



- Village govt through Panchayats is an ideal that is enunciated in one of the Directive Principles of State Policy in the Constitution.
- Till the 73rd Constitutional Amendment, women did not get a secure foothold in village govt.
- The village govt itself was a very weak & ineffective structure, except for the fact that the dominant & exploitative sections of rural society have been able to get control over these bodies and use them for their own ends.
- Women are represented as one of the 'weaker' sections.
- Others covered under this category are the members of scheduled castes, scheduled tribes & other backward classes.
- The women who belong to these groups are doubly vulnerable.
- Reservation in panchayats are provided for members of all these categories.
- Elected women getting support from other bodies of local women, such as Mahila Mandals, to strengthen the collectivity and agency of women.

BACKGROUND OF PANCHAYATS

- Panchayat literally means a council of five village elders who have authority to take decisions & manage the affairs of the community.
- It need not mean an 'elected' body; it could be based on castes, on wealth or kinship or other factors.
- In its specific sense in which it is used, it means an elected body
- Article 40 of the Constitution says, "The State shall take steps to organise village panchayats & endow them with such powers and authority as may be necessary to enable them to function as units of self-govt".
- Being a Directive Principle & not a Fundamental Right, this Article did not cast a duty on the Govt to implement the same.

CONTRASTING VIEWS OF DR. AMBEDKAR & GANDHI.

- Mahatma Gandhi shown great confidence in the ability of villages to govern themselves. It was an insular system of autonomous village.
- Gandhi believed that to be viable, the village republic should be "built on the solid foundation of economic equality"
- According to him, democracy is one where "the weakest should have the same opportunity as the strongest".
- For him, decentralized govt enables people to become part of a cooperative & participatory community, which is an enabling condition for people to take charge of their own lives.

- For Dr. Ambedkar, those villages were nothing "but a sink of localism, a den of ignorance and communalism
- According to him, caste system is not merely the division of labour but a division of labourers also.
- Dr. B.R. Ambedkar argued against Panchayats as he was apprehensive about the continuation of caste based hegemony.
- This view that "The remedy lay in creating an egalitarian and truly democratic panchayat raj system in the country.
- Bombay Legislative Council debated enhanced powers for panchas through a Village Panchayats Bill, Ambedkar lashed out. "A population which is hidebound by caste; a population which is infected by ancient prejudices; a population which flouts equality of status and is dominated by notions of gradations in life; a population which thinks that some are high and some are low — can it be expected to have the right notions even to discharge bare justice?"
- His analysis proves true in today's times, despite constitutional safeguards, genocides of minorities in Muzaffarnagar district, UP, shows up.
- In Punjab & Haryana, village councils called khap panchayats act as de facto courts settling rural disputes on everything from land and cattle to matrimony and murder.
- Their decisions range from banning women from wearing western clothing & using mobile phones to supporting child marriage and sanctioning the lynching of young couples in so-called "honour killings".
- World Bank research confirms that, the world over, central govts tend to be far more egalitarian and secular in outlook than villages.
- Regarding Decentralization Ambedkar said - "Unless I am satisfied that every self-governing institution has provisions in it which give the depressed classes special representation in order to protect their rights, and until that is done, I am afraid it will not be possible for me to assent to the first part of the Bill."
- His Hindu code bill was an idea to bring equality and justice in society through emancipation of women by extending equal property rights to women.
- Following the adoption of the Constitution, no unified or concrete steps were taken to implement the provisions of Article 40 within the democratic framework.
- There were some states where action was taken to organise panchayats, but there was no sustained effort to hold regular elections.

- A small number of women were brought in through nomination, or cooption in case none was returned by election.
- These panchayats did not enjoy Constitutional status but were governed by Acts passed by the various State legislatures.
- There was no unifying national policy in place regarding decentralized governance.
- During Rajiv Gandhi's tenure as Prime Minister, the first steps were taken to draft far reaching amendments to the Constitution.
- These became law in April 1993 that defined "Panchayat" as "an institution for self-government".

73RD AMENDMENT ACT

- One third of the seats reserved for members of the scheduled castes & scheduled tribes will be reserved for women from these classes.
- One third of the seats of chairpersons of the panchayats at all three levels will be reserved for members of the scheduled castes and scheduled tribes.
- Out of the number of seats of chairpersons reserved for members of scheduled castes and tribes, one third will be reserved for women belonging to these communities.
- One third of the total number of seats to be reserved for women, counting those reserved for women belonging to scheduled castes and tribes.
- One third of the offices of chairpersons of the panchayats at all three levels will be reserved for women.
- If state govts so wish, seats could be reserved for backward classes.
- State Govts have the power to endow the panchayats with powers & authority to enable them to function as institutions of self-govt.
- State Govts can devolve powers and responsibilities to the panchayats for carrying out activities in economic development and social justice including those listed in the Eleventh Schedule of the Constitution
- The legislature of a State can authorize panchayats to impose taxes and can also assign to panchayats any taxes that have been levied and collected by the State Government.

RESERVATION FOR WOMEN

- The merits of providing women with reservations in representative bodies have been debated seven to eight decades ago in India.
- During the early 20th century, when the freedom movement was taking shape, the main struggle was for male & female adult franchise, but the demand for quota of seats for women also made itself heard.
- Many committees & commissions visited India at the behest of the British Govt to elicit Indian views on the subject of franchise as well as on eligibility for entry into the provincial assemblies.

- One of the committees that visited India called the Franchise Committee (1918), returned with the impression that women of India did not need the franchise, as it would be out of harmony with the conservative feeling in the country.
- The 1919 Govt of India Act did not , provide the right of franchise to women, while for men, certain conditions were placed on the eligibility for exercising franchise, such as possession of property & educational qualifications.
- When the Simon Commission visited India (1928), a group of women appeared before it & asked for reservation of seats for women in the legislative assemblies in order to encourage women and to represents women's interests in subjects such as education and social welfare.
- But this demand did not reflect the opinion of the majority of members of national women's organisations.
- Women's organisations, which disapproved of reservations for women included the All India Women's Conference (1927) & the National Council for Women in India(1958)
- They demanded equality with men for franchise rights, but did not want special treatment as women.
- Leaders like Sarojini Naidu & Aruna Asaf Ali held very strong views on this subject.
- At the same time, there was a general lament on the lack of women members in the assemblies, especially when issues such as child marriage were being discussed.
- However, in the Govt of India Act of 1935, seats were reserved for women in the legislatures on communal basis to a very small extent of 5%.
- Franchise was made subject to wifehood qualifications.
- The national women's organisations continued with their protests not only against the reservations but also against the Government's failure to grant universal franchise to women.
- After Independence, women did not participate in large numbers in the elections.
- They had miniscule representation in the legislatures at the centre & in the states, though the new Constitution provided universal adult franchise and full equality before the law between men & women.
- In the Lok Sabha, the first elections witnessed a total of 43 women who contested, out of which 14 were elected, whereas the total strength of the House was 489.
- There is no clear explanation of this contrast between the ferment, the mobilization & the energy of women in the freedom struggle prior to independence & the stagnation and quiet that characterized 'women's participation in public life afterwards.

- The percentage of women contesting the Lok Sabha elections from the 1952 elections to the 1996 elections averaged a low 3.2%
 - The Committee on the Status of Women in India (1971) – was set up, to look at the progress achieved by the women of the country
 - The women were facing tremendous difficulties in the absence of adequate numbers of spokespersons, who would present their problems before the legislatures.
 - The political parties would only pay lip service to the cause of increasing opportunities for women's political advancement.
 - Therefore, some system of proportion of seats reserved for women seemed to be necessary if the continuing decline in women's membership of legislatures was to be arrested.
 - Such a system of reservation, would encourage women to shed their inhibitions & build confidence in themselves.
 - It would also give an incentive to the political parties to give tickets to more women candidates.
 - This point of view was backed by a group of social scientists that had been engaged by the Committee to examine the question
 - Surprisingly, the majority of members of the Committee, dominated by women in public life opposed the suggestion to reserve seats for women on the same reasoning used by the national women's organisations and the women leaders of the freedom movement fifty years ago
 - To them, it would be a retrograde step, one that would "reinforce the separate identity of women rather than promote their representation and integration with the rest of society", in the words of one of the members.
 - The Committee has made recommendations for all - women statutory panchayats at the village level to ensure greater participation by women in the political process.
 - These were envisaged as integral parts of the panchayati raj structures & not parallel organisations.
 - The Committee had recommended that the Chairman & the Secretary of the Gram Panchayat would be ex-officio members of the Women's Panchayats & vice-, versa, so as to have a viable relationship.
 - Separate all-women panchayats were considered necessary to make a clean break with the prevailing culture of "tokenism" for women.
 - This measure would help women to gain the confidence to speak out and to manage their own affairs.
 - They would be able to effect better field level coordination in programme related to women and the social sector.
 - The Govt did not accept this suggestion of the Committee as it was found to be impractical & also involve the formation of a parallel structure.
 - The National Perspective Plan (1988) suggested a 30% reservation for women through elections, failing which by nomination.
 - The women's groups felt that women should come into the panchayats only through the mode of election and strongly objected to 'this recommendation in the draft NPP.
 - The final Plan dropped the suggestion to nominate women & confined the method of selection to elections only
 - The Govt then incorporated this provision into the Constitutional amendments.
 - The reservations are therefore a compensatory measure or an affirmative action, put into place so as to make up for the declining number of women & the stagnation in political participation – caused by the unwillingness of political parties to give tickets to women
 - Affirmative action is intended to make preferential treatment legitimate, as the group for whom this is being done cannot enjoy equality in the absence of preferential treatment.
 - But preferential treatment is not discriminatory of the equality clauses when it is in favour of a group of people who have always suffered discrimination at the hands of more powerful forces in society.
 - The women political leaders on many occasions expressed their objection to being clubbed with weaker sections, such as the socially depressed classes.
 - They wanted women to be seen as strong & autonomous beings, able to battle with societal challenges-on their own terms.
- RESERVATION:AN INSTANCE OF POSITIVE DISCRIMINATION**
- The Constitution pronounces that men and women are equal in the eyes of laws.
 - Neither is superior to the other before a judge – Laws shall apply equally to both men and women.
 - Further, it says that the State shall not discriminate against any citizen on the grounds of sex.
 - In other words; men cannot be discriminated against by giving women a better deal, as that would violate the fundamental right to equality between the sexes.
 - Yet, the Constitution has also enunciated in Article 15(3) that the State shall make special provisions for women and children.
 - The framers of the Constitution believed that abstract declaration of equality between men & women would not suffice to remove the accumulated weight of disabilities that women are burdened with over many generations.
 - To equip women to get over these handicaps, the State has to adopt a positive and proactive role in helping women.

- Women may have to be treated differently in order to ensure equality status
- This kind of a complex proposition had to be safeguarded by a law as not being violative of the fundamental right to equality.
- Article 15(3) legitimizes action on the part of the Government to take special measures for women & children
- This type of action is termed affirmative action or positive discrimination.
- Courts have upheld reservations for women in local bodies and educational institutions as not violating the fundamental right of equality between the sexes.

WOMEN IN PANCHAYAT

- There are now approximately 1.4 million elected women in the panchayats in the country, at three levels of the structure – constituting 46% of the total elected representatives of PRIs.
- This signifies a dramatic change in the nature of women's involvement in political activity and in the nature of politics itself.
- Earlier, the device of co-option of nomination of women had meant that a very few women would become members of panchayats, and that their presence counted very little.
- Now, entry of such a large number of women into the panchayats has very significant implications for the working of these institutions as well as for the women themselves.
- A comprehensive database does not exist which can give an overall picture of the profiles of these elected women at the national or even state level.
- It is essential that such a record is built up and maintained by each state government.
- In the absence of authentic information, it would not be correct for us to generalize on any aspect of their background, their qualification, land ownership, number of children, etc.
- However, from the available information collected through surveys by various organisations, we can get a rough idea of these women.
- Some of the surveys done cover more than one state whereas others are more localized.
- Many of the women surveyed are illiterate or barely literate; the majority of the women belong to the dominant and the middle castes.
- In many samples, most of the women are young, i.e., in the age group of 25 years to 45 years and are housewives without any paid employment.
- Many women are in the higher age group going up to 50 or 55 years. There are comparatively fewer women above this age level.
- The literacy levels of elected women are much higher when we look at the samples in a state like Kerala.
- The literacy levels are also higher when we look at the two higher tiers of the panchayat, i.e., the

intermediary level and the District or Zila level panchayats.

- Many of the women members at the gram panchayat level are agricultural labourers and unpaid family workers.
- The office bearers, such as the Pradhans, are usually more literate in comparison with the members.
- These women who are elected as office bearers, generally belong to the better-off sections of their community.
- Women belonging to the minority communities also figure amongst the elected women, though they do not have any specific quota or reservations in their favor, except that in some states, these communities may be classified amongst the other backward classes or even amongst the scheduled castes.

THE IMPEDIMENTS

- The presence of lakhs of elected women in the panchayats has triggered a negative response from many of the male vested interests, who were earlier playing the part of power brokers themselves.
- The negative responses have led to an orchestrated campaign against the women in which many wrong notions, misleading ideas and false myths are being propagated about these women.
- These include the following:
 - 1) That elected women are only proxies for their male relatives
 - 2) That elected women have no time or interest to attend to their work as elected Women in Panchayati Raj members
 - 3) That elected women are illiterate and therefore incapable of understanding the work involved.
 - 4) That elected women have no interest in political work.
- Many women, in the first set of elections conducted after the amendments to the Constitution, stood for elections on the strength of the male relatives or political connections.
- But most women are also realizing their own power as elected women.
- Women have been conscientious about attending the meetings and their record of attendance is as good if not better than their male counterparts.
- It is also seen from these surveys that women do not let their lack of formal education or literacy prevent them from learning about their work.
- They turn to their own household members or to women's groups who are willing to help them.
- The newly elected women are aware of their shortcomings & lack of experience in handling panchayat work, especially the office bearers, who have more responsibilities to discharge.
- One woman, who was Vice President in a Zila Panchayat, said her strategy was to keep quiet

initially, when sitting in all the meetings of the Zila Panchayat and just listen to all that was going on. Once she got the hang of things after listening to the male members and the officials, she got enough confidence to speak up

- Another woman - an office bearer in a gram panchayat, who was semi-literate, insisted on her husband reading out each paper to her and she would sign only after she understood the meaning of what she was going to do.
- As one elected woman Sarpanch put it, "It is not the education that matters so much here. It is the grit and determination, which a woman has in plenty
- Women come to understand the value of knowledge and skills, including literacy and are anxious to access these resources.
- The impediments mainly fall under the categories of : -1) bureaucratic political resistance & 2) patriarchal resistance
- They are often compounded as, two sides of the same coin, because these structures are male dominated
- The latter set of constraints cover women's illiteracy, knowledge of and familiarity with the public sphere, their poor self-esteem and sense of self-worth, the triple burden of work, poverty and social bases.
- External resistance often takes institutional forms, for example – punitive provisions in statute & rules – used as instruments against elected women.
- The most blatant misuse in that is no-confidence motion that is contained in most of the state acts on panchayati raj – expressing their lack of confidence in his or her and can lead to the member's removal.
- Women form a large percentage of those who have been removed from the membership of the panchayats with the help of this provision and of these, SCs, adivasi and OBC women\constitute a large percentage.
- In a jan sunwai (public hearing) held in Ajmer, in Rajasthan, in which many women sarpanches participated, mentions about the threat and the actual use of the non-confidence provisions against them, only because they had tried to use their power effectively
- The refusal of the local bureaucracy to help the women – The Secretaries of the Panchayats, especially at the gram panchayat level, are generally quite indifferent to the information needs of the elected women

ACCOMPLISHMENTS

- Stories of elected women's engagement and involvement in social and political campaigns from

many parts of the country are similar in many respects.

- They take up issues such as child labour, girls' education, dowry, violence against women, etc.
- The elected women are determined to fight the hostile campaigns mounted against them by the conservative sections of the community.
- Personal transformation: Elected women have developed a sense of self-worth, increased their levels of self-confidence and an affirmation of their identity as women.
- Collective transformation: Elected women have realized that their strength lies in numbers. They are now aware and can challenge the institutions, the power relations and the structures of power.
- Greater understanding of political processes :- Women from the scheduled castes and scheduled tribes are especially conscious of their special status and their better chances of getting through the elections
- identity as women, as a lobby, which is above castes, community or party: The elected women face in the hostile and male-dominated environment of local politics and their shared experiences of coping with these barriers very often contribute to the effacing of the divisions between high caste and low caste women, rich and poor women, educated and illiterate women and other differences in backgrounds
- The elected women have made a difference to the institution of Panchayati Raj: – Elected women, as the spokespersons of the greater numbers of village women, give top priority to certain basic and survival needs and to the well being of families. Thus, we find items such as clean water, access to fodder, fuel, education of their daughters, freedom from violence, alcohol abuse etc.
- Elected women find it easier to challenge established structures or institutions of the state that are not performing.
- Women are interested in getting services on their doorstep :-- UttaraKhand Mahila Manch demanding that they should be allowed to serve on the board of the Nyaya Panchayats ' in Uttarakhand, when the demand for the creation of new a Hill state was going on.
- The women know that if judicial powers are given to the panchayats or family courts are set up in the villages, this will bring quick dispensation of justice closer to the women.
- There is some indication that elected women are less corrupt than elected men.
- Though it is too early to make such a sweeping generalization, observations from the field tend to support this.