

WOMEN EMPOWERMENT THROUGH RESERVATION IN PANCHAYATI RAJ INSTITUTIONS IN HIMACHAL PRADESH

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The women constitute half of the society. The feudal attitudes of looking down upon the abilities of women and not promoting them is still continuing in different degrees at various levels of our society. Present article is an attempt to analyse the situation of women representation in Panchayati Raj Institutions (PRIs) in Himachal Pradesh. With the increasing violence against women in our society, it becomes necessary to find out the problems of our society regarding women and give valuable suggestions to deal with the problem. To give the representation to the women in local self-government is also a step to move forward in the direction of women empowerment. Our society cannot run without women. A woman plays several roles like mother, wife, sister, and daughter in our society. Therefore, it is the duty of everyone to respect them equally.

INTRODUCTION

THE CONCEPT of women empowerment has predominantly become a focus on political participation. The latter in turn in the context of the debate on the 81st Constitutional Amendment Bill regarding reservation for women in Parliament, has become a restricted discourse on the role of woman in formal representative institutions of decision-making, whether it is Panchayati Raj Institution or Parliament. In the process, empowerment of women emerges as an extremely limited concept. The fact that empowerment should imply a power to participate in the decision-making in all spheres of society, with no separation of the public and private and in all social, political, economic and cultural processes in society is completely obfuscated. The potentials of women remain largely unrecognised and their contributions are often overlooked. Several factors are responsible for women's low participation. The most important ones are literacy, traditionalism, prejudices, economic

dependency and the unfavourable political structure, with its high rate of predominantly male incumbency and slow turnover. The dire need today is to remove the disparity between women's formal political equality and their meaningful exercise of political power. 2001 was the year of "Empowerment of Women" and was celebrated all over the world. We are now into the new century. The challenge before us now is not to just talk about the "gender equality" and awareness, but to initiate the process of transforming societies to turn away from "gender discrimination". "Empowerment" includes overall development in terms of education, employment, legislative powers, decision-making power and health and awareness.

Panchayati Raj Institutions in Himachal Pradesh

Panchayati Raj system in Himachal Pradesh was established under the provision of the Himachal Pradesh Panchayati Raj Act, 1952. Only 280 Gram Panchayats existed prior to the enactment of this Act. However, after the enactment of this Act 466 Gram Panchayats were established in the year 1954 and the numbers of Gram Panchayats were increased to 638 during the year 1962. On November 1, 1966, the hilly area of Punjab was merged in this state and consequently the number of Gram Panchayats increased to 1695. In the merged area, a three tier Panchayati Raj System was in existence under the provisions of Punjab Panchayat Samiti and Zila Parishad Act, whereas two-tier system was prevalent in the State of Himachal Pradesh. With a view to bring uniformity in the Panchayati Raj system in the old and the newly merged areas, the Himachal Pradesh Panchayati Raj Act, 1968 was enacted on November 15, 1970 and the two-tier Panchayati Raj system was established throughout the state. Besides this the Nayaya Panchayats were also in the existence in the state for discharging judicial functions, but during the year 1977 Nayaya Panchayats were abolished and the judicial functions were transferred to the Gram Panchayats. After the enactment of the said Act in the year 1970 the existing Gram Sabhas were recognised or bifurcated from time-to-time and new Gram Sabhas/Gram Panchayats were established. During the year 2005-2006 Government created 206 new Gram Sabha circles, thereby raising the number to 3243 Panchayats. At present there are 3243 Gram Panchayats, 77 Panchayat Samitis and 12 Zila Parishads constituted in the State.

Enactment of State Panchayati Raj Act

With a view to bring law relating to the Panchayats in conformity with the provisions of the 73rd Constitutional Amendment Act, the Himachal Pradesh Panchayati Raj Act, 1968 has replaced and the Himachal Pradesh Panchayati Raj Act, 1994 was enacted with effect from April 23, 1994. Since the enactment of the Himachal Pradesh Panchayati Raj Act, 1994, it has been amended 13 times as shown in Table 1.

TABLE 1

<i>Sr. No.</i>	<i>Title</i>	<i>Bill No.</i>	<i>Act No.</i>	<i>Date of Enactment</i>	<i>Sections Amended</i>
1.	The H. P. Panchayati Raj (Amended) Act, 1977.	Bill No. 3 of 1997	Act No. 10 of 1997	16.01.1997	3, 77, 88, 124, 167
2.	The H. P. Panchayati Raj (2 nd Amended) Act, 1977.	Bill No. 17 of 1997	Act No. 1 of 1998	24.05.2004	1, Addition of Chapter VI-A (Section 97-A to 97-I).
3.	The H. P. Panchayati Raj (Amended) Act, 2000.	Bill No. 12 of 2000	Act No. 18 of 2000	08.06.2000	2, 8, 15, 22, 78, 79, 80, 84, 89, 90, 91, 92, 93, 95, 101, 114, addition of Sections 12-A and 121-B 122, 145, addition of Chapter X-A and sections, 160-A to 160-E and 163-A, 179, 180, 181, 182, 200.
4.	The H. P. Panchayati Raj (2 nd Amended) Act, 2000.	Bill No. 20 of 2000	Act No. 4 of 2001	15.12.2000	2, 5, insertion of Section 7-A, 13, 110, 131, 138, 184, 185.
5.	The H. P. Panchayati Raj (Amended) Act, 2001.	Bill No. 10 of 2001	Act No. 22 of 2001	19.12.2001	8, 11, 23, 78, 118, 168, 174, 175, insertion of 175-A & 175-B, 181, substitution of Schedule-I
6.	The H. P. Panchayati Raj (Amended) Act, 2002.	Bill No. 5 of 2002	Act No. 10 of 2002	08.05.2002	3, 71, 122, 140, 145.
7.	The H. P. Panchayati Raj (Amended) Act, 2005.	Bill No. 10 of 2005	Act No. 17 of 2005	30.05.2005	Insertion of section 5-A, Amendment of sec. 7, 8, 9, 15, 23, 78, 89, 99, 122, 129, 145, 146, 153 to 155.

contd..

8.	The H. P. Panchayati Raj (Amended) Act, 2006.	Bill No. 15 of 2006	Act No. 20 of 2006	12.10.2006	2, insertion of Section 11-A.
9.	The H. P. Panchayati Raj (Amended) Act, 2007.	Bill No. 11 of 2007	Act No. 15 of 2007	22.09.2007	185.
10.	The H. P. Panchayati Raj (Amended) Act, 2008.	Bill No. 9 of 2008	Act No. 10 of 2008	13.06.2008	2, 8, 78, 89, 99, 125 and 129.
11.	The H. P. Panchayati Raj (2 nd Amended) Act, 2008.	Bill No. 16 of 2008	Act No. 17 of 2008	07.11.2008	1, 145, 163 and 181.
12.	The H. P. Panchayati Raj (Amended) Act, 2010.	Bill No. 7 of 2010	Act No. 15 of 2010	15.06.2010	2, 4, 5, 7, 7-A, 115, 118, 138 and 144 and Substitution of Section 181.
13.	The H. P. Panchayati Raj (2 nd Amended) Act, 2010.	Bill No. 40 of 2010	Act No. 9 of 2011	28.01.2011	98 and 122 and Substitution of Section 100 and 118.

Various Laws Enacted in Himachal Pradesh

The following laws enacted by the Panchayati Raj Department of the State Government:

1. The Himachal Pradesh Panchayati Raj Act, 1994.
2. The Himachal Pradesh Panchayati Raj Act, (Election) Rules, 1994.
3. The State Election Commissioner (Condition of Service) Rules, 1994.
4. The Himachal Pradesh Panchayati Raj (General) Rules, 1997.
5. The Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Work, and Allowances), 2002.
6. The Himachal Pradesh Panchayati Raj (Appointment and Conditions of Service of Panchayat Sahayaks) Rules, 2008.
7. The Himachal Pradesh Panchayati Raj (Appointment and condition of Services of Junior Scale Stenographers in Zila Parishads) Ruled, 2009.
8. The Himachal Pradesh Panchayati Raj Act, 1994 (Extension to the Scheduled Areas) Rules, 2011.

Women's Reservation under 73rd Constitutional Amendment Act, 1992

This has added a new Part-IX to the Constitution of India. It is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243 O. In addition, the Act has also added a new Eleventh Schedule to the Constitution. This Schedule contains 29 fundamental items of the Panchayats. It deals with Article 232-G. The act is a significant landmark in the evolution of grassroots democratic institutions in the country. It transfers the representative democracy into participatory democracy. It is a revolutionary concept to build democracy at the grassroots level in the country.

The Act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for the SCs and STs). Further not less than one-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women. This would be rotated among different Panchayats at each level. The Act also authorises the legislature of a state to make any provision for reservation of seats in any Panchayat or offices of chairperson in the Panchayat at any level in favour of backward classes.

Reservation for Office Bearers in PRIs in Himachal Pradesh

It is also the way to empower the women by providing them an opportunity to come forward through reservation for electing for the seats in PRIs. In male dominated society it becomes very important to give them

special chance through a special weapon like 73rd Constitutional Amendment Act, 1992. Without providing opportunity to a woman they become just a part of election process. After the election nobody cares about them. As per the provisions of the Constitution, reservation is being provided in the seats of members and offices of Chairpersons of PRIs at all three levels for persons belonging to the categories of the Scheduled Castes, Scheduled Tribes and women. However reservation is also provided to the persons belonging to the category of Other Backward Classes in the offices of Pradhans of Gram Panchayats, members and Chairman of Panchayat Samitis and Zila Parishads. All the offices of Chairpersons of PRIs in Schedule-V Tribal areas have been reserved to the Scheduled Tribes as per the requirement of the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 read with 97-D of Himachal Pradesh Panchayati Raj Act, 1994. Reservation made during the existing term of Panchayats is as shown in Table 2.

Table Interpretation

From Table 2 it is found that the total number of PRIs in Himachal

TABLE 2

<i>No. of seats</i>	<i>Seats reserved for SC women</i>	<i>Seats reserved for ST women</i>	<i>Seats reserved for backward women</i>	<i>Seats reserved for general women</i>	<i>Total Seats reserved for women</i>	<i>%age of reserved seats for women</i>
Pradhan Gram Panchayat						
3243	421	104	127	987	1639	50.54
Member Gram Panchayat						
19413	3412	622	0	7283	11317	58.30
Chairman Panchayat Samiti						
77	13	4	5	20	42	54.55
Member Panchayat Samiti						
1682	226	56	67	514	863	51.31
Chairman Zila Parishad						
12	2	1	1	2	6	50.00
Member Zila Parishad						
251	34	11	10	73	128	51.00

Pradesh at all the six levels where the reservation for women is 24678 among which 13995 seats are reserved for different category of women which consist 56.71 per cent of the total seats. It shows that more than half of the Panchayat representatives are women in Himachal Pradesh Panchayati Raj Institutions. Besides this women also elected on 32 seats of Gram Panchayat Pradhans, 20 seats of Up-Pradhans, 352 seats of Panchayat Members, three seats of Panchayat Samitis Chairman, 11 seats of Vice-Chairman, 25 seats of Panchayat Samiti Members, two seats of Zila Parishad Chairman, two seats of Vice-Chairman and four Zila Parishad Members on un-reserved seats in Himachal Pradesh.

Problems to Women in Panchayati Raj Institutions

Negative and positive aspects of a plan or programme are natural things. But in this sensitive issue like women empowerment it is very important to find out the problems and also find out the solutions and suggestions to solve the problems. There are several problems in the way of women representatives in PRIs. It seems that it is injustice with the women until we are not able to solve such problems. Some of the main problems identified during the study are:

- (i) Political intervention in the functioning of Panchayats.
- (ii) Women act as proxies for men.
- (iii) Husband's intervention of elected woman in her functioning.
- (iv) Lack of political awareness among the women in rural areas.
- (v) Negative public opinion regarding women's leadership capacity.
- (vi) Illiteracy or low standard of education among the women in rural areas.
- (vii) Lack of training courses especially for women representatives in Himachal Pradesh.
- (viii) Dominance of elected male members of the Panchayat.

Suggestions to Increase the Participation of Women's in PRIs

Following are the suggestions found during the study to increase the participation of the women in PRIs:

- (i) It is seen that most of the time the political parties intervene in the functioning of Panchayats. They even intervene in the election process directly. It creates uncomfot for the women contestants and women representatives. The government should take a strict action in such an intervention of political parties and elections should be conducted fairly.
- (ii) Most women are elected because of the status of their husbands, fathers or sons and that such women often act as proxies for men's view at the councils being advised by their men relatives. It shows that women representatives are unable to perform their

duties. We should change our negative mentality and government should also organise camps to restrict male members from intervening in their independent functioning.

- (iii) It has been mostly found that the husband of an elected woman representative always intervenes in her day-to-day functioning. The intervention is not only in small matters but he also intervenes in her decision-making matters which is a big drawback in the women's participation.
- (iv) In rural areas political awareness among the women is negligible. It is the duty of the state government and local administration to educate the women about the political issues and create awareness among them. The government should organise awareness camps in rural areas with the help of local administration from time-to-time.
- (v) The feudal thinking in our society is a big problem for our society as well as in the path of women representatives of the PRIs. Most of the people of our society have a negative opinion about the women's leadership capacity. But it is wrong. Here is a question of our mentality.
- (vi) According to 2011 Census Himachal Pradesh consists of 6,856,509 total number of population among which 3,382,617 consists female population. It is 49.33 per cent of the total population. 89.96 per cent population of the state lives in rural areas and only 10.04 per cent of the total population lives in urban areas. It shows that the government should do extra efforts for rural areas of the state. The education facilities in the rural areas are not so good to achieve the education easily. So the education standard of the women is also not so good. It causes lack of awareness among the women about their rights.
- (vii) Special training and refresher courses for women representatives should be conducted from time-to-time. It gives them confidence and creates political awareness and power.
- (viii) Reservation for women in a Panchayat is limited to only one or two seats. The other elected male members dominate them easily. It is mostly found that the male members dominate even head women members also. There should be more numbers in reservation in a single Panchayat. It shows majority of women representatives in the Panchayat during meeting or decision-making.
- (ix) Government should make special provisions for the women representatives and give them more powers as compared to male

counterparts and educate them about their powers. It helps them to work efficiently and effectively. The government should also make efforts to make the women realise about their powers, functions and leadership capacities through various programmes.

- (x) There should be a provision to give honour to the women members. Special financial rewards/incentives should be given to the Panchayats in which there are more women members elected unopposed.

CONCLUSION

With the establishment of PRIs in our country a woman gets an opportunity to prove her worth as a good administrator, decision-maker or a good leader. The 73rd Constitutional Amendment Act, 1992 is a milestone in this regard. It provides women a chance to come forward. It is up to them to make use of this opportunity. This experiment is proving to be a big success particularly by providing opportunity to women to come out of their houses and participate in administrative and political field. However, in many areas of our country this system has been captured by some elite people. The government should provide extra financial, administrative or political assistance to women for the success of the provision of the Amendment. Women constitute half of the population of our country. So it becomes necessary to encourage the women in such a largest democracy of the world. To give a proper status to the women, Government, NGOs, and Universities have to play a vital role in this field. Government should encourage the Universities to do better research in this field and find the problems in the way of implementation of different women programmes. There should be a proper check on the grassroots level for the success of any programme.

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