

Women Participation in Rural Local Self - Governance System in Odisha : A Constitutional and Reservational Perspective

Dr. Benudhar Rout, N.T. Sahu

Introduction:

The actual function of Panchayati Raj Institutions (PRIs) which is otherwise known as institutions of rural local self governance is of greater significance now more than ever before. Institutions of rural local governance are considered as partners of the Central and State Governments in carrying out development functions. Article 243-G introduced by the 73rd Amendment to the Constitution empowers State Governments to vest powers and responsibilities with village Panchayats to prepare plans for their socio-economic development and ensure social justice to the people through implementation of different schemes with their active participation.

There is a continuous effort on the part of Government through policy-makers to evolve systems and mechanisms to enable institutions of rural local governance to perform and deliver their new roles more effectively and efficiently. The objectives of institutions of rural local self governance are only realized to the expected extent to which it is translated on the ground. But it can only be translated through proper participation of elected representatives of institutions of rural local self governance especially the women representatives.

In Odisha, women constitute a very little bit less than 50 per cent of the state's population. Despite some favourable traditional values and customs and emergence of powerful women personalities, the position of women is not very rosy. Their socio-economic status is, however, relatively low and they are discriminated in all walks of life. For centuries, women have been confined to home and suppressed and deprived of their rights to get a fair treatment from the male dominated society. Development of women has, therefore, been one of the major issues in Odisha. Right from independence, gender discrimination has been identified as one of the most serious and debatable issues. After independence, it was realized that potentials of a state cannot be harnessed unless women became equal partners in the development process. Indian Constitution has made special provisions to ensure women's rights. To safeguard various constitutional rights of women, the Government has enacted women-specific and women-related legislations. In addition to Constitutional provisions and socio-legal legislations, various women specific policies meant to promote their development have also been initiated. All the Five Year Plans have given importance to the development of women, with a major objective of raising their economic and social status. Following various social and

economic development programmes, the next logical step was to enhance the participation of women in the decision - making process. One of the negative consequences of slow rate of transformation in the status of women is the low level of participation in the decision making and implementation of programmes and policies meant for them. Participation, to be meaningful, should start at the grassroot level where implementation of programmes takes place. Local level governance is a means to ensure democratic functioning and participation in decision making. So, efforts to ensure the participation of women in decision making process at the local level acquire special significance.

Women Participation through Constitutional Obligations:

Rural local self governance system i.e. Panchayati Raj is one of the most important political innovations of independent India. It is a proper channel for equal and popular participation in the process of rural governance and development both by men and women. Before independence the Franchise Committee set up by the British Government discussed the Constitution of statutory village Panchayats, but did not consider the question of representation of women in PRIs on the contention that the then women did not even have the right to franchise. As a result, in the first set of Acts of the 1920s of the provinces and the princely states, women did not participate as representatives or even as voters. This is in the line with the ideologies prevalent during that point of time. In the year 1923, for the first time, the names of women appeared in the electoral rolls and in the year 1926, the first woman member was nominated to the Indian legislature. In the year 1931 women demanded for universal adult franchise but are said to have opposed against reservation, nominations or co-

options for women. In our country, the demand for women's representation at higher levels of political decision making process has been continuing till today. Way back in the year 1931, Lady Tata during the Indian National Congress Session had lamented the absence of women members in the legislative assemblies, as she felt that women members could have voiced the feelings of their sisters with greater clarity and force than men.

After independence, it was realized that India's potentials cannot be harnessed or realized unless women became equal partners in development and governance of the state affairs. Indian Constitution has made adequate provisions to ensure rights of women. Following various social and economic development programmes, the next logical step was to enhance the participation of women in the decision making process. Participation of women in PRIs has great importance, as the objective of constituting local governance is to encourage local leadership according to the developmental needs of the rural villages.

As constitutional mandate, the constitution of India guarantees equality of sexes and in fact grants special favours to women. These can be found in the different Articles of the Constitution. Article 14 states that the Government shall not deny to any person equality before law or the equal protection of laws. Article 15 declares that Government shall not discriminate against any citizen on the ground of sex. Article 15(3) makes a special provision enabling the state to make affirmative discriminations in favour of women. Above all and most importantly the Constitution imposes a fundamental duty on every citizen though Article 15(A)(3) to renounce the practices derogatory to the dignity of women. The Directive Principles of State Policy articulates the key policy

goals of the Indian welfare state. A duty is cast upon the State to provide for an appropriate policy, enabling conditions, congenial environment to its citizens for fulfillment of means of livelihood for men and women equally. Article 38, 39(a), 39(d), 39(e), 41, 42, 43 and 51(1) etc. are specially and exclusively dealt with welfare of women at par man. Article 325 of the Constitution guarantees political equality to women and prohibits exclusion from the electoral rolls on the basis of sex, caste, religion etc. Article 326 of the Constitution guarantees equal political status to every citizen of India including women. Articles 14, 15, 16 and 19 of the Constitution of India and the Representation of Peoples Act provides for equal participation of women in political process.

To protect and promote the rights of women and to encourage them to participate in all the affairs of governance, some international covenants have also been passed and as assented by the state parties including India. The Universal Declaration of Human Rights, 1948, the International Covenant on Political and Civil Rights 1966, the UN Covenant on Economic, Social and Cultural Rights, 1966 etc are instrumental to eliminate all forms of discrimination against women on the ground of sex, marital status by guaranteeing enjoyment of fundamental rights and freedom in social, economic and cultural field. The United Nations initiatives namely UN Convention on Elimination of all forms of Discrimination against Women (CEDAW) is another important international initiative instrumental for determining women centered policy measures by all the countries of world including India. According to the above international initiatives, unless women are involved in the decision and policy-making process at all levels of the governance, changes in women's

political and to some extent social and economic status will continue to be marginal.

On the above context, in India, under the existing laws of the land and as per planning and policy measures, important initiatives have been undertaken by the Government to ensure equal status of women in the country. The Committee on the Status of Women in India (CSWI)¹ set up in the year 1971 to look into different aspects of status of women in India including their political participation and released its report in 1974. The Report of the "Committee on the Status of Women in India (CSWI) —Towards Equality, 1974" noted the ineffectiveness of the representation of women in Panchayat's governance system and it recommended for a statutory separate 'All Women's Panchayat' at the village level to ensure better and greater participation of women in the political process. It also started initiatives and efforts to encourage participation of women in the rural local governance as well as urban governance systems. The Committee also recommended for the system of reservation for women in the Legislative bodies which was opposed by some members of the Committee, representatives of political parties and women's organisations as a retrograde step from the equality conferred by the Constitution [Sharma, 1998:27].

The National Education Policy, 1986 and the 'Report of the National Commission on Self Employed Women' and 'Women in the Informal Sector — Shramshakti, 1988', the 'National Perspective Plan for Women 1988-2000 AD' of the Government of India and the 'National Policy for Women 2001' etc have also made significant contributions to the understanding and finding solutions for issues relating to women participation in India. The above measures are mostly instrumental for ensuring participation of women in local governance in India.

Besides, the above women specific measures undertaken by the Government, the women's participation in the local governance was started with the recommendations the Balwant Rai Gopalji Mehta's Team Report. The Report of the study team on Community Projects and National Extension Service Programme (Committee on Plans and Projects) Balwant Rai Mehta Committee Report, New Delhi. Nov. 1957, Vol.I) also recommends for women's representation in PRIs. In the words of the Committee "in regard to the constitution of Panchayat, we suggest that this should be purely on an elective basis, but that there may be a provision for the co-option of two women members and one member each from the Scheduled Castes and Scheduled Tribes in conditions similar to those prescribed for the Panchayat Samiti, we do not consider that members of any other special group need any special representation either by election or by cooption."²

The Central Council of Local Self Government at its third meeting held in 1957 decided that the elected representatives in each Block Panchayat will co-opt two women who are interested to work among women and children. This was in line with the recommendations made during the time by the Balwant Rai Mehta Study Team (1957) which recommended co-option of two women in Panchayat bodies for the purpose of 'participation'. The fourth meeting of the Central Council of Local Self Government in the year 1958 also recommended for approximately half of the total members in Panchayats to be women if the Panchayats were to be real representative body of the people. The Council further suggested that till that stage is reached at least two seats should be reserved for women. It was also felt by the Council that having two women was

preferable compared to a solitary woman [Buch 2001].³ The Balwant Rai Mehta Committee was followed by Ashok Mehta Committee, which was appointed in December 1977. The Ashok Mehta Committee recommended for two-tiers of local self Governments at Mandal and Zilla levels. The Committee also recommended for the co-option of two women as members of both at Zilla and Mandal level. The Report of Ashok Mehta Committee⁴ also recommended for reservation of two seats for women in Panchayats and two co-option women members in case they did not come through elections. The Committee also suggested for a Committee of women to be set up within Panchayats to operate specific programmes for women and children. The Ashok Mehta Committee was followed by G.V.K. Rao Committee in the year 1985 and M.L. Singhvi Committee, 1986 which also tried to make PRIs more viable and effective with the popular participation of both male and female. Finally, the revival of rural governance system culminated into giving the desired constitutional status through the Constitution (64th Amendment) Bill, 1989 which was an attempt to amend the constitution of India to give constitutional status to the PRIs and to encourage the participation of women in the rural governance system through the provision of reservation of seats in all the 3-tiers of rural local governance system. But, unfortunately the Bill was defeated in the Rajya Sabha and could not take a shape due to political reasons.

73rd Constitutional Amendment Act, Instrumental for Women Participation

The historic 73rd constitutional amendment was passed and came into force with effect from 24th April, 1993. The most significant and salient features of the 73 Amendment Act is

the provision of reservation of 1/3rd of seats for women in all the 3-tiers of rural local governance system. It lays down in Article 243D (3) that not less than one third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and that such seats may be allotted by rotation to different constituencies in a Panchayat. The Constitutional amendment further lays down in Article 243-D (1) that seats shall be reserved for the Scheduled Castes and Scheduled Tribes in every Panchayat and Article 243-D (2) states that not less than one third of the total number of the seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes and Scheduled Tribes. The number of seats reserved for the Scheduled Castes and Scheduled Tribes women would be allotted by rotation to different constituencies in a Panchayat. Article 243-D(4) provides that the office of the Chairperson in the Panchayats at the village or any other level shall also be reserved for, women and such reservation shall not be less than one-third of the total number of offices of Chairpersons in the Panchayats at each level. The offices so reserved at the level of the Chairperson would also be allotted by rotation to different Panchayats at each level. Besides, where there are no women Chairpersons at all 3-tiers of Panchayati Raj system, the post of Vice-Chairman shall be reserved for women at all levels of rural local governance. After this constitutional amendment, a large number of women have been elected to the PRIs as a result of the mandatory reservational provisions. The reservation provision under the Constitutional 73rd Amendment Act, 1993 made to ensure that women play a major role in rural local self governance system. It also provided women an opportunity to demonstrate their potential and to prove their capability as partners in the process of rural development by participating with their male counterparts.

Rural Local Governance in Odisha and Women Participation :

Odisha is one of the pioneering states in the field of Panchayati Raj initiatives in India. Soon after the independence of our country, the Government of Odisha enacted Orissa Gram Panchayat Act in 1948. After that Panchayat Samiti and Zilla Parishad Act, 1959 was enacted and executed on 26th January 1961 in Odisha. Biju Babu when became Chief Minister during sixties, he had made concrete efforts to revitalize Panchayati Raj system. He is one of the pioneers in the field of women participation who strongly advocated for women participation in the local governance system in Odisha. His vision and policy was to empower the Panchayati Raj system with powers and active participation of women. In fact during his second term as Chief Minister (1990-95) and under his dynamic leadership, Odisha became the first state in India to implement the sound provisions of 73rd Constitutional Amendment Act, 1992 in advance to give opportunities to the women by making reservation of 1/3rd seats for them and women belonging to Scheduled Caste and Scheduled Tribes out of the 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. He was an ardent advocate of devolution of funds, functions and functionaries to the PRIs and was most emphatic about participation of women in the rural local governance system. For the first time in the history of independent India, women were given 30% reservation in the three-tier PRIs in Odisha prior to implementation of 73rd amendment Act. He was bold and broad in his vision and approach to ensure the participation of women in rural local self governance systems in Odisha. Biju Babu was also emphatically emphasized on the political and

administrative training and orientation of elected women representatives to acquire skill and knowledge on politics and administration. His proactive vision was that local Government is the level of Government where women can enter into political life with relative ease, as the costs of mounting election campaigns are relatively low and issues at the local level tend to motivate women to enter politics. Further, local Governments are good training grounds for women politicians who want to reach higher levels of elected or appointed office in Government.

At present, Odisha has three-tier system of rural local self Government system — the first tier being at the village level i.e. Gram Panchayat, the second tier at the Block level i.e. Panchayat Samiti and the third at the district level i.e. Zilla Parishad and 50% of seats for women has been reserved in all the tiers. The present Panchayati Raj structure of Odisha includes 30 Zilla Parishads with 854 elected Zilla Parishad Members, 314 Panchayat Samitis with 6,235 elected Panchayat Samiti Members, 6236 Gram Panchayats including 6,236 elected Sarpanchs and 87,551 elected Ward Members out of which 46,643 Women Ward Members constitute the rural local governance system. Thus, in Odisha now there is a total of 1,00,876⁵ elected representatives in the three-tier rural local self governance system out of which 50% women elected members that underlines the importance of women participation in the three-tier rural local self governance system.

Reservational Participation of Women in Rural Local Self Governance:

As a constitutional mandate under the 73rd Constitutional Amendment Act 1992, provisions have been made for reservation of seats for women in the 3-tier rural local governance

system in Odisha like other states. Accordingly and prior to the present 50% reservations for women in the 3-tier rural local bodies, reservations were made for women upto 33% in all rural local bodies as per the provisions of Orissa Gram Panchayat Act 1964, The Orissa Panchayat Samiti Act, 1960 and The Orissa Zilla Parishad Act, 1991 as modified and amended up to date. The objectives of reservation for women in the above three important Acts was to encourage women to participate in the rural local governance system through the provision of reservations. Hence, it may be called as reservational participation of women in rural local self governance system. The rationale for reservations for women and other disadvantaged groups in the rural local self governance system intended to give voice and therefore influence to these disadvantaged groups in local governance. According to political theorist Anne Phillips(1995) the 'politics of presence' can provide such groups with guaranteed representation in public institutions - such as quotas in law making bodies, so that they may effectively represent their own needs and interests. The visionary leader of Odisha, Biju Patnaik for the first time in the history of independent India, announced that women will be given 33% reservation in the three- tier rural local governance systems since he was most emphatic about the participation of women in the rural local governance system i.e. Panchayati Raj Institutions. According to his announcement, the Orissa Gram Panchayat Act 1964, the Orissa Panchayat Samiti Act, 1959 were amended by Orissa Assembly during 1991 and 1992 and the Orissa Zilla Parishad Act, 1991 was enacted by the Orissa Assembly in 1991 and that provided 33% reservations for women in conformity with the 73rd Constitutional Amendment Act, 1992.

As a mandate and according to the above constitutional and legal provisions, the general Panchayat elections were held in Odisha during 1992 and a total of 28,069⁶ women representatives were elected for the first time to the 3-tier rural local governance system from 5,262 Gram Panchayats. This is the first Panchayat election in Odisha where such a large number of women representatives were elected to the 3-tier structure of rural local governance system to participate in the local governance system.

The next general elections to PRIs were held in Odisha in the year 1997. The abstracts of total elected representatives of rural local governance structure system along with women

elected representatives of 30 districts of Odisha elected to the rural local self governance system during the Panchayat General Elections 1997⁷ are given in detail below Table-1.

The Table-1 reveals that during 1997 General Panchayat Elections, out of total 92,452 elected PRI members, women constitute only 32,621 of total elected members.

Similarly, the abstracts of total elected members of PRI structure along with women elected representatives of 30 districts of Odisha elected to the three-tiers rural local self governance, system during the Panchayat General Elections 2002⁸ mentions below in the following table:

Table - 1

General Panchayat Elections 1997 - Status of Women Participation in Odisha						
PRI Elected Members	Total Elected Members	Scheduled Caste(SC) Women	Scheduled Tribe(ST) Women	Backward Class women (BCCW)	Reserved for Women (RW)	Total Elected Women Members
Ward Member	81,077	6,348	8,060	6,858	7,329	28,595
Sarpanch	5,261	396	579	0	887	1,862
Panchayat Samiti Member	5,260	399	562	411	498	1,870
Zilla Parishad Members	854	54	86	63	91	294
	92,452	7,197	9,287	7,332	8,805	32,621

Table-2 - General Panchayat Elections 2002 - status of women participation in Odisha

PRI Elected Members	Total PRI Elected Members	Scheduled Caste Women	Scheduled Tribe Women	Backward class Women (BCCW)	Reserved for Women (RW)	Total Elected Women Members
Ward Member	87,547	7,056	9,164	8,665	6,529	31,414
Sarpanch	6,234	336	894	462	496	2,188
Panchayat Samiti Member	6,227	449	674	577	488	2,188
Zilla Parishad Members	854	54	85	82	75	296
	1,00,862	7,895	10,817	9,786	7,588	36,086

From the above table, it is found that during the 2002 General Panchayat Elections, out of 1,00,862 elected PRI members, women constitute only 36,086 of the total elected members.

The last General Panchayat Election was held in the year 2007. As per the last Panchayat election data in Odisha there was 314 Panchayat Samitis and 6,234 Gram Panchayats. The total number of Zilla Parishad constituencies was 854

and there was a total number of 6,233 Panchayat Samiti Members in the state. The total number of Ward Members of the state was 87,542. Thus, there was a total of 1,00,863 elected representatives in the three-tier rural local governance system in the state during the 2007 Panchayat Elections. The Table-3 describes in detail about the total elected representatives along with total women members of the rural local governance system in Odisha during the 2007 general elections:

Table -3 - General Panchayat Elections 2007⁹ - Status of Women Participation in Odisha

PRI Elected Representatives	Total PRI Representatives	Scheduled Caste Women	Scheduled Tribe Women	Backward Class Women	Reserved for Women	Total women Representatives
Ward Member	87,542	7,172	9,665	9,148	5,719	31,704
Sarpanch	6,234	344	907	471	466	2,188
Panchayat Samiti Member	6,233	455	699	632	422	2,208
Zilla Parishad	854	58	85	88	70	301
	1,00,863	8,029	11,356	10,339	6,677	36,401

Conclusion:

Evidences in Indian national politics and also at the regional levels have suggested that the presence of such large number of women representatives do not necessarily lead to the enhancement of real participation of the women in the system. Therefore, in recent years, the question of the preferential treatment of women as a political group or the provision of quotas for women to ensure numerical strength and presence in the local governance system has assumed considerable importance. Very recently the Government of Odisha has taken a bold step to enhance the percentage of reservation for women from one-third to at least 50% in the 3-tier rural local Government system during the current general elections to PRIs which is a timely laudable step in this direction to encourage women participation in the rural local governance system.

However, over the short span of five years of participation no directly visible impact can be assessed either in terms of participation rates or distribution of benefits, since their participation, in the next elections remain absent in case of most of women representatives on political and institutional obstacle grounds. Women participate significantly less than men due to lack of education and information and the social factors which limit women's involvement in public affairs, are also reflected in the generally low levels of education and information that prevail among women. At the same time education and information also suggest ways of reducing the gap between men and women that arise from social and traditional norms. Women who are educated and well informed are often able to bridge social differences associated with gender.

In spite of the above discussed constitutional and reservational provisions for

women participation, in actual practice, the active participation of women in rural local governance system has remained restricted to a small number of women and not to the masses. The nature and extent of participation of women is limited to a few areas of rural local governance system and not up to the expected extent. Women have been given opportunities to lead through the reservation provisions imparted in the shape of constitutional amendments. On the contrary, undermining the capacities of women, this opportunity is in majority of cases being utilized by their male counterparts and not by them. In practice their participation is missing and restricted to tokenism participation. Notwithstanding the reservation provisions under constitutional obligations, the rural women are being deprived of real participation in the rural local self governance system in Odisha. Their participation is confined to their representation and reservational participation only. Many factors are responsible for their low participation in the system but two most important factors that impair their participation are psychological and low level of education. The psychological factor that inhibited active participation of women in the rural local governance system was shyness and submissiveness and lack of understanding of their role, rule and responsibilities and the low level of education can be treated as another inhibitor of women's active participation in the rural local governance system.

End Notes:

1. The Committee on the Status of Women in India (CSWI), Ministry of Education and Welfare, Government of India, New Delhi.
2. Report of the Team for the Study of Community Projects and National Extension Service: Committee on Plans Projects (Balwant Rai Mehta Committee Report), New Delhi, November, 1957 (Vol.1) relating to women representation in Panchayati Raj Institutions.

3. Buch, N (2001), "Panchayats and Women", Kurukshetra, Vol.49, No.7, April, pp.8-17.
 4. Report of the Ashok Mehta Committee (1978) relating to the role of women in Panchayati Raj, Government of India, New Delhi.
 5. Information on General Elections to PRIs in Odisha, 2012, State Election Commission, Odisha, Bhubaneswar.
 6. Department of Panchayati Raj, GP Section, Panchayat Elections 1992, Government of Odisha, Bhubaneswar.
 7. Information on General Elections to PRIs in Odisha 1997, State Election Commission, Odisha, Bhubaneswar.
 8. Information on General Elections to PRIs 2002, State Election Commission, Odisha, Bhubaneswar.
 9. Information on General Elections to PRIs 2007, State Election Commission, Odisha, Bhubaneswar.
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- Dr. Benudhar Rout, Librarian, State Institute of Rural Development (SIRD), Department of Panchayati Raj, Government of Odisha, Bhubaneswar.
- N.T. Sahu, Research Scholar, Department of Public Administration, Utkal University, Vani Vihar, Bhubaneswar.