the breasts of a

child over her clothes without direct “skin to skin” physical contact does not constitute “sexual assault” under the Protection of Children from Sexual Offences (POCSO) Act. A single bench headed by a Justice Pushpa V. Ganediwala wrote in her verdict, “The pressing of breast of the child aged 12 years in the absence of any specific details as to whether he inserted his hand inside top and pressed her breast, would not fall in the definition of sexual assault” (Vivek Deshpande, *Indian Express*, 27 January 2021). Finally, the Supreme Court bench comprising Justices U. U. Lalit, S. Ravindra Bhat and Bela M. Trivedi overturned the aforementioned verdict clarifying that the ‘sexual-intent’ and not ‘skin to skin contact’ was essential to be booked under POCSO Act.

The policies like reservation and affirmative action for women and so-called weaker gender has had its own success stories which will be scripted in time to come. The ‘equality of opportunity’ has gathered legitimacy on moral and ethical terms. It is high time that their share in contribution to society and economy is recognised. Thus, the presence of female body and mind does make a difference. Niraja Gopal Jayal brings in two contentious issues with regard to implementation of the quota. One, that political party in order to pay lip service may field some female candidates where the party has weaker support base. Two, the quota so arrived at may be considered as a ceiling point rather than starting point to pave a way for democratisation through larger representation (Jayal, 2003, p.111). The Indian experiment with 73rd and 74th Amendments (1992) promised 33% reservation for women in local bodies. There are now, innumerable success stories of women leadership at the grass-root levels with these legislations at Gram-Panchayat and Ziala Parishad levels. But the Women Reservation Bill seeking 33% leadership in state assemblies and parliament is still piled in the cold storage. Though, it was passed in the Rajya Sabha in 2008, it was blocked in the Lok Sabha due to demand for the quota within quota for the marginalised sections of the society be it women belonging SC, ST, OBC or religious minorities.

The prominent political parties raising these issues belonged to socialist factions like Samajwadi Party, Rashtriya Janta Dal and Janta Dal United or Ambedkarite party like Bahujan Samaj Party who rallied support on the question of social justice. It is surprising, however, that none of these parties till now have come forward to even provide a lip service by giving space more women in their party organisations and other allied formal political structures even while they were in power. What is even more intriguing is the fact that no faction of Communist Parties in India be it CPI, CPI(M) or various factions of CPI(ML) took a clear stand on the question of quota within quota.

What has been dubbed as the biggest hurdle that did not let the Women Reservation Bill even in its current form (i.e. without the caveat of quota within quota) become a law is that no political party had majority of its own since last thirty years at least since when the bill was conceptualised. Now that the BJP as ruling party has the magic mark since last 8 years, not even once was the bill tabled on the floor of the parliament. But considering the intersectionality of caste, religion and gender the quota within quota makes a

3.10 LET US SUM UP

Thus, in this unit, we have studied about how patriarchy operates at every level which underline the fault lines of gender inequality prevalent in structures of various institutions both public and private. We also learnt that how debates around more equalitarian and egalitarian notions of gender justice can be initiated. By reading it, we also invoked critically the nuanced understanding of gender. At the same time understood now linkages between gender and larger discourse of governance.

3.11 UNIT END QUESTIONS

1. Write a critique on governance from gendered perspectives.
2. Evaluate the changing paradigms of governance in the condemnatory context.
3. Discuss what is engendering curriculum and related with any suitable example that you have come across in the society in day-to-day experience.

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