

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 2

2021

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Legal Framework for Women Empowerment in Credit Co-operative Sector: An Analytical study

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ABSTRACT

The available cooperative legislations are gender neutral. Co-operative law is moreover administrative law. It is for regulation, control and for monitoring the co-operative organizations. Co-operative law is to strengthen the cooperative movement. Cooperative is an autonomous and voluntary organization of people with common interest, common economic, social and cultural need and aspirations through a jointly owned and democratically controlled enterprise. It has to observe the co-operative principles accepted by ICA. These principles and the sustainable goal number five, gender equality are accepted by ICA and ratified by India. But the half population, women are not represented adequately in meeting, voting, leadership and at managerial positions. Being functional law, Co-operative law does not specify the provisions for effective participation and representation in co-operative organization except section 73c of The Maharashtra Cooperative Societies Act, 1960. 97th constitutional amendment provides even less percentage for women representation. To enhance the women participation and representation need for special and separate enactment, bye laws or separate legal framework is necessary or need to amend the existing law is necessary is the subject matter of this research article.

The author has analyses the existing legislations in the context of women empowerment and gender equality. The constitutional mandate, the policies of UN, ICA, and the policy of Indian government are also studied by author. It is observed that though the cooperative law is gender neutral need to have separate piece of legislation to govern the women's co-operative organizations as well as for effective participation and representation of women in credit co-operative sector.

Keywords: *women empowerment, gender equality, Credit Co-operatives, Legal framework*

I. INTRODUCTION

The cooperative is the combination of two words “Co” stands for together and “operative” stand for working. Therefore the meaning of cooperative is working together. In another sense

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cooperative means working together to achieve common end, for mutual benefit. Cooperative is the origination of people which may improve their life in better sense. Cooperative society is a society which has as its object the promotion of thrift, self- help and mutual aid. The main purpose of cooperative is not only to gain profit but also to bring better standard of living. The ICA has defined cooperative as, “Cooperative is an autonomous and voluntary organization of persons with a common interest, common economic, social and cultural need and aspirations through a jointly owned and democratically controlled enterprise.” The ICA congress held in Manchester (UK) on 23 September 1995 adopted the following seven principles;

- Voluntary and open membership
- Democratic Member control
- Member Economic Participation
- Autonomy and Independence
- Education, Training and Information
- Cooperation among Cooperative
- Concern for the community.

What is the status of women lies in cooperative organizations? Do these principles assure participation and representation of women in credit cooperative sector? Is there any policy framed by legislatures? Are the existing laws are sufficient? All those questions need to be answered through proper study and research.

“But should a good legal framework for co-operatives be comprehensive or concise? Should as much as possible be regulated in the law or only what is indispensable? The answer given by Montesquieu (a French philosopher and lawyer of the 18th century) is still valid: “Where it is not absolutely necessary to make a law, it is absolutely necessary not to make such law”. Accordingly, the trend should be to keep a co-operative law as short and concise as possible. The role of co-operative law is to shape and protect the co-operative model of organization, defined by the internationally recognized co-operative principles, and to protect co-operators and the public. The law should encourage good practice and prohibit bad practice. It should give co-operative societies autonomy to adjust the general provisions of the law to the needs of the individual society. Despite such autonomy to make by-laws, co-operatives should be obliged to remain within the type-specific organizational model and should be discouraged to deviate from this model.”³ Enhancement in effective Participation and representation of women in credit co-operative sector certainly lead to women empowerment. It will be a step ahead to

³ Hans -H. Munker, Ensuring supportive legal framework for co-operative growth, [https://www.ica,\(2014\)](https://www.ica,(2014))

gender equality in credit cooperative sector.

“Although the world has seen great strides toward gender/sex equality, a wide gap still remains and unfortunately may be widening. The World Economic Forum (WEF, 2017) annually evaluates the world’s progress toward gender inequality in economic participation and opportunity, educational attainment, health and survival, and political empowerment.”⁴

The co-operative laws, byelaws, rules & regulations, role of government, regulators need to be changed for effective participation and representation.

(A) Problem identification

After reviewing available literature, it was found that appropriate legislative framework to promote women participation and empowerment in credit co-operative sector is not sufficient. What could be the policy? Is it necessary to have suitable environment to have such policy for gender equality in credit co-operative society? What is an appropriate legislation for women empowerment in credit co-operative is need to be the topic of research?

(B) Objective

- 1) To study the concept of Women Empowerment and Gender Equality.
- 2) To study the concept of Women Empowerment and Gender Equality in credit cooperative sector.
- 3) To analyze the available legislative measure for women empowerment in credit co-operative.

(C) Hypothesis:

The legislative measures are sufficient for women participation in credit co-operatives.

(D) Significance

This study signifies the legislative support for active and effective participation, and the women empowerment in credit co-operative in the state of Maharashtra.

(E) Purpose:

To study the legislative measure for active participation and the women empowerment in credit co-operative in the state of Maharashtra.

(F) Scope

This study analyses the concept of women empowerment and gender equality in credit co-

⁴ Kelly L. Hazel and Kerry S. Kleyman, Gender and sex inequalities: Implications and resistance, VOL. 48, NO. 4, Journal of Prevention & Intervention in the community, 281(2020)

operative sector and legislative support. The constitutional provisions, State co-operative laws, rules and regulations, bye-laws, which are helpful for women empowerment in credit co-operatives will help to find out the legal shelter to women in credit co-operatives.

(G) Limitation

This study refers to women credit cooperative organizations in Maharashtra and The Maharashtra Cooperative Societies Act, 1960.

(H) Research Methodology

The researcher has reviewed the literature of national and international scholars. The research methods are empirical. Secondary data is used for this research. Legal research is completed with help of books from library, websites, articles and journals.

II. CONCEPT OF WOMEN EMPOWERMENT AND IMPLEMENTATION OF GENDER EQUALITY IN CREDIT COOPERATIVE SECTOR—ANALYTICAL STUDY

(A) Women empowerment

In Indian society the status of women is secondary. Equality denotes the equal status. But the women are depriving from their rights, freedom and liberties in all sense due to social status. Almost the 50% of population is underprivileged. Concept of women empowerment needs to imbibe in the society. “In order to awaken people, It is the people who have to be awakened, once she moves, the country moves, and thus we build the India of tomorrow,” said by Pt. Jawaharlal Nehru. Social transformation of the society by incorporating women in development process will be more dynamic and progressive. The almost half strata of population must be empowered. Women are to be incorporated in development process of country. In India either she worships as deity or she is beaten like anything. But she rarely treated as human being. Women empowerment has multiple interrelated and independent dimensions. Legal & Political, economical & social empowerment of women to be considered as prime concern. United nations endorsed Six S i.e. Shiksha-Education, Swasthya-Health, Swavalamban- Self reliance, Samajik Nayay – Social Justice, Samvedan- Sensitivity, Samata-Equality. Constraints in Women empowerment are Lack of education, Traditions& Rituals, Financial constraints, Family responsibility, Low mobility, Low ability to bear risk, Low social status. What is expected? Enhancement in personal knowledge, Self Recognition – self defining power, Authenticity, Creativity, Physical strength, Equality, Mutuality - In Relationships, Economic independence, Freedom from oppression, having political Power.

Women represent half of the world' population and gender equality exists in every nation on the

planet. Until women are given the same opportunities that men are, the society can't be said as civilized society. Social attitude towards women need to change. Her role in family must be in decisive capacity; family is basic unit to endeavor her empowerment. Society will change accordingly." I measure the progress of a community by the degree of progress which women have achieved," said Dr. Ambedkar.

According to U. N. effective Women's empowerment and has five components.

- 1) Women's sense of self worth.
- 2) Right to have and to determine choices.
- 3) Right to have access to opportunities and resources.
- 4) Right to have the power to control their own life, both within and outside the home.
- 5) Ability to influence the direction of social change to create more social and economic order, national and internationally.

Empowerment is the process which sanctions one to gain power, authority. It is the process that enable one to gain knowledge and ability to cope up with the changing world and circumstances in which one lives. Women empowerment is the process to authorize the woman to challenge gender discrimination in every aspect of life. Gender equality is one of the big issues in India. To create awareness and realizing the problems of women empowerment in the policy matter and decision making process. Strategic policies for development and women empowerment are need of an hour. Gender inequality remains a major barrier to human development. Achieving gender equality requires women empowerment through education, employment and political representation as well as by ensuring women's access to reproductive health issues. Feminism is not regarding to making the women strong. Women are already strong. It's about changing the way the world perceives that strength.

(B) Gender Equality

Article 14 of the Indian Constitution assures that the state shall not deny to any person equality before law or the equal protection of the laws within the territory of India. Article 7 of Universal Declaration of human rights 1948 assures equality before Law and equal protection of Law without any discrimination. National and International covenants like CEDAW assures the gender equality and all were ratified by the Indian Government. Accordingly women should have opportunity to have qualitative and quantitative representation in every field of life. In fact women are marching towards new horizons in every walk of life. They have proved themselves. Still credit co-operative sector is waiting for her active and effective participation.

Women are least representing in meetings, voting, leadership and managerial positions of credit co-operative societies. Representation and participation is one of the dimensions of Democracy. Democratic governance is the attribute of co-operative principles.

To achieve gender equality empowerment of women is precondition. "Gender means, a concept that refers to the social differences between women and men that have been learned are changeable over time and have wide variations both within and between cultures. Gender refers to the rules, norms and practices by which the biological differences between men and women, boys and girls, are interpreted so as to result in unequal assessments, possibilities and opportunities in life.

Gender equality means, the concept that all human beings are free to develop their personal abilities and make choices without the limitations set by strict gender roles; that the different aspirations and needs of women and men are considered, valued and favored equally.

Women Empowerment means the process of gaining access and developing one's capacities with a view to participating actively in shaping one's own life and that of one's community in economic, social and political terms."⁵

"Gender equality does not mean that men and women become the same; only that access to opportunities and life changes is neither dependent on, nor constrained by, their sex. Achieving gender equality requires women's empowerment to ensure that decisions making at private and public levels and access to resources are no longer weighted in men's favour, so that both women and men can fully participate as equal partners in productive and reproductive life"⁶

(C) Women Empowerment and gender equality in Credit Co-operatives

Co-operatives are run by their members. It is an autonomous institute. It is again ensured by 97th amendment of constitution. But the access to co-operatives for women is far reach.

The participation of women in this field is very marginal. Due to limited access to education, training, socio-economic status, household responsibility, unawareness of credit co-operative structure and many more, women cannot access the resources and unable to grab the opportunities. They are left far behind. "In the developing world, cultural and religious factors often hinder women's participation. Issues such as women's inside role, discretion, fearing to speak in public, the tradition of men negotiating and handling financial matters, illiteracy, and

⁵ Gender equality and Empowerment of women, policy document, Federal Ministry for European & International Affairs, Brigitte Holzner, et. @, 4-5,2010

⁶ Sundar, Gender Equality and Women Empowerment, Volume 7, ISSN 2250-3226, issue.1, International Journal of Humanities and Social Sciences., pp. 7-21, 2007 © Research India Publications <http://www.ripublication.com>)

social pressures make it difficult for women to play an active and visible public role in cooperatives.”⁷

III. THE AVAILABLE LEGISLATIVE MEASURE FOR WOMEN EMPOWERMENT IN CREDIT CO-OPERATIVE

Necessity of legislation

Effective participation of women is much marginalized. They represented inadequately. To achieve economic and social empowerment access to economic resources is essential. Involvements in credit cooperatives certainly strengthen the standard of living of women. To increase their participation and representation legislative support is essential. It is the government to whom the responsibilities are lies to governed the society by the law, procedures to be followed, and means of implementation be ensured. Laws, rules and regulations provide tools for policy implementation, backed by enforcement mechanism, as well as procedure to be redressed. To govern, to protect the people in the society, rule of law and hence legislations are necessary. Such legislative support and safeguard for effective women participation and representation in credit co-operative sector is need of a hour. That to enhance the participation and representation of women legislative support needs to be prime concern. “If we want autonomous co-operatives to develop their own strength, we should be looking more for an enabling than for a supportive environment. If support takes the form of financial support, the old rule is that ‘control follows money’”⁸. “In order for co-operatives to grow and develop, they need to be autonomous, i.e. to take their own decisions and to pursue action programmes geared and determined to meet the needs of their members”⁹

The only provision for women in The Maharashtra Co-operative Societies Act, 1960 is 73-C, refers to reservation of women in co-operative societies. There shall be two seats reserved for women on the committee of each society consisting as members and having members from such class or category of person, to represent the women members, may be elected, co-opted or nominated. In practice mostly female directors are nominated. These nominations are many times partial and arbitrary. In fact Gender equality will achieve by half equal and for this equal enough, it must be enhance up to 50%. Asia-Pacific Co-operative Ministers Conference resolution adopted 30 to 50% representation of women in committees, bodies, councils and all other higher-level co-operative structures. (FN) report Azad. The 97th Amendment Act,

⁷ Dessalew Asratie, The Socio –Economic Role of Savings And Credit Co-operatives In Promoting Gender Equality: The Case Of Estie Woreda Ethiopia, Vol. 6, Iss. 1, EJOBM, e ISSN 2222-2839,1(2014)

⁸ International Co-operative Alliance 1990, Third ICA African Ministerial Co-operative Conference

⁹ Hans -H. Munker, (2014) Ensuring supportive legal framework for co-operative growth, <https://www.ica.coop>.

provides, Reservation of Only 2 seats from 21 boards of directors means only 9.52% are women may be able to participate in the management of the cooperative society. Accordingly The Maharashtra Co-operative Societies Amendment Act, 2013 made provision in 73C for reservation of women. We adopted reservation of 50% of women reservation ideologically in Panchayat Raj and for local Government. The analogy can be extended to credit co-operative sector. To enhance the effective participation and quality representation of women in committee legislative support is essential. The available literature endorses the inability of women to access the resources of credit co-operatives, simultaneously urges for reservation policy for better participation and performance of women in credit co-operative sector. The recommendation of 33% to 50% of women reservation in credit co-operative sector is valid and legitimate, but do not have legislative support for this purpose.

IV. CONCLUSION

Credit co-operative sector being driven by women strengthens only when the effective and qualitative participation of women will ensure. Democratic member control is one of the co-operative principles which have to come in practice. Available Reservation is less than 10% i.e. to only for committee member. There are so many obstacles to participate in credit co-operative sector such as social, economic. Women have dual responsibility. Lack of education. Less Access to resources, need of opportunity are some of them. Participation in decision making process is one of important dimension of the democracy. But women are far left behind. They are deprived of their right of equality and protection from being discriminated. Existing constitutional and legal provisions are inadequate for participation and representation of women. There is need to constitutional mandate and accordingly piece of legislation is to be passed for participation and representation of female member. 33% to 50% of women reservation is rising demand for all types of co-operatives. Especially for social and economic empowerment of women such provisions of reservation is need of an hour. It has to be reflected in legislation and constitutional mandate. Further the specific legislative support is needed to enhance the number of female member in credit co-operative sector.

V. SUGGESTIONS

On the basis of study carried out, following are some suggestions.

- Create environment for strengthening the women's involvement in co-operative sector.
- Need to have policy matter for women's empowerment in credit co-operative sector.
- Increase the membership of women as member and especially on board, committees up to 50%. Inculcate the leadership quality by giving trainings.

- Set indicators for equality regarding the management for women's co-operative
- Deploy scheme and program for effective participation and performance of women as committee member.
- Sensitization of co-operative leaders, legislators, regulators to know the complexities of gender issues.
- Need for Constitutional mandate for 50% reservation of women in credit co-operative sector. Accordingly, state can make laws.

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