

Reservation and effective participation of women at the Panchayati Raj institutions: A reflection of Himachal Pradesh

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Abstract

The present study deals with the issue of women's reservation and effective participation in Panchayati Raj Institutions. Reservation policies clearly have a strong impact on women's representation. Women participate more in the political process in Panchayat Institutions in which seats are reserved for women. It is true that women empowerment and their effective participation on the basis of equality in all spheres of society are fundamental for the achievement of equality; development and peace. It is also accepted that in due course of the time the role of women in politics will increase.

Keywords: reservation, panchayat institutions, participation, women empowerment, achievement, fundamental, equality, development, politics, representation

1. Introduction

The Panchayati Raj Institutions in India have been the pulse beat of our democracy since ancient times ^[1]. India has a long tradition of village self-government and its roots can be traced out from the period of Vedic civilization. The village in India has been considered as the basic unit of the local self-administration since Vedic times. Mauryan and Gupta administration provided a systematic base to the Panchayati Raj system. During Mughal administration, Panchayats used to perform works relating to administrative social and economic development. By the time of British rule in India, Panchayats had practically lost their importance and identity ^[2].

The Panchayati Raj a system of self-governance was introduced in 1959, following the submission of Balwant Rai Mehta Committee Report of 1957. The Balwant Rai Mehta Committee had recommended that besides 20 members of the Panchayat Samiti (block level body); there should be two women as co-opted members. This may be said to be the first official declaration for women to enter active politics at the grassroots. Following this, the Maharashtra Zila Parishad (district body) and Panchayat Act of 1961, provided for nomination of one or two women to each of the three bodies, in case no women were elected. As it happened, out of a total of 320 women representatives of Panchayat Samities and Zila Parishads in Maharashtra 1978, only 6 were elected members. In many parts of India, women were recruited to the Panchayati Raj by co-option rather than through election. In the last four elections to the PRIs, women have been elected even from the unreserved seats and their representation has been more than the fixed quota allotted to them. In order to ensure equal participation and representation of women in PRIs, the government of HP has taken an important step in this direction. The State Assembly has passed unanimously the HPPR (Amendment) Bill, 2008, on April 8, raising the reservation limit for women in PRIs from the existing 33

percent to 50 percent. These historic Amendments have been brought about by the government so as to enhance participation of women in politics at the grass-roots level. The latest Amendment (2008) has provided 50 percent reservation of seats for women in PRIs which is a historical step for the political empowerment of women in this hilly state. In 2010, the elections to PRIs were held as per the provisions laid down in the HPPR Act, 2008 vide which 50 percent seats have been reserved for women in PRIs. The experiment of 50 percent reservation of seats for women in PRIs has been successful in Himachal Pradesh ^[3].

Reservation and Effective Participation of Women

In India, the 73rd Constitutional Amendment provides 33 percent reservation for women in the rural and urban local self-governing bodies. However some practical difficulties have been experienced at the field level. For e.g. a particular Gram Panchayat have 9 member bodies. According to 33 percent reservation for women, there will be 6 men and 3 women in this body. Therefore while taking decisions or passing a resolution, the men have the majority. This amounts to disregard and rejection of most of the resolutions tabled by the women members. If women try opposing such tactics of the male members, they are pressurized to keep their mouth shut. Women are forced to maintain silence since the men have numerical majority in most of the Gram Panchayats. Gradually women start withdrawing from the Gram Panchayat proceedings. Same is the scenario at different levels in the government, where women officials are less in numbers. Dominating attitude of the male officials often obstruct the smooth functioning of the women officials. The 64th Constitutional Amendment Bill was introduced in Parliament in 1989, which provided for 30 percent reservation for women. But it could not be passed. The Bill was defeated by a narrow margin in the Upper House. The Bill was reintroduced in September, 1991 as the 72nd and 73rd Constitutional

Amendment Bills with an additional provision such as one-third representation for women in chairperson positions. The Bills were finally passed on December, 1992. Ratified by half the states by April, 1993, they came into operation as 73rd Amendments to the Constitution of India on 24th April, 1993. In 1993, a constitutional amendment was passed in India that called for a random one third of village council leader or Pradhan positions in Gram Panchayat to be reserved for women [4].

The provisions of the 73rd Amendment had far reaching consequences. It provided for direct elections to all the seats for the Panchayat; from the village level to the intermediary block committee (Panchayat Samiti) to the district level (Zila Parishad) for a period of five years. The act is most significant for the reservation for women, Scheduled Caste (lower caste) and Scheduled Tribes. There are certain general features, which could be taken advantage of by women. Such as direct elections for membership and Sarpanch (village head or chairperson) post, at the local as well as the block level. If the states so desired, they could make provisions for reservation to the membership for chairpersons to citizens of backward classes. This amendment can be considered as a landmark in the empowerment of women, as shortly after the 1992 election in Maharashtra, a total of 28,000 Panchayat Raj yielded positions of power to 93,333 women in various Panchayats as members and as chairpersons.

The situation created by the Act was so drastic that it brought out women straight from the kitchen into the fray of politics and administration with no training or experience whatsoever in public life. Women have been given power but they are not seen as political entities. They are seen as a source of status enhancement. Thus these elected women were mere fronts for their father or husbands or father-in-law or sons and very often did not attend the Gram Panchayat (village governing body) out of fear or ignorance.

As a result, they are considered as proxy members or absentee members. New appellations such as 'Sarpanch Pati' are used to describe husband chairpersons and members of Gram Panchayats, implying that they performed the Panchayat's work on behalf of their wives. Elected women Sarpanch in many villages could not answer questions posed to them since their husbands would answer on their behalf. Further, although the reservation of 33 percent of seats under the Panchayat Raj system has been a morale booster for women in rural India, their husbands and other men in the village were yet to reconcile themselves with the women's new status. Women Sarpanchs, who go out with men for work related to the Gram Panchayat or Zila Parishad, are castigated as 'bad women' and they become victims of character assassination. Reservation for the women has changed the whole scenario of grass root institution [5].

There is a long-term plan to extend this reservation to parliament and legislative assemblies. In addition, women in India get reservation or preferential treatments in education and jobs. It opposes consider this preferential treatment of women in India as discrimination against them in admissions to schools, colleges, and universities. A segment of feminists in India are strongly in favor of providing preferential precedence to women in order to create a level playing field for all of its citizens. Since, there will be more women

participation in politics and society. Reservation for women is expected to increase opportunity for women. Women will avail 33 percent reservation thus after this bill is passed political, social and economical condition of women is expected to improve drastically as a result [6].

Bihar was the first state in the country to give 50 percent reservation for women in Panchayats. Bihar government has successfully reserved 50 percent seats for women in all categories, General, SCs, STs, and OBCs in the Panchayats. This decision was help in empowering women to the basic position of the state politics by electing them to the position of Gram Panchayats, Panchayat Samiti and Zila Parishad levels. The Indian states which have already implemented 50 percent reservation for women in PRIs are Madhya Pradesh, Bihar, Uttarakhand and Himachal Pradesh [7].

A proposed Amendment seeks to increase reservation for women in the number of seats to be filled by direct election for the office of chairperson, right from the Panchayat to the Panchayat Samiti and the Zila Parishad. The Indian government has raised reservations for women in all tiers of the Panchayati Raj system from 33 percent to at least 50 percent. The Union Cabinet, presided over by Prime Minister Manmohan Singh, cleared a proposal to amend Article 243 (D) of the Constitution for this purpose on August 27, 2009. Minister for Panchayati Raj C. P. Joshi, who has been directed to draft a Bill to include the amendment, said the Bill that encouraged greater participation of women in the public sphere, would be moved in the next session of Parliament. The urban development ministry is expected to initiate a similar proposal soon, to enhance women's representation in urban local bodies.

With respect to Scheduled Castes and Scheduled Tribes too; women's reservation will be enhanced to a minimum of 50 percent within the quota reserved for these two categories. Since there is no reservation at the central level for other backward classes, it will be up to state governments to increase the quota for women in this segment, Joshi clarified. The Panchayati Raj system, being a state subject, makes it the prerogative of states, where the quota for women is less than 50 percent, to formulate their own rules to implement the provision once it is made part of the Constitution. Apart from Bihar, which was the first state to offer 50 percent reservation for women in Panchayats, in 2005, three states that are already implementing gender equality at the Panchayat level are Uttarakhand (where the quota of seats for women is a whopping 55 percent), Himachal Pradesh and Madhya Pradesh. In most other states, women's representation is 36.87 percent of the 28.18 lakh elected Panchayat representatives. The number of women representatives will go up to over 14 lakh after the proposed Constitutional Amendment.

Women's Reservation Bill or the Constitution (108th Amendment) Bill, is a pending bill in India which proposes to amend the Constitution of India to reserve 33 percent of all seats in the Lower house of Parliament of India, the Lok Sabha, and in all state legislative assemblies for women. The seats to be reserved in rotation will be determined by draw of lots in such a way that a seat shall be reserved only once in three consecutive general elections. The Union Cabinet of the Government of India, on 27 August, 2009, approved 50 percent reservation for women in PRIs.

The Indian states which have already implemented 50 percent reservation for women in PRIs are Madhya Pradesh, Bihar, Uttarakhand and Himachal Pradesh. As of 25th November, 2011 the states of Andhra Pradesh, Chhatisgarh, Jharkhand, Kerala, Maharashtra, Orissa, Rajasthan and Tripura also reserve 50 percent of their posts for women. The Upper House Rajya Sabha passed the Bill on 9th March, 2010. As of February, 2014, the Lower House Lok Sabha has not yet voted on the Bill. If the Lok Sabha was to approve the Bill, it would then have to be passed by half of India's state legislatures and signed by the President. In the original Constitution of India, under Article 40, there was just a directive to take steps to organize village Panchayats and delegate them with appropriate powers to allow them to work as units of self-government. However, the said directive was not taken very seriously by the political powers and Panchayati Raj in India could not be institutionalized.

In 1993, the 73rd Constitutional Amendment Act was passed that gave a Constitutional status to the PRIs. The Act also withdrew the discretion that the State governments had in matters of several important matters related to functioning of PRIs. A three-tier system of PRIs was introduced by the Amendment introduced across the board three-tier system of the PRI at village Panchayat, Block and District levels. The electorates at Gram Panchayat level, named as the Gram Sabha, elect the representatives to Gram Panchayat by way of direct election. The Amendment, under Article 243 (D) provides for reservation of seats for Scheduled Castes (SCs), Scheduled Tribes (STs) and women at all levels. Reservation for the SCs/STs is as per their actual proportion in population of the concerned area, and for women are one-third of the total seats in all the tiers. The term of PRIs has been fixed at five years. Besides, the Act empowers the States to allow the PRIs to collect and appropriate several tolls and taxes in their respective legislative areas. It is also mandatory for the State governments to appoint a State Finance Commission to review the financial position of the PRIs and make recommendations with regard to the distribution of net proceeds of taxes between the States and the PRIs, assign certain taxes exclusively to the PRIs and determine the grants-in-aid^[8].

Every State has to set-up a State Election Commission to ensure free and fair elections to these institutions. The Governor of the every state appoints the State Election Commissioner (SEC). To ensure independence of the SEC, it has been provided that the SEC can be removed only in the same manner and on the same grounds as the Judge of a High Court. The responsibility of preparing micro-plans for the economic development at Panchayat level has been given to PRIs by Articles 243 (G) and 243 (H) of the Amendment Act. The PRIs are also responsible for exercise of powers in respect of developmental items-irrigation, land improvement, fisheries, animal husbandry, women and child development etc. as prescribed by the Eleventh Schedule of the Constitution. While the States can determine proportion of reservation for SCs/STs, as also providing reservation to OBCs, they have no discretion to reduce the prescribed reservation to women (not less than one-third of the seats). This has resulted in people belonging to the backward and the vulnerable sections, including the women, occupying almost 50 percent seats in the PRIs, resulting in their actual

empowerment. The flow of funds for economic development is based on district, block and Panchayat level plans prepared by the PRIs.

As the PRIs have the power to level many taxes this helps them to become self-reliant and financially empowered. The biggest stumbling block in achieving the desired results from Panchayati Raj system is high percentage of illiteracy, especially among the women. On top of this, many female representatives do not feel at ease to visit the government offices for various works and delegate the work to the male members of their family, thus defeating the very purpose of providing women reservation. Many state governments have failed to delegate the powers and functions to the PRIs in the true spirit of the law, MLAs and the ministers to share powers and authority. The objective of complete empowerment of people and women at the village-level continues to remain half-fulfilled in many states. PRIs also face the problem of inadequate manpower to help them effectively discharge their functions.

Till the state governments work to put in a mechanism to ensure appropriate manpower availability to the PRIs the objectives of the 73rd Constitution Amendment would not be fully achieved. The 73rd Constitutional Amendment has constitutionalized the elected grassroots level local governing bodies i.e. Panchayats as the third strata of the government structure. It is self-governing institutions that stand for a decentralized, participatory, accountable, transparent, relevant polity administration. The Constitutional Act have also set into motion a process that has made women's representation in local level decision-making a reality. Thus, it can be safely concluded that policy makers at the highest level are fully aware that the goals of empowerment have not been met much more needs to be done to achieve the desired goals. The situation is not hopeless and there are many success stories to quote from. Wonderful jobs have been done by many women and SCs/STs representatives.

No doubt, some procedural and legislative changes are required, but what is needed the most is attitudinal change. Grassroots democracy has been ushered in by an Amendment to the Constitution from the 'top'. This was not because of a mass movement by the people. This is also true of the reservation for women; it was not because women who were concertized demanded their due share in power, or contested in large numbers to capture seats in these bodies. It happened, and women as a group were caught quite unprepared by this development.

Women constituted 50 percent of the rural population. This gives them the legitimacy to play important role at the grassroots level. Reservation policies clearly have a strong impact on women's representation. Women participate more in the political process in Gram Panchayat in which seats are reserved for women. In that Gram Panchayat, there are significantly more investments in drinking water, road construction, health, public toilets etc. Women representatives devote more energy to women-specific issues than men do, and to be more successful in passing legislation on women's issues when they propose them. Women's experience of being involved with the PRIs has transformed many of them. They have gained a sense of empowerment by asserting control over resources, officials and most of all, by challenging men. They

become articulate and conscious of their power. Despite their low-literacy level, they have been able to tackle the political and bureaucratic system successfully. They have reported regular attendance at Panchayats meetings. They have used their elected authority to address, critical issues such as education, drinking water facilities, family planning facilities, hygiene and health, quality of healthcare and village development. They have also brought alcohol abuse and domestic violence onto the agendas of political campaigns. In these and other ways, the issues that women have chosen differ from conventional political platforms, which are usually caste and religion based. In all states, entry of women in the grass root democratic structures has been noticed in the modern time particularly because of their presence in the 50 percent positions in PRIs. It is true that women empowerment and their effective participation on the basis of equality in all spheres of society are fundamental for the achievement of equality; development and peace. It is also accepted that in due course of the time the role of women in politics will increase.

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