

Summary

WOMEN'S EMPOWERMENT THROUGH LOCAL GOVERNMENT IN INDIA

(WOMEN'S PARTICIPATION IN PANCHAYATS AFTER 73RD

CONSTITUTIONAL AMENDMENT : With special reference to Madhya Pradesh)

Introduction:

We live in the world's largest democracy. It has been enshrined in the preamble to our constitution that the basic objective of our democracy is the upliftment of the people. Every citizen of our Country, irrespective of his sex, religion, community, place of residence, Caste, Creed, or economic Status, shall be provided with equal opportunity to develop economically, politically and socially without any exploitation.

India is an agricultural country and 70% of its population lives in the villages. Unfortunately, the rural population does not have the same resources for development as the urban population has. In the absence of literacy, awareness, resources and communication facilities, the rural populace can not easily access the Government officials, Courts or banks and financial institutions. In this context, Mahatma Gandhi opined that the

growth and development of rural people can be facilitated only by their inclusion in the governance. He wrote, in 1946, in Harijan that “Independence should start from down below. Every village should have Gram Panchayat. It will have complete powers and rule. This means that every village should be self reliant”. This hypothesis of Gram Swaraj postulated by Gandhiji, is the actual manifestation of an Ideal Panchayat. Gandhiji wanted Panchayat to be the autonomous units of local self-government. In order to realize Mahatma Gandhi’s dream of Gram Swaraj, the Constitutional Committee mentioned this in the Article 40 of the directive principle.

According to Article 40 State shall take steps to organize Panchayat and endow them with such power so that they can properly implement the rural development programmes. In accordance with this, the Government of India constituted Panchayats and Nagarpalikas and endowed them with powers, by bringing about the 73rd and 74th amendments to the constitution. Under these amendments, 29 subjects have been brought under the Panchayats. The Panchayats have been empowered to formulate plans for rural and economic development.

One of the main features of the 73rd constitutional amendment is that it has paved a new way for the development of women, so that the rural folk and specially women, who have been exploited since ages and have been considered weak in every area especially the political one, can come into government through reservation. At every level of Panchayat – Gram Panchayat, Janpad Panchayat and Zilla Panchayat 1/3rd of the posts of Panch/ Sarpanch have been reserved for the women. Thus, the women have been provided with an opportunity to take active part in the overall development of their areas, posing a new challenge to the society. This has been viewed as a new norm for women empowerment.

Historical background of Panchayati Raj in India :

‘Panchayat’ is not a new word for this Country. Giving priority to public good over private interests by rising above petty issues has been an ancient tradition of this great nation. Panchs are considered as Parmeshwar or God. The word “Panchayat” has originated from the Sanskrit word “Panchayatan” meaning collective decision of five people. The modern Panchayat system has its roots in the “Choupals”, Caste Panchayat” and “Family Panchayats”. Sacrificing self-interest for the family, family interests for the village,

village interest for the region and regional interest for the world, have been a Universally accepted rule since the vedic period. It has been our tradition to resolve disputes through mediation and mutual discussion based on the principle of non-violence.

Thus, our rural life prospered through a feeling of mutual Co-operation and Co-ordination. Rigveda mentions an institutions called “Vidath” in which every body used to sit together. Active participation of women was considered necessary in the Vidath. In the post-Vedic era Samiti and Sabha and in the ages of epics, parishad replaced Vidath. As the society became more and more male dominated, the importance of women became limited and their role in the affairs of the villages became less and less. In the Gupta period, the role of Panchayats was mainly reduced to that of “Navy Panchayats”. Government usurped the areas of social good and development. Over the years, village Panchayat were properly established again when the British realized that only the local institutions can carry out the execution of local works properly. But the Panchayats, during the British Raj were not true representatives of the people. Panchayats became a medium of exploitation of the poor and lower casts by the higher casts and the rich. By the mid period of British rule, Gram Panchayats were also

dead, but the freedom movement gave, impetus to the demand for local self rule.

The growth of Panchayat Raj after Independence :

Great personalities like Mahatma Gandhi, Jawaharlal Nehru and Jaiprakash Narayan stressed upon the need for Gram Swaraj and tried to give it its rightful importance. Ultimately on 19th November 1948, Clause 40, regarding the Panchayat, was added to the directive principal in the Constitutions, but there being no boundation on the State to implement directive principles and no mention of Janpad and Zila Panchayats in the Constitution; Panchayat Raj couldn't grow in the country for 45 years; after independence. Although attempts were made, based on the recommendations of various Committees like Balwant Raj Mehta Committee, Ashok Mehta Committee, GVK Rao Committee etc. to reorganised Panchayat, but there was not much improvement in their conditions. Thus, its became necessary to bring about Constitutional obligations to consolidate the Panchayati Raj.

Seventy third Constitutional Amendment: A Revolutionary Change

The Need for 73rd Constitutional Amendment : In order to have a uniform structure of Panchayat all over the Country, to conduct Independent

and timely elections and to invest responsibility and authority along with sufficient financial resources coupled with adequate representation to the dalits and women in the Panchayats, 73rd amendment act was passed.

Following important provisions have been made under this Act.

- Three tier system :
 - Gram Panchayat Village Level
 - Janpad Panchayat at Block Level
 - Zilla Panchayat at District Level.
- i) An independent election for free and fair election
- ii) A tenure of 5 years for Panchayati Raj Institutions in every State and Compulsory organizations of new Panchayats within 6 months of the end of tenure.
- iii) Reassessment of financial conditions of Panchayats every 5 years by the Finance Commissions.
- iv) Reservations for SCs and STs at every level of Panchayati Raj based on their proportion of their populations to the total population in the Panchayat area. 1/3rd of these reserved posts will be reserved for the SC/ST women.
- v) 1/3rd reservation for women in the post of Sarpanch in Gram Panchayat and President of Zila Parishad/Janpad Panchayat.

vi) State Election Commissions have been empowered to reserve for backward classes (Article 243 D, 243 F).

Hence, 73rd constitutional amendment not only attempts to bring uniformity among Panchayati Raj institutions, but also ensures participation of weaker section in these institutions.

Panchayati Raj in Madhya Pradesh :

In accordance with the Balwantraj Mehra Committee recommendations, Madhya Pradesh Panchayati Raj Act 1962 was passed, to bring about uniformity in the Panchayati Raj system in the State. Three tier Panchayati Raj institution were formed and their first general election held. However, Zilla Parishads/Janpad Panchayats couldn't be formed. Second general elections to Gram Panchayats were held in 1970 election to Janpad's at block level, were conducted, for the first time in 1971. In 1978 second election to Janpad's and third election to Gram Panchayat's were held, but ZPs could still not be formed.

The act of 1962 was amended 20 times between 1962 and 1978, to overcome many of the practical difficulties. Madhya Pradesh Panchayati Raj Act 1981 was enacted to remove the faults and limitations of the 1962 Act. In this way, necessary amendments were made, from time to time, to

improve and empower the Panchayati Raj system in Madhaya Pradesh and in 199- a new Panchayati Raj Act was created.

Madhaya Pradesh Panchayati Raj Act 1993 :

Madhaya Pradesh is the first State, where, a new Panchayati Raj Act was passed, in accordance with the 73rd Amendment on 30th December 1993 to establish a three tier Panchayati Raj. 4,52,507 Panchs , 30,972 Sarpanch and Upsarpanch in 30,922 Gram Sarpanch, 87179 members in 459 (JPS), get elected in the election held on 25th May 1994, out of this, in 10,656 that in almost 1/3rd Gram Panchayats, Sarpanch post were reserved for women and only women got elected for them.

All the three tier of Panchayat were provided with their respective responsibilities, duties and authority under the Madhaya Pradesh Panchayati Raj Act 1993. Requisite training have been organised in order to enable all the office bearers, Sarpanch, Panch and officials of the Panchayats to carry out their responsibilities properly and ably.

On the completion of the tenure of first 5 years, the second elections the 3 tier panchayats were held on 28th January, 1 Feb and 7th Feb 2000 in

three phases, as a result of which 22029 Gram Panchayats, 313 Gram Panchayats and 45 Zilla Panchayats were formed.

On 21st January 2001, the Madhya Pradesh Government amended the Madhya Pradesh Panchayati Raj Act to replace Panchayati Raj with Panchayati Raj and G. Swaraj. This is a revolutionary turn in the basic principle of the Govt. of Madhya Pradesh. The concept of Gram Swaraj in Madhya Pradesh is based on direct authority and power to the rural populous; without any intermediaries. This concept believes that the villages are capable to carry out their development and resolve their problems on their own. The Gram Sabha's have been empowered with financial resources and to levy taxes, in order to make them financially self-reliant. Gram Sabhas have also been given powers and responsibilities for formulating and executing plans for social justice and development.

Formation of Standing and Ad hoc Committees has been provided for, execution of the sessions taken by the Gram Sabha. The participation, usefulness and interests of SCs, STs, OBCs and women has been ensured in these committees.

Thus, the Panchayati Raj in Madhya Pradesh has been successful in the direction of implementation of three tier Panchayati Raj system and accordance with the 73rd Constitutional Amendment, realization

of rural self-government, consolidating participatory development plans , execution if plans relevant to the subjects enumerated to 11th scheduled of the Constitution for economic development and Social Justice , proper guidance and training to the Panchayati Office bearers and fostering fast paced rural development by making panchayats aware of their rights, duties and responsibilities.

Participation of women in Madhya Pradesh Panchayati Raj :

The Government of Madhya Pradesh has taken the historical steps of increasing the percentage of reservation for women from 33% as envisaged in the 73rd Constitution Amendment, to 50%. This is an extremely significant positive attempt to bring the women leadership at par with the men. Most of the parts of Madhya Pradesh are in the grip of superstition and ignorance, where women are considered are slave. Although the participation of women in the work force is more than that of men, but still they are almost entirely dependent on men, getting no opportunity to develop an ability to take independent decisions. But, the situations are changing with the growth of means of communications and spread of literacy.

Status of Panchayati Raj in Madhya Pradesh

{after 1st November 2000 }

Sr.no.	Panchayat	Post	Total post	S.C.	S.T.	O.B.C.	Unreserved	women				
								Total	S.C.	S.T.	O.B.C.	Unreserved
1	2	3	4	5	6	7	8	9	10	11	12	13
1-	District Panchayat	President	45	7	8	13	17	17	3	3	5	6
		Member	734	120	184	156	274	248	42	62	52	92
2-	Janpad Panchayat	President	313	40	115	61	97	111	13	41	24	33
		Member	6456	1006	1722	1264	2464	2159	324	583	443	809
3-	Gram Panchayat	Sarpanch	22029	3171	7343	4095	7420	7384	1053	2461	1384	2486
		Panch	314847	49448	85639	57008	122752	106491	16863	29181	19707	40740
TTTotal			344424	53792	95011	62597	133024	116410	18298	32331	21615	44166

Even though, the **challenges** are not yet over, but almost 20 year after the 73rd Constitutional Amendment, there is a ray of hope for the improvement of leadership abilities and political emancipation of the rural women in Madhya Pradesh.

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Academic Research paper

Panchayati Raj in Parliamentary democracy in India : A Continuum

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The most widely adopted form of representative and Constitutional Government is the Parliamentary system. Obtaining the parliamentary form of government in the new democratic set-up of the country, the Constitution framers' major concern was to ensure that the Parliament needed to reflect the broad contours of the social and economic structure of the country so as to infuse a sense of satisfaction amongst the people that their voice would be heard in the parliament through their representatives. To be a microcosm of India, the Parliament was thus constituted to secure, as far as possible, the presence of all sorts of differentiations found amongst the people in every nook and corner of the country, even by way of reservations for certain sections of the people.

The framers of the constitution had hoped that this emergency provision would be used as a last resort, invoked only if the "Constitutional machinery" in a state had failed. But in its present form it is not only dangerous for state autonomy but also reminds us about the dismissal of the governments of Prussia and Bavaria by Van paper in Germany. In Germany the State governments of Prussia and Bavaria were dismissed in an arbitrary manner which was the beginnings of the end of the Parliamentary system in that country.

The Indian Constitution provides *President's Rule* under article 356 which empowers the central government to dismiss elected state governments and impose direct rule in the state. It means that if the President, on receipt of a report from the Governor of a state or otherwise, is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of this Constitution he can declare failure of the Constitutional machinery. This can also be declared under Article 356 which provides that if the state fails to comply with or to give effect to any directions given in the exercise of the Executive power of the Union, under any provision of the Constitution, the President can hold that the Government of the state cannot be carried on in accordance with the provisions of the Constitution.

In the period of 1951 to 1955 it was invoked four times and since then has been resorted to 126 times. It

was imposed seven times when Pandit Nehru was the Prime Minister, twice during Lal Bahadur Shastri's regime, thirty-nine times when Mrs. Indira Gandhi was the Prime Minister between 1966 and 1977, nine times when Morarji Desai was the Prime Minister, five times during Charan Singh's regime, and eight times between February 1980 and November 1983 during the regime of Mrs. Indira Gandhi.

President's Rule in State and Union Territories :

Years	No. of Proclamations	Period (a) years	Proclamation (in years)		Status of Assembly (f)	
			month	days	dissolved	suspended
1951-55(b)	4	2	2	6	2	1
1956-60	3	1	7	5	2	--
1961-65	3	2	9	15	2	1
1966-70(c)	13	5	11	4	6	4
1971-1975(d)	21	11	8	11	10	5
1976-80(e)	35	9	--	17	26	4
1981-85	7	8	7	12	4	3
1986-90	10	13	--	28	4	1
1991-95	14	8	6	--	9	4
1996-98	2	--	5	9	--	2
1999-2000	2	--	4	22	1	1
2001-2010	12	--	--	--	5	7
58	126	64	3	9	73	33

source: "Politics of president's rule versus federal governance", mainstream, october 17,1998,pp.19-20.

A perusal of the table above shows that the Article 356 was used sparingly till 1965, but during the period of 1966-1995 there has been a sharp rise in its use. This sudden increase in the use of Article 356 coincides with advent of a multiparty scenario in the Indian politics coupled with the breakup of the big parties and emergence of the regional parties.

The wrongful evocation of Article 356 is not limited to any particular party, both the Congress as well as non-Congress governments at the centre have blatantly resorted to this article for their own vested interests and for wrecking political vendetta. Unfortunately the Governor, who is the Titular head of the state government and is suppose to be impartial and independent, has always acted as a puppet of the Central government in all of the cases of misuse of Article at 356. However as the data shows the ushering in the coalition era in the Indian polity together with the rise of regional parties , has had a very hearting effect on the misuse of Article 356.

A sharp decline has been witnessed in the revocation of article 356 post 1996. The rising importance of regional parties has put a severer restraint on the successive coalition governance at the centre. Also this has breathed a new life in the institutional safeguards restricting the misuse of constitutional provision.

Thus although the large influx of regional parties in the central coalition governance is accused of bringing instability , it has land a balancing hand to the federal nature of Indian polity by strengthening the institutional checks and balances and emerging its veto power to curb indiscretion by the Central governments.

Sarkaria Commission received valuable suggestions from the state governments and many eminent persons. That was the Inter-State Council should be consulted before a proclamation under article 356 is issued. It is suggested that, before sending his report , the Governor should communicate it to the state government and obtain its comments. Again before issue of a proclamation , the President should convey the reasons for the action contemplated and take into consideration the clarifications of the State Government before taking a final decision to impose President's rule. Commission has suggested that there are three patent reasons which require the retention of the article firstly, Article 356 and related provisions were regarded as a bulwark of the Constitution, an ultimate assurance of maintaining or restoring representative government in States responsible to the people. Secondly, In a fairly large number of cases the invocation of article 356 has been found to have been not only warranted but inevitable. Thirdly, if this article is deleted, article 356 would lose relevance and use of article 355 in the absence of 356 might bring a drastic change in Union-State relations which may be worse from the point of view of both the State and the Union. The ultimate protection against the misuse of article 356 lies in the character of the political process itself. The Commission is, therefore, for generating a constitutional culture that relies on conventions and treats them with same respect as a constitutional provision. The Commission, therefore, recommends, in the spirit of

the framers of the Constitution, that article 356 must be used sparingly and only as remedy of the last resort and after exhausting action under other articles like 256, 257 and 355. Though the Constitution provides for the imposition of the President's Rule in the case of failure of constitutional machinery in the state, yet unfortunately even this power has been misused again for partisan ends. Large number of state governments have been dismissed so far and the State Assemblies have been suspended or dissolved keeping in view the interests of the ruling party at the Centre and that too in certain cases without the recommendation of the Governor. This has undermined the constitutional structure on the one hand and the federal system as well as parliamentary system on the other.

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