Women in Local Government: Problems and Prospects

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Abstract—
The local government in Jammu and Kashmir has been historically susceptible to the vagaries of state politics and as a result, the question of inclusion of marginalized sections of society especially women drew little attention. However, on 6th October 2020, consequent upon the abrogation of article 370, the central government amended the existing Jammu & Kashmir Panchayati Raj Act to facilitate the introduction of District Development Councils (DDCs) as the third-tier structure of local governance. Under the amended act one-third of Seats in the PRIs are reserved for SCs, STs and, women candidates at the Halka, block and, district level. The reform has been made with the hope to strengthen local democracy and open up political space for the disadvantaged groups of society. The present paper is an effort to understand the problems and prospects of women elected representatives in panchayat raj institutions at the Halka, block and, district levels. Following the purposive sampling technique, thirty women elected representatives were selected for the study. The sample was taken from seven blocks of district Budgam. The online survey, through the techniques of questionnaire and interview schedule, was conducted. The study found that due to illiteracy and inexperience most women lack confidence in handling their assigned tasks. Overlooking their views and not taking them seriously were also reported by some respondents. Family responsibilities and duties hindered many women’s participation particularly, of those coming from nuclear families and, led to problems of absenteeism and proxy. Some reported difficulties in traveling a long distance to attend a meeting. While some mostly word members (Panchs), complained about low and delayed remuneration.


I. INTRODUCTION
Historically, women have been divested of any political personhood and relegated to the status of subjects mostly because of their biological makeup. They were restricted to the private sphere and their involvement in the public realm was highly frowned upon. However, with the realization of the importance of their role in social, economic, and political life and the rising political consciousness and activism among them, governments at the national and international levels have come up with different policies and legislation to enable women to be equal participants in social and political life. Among these, the policy of affirmative action has been particularly prominent. Designed to eliminate the past discrimination of excluded groups, many countries across the world have resorted to this practice of inclusion over the course of time. Given the role of decentralization in opening up democratic space and extending opportunities for the marginalized sections of society to participate and express their needs and demands, the process of devolving power and functions to the local levels has become a popular trend over the last few decades. India is one of the largest democracies that have embarked on the project of decentralization (Robinson, 1998; Wildmalm, 2002) to ensure the participation of people in the national construction. On the recommendation of successive committees, set up to review panchayat raj institutions in the country, the government passed the 73rd and 74th constitutional amendments Act in 1992 to formalize the institutions of local government. The act represents the beginning of an era of inclusion and representation of marginalized sections in PRIs and ending the monopoly of formerly privileged groups in local governance (Sukumar, 2019). In the Indian Union, the former state of Jammu & Kashmir represents a unique trajectory of panchayat raj. It has experienced many resuscitations and dormancy in the institutionalization of local government. Concerning the reservation of seats for women, The Jammu & Kashmir Panchayati Raj Act 1989, amended in 2003 is crucial. Under this act, 33% of seats are reserved for SCs, STs, and women in the local panchayats. Recently, as a result of the cancellation of Article 370 and the subsequent, extension of federal provisions to the state, the act was further amended in 2020, to reserve 33% of percent of seats for women at the Halka panchayat, block panchayat, and district panchayats. However, given the profoundness of gender discrimination and stratification in society in general and the political instability and conflict process of the region in particular, it is worth to assess the impact of these affirmative actions and understand the challenges related thereof. The present paper attempts to understand the problems and prospects of women elected representatives at the Halka, Block, and District panchayats.

II. CONCEPTUAL FRAMEWORK
Jones Manor and Richard Crook have defined decentralization as the transfer of power away from a central authority to lower levels in a territorial hierarchy (Manor & Crook 1998). Stein Wildmalm described it as the transfer of power from a political or
administrative center to local or more peripherally located units (Maldmalm, 2002). Decentralization has been increasingly coveted by national governments and international agencies, over the last few decades. Different reasons have been advanced for the prominence of decentralization. The most important are: Ideological shift, in which the legitimacy of state-led development has been challenged because it produces systems of governance that undermine national economic performance and effective public policy (Gore, 2000; Jhson and Start, 2001). Political agenda is based on the assertion that decentralization of public administration and the introduction of locally elected bodies will produce systems of governance that are better able to meet the needs of poor and politically marginalized groups in society (Jhson, 2003). Finally, decentralization is used to maintain legitimacy and control in the face of political disintegration, as the economic liberalization, political regionalism and the rise of inter- subnational actors have weakened the traditional nation-state and created the conditions under which more local identities could emerge (Giddens, 1998). In the case of India popular participation, resource mobilization, strengthening democracy, and promoting national unity constitute the basic theoretical underpinnings of decentralization (Kathori, 1961). Though decentralization was conceptualized and partially implemented during British time, it was only after independence that the local government was given considerable attention. In India Mohandas Karamchand Gandhi was the main proponent of village panchayats, while Dr. B. R. Ambedkar expressed reservations about their functioning (Aiyer, S. A. 2014). Given the prevalence of caste discrimination and class inequality Ambedkar was against the proposition. However, later in deference to M. K. Gandhi’s opinion, a provision related to the establishment of Panchayati raj was inserted in the directive principles of state policy in the constitution. Subsequently, based on the felt need for the cooperation of people in the development process, the local institutions were formally institutionalized in 1992. Since then, all states and UTs have made efforts to introduce panchayats and enhance local democracy in their respective provinces. Among these, the former state of Jammu & Kashmir has been at the forefront in promoting the panchayat raj system.

Local-Government in Jammu & Kashmir

It was during the Dogra autocracy that the institutions of local self-government were introduced in the region by the promulgation of the Jammu & Kashmir Village Panchayat Regulation Act 1935. The basic idea behind this act was primarily to assist in the administration of civil and criminal justice. However, given the autocratic nature of the regime, these institutions were manipulated by elites for their ends (Punjabi, R. 1990). The act was amended in 1941 to add more qualifications for membership and to widen its powers and functions. But these improvements remained largely on papers as self-aggrandizement continued to be the primary goal of the ruling regime. Similarly, in the post-independent period under the influence of the central government steps were taken to reinvigorate panchayat raj in the state. Thus, the Jammu & Kashmir Panchayat act 1958 was passed. As usual, the act reflected more of a masquerading than a genuine effort to strengthen local government, this was reflected by the lack of political commitment, financial inadequacies, and monopolizations of these institutions by elites. Thus, until 1989, when the new Jammu & Kashmir Panchayat Raj Act was introduced, these local institutions remained by and large dormant.

The Jammu & Kashmir Panchayati Raj Act 1989 and the Follow-Up

In a bid to secure people’s participation in development activities and enhance democracy at the local level the then government enacted the Jammu & Kashmir Panchayati Raj Act 1989. The provision for the establishment of Panchayati raj was envisaged in the New Kashmir Manifesto of National Conference which was adopted in 1944 at Soura. Interestingly after the enviable agrarian reforms executed in 1952, the state proposed to usher into a second revolution by promoting and developing panchayat raj in the state (Punjabi, 1998). The act envisioned a new power structure in the state with devolving more and more authority to the local units. However, these attempts also did not show any positive sign in ameliorating the problems as various internal and external factors continued to debilitate the practice of these institutions. In terms of internal factors, only Halka panchayat members were to be elected directly. Executive authority was mainly vested in the hands of district planning and development boards, a body dominated by bureaucrats and politicians whose internal dynamics rendered them ineffective. Most importantly, provisions for the reservation of seats for women were not mentioned in the act. The law equally failed to ensure financial viability and autonomy of panchayats and left enough financial powers in the hands of state government which it could use arbitrarily to influence the working of the panchayat (Puri, B. 1994). Similarly, external factors such as political instability, lack of political will, and the credibility crisis of electoral machinery and electoral processes have highly affected the functioning of government in general and local government in particular (Wani, 2014). In 2001 and 2011 elections were held in some parts of the state, and earlier in 2003 an amendment was made to reserve 33% seats for women. However, on 6th October 2020, with the abrogation of article 370 and the subsequent extension of federal laws to the state (now UT), the central government has amended the existing Jammu & Kashmir Panchayat Raj Act to facilitate the introduction of the District Development Councils to strengthen the grassroots democracy and maximize the involvement of citizens in planning and development. In both scope and design, this reform represents the most ambitious effort to build local institutions of participatory democratic governance in the region. Under the Act, 33% of reservation is earmarked for women including, SCs and STs. In 2020, elections were held to the District Development Councils in the UT and out of 278 elected representative 91 i.e., 32.7 percent were women who got elected.
with the advancement of democracy as a popular form of governance, many formerly disempowered groups have found representation in the political sphere. Since the practice of democracy is driven by the commitment to democratic participation and political equality (Square, 2004), it has highly been received as more inclusive than other systems. Moreover, a stable and legitimate democracy requires the participation of all segments of society and their proper representation (Ramaswamy, 2005). Over many years, the entry of women in governance has experienced many trajectories beginning with the extension of rights to representation to their equal participation. Initially feminists in liberal democracies campaigned for women’s right to vote and to stand in election (Square, 2004). However, with time it was realized that simply extending franchise would not end the long-imposed subjugation which has now entrenched into the structural aspects of the society, therefore, scholars across disciplines have proposed certain measure for the political emancipation of women and other marginalized groups. Notable among them is the concept of gender quotas which have been introduced in many countries of the world developed as well developing (Squire, 2011). The United Nations Declaration of Human Rights has also affirmed the right of everyone to take part in the government of his or her country and called governments to:

‘Commit themselves to establishing a goal of gender balance in governmental bodies and communities, as well as public administrative entities, and in the judiciary, including inter-alia, setting specific targets and implementation measures to substantially increase the number of women with a view to achieving gender representation of women and men, if necessary, through positive action, in all governmental and public administration positions’ (United Nations, 1995: 195)

With the decentralization of power to local levels, governments of many countries have earmarked a certain percentage of seats for women representative. In India with the passage of the 73rd and 74th constitutional amendments in 1992, the state has reserved 33% of seats for women candidates in panchayats. These amendments have been highly received as important landmarks in ending the monopoly of specific groups in governance bodies (Bhaviskar, B. 2003; Hassan, 2009) and opening up democratic space for the marginalized sections in society (Robinson, M. 1998; Sukumar, N. & Davis, L. 2019). Studies equally reveal the increasing participation of women in these local bodies (Omvedt, 1990; Chattopadhyay, R. & Duflo, E. 2003). As of 2021, there are 255360 number of village panchayats in India. Which includes 31.47 lakhs of total elected members of whom 14.54 lakh are women elected representatives (Ministry of Panchayat Raj Government of India, 2021).

III. OBJECTIVES
The primary objectives of the study include:

- To understand the problems and prospects of women representative in Panchayat institutions in Jammu and Kashmir
- And to suggest the measures to address them

IV. METHODOLOGY
The study drew from the primary as well as secondary sources of data. The primary data was collected through the administration of questionnaires and interview schedules on an online mode. The secondary data was elicited from the existing studies, government documents and reports and newspaper analysis. The sampling of the study was selected purposively and all women representative of panchayats in J&K constitute its population. It is descriptive and exploratory in nature.

V. RESULT AND DISCUSSION
The present study was conducted in the seven blocks of Central Kashmir of Jammu & Kashmir state with the purpose to ferret out the problems and prospects of women elected representatives in local government at the Halka, Block, and District panchayats. The information was gained as per the objectives of the study.

Respondents Profile
The study reveals (see table 1) that majority of the respondents 4.5% belong to the middle age group, while 3% and 1.5% are associated with the age group of young and old respectively. In terms of marital status, out of 30, 7.8% were married, 1.2% unmarried, and 0.3 widows. Of the 30 representatives, 3.3% of respondents have attended primary school, 1.8% middle schools, and 1.2% have attained higher education. About income category, BPL and AAY income category individuals represented 3.3% each, while APL and PHH income category respondents constituted 1.5% and 0.9% respectively. Thus, the table shows that most of the members belong to the middle and young age groups as have been found by many studies (Hazel, 1998; Manikyamaba, 2000; Hust, E. 2002; Kaul & Sahni, 2009). Similarly, as other studies (Kaushik, S. 1998) it disclosed that the majority of members are married and belong to the low-income category. Finally, as the data shows 2.7% of members were illiterate.

Political Profile of the Candidates
All the 30 respondents (candidates) contested the election from reservation seats. 3.6% contested as independent candidates, 2.4%, 2.1%, and 0.9% were affiliated with NC, PDF, and PDP respectively. In terms of positions held by individual candidates,
7.2% were panch, 0.9% sarpanch, and 0.3% DDC members. So, while 3.6% contested as independent candidates, 5.4% had political support (see table 2). This reflects the importance of mobilization through political parties. The small number of DDC candidates can be explained in terms of large jurisdictions they represent and the number of seats reserved for them on a rotational basis. When asked about the importance of reservation all respondents strongly agreed about it. Therefore, commensurate with the findings of other studies on the importance of reservation and political support (Ambedker, 1998; Gowda, 1998; Hust, E. 2002; Buch, 2005; Kaul & Sahni, 2009) the study found positive relationship between reservation, political support, and women participation.

Motivation, Attendance, and Intimation about Meetings

The majority of the respondents 6.9% contested the election based on their interests. While 1.5% were persuaded by family, 0.9% were mobilized by political parties. It is pertinent to mention, that given the rank and popularity of the DDC position all candidates contested voluntarily with the support of family. While sarpanches were persuaded by family and friends supporting a particular political party, elections to the position of panch at the Halka level were mostly taken based on the candidate’s own choice. So, motivation concerning different positions varies significantly. Of the 30 members, 5.7% attended meetings regularly while 2.4% attended sometimes. Though all were intimated about meetings, a small percent 0.9 of members, mostly panch, never attended these meetings (see table 3). A few cases of proxyism were also reported at the Halka panchayat level. Most of those who did not attend regularly had nuclear families and as such greater responsibilities, whereas the DDCs members and Sarpanchs did attend them regularly. Thus, it is clear from the table that both motivation and attendance vary across the positions held at the three-tier level of local government (Hust, E. 2002). And, family burden continued to restrict the participation of women (mostly married & with nuclear families) in public life.

Patriarchal Barriers, Cooperation of Men, intimation about Meetings, and Confidence

Majority of the cases 7.5% did not report any patriarchal barrier in terms of freedom of movement, gossip in society (village), or traditional family norms which restrict their engagement in politics. 1.5% reported (mostly ward members) that they face these barriers. In terms of the cooperation of men, all representatives responded in affirmative. Similarly, everyone agreed on having a training center for capacity building regardless of their position or education qualification. Concerning the ability to speak in public meetings and panchayat assemblies 5.1% were highly confident, 1.5% were moderately confident and 2.4% had low confidence (Table 4). Unsurprisingly, those who had moderate confidence attended meetings either intermittently or not at all. While those showing low confidence were mostly persuaded by family to contest the election. To ferret out the form and extent of patriarchy two questions were asked to all female respondents (Table 4). First, does patriarchy impede your participation in PRIs? As against other studies where patriarchy was found to restrict their participation (Sukumar & David, 2000), the majority of the respondents i.e., 7.5% in the study denied any such case. However, about the second question which inquired about what form of patriarchy affects their participation in PRIs, most of the respondents who had nuclear families stated that the family duties and responsibilities hinder their participation in PRIs.

Problems and prospects

As a policy reform decentralization has the great potential for increasing the participation of citizens in decision-making at the local level. In particular it can serve as a vehicle for social transformation by empowering the socially marginalized groups such as, women, SCs, STs, minorities, poor etc. This is due to the fact that the interface of people with local institutions produce new knowledge and experience in their life -economic independence, domestic violence, security, employment opportunities, public health and so on (Remakanthan, 2015). The factors that enable or restrict the inclusion of these groups especially women in local governance vary across states and communities. Nevertheless, some common challenges and possibilities are there which have been identified by many studies including the present one.

Problems

Lack of Literacy: The prevalence of illiteracy among the women elected representative has been demonstrated by many studies. This is particularly conspicuous at the panchayat level where many members are unable to read and write or could barely do so. The lack of education and the inability to express their views and opinions inhibits women’s effective participation in the deliberations of the local bodies and makes them feel less confident in performing their tasks.

Economic Dependence: As women commonly depend on men for their livelihood security, they are not in a position to participate independently in social and public spheres. This economic dependence renders them unable to take independent initiative or decisions and they have to seek the advice of their husband, father or brother to take any step. As most of them come from low-income category groups engrossed in the basic necessities of life, many of them usually participate in panchayat institutions for monitory reasons which they believe would help them in supporting their lives.

Patriarchal Barriers: Due to the existence of patriarchal social norms and illiteracy and poverty among women, they feel less confident and proactive while acting as representative in PRIs. Complaints of inattention to their opinions and not taking them
seriously are not uncommon to see. This is exacerbated by the problems of tokenism and surrogate or proxy representation where most of their assigned tasks are actually performed by men (usually husband, father or brother) and are merely taken as nominal or namesake members. Similarly, shouldering family responsibilities (childcare, household chores etc.) particularly those who belong to nuclear families, impede their full participation in local bodies. In fact, this is one of the factors that give rise to the phenomena of absenteeism and proxy in PRIs.

Propects

Increasing Participation: the provision of reservation has certainly transformed the structure of local governance. Increasingly, large number of formerly excluded groups participate in the local decision-making processes. Their participation in the local bodies enables them to recognize and challenge their long, imposed isolation and exclusion through the process of consultation. Concerning the participation of women in elections while some contest unopposed especially at the lowest level, most of the candidates face high competition at the block and district levels. Women of all ages, marital status, occupation and class do take part in the PRIs. Admittedly, numerically the presence of low-income groups in PRIs is high, the number of candidates from middle and high-income groups is not insignificant as has been revealed by many studies including the present one. Similarly, party mobilization and persuasion by family to participate were reported by many respondents, taking or contesting on the basis of their own interest was also marked.

Building Capacity: as many studies have highlighted women have less exposure and awareness about the panchayats and their proceedings and this capacity gap has a debilitating effect on their role as dynamic representative. Prevalence of this capacity gap is not merely reflected in research but the women themselves do recognize it and therefore show keen interest about rolling out training program to enable them to contribute effectively to the activities and proceedings of panchayats. Capacity building includes the activities that strength the knowledge, abilities, skills and behaviour of individuals, and improve institutional structures and processes, so that the organization can efficiently meet its goals in a sustainable way (Ku, H. B. & Tsang, A. 2003). Many states across the country have already introduced capacity building programmes for both men and women representatives to equip them to perform their roles more effectively and ensure the efficiency of PRIs.

Increasing the Status of Women: studies increasingly demonstrate the positive impacts of decentralization on the empowerment of women. Their inclusion in local governance enhances their social recognition and respect, a feeling of self-confidence, greater mobility, awareness and knowledge. Though many social and institutional factors continue to affect their effective functioning, the instrumental role of local bodies in providing the opportunities for them has been highly acknowledged. It is at the local level where they get more equal chance to participate and express themselves than at the central or state levels.

VI. LIMITATIONS OF THE STUDY

First, the study has focused mainly on the external factors (social constraints) of women representatives. Second, it was conducted in the district Budgam area of Kashmir which is relatively less affected by the conflict process. Third, the data was gathered mainly through online survey. Fourth, information was examined on many cases on one time and therefore does not provide any insight on changing nature of women experience as representatives.

VII. CONCLUSION

Opening up democratic space and creating an enabling ecosystem for the historically overlooked sections of society underpin the fundamental guiding principles of reservation policy. Owing to this policy, STs, SCs and women are increasingly becoming part of the mainstream in the decision-making process of society at all levels. In particular, after the amendment act of 1992, at the level of local government, ample opportunities are provided for these sections to participate in public life regardless of their class, caste, or gender. However, given the deepness of the social, economic, and political disparities and their effects on the historically excluded sections of society, these people still face many restrictions and obstacles which hinder their full participation in social and political life. Furthermore, as panchayats cannot be delinked from the overall social and political contexts (Buch, 2002), general problems of governance do affect the functioning of PRIs. This is particularly relevant in the UT of Jammu and Kashmir where the functioning of the local bodies has been susceptible to the idiosyncrasies of the political uncertainty and the consequent political indifference to them in some areas. So, to strengthen local democracy and enable them to act as mechanisms for social justice, there is need to improve and build up good governance system in UT in general and strengthening Panchayati Raj System in Particular. Equally, sensitization and conscientization of gender justice and values in society is the need of the hour. To put it in other words democratization and empowerment must go hand in hand to have any strong impact. In the case of empowerment, state and civil society can take concerted action to eliminate or at least minimize the effects of historical subjugation of disadvantaged groups in society and especially the attitude towards women and their inclusion in the political realm, who have been formerly relegated to the status of subjects and rendered less visible in the public sphere. This will ultimately pave the way for a more democratic and humane social order.

VIII. SUGGESTIONS
The article recommends the following actionable points for promoting inclusiveness in Panchayati Raj institutions and strengthen their performance.

1. From the confidence point of view, there is an immediate need to address quantitative to qualitative fitness in education and economic fields proportionately.
2. As the imbalances in local power structure constitutes the main obstacle to the viability of PRIs, it is imperative to weaken the local prejudices and elite capture, through the empowerment of subjugated classes. This would entail improving the entitlements of these groups and enabling them to raise to challenges inhibiting their participation and emancipation in public activities.
3. Activate the ward majlis meeting. As ward majlis constitute the fulcrum of PRIs in the state and represents the space were local population get the chance to participate and express their needs and demands it is indispensable to activate these local forums and enable them to function and serve their intended purposes for which they are created.
4. Roll out incentives both in monetary and non-monetary forms such as transport for the ERs at all levels and induce them to regularly attend a meeting.
5. Build capacity and enhance skills through the teaching-learning process and inculcate the values of public service. While women representatives can gain experience in working with others and managing local administration, equipping them for their tasks at the initial stage is necessary, as it helps them to co-exist harmoniously with others and feel confident while performing their role independently. Similarly, there is the need to raise their consciousness to help them to identify patriarchal practices, perceive gender bias in social policy and create alliance and networks among themselves.
6. Finally, mobilizing civil as well as public authorities to develop and disseminate the values of gender equality and gender justice is required.

REFERENCES


APPENDIX

Table 1
### Table 1

<table>
<thead>
<tr>
<th>Age in years</th>
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### Table 2

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### Table 3

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<td>Family Persuasion</td>
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### Table 4

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| Yes | No | Yes | No | Yes | No | High | Moderate | Low |