

# Study on Status of Women in India Sponsored By the Department of Social Welfare, Government of India

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After independence, with the introduction of new Panchayati Raj and community development schemes, constitutional provisions were made for the upliftment of women. The spread of education, emergence of political parties, increasing urban contacts, fast means of communication and the impact of mass-media have brought in a rapid social change in the rural community which paved the way upto some extent, for the political participation of the rural women. The rural women herself has also started realizing gradually, the importance of participation in the democratic process of the country.

## DEVELOPMENT OF THE CONCEPT OF PANCHAYATI RAJ

During the ancient phase, village communities were administered by the general body, the Sabha, their council, Samiti and their representatives, gramins (senior persons of the village). A reference to these institutions has been made in the Vedas and other scriptures. The writings of Kautilya also contain evidence showing their existence in the ancient period. In due course of time, the village communities began to be governed by a council of five members, Panchayat. These bodies performed the functions of tension management and conflict resolution. The legitimacy of the authority of Panchayat was based on religion and custom. In addition to these Panchayats of village communities, there existed simultaneously, caste and sub-caste Panchayats to regulate the code of conduct of their members. Although Panchayats of village communities as well as of castes have been glorified as democratic institutions by those who have taken a romantic view of the rural society of the ancient era, these were dominated by the male landlords of the higher castes owing to its caste-base, patriarchal and feudal character.

Be that as it may, these institutions had complete hold over the rural people during the ancient period. The establishment of a centralized system of administration by the Mauryan dynasty, however, is reported to have reduced their significance to some degree. But their authority was fully restored as a result of decentralization of administration during the Gupta period. On the whole, the Panchayats remained autonomous institutions of local government in the ancient India.

## POST-COLONIAL PERIOD

The evolution of the Panchayati Raj system in the post-colonial period may be divided into the pre-Balwant Rai Mehta Study Team Report, post-Balwant Ray Mehta Study Team Report and the pre-73<sup>rd</sup> Amendment and the 73<sup>rd</sup> Amendment phases.

The issue of the status of village Panchayats in the Indian political system became a matter of great controversy in the Constituent Assembly after independence in 1948 when the Indian Constitution was being prepared. While the Gandhians wanted India to be a polity with maximum powers at the Panchayat level and minimum powers at the central level, the chairman of the Drafting Committee, Dr. B.R. Ambedkar, did not want to give any place to this institution in the Constitution. He perceived the village as "a sink of localism, a den of ignorance, narrow mindedness and communalism." He favoured the individual rather than a village as the unit of the Constitution. Being a Dalit, he feared that the Panchayats would be controlled by the landlords and the high castes who will use it for the exploitation and oppression of the weaker sections of the rural society. But the Gandhians ultimately succeeded in getting village Panchayat included in Article 40 of the Part IV

of the Indian Constitution dealing with the Directive Principles of State Policy. This Article laid down: - "The State should take steps to organize village Panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government." Soon after the implementation of the Constitution in 1950, various states enacted Gram Panchayat Acts, which provided for the creation of democratically elected Gram Panchayats. These were given civic, developmental and judicial functions.

In the meanwhile, the Government of India launched the Community Development Programme in 1952. The National Extension Service Scheme that supplemented this programme was introduced in service areas in 1953 for covering the entire rural area of the country. These programmes aimed at creating a zeal for development in the rural masses. It was hoped that these would bring about a silent revolution in rural society. But this hope was belied as these programmes failed to enlist popular support.

The recognition of the failure of the programmes made the Government of India to direct the Committee on Plan Projects of the Planning Commission to conduct an enquiry into the causes of the failure of these programmes and suggest remedies for streamlining them. The Committee appointed a Study Team for this purpose under the leadership of Balwant Rai Mehta in 1957. The Team was asked to find out whether existing institutions of local government, the district boards and Gram Panchayats could be used to implement the Community Development Programme and the National Extension Service Scheme in a successful manner. It was directed to suggest not only the ways and means for this purpose but also an alternate system of rural local government.

After an in-depth study, Balwant Rai Mehta Study Team submitted its report in 1959. It found that these programmes had failed, as they could not get popular support. The Team expressed the view that the existing institutions of rural local government were not fit instruments for streamlining the development administration. It suggested a scheme of democratic decentralization for mobilizing human and material resources for this purpose.

To operationalized the scheme, the Team recommended the creation of a three-tier structure of democratically elected and organically linked bodies at the district level (Zila Parishad), block level (Panchayat Samiti) and the village level (Gram Panchayat). The Team recommended indirect elections for the bodies to keep the political parties out and to establish an organic link between the three tiers. It expressed the view that the block level institution,

Panchayat Samiti, be made the unit for planning and implementation as it was neither as large as the district in which direct contact was difficult nor as small as a village where required human and material resources might not be available. The Team felt that Panchayat Samiti was an optimum sized unit in which developmental machinery was present. Moreover, it argues that the word "block" was associated with development in the rural psyche. Hence, the Team suggested that Panchayat Samiti be assigned developmental function. It could also be given the responsibility of implementing the schemes and programmes of the central and state governments. The Gram Panchayat be allowed to retain the civic, developmental and judicial functions, and also assigned the task of implementation of the plans and programmes of the Samiti. The Zila Parishad be made a supervisory and coordinating body. The Team recommended that association of the MPs and the MLAs in the Panchayati Raj Institutions for guiding their leadership and for establishing their link with the state legislatures and the union parliament. The Deputy Commissioner/Collector/District Magistrate and other officials are made a part of the Panchayati Raj system for ensuring cooperation and coordination between the District Administration and the Panchayati Raj Institutions. The National Developmental Council accepted the recommendations of the Team. However, it was of the view that the states be allowed to make alternations in the scheme in accordance with the needs of the local situations.

Rajasthan was the first State to implement the scheme of democratic decentralization in 1959 and create a Panchayati Raj system broadly resembling the model suggested by Balwant Rai Mehta Study Team. But the Government of Maharashtra did not accept this model. It appointed Naik Committee in 1961 to suggest a suitable model. On the recommendations of this committee, the state decided to make the district level body-Zila Parishad-the unit of planning and implementation. All the developmental departments at the district level were put under its control. The Panchayat Samiti was made only a committee of the Zila Parishad. No changes were made regarding the Gram Panchayat. Instead of indirect, direct elections were to be held at all the levels. The Collector, the MPs and the MLAs were kept out of the Panchayati Raj system. Provision was made for the appointment of a senior IAS officer as the Chief Executive Officer of the Zila Parishad.

Although most of the states opted for the Rajasthan model for their Panchayati Raj system, others went in for a hybrid form. In fact, every state created a Panchayati Raj system of its own. But the study teams and the committee appointed by them to evaluate their Panchayati Raj system mostly favoured adoption of the Maharashtra model.

The working of Panchayati Raj system underwent three stages of evolution-development, stagnation and decay. In the 1960s, particularly during the Nehru era, the Panchayati Raj system witnessed development in almost all the states because of his strong commitment to it. In the post-Nehru era, it became stagnant, as his successor did not share the former's enthusiasm for it. Later on, it lost its authority due to the hostility of bureaucracy and political leadership, poor quality of leadership in the Panchayati Raj institutions, gradual erosion of powers, lack of financial resources endemic factionalism, conflict between officials and non-officials, apathy of the masses and the failure of the state governments to hold elections in time.

When the Janata government came to power in the Center in 1977, it appointed a High Powered Committee on Panchayati Raj under the leadership of Ashok Mehta, popularly known as Ashok Mehta Committee, for revitalizing the Panchayati Raj system. The Committee not only recommended constitutional status for the Panchayati Raj Institutions but also suggested its restructuring by establishing a two-tier system with the Zila Parishad (the district level body) at the top and Mandal Panchayat (for a group of villages) at the bottom. It recommended the abolition of Panchayat Samiti and village Panchayat. The Committee further recommended more powers and resources for the Panchayati Raj Institutions. In place of indirect elections, it favoured direct elections. But before the Janata government could take any action on the report of the Committee, it had to quit owing to split in the party in 1979. Indira Gandhi-led Congress government, which came to power in 1980, shelved the report, as it was not interested in rejuvenating the Panchayati Raj system owing to its preference for the centralization of powers.

### THE PRE-73<sup>RD</sup> AMENDMENT PHASE

The roles of the Left Front government of West Bengal, which came into power in 1977, and the Janata government of Karnataka which assumed office in 1983, deserve to be written in golden letters in the history of Panchayati Raj in India during the pre-73<sup>rd</sup> Amendment phase. The Left Front government not only made institutional changes in the Panchayati Raj system of West Bengal by making amendments in the existing statute in 1978 but also introduced radical land reforms for ensuring genuine decentralization of powers. Provision was made for direct elections at all the three levels. The Panchayati Raj Institutions were not only given large powers but also assigned the requisite finances through government grants. The government associated them in the implementation of all the schemes and programmes of the central and the state governments for rural development. It also goes to the credit of the Left Front government that it always conducted Panchayati Raj elections in time.

The Janata government of Karnataka also revitalized the Panchayati Raj system of the state in 1983 by genuine devolution of powers and functions. It restructured it on the model suggested by Ashok Mehta Committee report and created directly elected Zila Parishads and Mandal Panchayats. Karnataka took the lead in the empowerment of women by reserving 25 percent seats for them. It also provided the lead in the empowerment of the scheduled castes and scheduled tribes by giving them reservations in accordance with their proportion in population. The adhyaksha and up-adhyaksha of the Zila Parishad were given the salary and status of a minister of state and deputy minister, respectively. The responsibility of making and implementing plans was given to the Zila Parishad. The Mandal Panchayat was made an implementing agency.

It was in this context that the Rajiv Gandhi government had moved the 64<sup>th</sup> Amendment Bill in 1987 to give constitutional status to the Panchayati Raj system and remove its inadequacies like "failure to hold regular and periodic elections, prolonged suspension, inadequate representation to the weaker sections like the scheduled castes, scheduled tribes and women, lack of financial resources and inadequate devolution of powers and responsibilities on them". The Bill was passed by the Lok Sabha but failed to get the requisite 2/3<sup>rd</sup> majority in the Rajya Sabha as the opposition parties suspected that the central government wanted to by-pass the state government by dealing directly with the leadership of Panchayati Raj to mobilize electoral support for the Congress. However, the Congress government headed by P.V. Narasimha Rao was able to get the 73<sup>rd</sup> Amendment (1992) enacted after building a consensus in its favour.

The 73<sup>rd</sup> Amendment in the Indian Constitution has not only given constitutional status to the Panchayati Raj but also removed its inadequacies mentioned above. It has set-up a uniform three-tier structure of directly elected members. **One-third offices and membership have been reserved for women in all Panchayati Raj Institution i.e. Gram Panchayat, Panchayat Samiti, Zila Parishad.** The scheduled castes and scheduled tribes have been given reservation in offices and membership in proportion to their population in the concerned state. The states have been empowered to make reservations for the backward classes as well. The Panchayati Raj Institutions have been given powers over 29 subjects listed in the 11<sup>th</sup> Schedule of the Constitution of India. The State Election Commissions have been empowered to conduct regular periodical elections and the State Finance Commissions to ensure adequate finances. The new Panchayati Raj has been institutionalized in all the states and union territories of India.

It may be concluded that the Panchayati Raj system that

has emerged after 73<sup>rd</sup> Amendment to the Indian Constitution in 1992, has a long history behind it. The genesis of Panchayati can be traced from ancient times. Despite some changes in their character in the Mughal era and centralization of administration, these institutions continued to enjoy considerable authority and autonomy during the pre-colonial period. The colonial administration, however, destroyed these institutions by introducing a highly centralized system of governance. But financial compulsions forced the colonial administration to create village Panchayats as local self-government institutions. These acquired a democratic character in the post-colonial period as a result of the introduction of universal adult franchise. The implementation of Balwant Ray Mehta Study Team report led to the creation of a three-tier structure of Panchayati Raj for streamlining development administration in the 1960s. But the system became a shadow without substance in the 1970s owing to erosion of their powers. The 73<sup>rd</sup> Amendment has revitalized the Panchayati Raj. It has not only resulted in broadening the base of democracy in India but also led to the empowerment of women and weaker sections.

## PANCHAYATI RAJ IN HARYANA

These were socially recognized and empowered by the local people. Haryana has been a part of Punjab before its formation as a separate state on November 1966. There had been a system of traditional Panchayats in Haryana during the pre-colonial period. However, the landowners from the upper castes dominated these. During the Colonial period, three acts were enacted in Punjab to provide legal sanctions and to assign judicial functions to the traditional Panchayats, namely the village Panchayat Acts of 1912, 1922 and 1939. After independence, the villages Panchayats were constituted in the region under The Punjab Gram Panchayat Act, 1952 by replacing earlier Act of 1939. The Panchayati Raj was set-up here by the Punjab Panchayat Samitis and Zila Parishads Act, 1961 and Amendment of the Punjab Gram Panchayat Act, 1952. These Acts introduced a three-tier system in conformity with the Balwant Ray Mehta model. It consisted of Gram Panchayat at village, Panchayati Samiti at block and Zila Parishad at district levels. This system was inherited by Haryana in 1966. The apex bodies of Panchayati Raj, Zila Parishads, were abolished in June 1973 in the state following the recommendation of an Ad Hoc Committee constituted by the state Government. Subsequently, Haryana had a two-tier structure of Panchayati Raj, i.e., Gram Panchayat at the village level and Panchayat Samiti at the block level. After sometime, it was realized that the present system of Panchayati Raj had failed to achieve the desired results due to irregular elections, lack of financial resources, inadequate devolution of powers, dominance of bureaucracy over

these bodies and lack of political will of the state leadership. The elections of Panchayati Raj Institutions were not held at regular intervals. For instance, the elections Zila Parishads were held only once in 1972 before their dissolution in 1973, 1983 and 1991 after a gap of eleven and eight years, respectively. The elections of Gram Panchayats were held at different spells of time, viz. in the years 1971, 1978, 1983 and 1991. This clearly shows that these grass-root level democratic institutions of Haryana suffered from irregularity, uncertainty, indifferent attitude of bureaucracy and overall politicization in the state.

In compliance with the 73<sup>rd</sup> Constitutional Amendment, the Haryana Panchayati Raj Act was enforced on April 22, 1994 with the aim of a better administration of the rural areas. It replaced the Punjab Gram Panchayat Act, 1952 (as amended) and the Punjab Panchayat Samiti and Zila Parishad Act, 1961 and enacted the Haryana Panchayati Raj Act, 1994, which came into force from 22<sup>nd</sup> April, 1994 vide Notification No. S.O.35/HA/11/94 dated the 22<sup>nd</sup> April 1994.

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