

Participation of Women in Panchayati Raj Institutions in India: A Historical Overview

Abstract

The Panchayati Raj Institutions had their beginnings in Lord Mayo's resolution of 1870 and Lord Ripon's Resolution of 1882. The initial legislation in the colonial period considered only the election of male members. In independent India Balwantrai Mehta in 1957 and Asoka Mehta Committee in 1978 suggested reservation of only two seats or cooption or nomination of up to two women if no women came through election. Keeping in view the ineffectiveness of this token representation, the committee on the status of women in India (CSWI) set up in 1971 recommended separate women's statutory Panchayats at the village level. This recommendation of the CSWI was resurrected by the 73rd amendment of the Indian constitutions implemented on 24 April 1993 reserve one third of the seats for women. With this Amendment women's representation in Panchayat Raj bodies increased in many states from almost 2-3 person to at least 30-32 percent.

Keywords: Participation of Women, Panchayati Raj Institutions, Token Representation , 73rd Amendment.

Introduction

To understand the level of women's participation in local government now, it is necessary to evaluate the extent of their participation historically. Women's representation in Panchayats has been finally fixed at one third after 1993 (now 50 percent) of membership and chair person's position after a long journey in British period and post Independence period. The local government bodies as statutory institutions had their beginnings in the local self government laws enacted in pursuance of Lord Mayo's Resolution of 1870 and Lord Ripon's Resolution of 1882. These resolutions focused on administrative and financial decentralization to local self government institutions for making them financially viable and to involve Indians in administration at local levels. The village Panchayats came into effect in the 1920s after recommendations of the Royal Commission on Decentralisation in India of 1909 and the Government of India Act of 1919 (Buch,2013, p. 50). In the initial legislation on Panchayats in colonial period only the male residents who paid rent, land revenues or tax or had stipulated annual income were eligible to contest elections. In keeping with the dominant ideology, women were neither voters nor candidates for panchayat elections even where these bodies had elected members. The panches were also elected from male owners of houses and proprietors or tenants, permanently residing in a village of the panchayat circle. The word male was deleted only by an amendment in 1934 (Buch, 2013, p. 50).

In Bengal, in the act of 1919 the electorate was to consist of all adult males having residence within the panchayat union and paying local taxes, union rates or cess (Buch, 2013, p. 50). The Bombay Village Panchayat Act 1920, categorically stipulated that no person could become an elected member who was a female and that the election was to be held in each village by the adult male residents at a meeting presided over by the Assistant or Deputy Collector. In Uttar Pradesh Act of 1920 the panches as well as the Surpanch were to be appointed by the Collector. Hence, there was no reference to male/female eligibility to vote or to contest elections (Buch, 2013, p.50)

In the British period, the question of representation of different population groups in panchayat was not considered. The issue remained only of introducing or increasing the number of elected members. Request from a local area for setting up village Panchayats were only entertained from resident males. This reflected the prevalent ideology which did not



Rifat Jabeen

Research Scholar,
Deptt.of Advanced
Centre for Women's Studies,
A.M.U, Aligarh

consider female voters or female elected representatives. In the first official initiative for constituting statutory village Panchayats the question of women's representation was not even raised. Even on the subject of women's franchise at other levels, the Joint Select Committee of British Parliament in its first report on the Bill for the Government of India Act 1919 endorsed the recommendations of the franchise Committee and said, "the question whether women should or should not be admitted to the franchise on the same terms as men should be left to the newly elected legislative council of each province to settle by resolution. It seems to them to go deep into the social system and susceptibilities of India and therefore to be a question which can only, with any prudence, be settled in accordance with the wishes of Indian themselves as constitutionary expressed" (Quoted in Buch, 2013, p.50). Hence the Government of India Act 1919 provided that "if the legislative council in any province passed a resolution in favour of women's franchise, they should be included in the electoral register of that province" (Quoted in Buch, 2013, p.50).

The entire Governors Provinces led by Madras availed of the power to pass a resolution and to extend franchise to women. The statutory rules made under the Act of 1919 did not make women eligible for appointment as members of the legislative councils. The law was modified only later and powers were given to the Councils to pass resolutions to allow qualified women to become members by election or nomination. Even when women got limited franchise for elections to the provincial legislatures, it was subject to conditions of property and educational qualifications, and was also extended to widows but only if these conditions were fulfilled in the case of their husbands (Mathew, 2000, p. 35)

Article 15 abjures all discriminatory practices on the basis of sex. Yet in the very same Article, that is Article 15(3), the Constitution legitimized positive discrimination in favour of women and children "nothing shall prevent the State from making special provisions for women and children". Was it not the basic premise of the Constitution that these 'special provisions' were necessary for enabling women to successfully claim the fundamental right to equality? In other words, it was accepted that women's historically disadvantages position could not be converted to one of equality with men purely through the Constitutional legal framework. Positive discrimination, affirmative action, special schemes, programmes, resources, all had to be added to strengthen and provide ballast to the legal framework of gender equality. The provisions of Article 15(3) regarding positive discrimination in favour of women and children were added later to the Constitution through the First Constitutional Amendment in the early fifties. A judicial verdict of 1951 had pronounced preferential treatment to weaker sections as discriminatory. The Constitutional Amendment was then carried out to enable the Government to introduce special measures for the upliftment of women. This was in line with the strategy, of the

Government to use State intervention to confront institutionalized discrimination (Sujaya, 2004, pp. 7-8). Balwantrai Mahta study team in 1957 suggested a token co option of two members. The same is reflected in different state laws which either just provided for a grudging reservation of two seats or cooption/ nomination of up to two women, if no women came through election. When the Asoka Mehta Committee reviewed the Panchayati Raj system in 1978, it continued with the women's token representation but suggested that if no women were elected, two women who get the highest number of votes in zilla parishad elections would become members. In the event of no women coming forward for election, two women might be co opted. A similar recommendation was made for the mandal panchayat to be constituted for a group of villages as the first of the two tier panchayat structure suggested by this committee (Buch, 2013, p. 52).

The demand for greater representation of women in political institutions in India was not taken up in a systematic way until the Committee on the status of women in India (CSWI) published its report "Towards Equality" in 1974. The report of CSWI noted that women's ability to produce an impact on the political process has been negligible because of the inadequate representation in local bodies. It expressed concern over the difficulties experienced by women in obtaining adequate representation in Panchayats and stressed the need for improving the political status of women in view of the ineffectiveness of token representation of women in Panchayats. It recommended constituting a separate women's statutory Panchayats at the village level. (GOI: 301). The idea could not be implemented as none of the states or political parties were in favour. Some positive changes took place for women participation in Panchayats as exemplified by the government of Andhra Pradesh when in 1979 it recommended 5percent reservation for women for the post of sarpanches in each block for women where the percentage of women electors was comparatively higher and the Karnataka Panchayat Act 1983 reserving 25% seats for women in both at Zilla Parishad and Mandal Panchayat levels.(Buch,2013,P.52). This was probably the basis for giving reservation of seats for women in Panchayats by legislating the 73rd Amendment Act. This can be taken as a major shift for women, since they had practically no place or voice in the decision-making process in Panchayats during the co-option phase of the 1970's and 1980's

In 1985, the Government indicated its desire to give greater priority to women's issues . Following this, in 1988, the first draft of the National Perspective Plan for Women to the Year 2000 was released. It recommended: Reservation should be made of 30% seats at Panchayat to Zilla Parishad level and local municipal bodies for women. Wherever possible, higher representation of dalits, tribals, and women of weaker sections should be ensured. 30% of executive heads of all bodies from village Panchayat to district level and a certain percentage of chief executives of Panchayati Raj bodies at lower, middle and higher

levels must be reserved for women. A more effective step would be to declare a certain percentage of constituencies in the lower tier of Panchayati Raj as exclusively women constituencies and all executive positions in certain number of territorial jurisdictions reserved for women candidates (quoted in Development, 1988, pp. 164-65).

The recommendation of National Perspective Plan was incorporated into the 64th Constitutional (Amendment) Bill 1989 in order to give them a constitutional sanction. The 64th amendment laid down the principles of women's participation in the local bodies through reservation and the 73rd amendment of the constitution is a modified version of the earlier Sixty Fourth Constitution Amendment Bill which gives a formal shape to those principles. (Datta, 1995, p. 69-70) The relevant provisions are:

1. Not less than one third of the total number of seats reserved for the Scheduled Castes and Scheduled Tribes in every panchayat shall be reserved for women belonging to the Scheduled Castes or as the case may be. Scheduled Tribes.
2. Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total seats to be filled by direct election in every Panchayat. shall be reserved for women and allotted by rotation to different constituencies in a panchayat.
3. The Act also provides for reservation of one third of the total number offices of chairpersons in the Panchayats at all levels for women including women from the Scheduled Castes and Scheduled Tribes.

Table No.1
Women's Representation In Panchayat Raj
Institutions Before 1985 And After 1995:
(Comparison)

States	Over all Women in G.Ps 1985	Overall percent in G.Ps. 1995
Gujrat	Only 2 Women	33.3
Haryana	Only 1 Women	33.1
Karnataka	Only 1-2 Women	37
Madhya Pradesh	2 Women	33
Kerala	1 Women	38.2

Table No.2
State wise number of elected representatives in Panchayats in 2000

State	Gram Panchayat			Intermediate Panchayat			Zilla Parishad		
	Total	Women	Percent	Total	Women	Percent	Total	Women	Percent
Andhra preadesh	230529	78000	33.84	14644	5420	27.01	1093	363	33.21
Assam	24860	7458	30	2486	745	29.07	N.A		
Goa	1281	468	36.53	—		—	N.A		
Gujrat	123470	41180	33.35	3814	1274	33.4	761	254	33.38
Haryana	54159	17928	33.15	2418	807	33.37	303	101	33.33
Himachal Pradesh	18258	6013	32.13	1661	558	33.59	252	84	33.33

Punjab	2 Women	30.2
Rajasthan	2 Women	32.4
West Bengal	2 Women	35.4
Uttar Pradesh	0 Women	29.6
Andhra Pradesh	2-4 Women	33.84
Assam	2 Women	18.1
Bihar	0 Woman	NA
Himachal Pradesh	1-2 Women	32.93
Maharashtra	2 Women	33.33
Orrisa	0 Woman	33.35
Tamil Nadu	1 Woman	25.07

G.Ps= Gram Panchayat

Source: Panchayati Raj Development Report 1995. Institute of Social Science, New Delhi.

Table 1 shows only token representation of women in panchayats before 1985 that was by co-option. Before 1985 whereas only 1 or 2 women in each of the states of, Kerala, Karnataka, West Bengal, Andhra Pradesh and Rajasthan etc, participated in Panchayat Raj Institutions their representation in 1995 increased to 38.2 percent, 37.0 percent, 35.4 percent, 33.84 percent and 32.4 percent respectively. With the implementation of 73rd amendment there was a sharp rise in women's representation. For First time in the Indian history, women were provided for a 33 per cent (recently 50percent) of seats and a political office in the Panchayats. With this Amendment women's representation in Panchayat Raj bodies increased in many states from almost 2-3 persons to at least 30 percent. In the earlier periods in terms of the state panchayat laws, two or three women members (mostly nominated and elected in a few cases) provided token representation for women in local bodies.

The available data in respect of the first post 73rd Amendment Panchayat elections in the states in 1995 shows that almost one million women occupied positions as members and chairpersons in 3 tier structure. There were 6, 81258 women elected to gram panchayat, 37,109 women to panchayat intermediate level and 3,153 women to panchayat at district level(Panchayat Status 2000).There were about 4,00,000 women member in over two lakh Panchayats. Women presidents were rare at the Gram Sabha or higher level. (Panchayat status 2000 Indian Statistical Institute New Delhi

Karnataka	80267	35305	43.7	3340	1343	40.21	919	335	36.45
Kerala	10270	3883	37.81	1547	563	36.39	300	104	34.67
Madhya Pradesh	474351	156181	32.93	9097	3169	34.84	946	319	33.72
Maharashtra	303545	100182	33.88	3524	1174	33.31	1762	587	33.31
Manipur	15556	576	37.02	–	–	–	61	22	36.07
Orissa	81077	28595	35.27	5260	1870	35.55	854	294	34.48
Punjab	78983	23892	30.25	2441	326	13.36	274	89	32.43
Rajasthan	119419	38791	32.48	5257	1740	33.1	997	331	33.2
Sikkim	1827	27	1.48	N.A	N.A	–	145	1	0.69
Tamilnadu	94304	31548	33.45	6499	2295	35.31	648	225	34.72
Tripura	5427	1809	33.33	196	67	34.18	70	4	34.29
Uttar Pradesh	682670	174410	25.55	58165	14002	24.07	2551	648	25.4
West Bengal	62172	22014	35.41	9516	3202	33.65	664	27	34.19
Andaman & Nicobar	667	229	34.33	6	25	33.33	30	10	33.33
Chandigarh	109	22	20.18	–	–	–	10	3	30
Dadar & Nagar Haveli	135	46	34.07	–	–	–	16	4	25
Daman & Diu	63	25	39.68	–	–	–	15	5	33.33

Source: ISS Information and Documentation Centre (Data Compilation by Bharati Mahapatra)

Table 2 shows that women in Gram Panchayats represented highest in Karnataka (43.70 percent), followed by Daman and Diu (39.68 percent), Kerala (37.81 percent), Manipur (37.2 percent), Goa (36.53 percent), Orissa (35.27 per cent) and least in Sikkim (1.48 percent). Women in Panchayat Samities represented highest in Karnataka (41.21 per cent), followed by Andhra Pradesh (37.01 per cent), Kerala (36.39 percent), Orissa (35.55 percent), Madhya Pradesh (34.84 per cent) and Tripura (34.18 per cent). Women at District Panchayats reported highest in Manipur (36.07 percent) followed by Karnataka (36.45 per cent), Tamil Nadu (34.72 per cent), Kerala (34.67 per cent) and Tripura (34.29 percent).

The second elections held in 2000 for rural local bodies (excluding Uttaranchal State), demonstrate much higher share of women representation as against one third reserved seats. On comparing statistics for two elections, it is found that Karnataka has been increases its women members by 6.70 percent followed by Kerala almost 2 percent, Orissa almost 3 percent respectively in gram panchayat i.e. women representation increased in many states by approx 31 percent percent in gram panchayat that means an average about 1 percent in many states and women representation in all level was approx 32 percent

Table No.3
Number of panchayats and elected representatives in the three tiers of Panchayats in states and union territories

States	No. of Panchayats	Elected Panchayat representatives at all levels							
		General	SC		ST		Total	Women	
			NO.	%	NO.	%		NO.	%
Andhra Pradesh	22945	172136	34025	15.2	17842	8	224003	74019	33
Arunachal Pradesh	1789	0	0	0	8260	100	8260	3183	38.5
Assam	2431	23206	1344	5.3	886	3.5	25436	9903	38.9
Bihar	9040	109767	19440	14.9	884	0.7	130091	70400	54.1
Chattisgarh	9982	76013	17540	10.9	66833	41.7	160386	54102	33.7
Goa	192	1500	0	0	0	0	1500	453	30.2
Gujrat	14068	83982	7970	7	22235	19.5	114187	38068	33.3
Haryana	6325	54508	14965	21.5	0	0	69473	24994	36
Himachal Pradesh	3330	16793	8724	32	1753	6	27270	9128	33.5
Jharkhand	3979								
Karnataka	5856	67920	17859	18.6	10311	10.7	96090	41210	42.9
Kerala	1165	16246	2005	10.8	232	1.3	18483	6515	35.2

Madhya Pradesh	23412	222836	61103	15.4	112938	28.5	396877	134368	33.9
Maharashtra	28302	176877	25268	11	27565	12	229710	77118	36.6
Manipur	169	1684	43	2.4	41	2.3	1768	646	36.5
Orissa	6578	56576	16910	16.8	27376	27.1	100862	36086	35.8
Punjab	12605	62680	28376	31.2	0	0	91056	31838	35
Rajasthan	9457	73030	25364	21.2	0	0	119804	42402	35.4
Sikkim	170	639	57	5.7	309	30.7	1005	384	38.2
Tamil Nadu	13031	91958	23635	20.3	877	0.8	116488	39364	33.8
Tripura	540	3914	1509	26.3	310	5.4	5733	1986	34.6
Uttar Pradesh	52890	578984	191950	24.9	727	0.1	771661	299025	38.8
Uttanchal Pradesh	7335	44450	11077	19.3	1973	3.4	57500	21517	37.4
West Bengal	3713	37277	17158	29.2	4314	7.3	58749	21428	36.5
Union Territories									
A & N Iseland	75	856	0	0	0	0	856	296	34.6
Chandigarh	19	153	34	18.2	0	0	187	62	33.2
D&N Haveli	12	7	3	2.4	115	92	125	49	39.2
Daman & Diu	15	71	4	4.1	22	22.7	97	37	38.1
Lakshadweep	11	1	0	0	100	99	101	38	37.6
Pondichery	108	784	237	23.2	0	0	1021	370	36.2
TOTAL	239544	1974848	526618	18.6	327313	11.6	2828779	1038989	36.7

Source: Union Ministry of Panchayati Raj, Government of India.

Note

General: Non SC/ST Categories, Males and Females; SC: Scheduled Caste Males and Females, ST Scheduled Tribe Males and Females, Women: combined SC, ST and General Categories.

Table 3 shows that women in all three level of Gram Panchayat represented highest in Bihar(54.1 percent) followed by Karnataka (42.9 percent), Dadar and Nagar Haveli (39.2 percent), Assam (38.9 Percent), Arunachal Pradesh (38.5 percent), Daman and Diu (38.1 percent) and least in Goa (30.2 percent). Total women represenatives in all three levels in all states and union territories was 36.7 percent as on 01. 12. 2006. Women represenattaion increased above from approx 32percent to 36.7 percent in all level i.e it was increased 4.7 percent in all level.

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