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Women empowerment in Panchayathi Raj System: Uttar Pradesh

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Abstract

Panchayathi Raj is not a new phenomenon in the country. Its mention in history goes back to more than 1000 years. Panchayathi Raj Institutions have always been considered as means of good governance and the 73rd Constitutional Amendment has been affected with the hope that it will lead to better governance and provide political space to the disadvantaged sections of the society like Schedule Castes, Schedule Tribes and women.

Women's participation in mainstream political activity has important implications for the broader context of governance in any country. Reservation policy for women in the Panchayats can be an important instrumental measure for achieving improvement in their socio-economic status and empowering them.

If reservations for women in Panchayathi Raj Institutions are to lead to their empowerment in real terms, social, economic and political conditions which facilitate and encourage their participation need to be created in India, Article 40 of the Indian Constitution lays down that the state shall take steps to organize village Panchayats.

The 73rd and 74th amendment Acts are important milestones in Indian history according to which 33 percent seats are reserved for women at the Panchayat and Municipal levels.

This paper is an attempt to understand women Empowerment in Panchayat level and how far it leads the way to their participation in Panchayathi Raj Institutions. Also, this paper discusses Reservation Policy, Constitutional provisions for women empowerment and The Constitution (73rd Amendment) Act, 1993, and Panchayathi Raj Extension to Scheduled Areas (PESA). Importance of Women Participation, changing status of women in India, and National Policy for the empowerment of the women has been highlighted in discussion.

Keywords: Women Empowerment of Panchayathi Raj Institutions, PESA and 73rd Amendment Act.

1. Introduction

"Democracy, the form of government adopted in India, proclaims participation of all people in the decision making process. However, it has been seen that though women constitute about half of the population they are not adequately represented in different institutions of the political system. Therefore, the empowerment approach has been followed to provide opportunity to women for taking part in the political process of the country.

"Women empowerment is the most used and discussed term today. The empowerment of women is becoming an increasingly popular term in human rights in 1959, on Mahatma Gandhi's birth anniversary on 2 October, the first Prime Minister of India, Pundit Jawaharlal Nehru formally launched the new system of Panchayathi Raj at Degana village in Nagaur district of Rajasthan. At the same time, a Panchayat was created in Andhra Pradesh as well. In 1959, Nehru led Congress Party had an overwhelming majority at the union and was ruling in all states. Hence, appropriate legal provisions for Panchayats were made all across rural India [1]."

Objective of the Study

The objective of this paper is to understand the women Empowerment in Panchayat level Participation and how far these lead the way to their involvement in Panchayathi Raj Institutions.

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Methodology

The present paper is based on the secondary data collected from secondary sources in the form of published literature on the subject. The various sources include reports on women empowerment, and research papers found in Economic Political Weekly, publications by Ministry of Panchayathi Raj, and materials found in websites related to 73rd Amendment in Panchayathi Raj Institutions.

The concept of empowerment of women

“As per the Universal Declaration of Human Rights Women’s equality in power sharing and active participation in decision making, including decision making in political process at all levels will be ensured for the achievements of the goals of Empowerment. Empowerment of women is a critical issue that is being debated all over the world. This concept has its root in the women’s movement throughout the world and particularly by the Third world feminists it is since the mid-1980s that this term became popular in the field of development, especially with reference to women. Empowerment as a concept was introduced at the International Women’s in 1985 at Nairobi. In the present study women empowerment is presented as a concept that includes political level spheres of women’s lives [2]”

“By the beginning of 1990s, the term ‘empowerment’ had entered the development discourse and was widely used with reference to women and gender equality. Development agencies (multilateral and bilateral) started using the term to replace the earlier terminology of ‘people’s participation’ and ‘women’s development.’ The World Conference at Beijing (1995) played a critical role in introducing the term to national governments for whom it soon became an attractive catch phrase [3]”

Empowerment of women in India

“The government of India has ratified various international conventions and human rights instruments committing to secure equal rights to women. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women, the Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the platform for Action (1995) and other such instruments.”

‘The National Policy for the empowerment of women.’ For the beneficiaries of the women, the government has been adopted different schemes and programs i.e. the National Credit Fund for Women (1993), Food and Nutrition Board (FNB), Information and Mass Education (IME) etc. The most positive development last few years has been the growing involvement of women in the Panchayati Raj institutions.’

‘There are many elected women representatives at the village council level. At the central and state levels too women are progressively making a difference. Today we have seen women chief ministers, women president, different political parties leader, well establish businessmen etc. The most notable amongst these are Mrs. Pratibha Devi Singh Patil, Sheela Dixit, Mayawati, Sonia Gandhi, Brinda Karat, Nazma Heptulla, Indira Nuyee (pepsi-co), BJP leader Sushma Swaraj, Mamta Banerji, ‘Narmada Basao’ leader Medha Patkar, Indian Iron Woman, EX-prime minister Indira Gandhi etc.’

“Women are also involving in human development issues of child rearing, education, health, and gender parity. Many of them have gone into the making and marketing of a range of

cottage products-pickles, tailoring, embroidery etc. The economic empowerment of women is being regarded these days as a sine-quo-non of progress for a country; hence, the issue of economic empowerment of women is of paramount importance to political thinkers, social thinkers and reformers”⁴

Some of the important Acts, passed in India which deal with various rights of women and help to create a congenial environment for them in different regards, are mentioned below:

1. The Hindu Marriage Validity Act, 1949.
2. The Special Marriage Act, 1954.
3. The Hindu Marriage Act, 1955 (amended in 1986 and 2010).
4. The Hindu Succession Act, 1956.
5. Immoral Traffic (Prevention) Act, 1956.
6. The Sati Prevention Act, 1987.
7. The Dowry Prohibition Act, 1961.
8. Indecent Representation of Women (Prohibition) Act, 1986.
9. Prohibition of Child Marriage Act, 2007.
10. Protection of Women from Domestic Violence Act, 2005.
11. Compulsory Registration of Marriage Act, 2006 [5].

Women Participation in Panchayati Raj Institutions and Democracy

“Women’s participation in mainstream political activity has important implications for the broader arena of governance in any country. Direct political participation of women in local governance is a central human right in itself and enables the realization of a host of other human rights. Political voice and decision-making power concerning basic services, economic development and social justice are critical factors in challenging and transforming structural caste-class-gender discrimination, and enabling women to realize their fundamental rights.

Political participation also demands accountability from state and non-state actors to guarantee and respect these women’s equal political voice and development. This requires a transformation of power relationships both within institutions of governance and in the women’s social environment [6]”

“Political system and decision making process in the activities of rural area. Under the 73rd amendment of constitution of Panchayati Raj Institution, one third of the total seats for scheduled caste, backward class, scheduled tribes and general caste women members in Grampradhan of village Panchayat, Block Panchayat, District Panchayat are reserved for women candidate. The objective of bringing improvement in the socio-economic condition of women could be successful only by taking suitable initiatives and measures for empowering them. Empowerment of women will not be possible unless they are provided proper representation in the political system [7].

Women and Democracy

“Women have always had a strong stake in democracy. Democracy requires that citizens’ interests be heard, deliberated and legislated on. Women are half of the world’s population, and as such their voice should be heard in the democratic process. Democracy needs women in order to be truly democratic, and women need democracy if they are to change the systems and laws that preclude them, and preclude societies as a whole, from attaining equality. It is

through democratic representation that women's interests can be represented and their voices heard. Article 7 in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) reiterates the importance of women's representation in the political life of their countries ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(B) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government^[8]”

“The Panchayati Raj Institutions (PRIs) had been set up in 1959 for the democratic decentralization of development administration. The women could get only insignificant representation in these as they had been denied reservations in these bodies. Only the provision for the cooption had been made. The 73rd Constitutional Amendment in 1992 gave them not less than one-third reservations in the PRIs at all the levels. This has been enhanced to 50 percent in some of the states. However, some studies on the impact of this Amendment have pointed out that this has enhanced their representation but has not provided genuine empowerment to them^[9]”

“Like many other countries, India has imposed electoral quotas to improve the political empowerment of women and racial-ethnic minorities – that is, it has a political system that requires women to be elected to certain leadership positions^[10]”

“The International Women's Democracy Center was established to strengthen women's global leadership through training, education, networking and research in all facets of democracy with a particular focus on increasing the participation of women in policy, politics and decision-making within their own governments^[11]”

Political Empowerment

“Empowerment of women in all spheres and in particular the political sphere is crucial for their advancement and for the foundation of gender equal society. It is central to the goals of equality, development and peace. The Indian democracy which is more than half a century old has entered the next century. But a large mass of women are kept out of political arena still. There can be no true democracy, or no true people's participation in governance and development without equal participation of men and women at different levels of decision making. Participation of women in political life is integral to the advancement of women^[12]”

Reservation Policy

“For the last three years the success story of women's political representation could well be scripted in India's rural hinterland. In April 1993, the Government of India passed the, the Constitutional (73rd Amendment) Act mandating that there should be at 33 per cent reservation for women in panchayati raj institutions (PRIs). In 2009, the Union Cabinet of the Government of India approved 50 per cent reservation for women in PRIs. Today there are nearly 1.5 million women in these bodies. It is against this background and in order to mark 20 years of this journey, that Women's Feature Service (WFS) puts forward its proposal, '20 Years Of Empowerment: Women and Panchayati Raj In India'. This series will trace the evolution of Women's Representation in Panchayati Raj over the last two decades, highlight the

challenges and triumphs of this process of representation, and report on present best practices on the ground in terms of women's empowerment^[13]”

“The reservations have strengthened the feeling of women empowerment is believed that planning initiatives for achieving the goal of increasing participation of women through the recently introduced Panchayati Raj Institution could be an important measure for empowering women and bringing desirable improvement in their socio-economic and political status.

‘Reservation policy for women in the Panchayat could be an important instrumental measure of achieving improvement in the socio-economic status and strengthening the empowerment of women in merit division. However, the motive of policy introduction an empowerment women would mainly depend upon its implementing process, socio-economic and political background and characteristics of elected women representatives in the village Panchayats^[14]”

Constitutional provisions

“The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favors of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them”.

“Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard”.

Constitutional Privileges

i. ‘Equality before law for women (Article 14), ii. The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 -i) iii. The State to make any special provision in favor of women and children (Article 15 -3), iv. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article -16)’ v. ‘The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a), and equal pay for equal work for both men and women (Article 39 (d), the state to make provision for securing just and humane conditions of work and for maternity relief (article 42)’

‘The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46), The State to raise the level of nutrition and the standard of living of its people (Article 47), To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51-A (e)’

‘Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D (3), Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4)^[15]”

Panchayati raj in Uttar Pradesh

“Uttar Pradesh brought in Panchayati Raj immediately after independence through the enactment of the UP Panchayat Raj Act, 1947. Following the recommendations of Balwant Rai Mehta Committee a three-tier system of panchayats was established through the enactment of the U.P. Kshetra Samitis and Zilla Parishads Act, 1961 (now, renamed as UP Kshetra panchayats and Zilla Panchayats Adhiniyam, 1961). Following the Constitution (73rd Amendment) Act, 1992 in order to bring about conformity with the provisions of the Constitution, the Government of U.P. amended the two Acts named above, through the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994”.

“The first Village Panchayat Act in Uttar Pradesh was enacted in 1920. Village level local bodies were set up to assist in the administration of civil and criminal justice, sanitation and other common concerns. However, the Panchs of the Panchayats set up under the Act were to be appointed by the Collector of the district, ruling out any chances of democratic self-government. Immediately after Independence, Uttar Pradesh enacted the United Provinces Panchayat Raj Act 1947 (also known as Uttar Pradesh Panchayat Raj Act, 1947), which was signed by the Governor General on 7th December, 1947. Under this Act, three bodies were created – Gaon Sabha, Gaon Panchayat, and Panchayat Adalat or Nyay Panchayats. To begin with, around 35,000 Gaon Panchayats and 8,000 Nyay Panchayats started functioning for nearly 5.4 crore (the then) rural population of Uttar Pradesh.

‘Following the recommendations of Balwant Rai Mehta Committee a three-tier system of Panchayats was established through the enactment of the U.P. Kshetra Samitis and Zila Parishads Act, 1961 (later renamed as UP Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961). The three tiers (from lowest to the highest) consisted of Gaon Panchayats, Kshetra Samitis and the Zila Parishad. Kshetra Samiti was a block level body headed by a Pramukh. It included the Pradhans of constituent Gaon Sabhas and all the MPs and MLAs belonging to the area or whose constituencies fell in the area. The Kshetra Samiti was given functions in the fields of agricultural development, minor irrigation, animal husbandry, health, education and cooperatives. On the other hand, Zila Parishad was a body at the district level. During the year 1972-73, when the fourth general elections was successfully completed, there were 72834 Gaon Panchayats and 8792 Nyay Panchayats in force in Uttar Pradesh.

‘The Sixth general elections were successfully completed in year 1988 and a 30% reservation for the women representative was given during the same year. Following the 73rd Constitutional Amendment) Act, 1992 by the Government of India, the Government of Uttar Pradesh also amended the UP Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961 to bring about conformity with the provisions of the Constitution through the Uttar Pradesh Panchayat Laws (Amendment) Act, 1994. As on March 31st, 2012, there were 51974 Gram Panchayats, 821 Kshetra Panchayats, and 72 Zila Panchayats established in Uttar Pradesh. Increasing presence of elected women representatives to the Panchayati Raj Institutions at various levels has certainly raised hope for women empowerment in Uttar Pradesh. The 2010 Panchayat elections have resulted in a phenomenally large number of women elected leaders, much beyond the reserved one-third seats [16]”

Status of Panchayati Raj State Profile – Uttar Pradesh

Table 1: Three Level of Panchayats in Uttar Pradesh

Levels of Panchayat	Used of Name
District Panchayat	Zilla Panchayat
Intermediate Panchayat	Kshetra Panchayat
Village Panchayat	Gaon Panchayat

Source: http://www.nrddp.org/file_upload/Status%20of%20Panchayati%20Raj,%20Uttar%20Pradesh.pdf [17]

Table 2: Number of Panchayats at each Level

District Panchayat	70
Intermediate Panchayat	820
Village Panchayat	52000
Total	52890

Source: State Govt. of UP [18]

Table 3: The Details of number of elected Panchayat Representatives at each level after the conduct of elections in July 2005 is as follows:

District Panchayat	2701
Intermediate Panchayat	65834
Village Panchayat	706637
Total	775172

Source: State Govt. of UP

Number of Elected Representatives in PRI as of Sept 2006 Category-wise number of elected representatives

Panchayat	No of Total Post	General	SC	ST	Total	Women
Gram Panchayat	706637	527779 (75.04)	174842 (24.46)	676 (0.10)	703294	273229 (38.85)
Kshetra Panchayat	65834	49164 (74.87)	16453 (25.05)	52 (0.08)	65669	24674 (37.57)
Zilla Panchayat	2701	2041 (75.65)	655 (24.28)	2 (0.07)	2698	1122 (41.59)

Source: State Govt. of UP

Table: Year wise Allocation of funds by SFCs (Rs in Crores)

Year	GP	KP	ZP	Toatl
2000-01	300.29	0.00	69.71	370.00
2001-02	317.64	0.00	64.34	382.00
2002-03	319.53	0.00	73.47	393.00
2003-04	385.00	55.00	110.00	550.00
2004-05	409.50	58.50	117.00	585.00
2005-06	600.90	81.71	186.22	868.83
2006-07	822.26	117.47	234.93	1174.66
Total	3858.39	312.68	1015.03	5186.10

Source: Department of Panchayati Raj, UP [19].

Status of Women in Rural India

“Since Independence, the Government has introduced a number of path-breaking laws relating to women. Some of the important legislative measures include, among others, the Hindu Marriage Act (1955), The Hindu Succession Act (1956), Dowry Prohibition Act (1961), Medical Termination of Pregnancy Act (1971), Equal Remuneration Act (1976), Child Marriage Restraint Act (1976), Immoral Trafficking (Prevention) Act (1986), Pre-natal Diagnostic Technique (Regulation and Prevention of Measure) Act (1994), Protection of Women from Domestic Violence Act (2005), Prohibition of Child Marriage Act (2006), Protection of Children from Sexual Offences Act (2012), Sexual

Harassment of Women at Workplace – Prevention, Prohibition and Redressal Act (2013) and finally the Anti-Rape or Criminal Law (Amendment) Act (2013). Besides, various welfare measures have also been taken up by the Government from time to time to empower women.

73RD Constitutional Amendment Act, 1992

“The Amendment Bill, giving Constitutional status to the Panchayati Raj institutions, was passed by both Houses of Parliament in December 1992. It was ratified by 17 State Assemblies in 1993 and came into force as Constitution 73rd Amendment Act from the 24th April 1993. The Act provides Constitutional status to the Panchayats and gives it uniformity by making the three-tier system a permanent feature. The key features of the Act are the following:

- Panchayats shall be constituted in every State at the village, intermediate and district level. However, the States with a population not exceeding 20 lakh have been given the option to not have any intermediate level Panchayat.
- There shall be a Gram Sabha in each village exercising such powers and performing such functions at the village level as the legislature of a State may provide by law.
- Members of Panchayats at all levels will be elected through direct elections. The election of the chairperson at the intermediate and district level will be through indirect elections and the mode of election of the chairperson of the village Panchayat has been left to the respective States.
- Seats are reserved for Scheduled Caste (SCs) and Scheduled Tribes (STs) at all level according to their population at each level. Not less than one-third of seats are reserved for women and these may be allotted by rotation. The office of chairperson will also be subject to this provision.
- A uniform five-year term has been granted to the Panchayats. In case of dissolution or supersession, elections should be held within six months of the date of dissolution.
- State legislatures have the legislative power to confer on the Panchayats such powers and authority as may be necessary to enable them to function as institutions of self-governance.
- State government has the power to authorise the Panchayats to levy, collect and appropriate suitable local taxes. The Government can make grant-in-aid to the Panchayats from the consolidated fund of the concerned State.
- A State Election Commission shall be constituted to ensure free and fair elections to the Panchayats.

The 73rd Amendment was inserted in Part IX of the Constitution, containing article 243 to 243-O. Local government is an exclusive State subject under entry 5 of List II of the 7th Schedule. It was binding on the States that the implementing legislation should be undertaken within a year of the commencement of the 73rd Amendment Act [20].”

Panchayati Raj in Uttar Pradesh

“If we take the women’s participation in politics as one of the measure-ments of their emancipation, we find at present their number is very low in comparison to men in State Assemblies and Parliament. It is about 11 per cent only (26

women in upper house—Rajya Sabha consisting of 245 members and 59 women in lower house—Lok Sabha consisting of 543 members. There are only 8 women ministers out of total 75 in the government of Dr Manmohan Singh) [21].

The 73rd Constitutional Amendment and the Women’s Empowerment

“The 73rd & 74th amendment to the constitution of India in 1992 was a major step towards democratic decentralization. It has led to greater participation & empowerment of Schedule Castes, Schedule Tribes and women in PRIs in the country. The reservation of seats in the 1993-94 election has brought in about eight lakhs women into political process in large numbers. Panchayat Raj Institutions have ushered in qualitative changes in the process of governance’s” [22]

“Panchayati Raj, 73rd Constitutional Amendment and Women If reservations for women in Panchayati raj institutions are to lead to their empowerment in real terms, social, economic and political conditions which facilitate and encourage their participation need to be created” [23]

“The Panchayats got a constitutional status in 1993, the Gram Shaba found place in it as the Vidhan Shaba of the village. (Women, SC, ST, OBC), got reserved seats to take part as chairpersons and members in the decision-making at the PRI level. Schedule XI, containing 29 powers, was laid down for devolution of powers to the PRIs.

The District Planning Committee was proposed for preparing the plans for economic development and social justice at the district level. With the implementation of the State Acts as per the 73rd Constitutional Amendment, a clear-cut role of the PRIs in rural development has been envisaged and the Government of India and different states are now increasingly seeking the assistance of the PRIs in implementation of various schemes and developments programmed. The government of India have invariably sought a meaningful involvement of the PRIs and carved out a specific role for them in the context of the (XI)- Schedule and the five-year plans [24].”

“The 73rd and 74th Amendments to the Constitution of India provide the legal basis for direct democracy at the local-level, both in rural and urban areas. The amendments stress the need to bring people belonging to marginalized groups into the political process by reserving seats for women and for people belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST). It is envisaged that by mandating not less than one-third of the seats for women in local government bodies, the governance process at the local government level will reflect the voices of women and the concerns and issues that confront them [25].”

“Gram Sabah to be set up- Gram sabha in the Panchayathi raj movement had suggested that the Gram sabhas should statutorily be recognized in each state by 73rd Amendment act--

Regular and timely election- the 73rd Amendment also provides that, if penchants are dissolved, election must be held within six months to all PRIs are mandatory.

Reservation for weaker sections- The Dantewala Committee in 1978 even went to the extent of saying that “Panchayati Raj Institution act as gate keepers and prevent the flow of benefits to the weaker section of the rural community” The constitution 73rd Amendment act provides

for ensuring reservation for SCs and STs to enable them to participate in decentralisation governance, planning and development.

Reservation for women- The 73rd Amendment Act requires that at least one-third of the seats in the panchayats be reserved for women both as Panchayats members and chairpersons including women belonging to SCs and STs.

Adequate financial resources- Panchayats have been starving for financial resources. Let alone undertaking development activities. They have not been able to even properly maintain community assets as sufficient funds were not being allotted by the state government. According to the committee of administration arrangement for rural development (CAARD) “the tax and non-tax income include grants realized by the Panchayathi raj institutions constituted by 4 percent of the tax and non-tax revenue of all the states and 3 percent of all states tax and non-tax revenue and capital receipts” and provision for constituting a state finance commission has been made in the central Act.

State election commission- the act provided for constitution of state election commission with the purpose of supervising. Directing and conducting free and fair election to the Panchayats.

Constitution of district planning commission- Article (243-ZD) of the constitution provides that a district planning committee will be established to consolidate the plans prepared by the Panchayats and the municipal sectors. While preparing the draft plan, it will also take into account spatial planning, physical and natural resource, Infrastructure and environment conservation. This act thus provides for a statutory body at district level for preparing the development plan for the district.

Thus, timely election to the Panchayats will give sustainability to the local governance system, reservation of weaker sections and women so as to give an adequately representative charter to these bodies, the state finance commission will devolve financial resources to them and district planning committee will prepare a consolidated plan of the district. This provision, if faithfully and effectively implemented, can give new lease of life to the PRIs in the country ^[26].”

Panchayathi Raj Extension to Scheduled Areas (PESA)— “Is a converging legislation at the intersection of Scheduled Areas administration and Local Self Government and Article (243-M) of the Constitution, while exempting the Fifth Schedule areas from Part IX of the Constitution, provides that Parliament may by law extend its provisions to the Scheduled and Tribal Areas subject to such exceptions and modifications as may be specified in such law and no such law shall be deemed to be an amendment to the Constitution. On the basis of the report of the Bhuria Committee submitted in 1995, the Parliament enacted the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) to extend Part IX of the Constitution with certain modifications and exceptions to the Scheduled V areas of 9 States viz. Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan. The Ministry of Panchayati Raj is the nodal Ministry for implementation of the provisions of PESA in the States ^[27].”

Powers of Gram Sabah in PESA Areas

“PESA promotes people-centric governance and provides a central role to the Gram Shaba. The Gram Sabah’s under PESA are deemed to be ‘competent’ to safeguard and preserve the traditions of their people, community resources and customary mode of dispute resolution.

The Gram Sabah’s further have Mandatory executive functions to approve plans of the Village Panchayats, identify beneficiaries for schemes, issue certificates of utilization of funds, Right to mandatory consultation in matters of land acquisition, resettlement and rehabilitation, and prospecting licenses mining leases for minor minerals, Power to prevent alienation of land and restore alienated land; power to regulate and restrict sale consumption of liquor; power to manage village markets, control money lending to STs; ownership of minor forest produce; power to control institutions and functionaries in all social sectors; power to control local plans and resources for such plans including TSP, etc” **Ibid**

Importance of Women Participation

“Women’s participation may be used both for support by an agency and as a control device by the law-makers. Participation may be direct or indirect, formal or informal; it may be political, social or administrative in nature.

Women’s participation in Panchayat Raj institutions may take many forms. It refers to all those activities which show the women’s involvement in the processes and administration, that is, participation in policy formulation and programme planning, implementation and evaluation of policies and programmes meant for development target groups. In developing societies the traditional definition of people’s participation often becomes irrelevant due to lack of time, initiative, and resources of the citizen who fails to show the necessary enthusiasm or cooperation towards governmental programmes meant for their benefit.

‘The state not only plays the key role in attempts at socio-economic transformation and modernization but also in promoting, what is called institutional participation. Government aid the government sought to create an institutional infrastructure to promote popular participation. Panchayat Raj and community development programmes were introduced mainly so solicit women participation in the development administration of the government.’

“The community development programme was a method of soliciting community participation to assist the government authorities in improving the social, economic and cultural life of the women in the rural areas. The impact of the various developmental policies, plans and programmes implemented by the government ^[28]”.

Reasons for the empowerment of women

“Today we have noticed different Acts and Schemes of the central government as well as state government to empower the women of India. But in India women are discriminated and marginalized at every level of the society whether it is social participation, political participation, economic participation, access to education, and also reproductive healthcare. Women are found to be economically very poor all over the India. A few women are engaged in services and other activities. So, they need economic power to stand on their own legs on par with men. Other hand, it has been observed that women are found to be less literate than men. According to 2001 census, rate of literacy among men in

India is found to be 76% whereas it is only 54% among women. Thus, increasing education among women is of very important in empowering them. It has also noticed that some of women are too weak to work. They consume less food but work more. Therefore, from the health point of view, women folk who are to be weaker are to be made stronger. Another problem is that workplace harassment of women. There are so many cases of rape, kidnapping of girl, dowry harassment, and so on. For these reasons, they require empowerment of all kinds in order to protect themselves and to secure their purity and dignity. To sum up, women empowerment cannot be possible unless women come with and help to self-empower themselves. There is a need to formulate reducing feminized poverty, promoting education of women, and prevention and elimination of violence against women [29].”

Conclusion

“Local self-governance is not a new phenomenon in the country. Its illustration in history goes back to more than 1000 years. Panchayathi Raj Institutions have always been considered as a means to good governance and 73rd Constitutional Amendment was effected in the hope that it would lead to better governance and provide political space to the disadvantaged section of the society like schedule caste, schedule tribes and women.”

“The concept of empowerment of women is of recent origin.” The word empowerment” has been given currency by UN agencies during recent years. It is increasing of self that the constitutional goal of gender equality cannot be ensured as long as women are not empowered with modern education, employment, and ability to assert their self-respect, independence and autonomy to make choices, and opportunities a participate in development activities of the nation In recent years there have been explicit moves to increase women’s political participation. The 73rd and 74th constitutional Amendments in Indian constitution have created space for women in political participation and decision making at the grass root level by providing that 1/3 of the seats in local bodies all over the country be reserved for them with this representation of women in rural local bodies has become an area to be explored largely. Women representation in local bodies is an important criterion for assessing their role in politics.”

“The significance of the 73rd Constitutional Amendment Act of 1992 is that it not only institutionalized the Panchayati Raj System, but also initiated India’s largest exercise in democratic decentralization. It unleashed the power of the grassroots to give representation to hitherto voiceless and disadvantaged sections. More than 3 million who are elected include a significant proportion of women, SCs, STs and other marginalized communities.

The Institute of Social Sciences organized a national conference to commemorate the 20th anniversary of this ‘historic’ constitutional enactment on 22 December 2012 at the Constitution Club of India, Rafi Marg, and New Delhi. It was sponsored by the Ministry of Rural Development, Government of India, UNICEF, UNDP and the Indian Council of Social Science Research (ICSSR).The proceedings began with the resounding voice of Jawaharlal Nehru from his speech at Nagar, which he delivered wild inaugurating the first “New Panchayat” in Independent India in 1959. Charter of Demands We the members of the Panchayat Raj institutions and Municipalities present at this national meet to celebrate the 20th anniversary of the Lok

Sabha passing the 73rd Amendment Bill, place before the Government of India and State Governments the following Charter of Demands:

1. All the 29 subjects along with funds and functionaries must be transferred to the Panchayati Raj institutions (PRIs); similar transfer of 18 subjects should be made for the Municipalities. For demarcating powers distributed between different tiers of PRIs the State Governments should take necessary administrative steps including “activity mapping”.
2. District Rural Development Agency (DRDA) should be merged with Zilla Parishad. There is a provision for full time Chief Executive Officer for the Zilla Parishad Panchayat, but today this is not taken seriously in many states. Therefore, we demand that each Zilla Panchayat should have a full time Chief Executive Officer”

“It has to be considered that the inclusion of well qualified women in village Panchayat at the initial state of the interlocation of Panchayati Raj Institution in rural areas would be an important instrumental measure in planning for improving social status and empowering women. This group of women, if provided representation at village Panchayat level can strongly rise in the issues related to the betterment of women, can play dominant role in decision making process and make suitable recommendation for improving the status of women in the meeting. Its creates opportunities for women to exercise more control over design and provisions of services and the management of resources it may benefit. Good number of women competing with men in local politics, forwarding gender related agendas is looked as a way towards gender equity”

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