

GENDER MAINSTREAMING OF RURAL LOCAL GOVERNANCE FOR AN INCLUSIVE GRASS ROOT DEMOCRACY IN INDIA

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ABSTRACT

This paper while making a thorough discussion about the functioning of grass root democratic system in India as well in Odisha also highlights the gender perspective of functioning of this rural local Governing Institutions. A detail discussion on the evolutionary process of the Institution of Panchyati Raj in Odisha has been made, highlighting the content of various state Acts on Panchayat passed by the Government of Odisha from time to time. Besides , it has highlighted the pioneering and instrumental role of Govt. of Odisha in empowering women in its local self Govt. through provision of reservation which was implemented one year before the 73rd constitutional Amendment came into existence. Attempt has been made to focus on the provision of reservation for women and under privileged under the state Panchayati Raj Act. Modified state Act in tune with 73rd Amendment Act the history of women representation in local governance in the state of Odisha and their present status in rural local governance of the state. The paper has thoroughly discussed the gender mainstreaming initiative in rural local governance by Government of India under the 73rd constitutional amendment and women's participation at grass roots level for a inclusive democracy. "It seeks responses on various issues pertaining the affirmative action to transacted into reality "

KEYWORDS: *Local Self Government Women empowerment, Gender inequality, grass root democracy, Democratic decentralisation, Proxy representation, Power Vacume, Patriarchy.*

INTRODUCTION:

Panchayati Raj System, as an institution, has a long history in the country. Although formally not known as Panchayati Raj System but the elements of Panchayati Raj System, did exist in the ancient period. In Vedic age

the village was looked after by a person who is known as ‘Gramini’, during Maurya’s and Gupta’s period references are found of a village and district respectively. During Mughal administration, Panchayats used to perform work relating to social and economic development. However, local self government in its modern form is essentially creation of British Raj in India. The first attempt was made by the British colonial government to establish local self government in 1800, when a district local fund was created consisting and cess of one anna in a rupee, of land revenue, toll and ferry charges and cattle pond receipts. The district local fund committee was empowered to incur expenditure on local works and education. The true spirit of local government can be traced to Lord Mayo’s resolution of 1870 which proposed a sharing of revenue with the provinces. After independence India has been attempting rural development through various public policies and institutional structures. Local Governing Institutions have been considered as most important instruments of rural development.

HISTORICAL BACKGROUND:

Panchayat, the rural Government the institution of direct democracy in India is not a new concept; it is as old as its civilization. The institution of Paychayat is very much prevailing in the ancient India right from the Vedic ages. The practice of local governance is evident in the fair mention of different scriptures such as Rig Veda, Aitareya Brahman, Partin’s Astadhyai, Kautily’s Arthashastra, Inscriptions on Ashokan Pillars and the writing of Buddhist and Jain scholar. All these literatures categorically points out that in the ancient India the republic functioned through the active participation of representative in Janapadas (Regional Bodies). Paura sabhas (City councils) and Gram Sabhas (Village Assemblies). People’s participation in the affairs of the Republic was found to be voluntary and spontaneous, where the participants have deep sense of reverence and honour towards the decision of the local government taken by a majority of votes. This speaks of voluminously about the presence and importance of village Panchayat as the basic unit of self government in ancient India.

This period witness the golden era in the history of local self government in India. Thereafter, in course of time the institution of local self govt., had under gone a decay and its decline squarely resulted due to confronting and conflicting socio economic and political factors. Here, it is notable that, such traditional, conception of Panchayat had no place for women, even in subsequent phases, Women in India were not allowed any membership in the traditional conception of “Panchayat” practiced during the medieval period.

During the British Rule in India, the Institution of local self government did not make much progress. In pre-independence period, rural governing institutions were not really democratic as they were concealed forms of social prejudice, oppression and exploitation that were firmly rooted in local power structures. It was only during

the post independent period, the institution of Panchayat received institutional frame work facilitating people's participation in grass root democracy. So, the idea of local govt. as envisioned by Gandhiji emphasized" If there is any meaning of Home Rule for the people of India. Gram Panchayats will have to be given the status of a prime institution". So, the vision of Gandhiji on Panchayati Raj had the acclamation in the new constitution of India. This generated debate in constitute Assembly and the provision for local self government was incorporated in Article-40(1) of the new constitution and place in the non-justiciable part of the constitution under the Directive Principles of state policy.

In the post independent India the institution of panchayat gained importance with the launching of Community development programme in the year 1952. To bring sustainable development for the rural poor, while the Government of India initiated various development and welfare programmes in general did undertake a series of women supporting programmes" to empower rural women. Again the Institution of Panchayat Raj in India got wider acclamation in Balwantri Mehta Committee Report (1957), which for the first time recommended for an organically democratic body at the village block and district levels. After careful observation, the committee recommended a three tier structure of Panchayati Raj consisting of local self governing bodies from village to district level, with an organic link from the lower to the higher ones to execute rural development programmes through people's participation.

The committee, however, recommended for democratic decentralization as a way of achieving comprehensive community development programme, one of the important dimensions of the Balwantrai Mehta committee is its gender sensitive approach, recommending for the provision of co-opting two women. The Govt. programme were directed towards welfare of women & child recommended selection of two members in all the three tiers after the elections are over. The selection of two members to the three tier bodies were made on the basis of women having interest in taking activities relating to welfare of women and children. This was the first occasion in the annals of the history of India where women got an opportunity to play an important role in Panchayati Raj system. Two decades later, the Ashok Mehta Committee Report (1977) on Panchayati Raj Institutions made far-reaching recommendations for the revival of Panchayats, which inspired at least a few states notably, Karnataka, Kerala and West Bengal to restructure their institutions of local government. The committee in its report remarked that " it has many achievements to its credit the fact of the matter is that the PRIs have not been given a chance to serve as the " vanguard of development " in village India", the PRIs have to be so design that they can become effective channels of people 's participation in growth , economic, social and political affairs. This committee also ensured 'women's participation in local bodies as token representation'- If no women were elected two women with highest number of votes in Zilla Panchayat elections should become members. The

Committee further recommended in a situation where no women member contested elections two women might be co-opted. At the national level, the initiative to give Constitutional status to Panchayati Raj was attempted by the Rajiv Gandhi government in 1989. Eventually, in 1993 Panchayati Raj was incorporated into the constitution by the 73rd constitution Amendment which provided sufficient ground for gender mainstreaming of rural local self governing institution.

Prior to the passage of the 73rd constitutional amendment, the suggestion for strengthening women's representation was only faintly articulated in the mainstream history of Panchayati Raj. In relation to this mainstream history, the question of women's representation in Panchayats has evolved in a distinct, even parallel, trajectory. The makers of Panchayati Raj system desired that rural women should not only become beneficiaries of development, but more importantly contribute to it, length and felt that they should be assisted to find ways to increase their incomes. The Balwantrai Mehta committee considered the conditions of the rural men and improve the conditions of their children. The committee also opined that a separate staff to be appointed, which should include women social Extension officers and Gram Sevikas is very much needed for carrying out the phased welfare programmes. Meant for women, observing the importance of women representation in the existing Panchayat bodies, the committee, felt the necessity of their representation, for which it recommended the co-operation of women members to the Panchayati Raj Institution. The Balwantrai Mehta Committee report had suggested that the 20 member Panchayat Samiti should co-opt or nominate two women, interested in work among women and children. The Maharashtra Zilla Parishad and Panchayat Samiti Act, of 1961 followed this recommendation, providing for the nomination of one or two women to each of the three bodies. If no women candidate was otherwise elected in 1978, of 320 women representatives on the Panchayat Samities and Zilla Parishads in Maharashtra only six were elected demonstrating- if any evidence were the required- that the provision of cooption or nomination was little more than an opportunity for patronage and, at best, an expression of tokenism (5) Hariyana, Panjab & Rajasthan used such provision fitfully and convenience with broadly similar results. The Andhra Pradesh Gram Panchayat Act 1964 effectively provided for reservation of between 22 & 25 percent for women.

The next major land mark in the history of Panchayati Raj in India was the Ashok Mehta committee report of 1978. (6) Between Balwantrai Mehta & Ashok Mehta committee report. The Committee for the status of women in India. In its famous report towards equality (1974). Argued forcefully that the rural women's needs and perspectives had never been given sufficient weightage in plans & development policies of the Government of the India. The Report recognised that co-operation and nomination were underwritten by the assumption that women were incapable of contesting elections. And would not permit the questioning much less transformation, of

power equations in rural society. If there for, recommended the setting –up of statutory women’s Panchayats and the local level which would have strongly links with the Panchayati Raj Institutions. (7) It as well as possess some resource to manage and administer welfare and development programmes for women and children. On the question of reservation for women in legislative bodies, however the committee was divided. The majority of opinion was that reservations were retrograde step from the equality conferred by the constitution, but the note the dissent (Signed by two members, Vina Majumdar and Latika Sarkar) recognized the importance of reservations as an instrument of empowerment.

The Ashok Mehta committee was more of a public policy appraisal of not only or rural government institution but also comprehensive rural development itself.

This committee laid special emphasis on the need to recognize and strengthen women’s constructive decision making and managerial roles. The committee categorically stated that the introduction of Panchayati Raj has added an important dimension to the role of rural women and that the importance has been brought to the forefront. It felt that rural women should have full access to development resources and service and pointed out that the motivational and promotional role of Panchayati Raj will be crucial in this area. The Ashok Mehta Committee Report (1978) emphasized the importance of Panchayati Raj institution to local development planning, on account of both the democratic imperative of decentralizing power, as well as the efficiency imperative of system, in which two women who polled the highest number of votes in the Panchayat election would , even if they failed to actually get elected, stand co-opted . (9) The importance of constitutional status to the PRIs subsequently came up in the recommendations of several official committees reviewing rural development and poverty alleviation programmers (e.g. the GV.K.Rao Committee, 1958, ; the L.M.Sanghvi committee,1986). The Sarkaria Commission on centre-state relations also noted that Panchayats were not functioning effectively as elections to them were not regularly held, and they were constantly being superseded on flimsy ground. But the issue of the representation of women and their participation in local level instructions only came up again in the parallel stream with the National perspective Plan for Women (1988) recommending 30 percent reservation for women . (10) In these bodies . The same recommendation was also made in the unsuccessful 64th constitutional amendment bill of 1989.

But it was only finally in 1992 that a redesigned three system of Panchayati Raj- along with the provisions for women’s reservation in Panchayat bodies at every level was incorporated into the Constitution by Amendment, and subsequently ratified by the states.

Meanwhile, some states had already proceeded to provide reservations for women in 1985, Karnataka introduced 25 percent reservation for women in the Mandal Praja Parishads, with a further reservation for women belonging to the SCs and STs, Andhra Pradesh, too had in 1986 provided for reservation of 22-25 percent for the Gram Panchayat, with two women to be co-opted (11) In the Panchayat samitis, in addition to the elected women members. Surprisingly, West Bengal – one of that introduced a new Panchayati Raj system in 1978 and held elections at regular intervals- did not make any effort to encourage the participation or even visibility, of women.

The enactment of the 73rd Amendment to the constitution in 1992 was stimulated by the disappointment over the failure of development programmes, and the perception that these would be able to perform better with local participation that could help identify local needs as well as deserving beneficiaries.

A wide chasm separated the largest body of the electorate from a small number of elected representatives. This gap has been occupied by the power brokers, middlemen and vested interests with the passage of this bill, the Panchayats would emerge as a firm building block of administration and development as an instrument in the consolidation of democracy at the grass roots.

The 73rd Constitutional Amendment and gender mainstreaming the progressive social legislation for an inclusive rural Local Governance.

The thinking that produced the Amendment was not a response to pressure from the grassroots, but was a response to an increasing recognition that the institutional initiatives of the preceding decade has not delivered, that the extent of rural poverty was still much too large and thus the existing structure of government needed to be reformed. It is interesting to note that this thinking evolved from the centre and the state government. It was a political drive to see PRIs as a solution to the governmental crisis that India was experiencing.

The constitutional (Seventy-third amendment) Act, passed in 1992 by the Narasimha Rao government, came into force on 24th April 1993. It was meant to provide constitutional sanction to establish “democracy at the grass roots level as it is at the state level of National level” The main features of the Act are as follows.

- The Gram Sabha or village assembly as a deliberative body to decentralize governance has been envisaged as the foundation of the Panchayati Raj system.
- A uniform three tier structure of Panchayats at village (Gram Panchayat-GP), intermediate (Panchayat Samiti-PS) and District (Zilla Parishad-ZP) levels.

- All the seats in a Panchayat at every level are to be filled by elections from respective territorial constituencies.
- Not less than one third of total seats of membership as well as office of chair persons of each tier have to be reserved for women.
- Reservation for weaker castes and tribes (SCs and STs –Dalits) has to be provided at all levels in proportion to their population in the Panchayats.
- To supervise, direct and control the regular and smooth elections to Panchayats, a State Election commission has to be constituted in every State and U.T.
- The Act has ensured constitution of a state Finance Commission in every State / UT for every five years, to suggest measures to strengthen finances of PRIs.
- To promote bottom –up-planning, the District Planning Committee (DPC) in every district has been accorded constitutional status.
- An indicative list of 29 items has been given in Eleventh Schedule of the constitution . Panchayats are expected to play an effective role in planning and implementation of works related to these 29 items.

These are about 3 million elected representatives at all levels of the Panchayat. These members represent more than 2.4 lakhs Gram Panchayats about 6,000 intermediate level tiers and than 500 district panchayats . The new panchayats cover length and breadth of the country covering about 96 percent of India's more than 5.8 lakh villages and nearly 99.6 percent of rural population. This is the largest experiment in decentralization of governance in the history of humanity.

However, most of the financial powers and authorities to be endowed on the Panchayat bodies.

Left at the discretion of concerned State legislature. Consequently, the power and functions vested in PRIs vary from State to State. These provisions combine representative and direct democracy into a synergy and are expected to result in an extension and deepening of democracy in India. Hence, the journey of Panchayats from an institution within the culture of India attained a constitutional status in the Indian Society.

73rd amendment Act and Odisha State act on Panchayati Raj for gender sensitive rural local bodies.

In 1992, the 73rd constitutional amendment bill pertaining to the Panchayati Raj Institution was passed in the parliament. After getting ratification from more than half of the State Legislatures in the stipulated six months time, it received the assent from the President of India and was enacted as the seventy-third constitutional amendment act 1992 on 24th April 1993 as a follow up, the States were to modify the respective state. Act in

accordance with the provisions of the 73rd Constitution Amendment act (CAS) within two years. To conform with the provisions of the 73rd Amendment of 1992, Odisha amended its 1991 act with effect from 1st November 1993, while the new Act for the Gram Panchayats and Panchayat Samities came into force from 18th April of the following year.

Salient features of the Odisha Gram Panchayats act 1993.

- Direct election of the Sarpanch and members to all the three-tier.
- Indirect election for President, Vice President of Zilla Parishad, Chairman, Vice Chairman of Panchayat Samitis and Naib Sarpanch of Gram Panchayat by members elected to the respective tiers.
- 33% reservation of seats for women in all the three tiers and proportionately for SC, ST and general category of Population.
- Even the offices of the Chairpersons are reserved for SC/ST and Women.
- If the Sarpanch elected / nominated of a GP is not a woman, the office of the Naib Sarpanch will go to women and the same procedure is followed for the Chairman and Vice Chairman of PS and President and Vice- President of ZP.
- Rotation of the reserved seats and offices to different territorial constituencies of different Panchayats and reservation of seats in all three tiers for the representation of SC, ST people proportionately on their population.
- State Election commission will be constituted to conduct free and fair elections for Panchayati Raj functionaries. The term of all the PRI would be for 5 years and the new panchayat to be in office only for the remaining period of the five years term.
- Election for a dissolved Panchayat to be held within a period of six months of dissolution and the new panchayats to be in office only for .
- Power to GPs to impose tax and to ensure 100% collection of revenue on the items specified are collected.
- Power to GPs to impose tax and to ensure that 100% collection of revenue on the items specified are collected.
- For the audit of Panchayati Raj accounts the Act says that the state machinery will audit the PRIs accounts periodically planning.
- Gram Sabha (consisting of the entire electorate of the GP to prepare and approve development plans for the GP.

Women's political participation and leadership in Rural local governance of Odisha: Some Reflection.

Women acquired a greater opportunity in participating in local politics of Odisha especially after the introduction of 73rd and 74th constitutional amendment. The 73rd constitutional amendment granted enhanced participation of women in the rural local governing institutions, however government of Odisha adopted some important provisions such as reservation for women, SC, ST in its existing Panchayati Raj Act. One of the most unique features of political Change in Odisha is reservation. Odisha had been the first state in reserving one third of the seats in Panchayati system; however several states had increased the women quota in Panchayati Raj system before it is done by Odisha. In 1997 the state implemented 33% reservation of seats for women in PRIs. An analytical overview of the existing literature on the working of the Panchayati Raj Institutions over the past one decade and role played by women revealed two contrasting results. One shows that Women in the PRIs are mere proxies who act at the order of their husbands or other male members of the family. However, the second indicates that these women are first generation learners who have been gradually becoming more and more aware of their political rights and many have slowly started to make difference in grassroot politics. The most important impediment in the way of real political empowerment of women through Panchayati Raj occurs at the first stage i.e. of the filling of the nomination for candidature. Most women file their candidature for elections to PRIs not out of their own will, but due to the pressure of their husbands, sons or other male members of the family or the village or due to the pressure of some political party. However, studies have shed light on the fact that after coming into leadership positions, some women have challenged their roles as care givers by entering the public domain and have even gained new prestige and have become role models for other women. In addition, there is a hope for women in Odisha after the state government will implement 50% reservation for women in PRIs.

A year before the 73rd Amendment Act was passed in Indian parliament the Govt. of Odisha in advance to give opportunities to women by making reservations of one third seats for them and women belonging to scheduled castes and scheduled tribes out of total seats. It also adds to the credit of Biju Babu that after a long gap he conducted Panchayat elections in Odisha in the year 1992. For the first time in the history of independent India, women were given 30% reservation in the three tier PRIs in Odisha prior to the implementation of 73rd Amendment Act in 1992, the elections were held on political party symbols following the Janata Dal's decision but now these are held on non-party basis. A bold provision was made in 1990 for reserving as many as 30% of the seats for women in the Panchayats. Biju Pattnayak an ardent supporter of women participation strongly advocated for inclusion of women in the rural local governance system. Further to make their

participation effective be emphatically emphasized on the political and administrative training and amendment came into force. Then the Odisha Panchayat Samiti (constitutional Standing Committee) rules 1993.

In 1993, there were 4,286 General Sarpanches, 248 SC Sarpanches, 714 ST Sarpanches and fourteen women Sarpanches in the State. In 1997 elections out of 5261 Sarpanches, 475 belonged to SC, 396 SC women, 795 ST, 795 ST women, 887 seats were reserved for General women and 2199 seats reserved of un-reserves category. In 2002 elections, 2213 women (inclusive of SC & ST) have been elected as Sarpanch.

It gives the representation of the total as well as the women members in the rural local bodies of Odisha in the 2007 PRI elections. The three tier local governance comprises of Sarpanchs and Ward members, Panchayat Samiti Chairpersons and member and Zilla Parishad President and members. Total women in all the three tiers are 36086 (35.78%) out of a total 100862 elected member in the 2007 elections.

CONCLUSION:

The affirmative action has brought enhanced participation of women in the rural local governance system which in turn enriched gender equality through empowerment, self confidence, political awareness and affirmation of identity. However in Odisha an objective assessment of various studies have revealed that the husbands attend the Panchayat meetings and take all the decisions and call them as “Active members” of the Panchayats. This scenario of Panchayati Raj virtually turning to “Patiraj” has defeated the very objective of the progressive social legislation. The real gender mainstreaming of rural local bodies will be possible only when women participation will be genuine through various capacity building measures such as making them informed, confident and proceed with their developmental plans with such ease and assertion, exposure visit, imparting training, increasing their level of awareness through education etc. The real gender mainstreaming will be possible only when their voices can be heard clearly & they are allowed to speak with conviction. While entry of women in to political arena through the process of reservation, has provided them opportunities to reclaim their fundamental rights but the complex social environment based on class, caste and gender hierarchies has stood as a barricade arresting their Vertical movement in the corridor of local political power structure.

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