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74th Constitutional Amendment and its Impact on Women's Empowerment

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....Let us enter politics, Continue our struggle And take leadership

Introduction

We live in the age of democracy. Political participation and representation are the hallmarks of democracy. Women in India constitute nearly half the population of the country. However their representation in the various governance and decision making bodies is not up to the mark. Rather it seems to be poor. In spite of Constitutional guarantee of equal political status, women in India are unable to exercise their right to participate in political affairs. Women are not adequately represented in Lok Sabha and State Legislative Assemblies. They have started playing an important role in local self-governing institutions only after that 73rd and 74th Constitutional Amendment.

74th Constitutional Amendment Act was passed in 1993. The 74th Constitutional Amendment Act introduced reservation for women in Municipal councils and corporations in towns and urban areas. The seats shall be reserved to the extent of not less than one-third of total number of seats. This includes seats reserved for women belonging to SC/ST. These reservations will apply for direct elections only. This reservation is implemented through a process of rotation, by identifying different constituencies as a reserved constituency for each election term.

Rationale

The reservation policy envisaged in the year 1993 is about to complete two and half decades. It will be worthwhile to review some of the following issues to know its efficacy and success.

Guiding Questions

- Is the policy successful in enabling women to enter politics?
- Are women well equipped to participate in the political process?
- Have they played the role of decision makers?
- What are the strategies adopted for their empowerment?

Research Methodology

Feminist frame of context will be used in this study. One of the widely accepted definitions of feminism is given by New Encyclopaedia Britannica. It defines feminism as the movement that tries to change roles of women. Feminism can be referred as political, cultural and economic movements that aim at establishing greater, equal, or among a minority, superior rights and participation in society for women and girls. All feminists want to redefine the boundaries of the public and the private, the personal and political. Gender is socially constructed that leads to distinctions between men and women, a system for the distribution of power and resources that favours men over women. Various currents of thought from Catholics to Protestants and from feudalists to Capitalists ultimately culminated into two important events. Those events were division between home and workplace and morality was associated with home. Naturally the restrictions on men, who moved outside home, were relaxed. The first phase of

feminism concentrated on the demand of Right to Vote. This was ultimately accepted in U.S.A. in 1920. Those who supported this movement put forth two different arguments. One was they should get rights because they were equal to men and deserved the same rights of citizenship. The other school believed that women will bring with them maternal sensibility and feminine values in political life. Suffrage was secured by women in USA but the women's activities lost momentum. The movement re-emerged in 1960s. The second wave of feminism was associated with four theories of feminism namely liberal, radical, cultural and socialist. The ideas of individual dignity, autonomy, equality and the right to have self-fulfilment are central to liberal feminism. Feminist consciousness believes that women are unjustly deprived of power and influence through systematic or structural factors. Still how women became part of power and how do they exercise it is an important part of this study.

The study will be based on a genuine appraisal of articles through Critical Analysis. The study will be based on secondary sources. Different articles published under reputed titles will be appraised. The articles are selected from different periods and from different parts of the country. An analysis of these articles will bring out the varied dimensions regarding the impact of reservation policy for women.

Limitations of Study

The paper is based on analysis of reputed articles and does not involve any findings based on primary study by the researcher.

Background of the 74th Constitutional Amendment Act

The Constitution of India has guaranteed equal civil and political rights to both, men and women. Article 325 and 326 of the constitution guarantee political equality- equal right to participate in political activities and right to vote respectively. While the right to vote is exercised and enjoyed by

large number of women, the right to participate, especially in the national and state level politics, is still a distant dream.

In 1972, the Government of India constituted a committee on status of women to examine the multifaceted problems faced by women of India at every stage of their life cycles. This was the first comprehensive gender audit of the constitutional guarantees in the context of unfolding issues facing women in India such as poverty and deprivation, participation in workforce, political governance and decision making processes, access to justice, personal laws, sex ratios, lack of social security and existing legal framework. The report of the committee titled 'Towards Equality' was published in 1974. The question of women's reservation as a remedy to under representation came up. The idea of reservation though not accepted was discussed for the first time.

The Department of Women and Child Development was set up in the year 1985 as a part of the Ministry of Human Resource Development to give the much needed impetus to the holistic development of women and children. With effect from 30.01.2006, the Department has been upgraded to a Ministry. In the year 1988, The National Perspective Plan (NPP) for Women was drawn up which provided a plan for action for the period 1988-2000. The final version of the Government's NPP recommended reservation for women in panchayats and municipalities, to be filled by elections. Thus The NPP reiterated the need to reserve 30 per cent seats for women in all decision-making bodies.

The National Commission for Women was set up in 1992 to look into cases of discrimination against women.

The Janata Party Government in Karnataka in 1991 passed a Bill to implement 25 per cent reservation for women in local elections. This spurred a national debate on the issue of reservation for women in several other states. For example,

Sharad Pawar announced 30 per cent of seats in Municipal Corporations and the Panchayat Raj Institutions to be reserved for women in Maharashtra.

The Government of India noting the low participation of women in politics; acknowledging the recommendations of the Committee for Status of Women Report, 1974; and drawing from the pioneering experience of Karnataka which provided reservation for women in the three tier Panchayati Raj system (institutions of local self-governance) in 1983; adopted an affirmative action for providing reservation for women in these institutions in the year 1993.

With these Constitutional Amendments, over three million women are now actively participating in shaping the policies and programs of the country, though only at the local levels of governance.

Concept of Empowerment

Empowerment of women would mean equipping women to be financially independent, self-reliant, have positive attitude to enable them to face any tough situation and they should be able to participate in developmental activities. John Show International JSI express empowerment in a behavioural sense as the ability to take effective decision encompassing inner state (sense of self, of one's autonomy, self-confidence, openness to new ideas, belief in one's own potential to act effectively) and a person's position and efficiency in social interactions. In short, it is the ability to make and carry out important decisions affecting one's own life and the lives of others.

Articles Reviewed

A noteworthy article in this regard is by **Dr.(Prof.)Sneha Palnitkar** titled '**Women in Urban Local Governments**'. (2012) According to her, one of the revolutionary features of 74th CA is greater participation for women in local governance as one-third of seats were reserved for women (including that of SCs and STs)in ULBs (Urban Local Bodies) and for the offices of the

chairpersons at city level. She initially puts forth the arguments justifying the policy of reservation for women. Her observations are based on three important studies namely, study conducted by All India Institute of Local Self Government (1996), a study titled 'Impact Assessment of Training of Women Elected Representatives', (2004) which covered eight states i.e. Chhattisgarh, Haryana, Karnataka, Kerala, Maharashtra, Punjab, Tripura, and Uttaranchal and the study carried by All India Institute of Local Self-Government (AIILSG) to find out gender equality status of municipal elected women(2007-08) in four states of Goa, Gujarat, Maharashtra and Rajasthan by interviewing 349 Corporators.

This study indicates that 70 to 80% of the women are elected for the first time, maximum of them were housewives who did not have high level of education, focused on routine work and emphasized the need of training. She has emphasized three important factors. They are Training, Capacity building and Networking. Areas of training would include not just formal or procedural training but training of gender sensitization, personality and leadership development and various functional areas of civic governance/ civic service delivery mechanism. It is a platform for economic and cultural exchange on global scale.

At the end she highlights one important area i.e. the status of these women in political parties. According to her this can be examined with the help of number of indicators like how many women are incorporated into central structure of party, do they have access to power at all levels within party, role of women in day to functioning of political parties, to what extent they have made difference to urban governance etc.

Comments: It must be noted that most of the women Corporators were elected for the first time. Therefore probably most of them were inexperienced and entered into politics due to

reservation. If it is so their male partners may want to exercise power through wives and this may lead to proxy candidature. Being housewives and not highly educated, they probably have entered public sphere for the first time and not so confident about themselves. It is because of this reason that though they are carrying routine jobs, they are not contributing to the cause of women. Therefore she emphasizes on capacity building, training and networking. It must be noted that she has not talked only about procedural training but the training that will expose them to new ideas, bring overall change in their personality and make them confident to face public sphere. Her emphasis on gender sensitization training for both men and women indicates that there is a need of change in the outlook at women Corporators both by men and women. Networking will provide platform for elected women members to come together to discuss their problems and find solutions.

One more aspect of her study is attitude of political parties. To what extent political parties have assimilated these women at different level. This issue is very important because political parties even today are adopting the policy of tokenism. In 2014 general elections, 668 women candidates were in the fray where INC put up 60 candidates, BJP 38, BSP 27, CPM 11 and CPI put 6 candidates. They are not ready for a genuine partnership of men and women in socio-political organisations. Male control of the party hierarchy severely reduces any hope of equality of status for women in all aspects of public life.

After independence Mahatma Gandhi wanted to dissolve Indian National Congress. But it was not welcomed. Rather parties have become very powerful. Today parties are the vehicle through which elections are contested. It creates parallel power structure. The campaign during elections, maintaining rapport with electorate, the holding of meeting during night time, the extensive use of money and muscle power obstructs women from participating in party activities.

Two points emphasized by her are very important. Providing reservation will itself not empower them. Will and commitment on their part is very important. Similarly political institutions must provide the conducive environment where they can play an active role.

Second important article in this regard is by J.Devika and Binita Thumpi. (2012). Name of the article is '**Beyond Feminine Public Altruism – Women leaders in Kerala's Urban Bodies**'. The article is based on the research about women leaders in local governance in Kerala from 2005-2010 and tries to probe the extent to which they were successful in local governance. It also reveals their success in public sphere. The study is based on interviews with 11 women leaders in urban governance from 2005 – 2010. The focus is on the factors that led to their success. It discusses in detail the process of urbanisation and different issues related to urbanisation. The profile of these women in terms of their education, age and caste is also provided. They were highly educated, belonged to middle class or higher middle class and between the age group of 30 to 60. In most cases their husbands were well educated and had political background. These women had no earlier political experience. One important concept evolved in the article is to what extent use of 'gentle power' in governance pays. The observation is made that 'gentle power' may pay at panchayat level. But it doesn't always pay at urban level. It must also be noted that the article revealed that only education was not enough to play active role. The article highlights qualities or skills that are important to become successful. The article makes an attempt to explore these skills. Having good rapport with party leaders and with opposition leaders is important. Success is attributed to knowledge of official norms and procedures, practical experience of working in government institutions, often in positions of leadership. The tact of negotiations especially across parties, familiarity with rules and regulations, understanding of the changing profile of urban areas does play an important role in their

success. Women seemed to depend on male family members or on party. One important point that is emphasised is that the failure of women is projected not as failure of Corporator but as how women fail.

Comment: The focus is be on "successful" women leaders because they believe that the reasons responsible for their failure are often discussed. It is mentioned that those who were having young children got support from elder female members in the family. This indicates that even today child rearing is considered as responsibility of women. Though most of them were from families which had political background, their name was not considered earlier. It must also be noted that the article revealed that only education was not enough to play active role. The dominance of male members is echoed in the article. Here the researcher seems to agree with earlier research which emphasises the change in the structure of political parties. Similarly the point of projecting their failure indicates that women have an additional burden to prove themselves. The article emphasizes the importance of developmental issues in urban areas. They mention that there is relative neglect of women in urban governance by scholars. There are significant challenges for women in urban bodies. The article has covered number of aspects related to women and urban governance.

One more article on this issue is by **Mary John**. The article is titled '**Women in Power? Gender, Caste and the Politics of Local Urban Governance**' (2007). The study is based on two mega cities in India- Delhi and Bangalore. The article throws light on two important issues namely, issue of proxies and rationale behind reservations. She has taken the sample of 75 councillors from Delhi and 50 from Bangalore, both men and women. In the sample it was ensured that more than 50% were women and also all caste categories were covered. Women were younger than men. There were more graduates in Delhi than in Bangalore. The number was almost double. 75% of councillors in Bangalore were housewives; this % was 42% in Delhi. Out of 73

women from Delhi and Bangalore, over 1/3 of women owe their entry into politics to husband and their main source of support. 18 women referred to other family members. Interestingly very few men mentioned family as their source of support.

Reservation policy was in rotation. If the ward is dereserved women desired to withdraw for their husband. This indicates their proxy nature. But 'proxy' is complex phenomenon. The study shows that all proxies did not remain totally ignorant. Some developed in various ways in course of five years. There were some others who got good hold over politics.

If we see the views of councillors on reservations, Delhi was more favourable for women's reservation than Bangalore. While justifying reservations, in Bangalore it was believed that women should be given chance in Politics. In Delhi different arguments were put forth. One important was qualities of women. But those who were against, talked about incapability of women.

Women did face discrimination at the hands of officials. 50% felt that home life is finished after entry into public life. Husbands of young women were jealous of their wives. One interesting observation is that in case of women Corporators, they have converted one room of home into office. But it's not so with men.

One other observation is that women have failed to create their force or group within these corporations. They occasionally come together for issues of security, but not otherwise. Especially party ties are important.

Reservations on the basis of gender and caste should be considered as opportunity. The problems and contribution of women should be given more importance.

Comments: Generally it has been observed that women enter politics only after their reproductive roles are over. But contrary to this

observation women were younger than men in this observation. Maximum of them are housewives. This shows that probably they entered politics because of reservation. When it comes to entry into politics more than 1/3 women owed their existence to their husbands and few others to their other family members. This shows that due to reservation, in most of the families women are encouraged to contest elections. Further their willingness to withdraw indicates them being proxy. But at the same time it is also stated that some women may have entered due to reservation, but they are trying to prove themselves now.

Gender socialization plays an important role in one's personality. Even today it is believed that domestic responsibilities must be carried by women. Therefore women feel that family life is disturbed after entry into public field. Similarly they feel that if the ward is dereserved, it should go to husband. Men in some cases even today consider the wife as personal possession and become insecure after her entry into public sphere. It is because of socialization that officials feel that women are not as capable as men. Women seem to have their offices in their home so that they can carry the domestic responsibilities simultaneously as well. It is at this point that training becomes important. This training should not just procedural one, but should highlight the principle of gender equality. Networking among them will mobilize them. Today they lack this group feeling.

At the end author wants to convey that the women Corporators should be viewed positively and should not be ignored.

Medha Nanivdekar's article 'Partners in Politics, Competing in Crime' (2003) is an important contribution in this regard. It is about women Corporators in Maharashtra. She starts her article by providing the broader framework of political parties in which our political system operates. While giving tickets the win ability of the candidates is very important. This leads to

purchasing of a particular seat to contest. Secondly there are factions within the party and checkmate among them continues. Thirdly due to alliance the numbers of seats for one party are limited. Therefore seats are limited. All this culminates into the phenomenon of Independents. Interestingly with number of examples she states that women do not lag behind in rebelling. They too defect from party and contest as independents. She also states that when it comes to winning the elections, they do not lag behind in using all kinds of means to get elected.

Still in the electoral process gender differences are obvious. Men are at far more advantageous position than female while contesting the elections. Women find it difficult to carry election campaigns without help of men. After being elected women have to carry on dual responsibilities.

She believes that this discrimination is because of the fact that policy of reservation for women was implemented hurriedly without any deep debate or discussion. Therefore men looked at it as encroachment on their position of power. To this, they reacted in two ways. At individual level they saw to it that if the ward is reserved the candidature goes to female member in their family. At collective level they created hurdles in the path of women Corporators. At some instances when women were Mayors, men did not want to work under them. She also states that there does not seem any positive relationship between women's movement and women representatives. Movement is not successful in recruiting its members in active politics and movement's efforts to have common minimum agenda for women candidate have also not materialized.

She feels that women Corporators have failed to have women's agenda and the realization of their special role as women's representatives. If their ward is dereserved they go back to private sphere. It is not so with men. Even if they are not elected they continue with their political activities.

She reveals some cases where women have played active role after being elected. There were women who were active workers in the party but were neglected. They got an opportunity to contest because of reservations. It has widened the base of democracy by giving representation to marginalised sections. The policy of reservation helped women to enter public sphere. Reservation increased self-esteem and confidence of women activists. It did initiate the process of empowerment of women.

She recommends that women should get representation within their party. There should be reservation at every level of party hierarchy and in every wing and every decision making body of the party organisations. Political parties should play their role of political educator, agent of political socialisation and political recruitment. There should be some men members on Women and Child Development Committee. She emphasizes importance of training. Gender sensitisation should be an important part of training and it should be both for men and women. Elected representative should be given descent allowances or salary. It will enable them to function as full time politicians. The policy of reservation should be reviewed after an interval. There should be reforms to decriminalise politics, public financing of elections etc.

Comments: Rohini Gavankar who has done pioneering work on political participation of women states that defection is less among women than men. But observations in this article show that with changes in time, attitude and values of women representatives have also changed. In the political arena women today operate as actors irrespective of their gender. Secondly feminism indicates that when right to vote was demanded for women, liberal feminists put forth the argument that women will bring with them maternal qualities in political process. But this seems not holding good because today equal number of women seems to have used foul means to get elected or to remain in power. This is probably because political frameworks were already ready and women have tried to fit themselves into these frameworks.

She has pointed out how women are at disadvantage. This is because probably entire process is male dominated. As she has rightly pointed it is just not enough to have reservation for women. But political parties must change their approach towards women. They should not look at women as necessary evil but as dependable ally. Men should be oriented to accept women as equal partners. Otherwise we have seen that the fate of the bill reserving seats for women in Legislative Assemblies and in Parliament. They are not ready to accept leadership of women. Similarly women withdraw from politics as soon as ward is dereserved. Therefore as has been rightly pointed out there is need of gender sensitisation of both men and women that will help them to play their roles as equal partners.

Her emphasis on reorientation of political parties is equally important. Unless and until the electoral process change, the role of money and muscle power is curbed, women may not be able to play active role. Or else as pointed out earlier they will be forced to imitate male tricks to remain as political actor. Secondly political parties should give up the idea of tokenism and give representation to women at every level.

Therefore it can be stated that change in political culture, change in attitude of political parties, change in the outlook of both men and women will go a long way in ensuring equal participation of women at urban local level.

From the above four articles following observations can be made:

- Most of the women enter politics without any political experience.
- Politics is male dominated and women are discriminated.
- Women have to carry dual responsibilities after being elected.
- They seem to enter politics or leave it at the influence of male members.

- Though most of the women have political familial background, all cannot be considered as proxies. Some prove themselves and can be termed as 'political wives.'
- The overall change in the attitude of political parties towards women leaders is essential.
- Training is extremely essential for women Corporators especially newcomers.
- Training should not be just formal, procedural training but must expose them to the concepts of freedom, gender equality etc.
- Mobilization of the women Corporators is essential.
- There should be commitment and willingness on the part of women Corporators.
- Reservation is not an end itself. Conducive environment must be created in political institutions to enable them to carry their responsibilities effectively.

Remarks

The reservation policy has definitely helped lakhs of women to enter politics. But their entry directly will not lead to their empowerment. No policy or decision operates in vacuum. It has to take into account societal framework where it will be implemented. In Indian society with patriarchal structures women find it difficult to work and prove them in public sphere initially. Therefore bringing societal changes was essential. This process has already started. The efforts have been initiated at the capacity building of these women, educating them; inculcate in them the principle of gender equality. It is not the task of one single person. The need is to bring them together. Attempts have been made to develop networks among them. All this will bridge gap between law and its implementation and will empower women.

The intention behind 73rd and 74th CAA is to deepen the roots of democracy. When not only women but all underprivileged will be empowered, democracy will be successful in true sense of terms.

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