

**CONSULTATIVE PAPER ON THE ISSUE OF WOMEN PRADHANS/WOMEN
SARPANCHES BEING REPRESENTED BY THE MALE MEMBERS OF THEIR
FAMILIES AND ALSO EXAMINE OTHER ISSUES RELATED THERETO.**

1.0 Reservation of Women in Panchayati Raj Institutions:

Attention is invited to paragraph 2 of the Statement of Objects and Reasons appended to the Constitution (Seventy-second Amendment) Bill, 1991 which was enacted as the Constitution (Seventy-third Amendment) Act, 1992 which reads as under:

“2. Article 40 of the Constitution which enshrines one of the Directive Principles of State Policy which lays down that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions to impart certainty, continuity and strength to them.”

[Refer to Paragraph 2 of the Statement of Objects and Reasons appended to the Constitution (Seventy-second Amendment) Bill, 1991 which was enacted as the Constitution (Seventy-third Amendment) Act, 1992, annexed as Annexure-1 to this Consultative paper]

2.0. In view of above, Accordingly, a new PART IX relating to Panchayats was inserted in the Constitution inter alia to provide for-

- (a) Gram Sabha in a village or group of villages;
- (b) Constitution of Panchayats at village and other level or levels;
- (c) Direct elections to all seats in Panchayats at the village and intermediate level, if any, and to the offices of Chairpersons of Panchayats at such levels;
- (d) Reservation of seats for the Scheduled Castes and Scheduled Tribes in proportion to their population for membership of Panchayats and office of Chairpersons in Panchayats at each level;
- (e) Reservation of not less than one-third of the seats for women;

However not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women. It is also provided that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level

- (f) Fixing tenure of 5 years for Panchayats and holding elections within a period of 6 months in the event of supersession of any Panchayat;
- (g) Disqualifications for membership of Panchayats;
- (h) devolution by the State Legislature of powers and responsibilities upon the Panchayats with respect to the preparation of plans for economic developments and social justice and for the implementation of development schemes;

- (i) Sound finance of the Panchayats by securing authorisation from State Legislatures for grants-in-aid to the Panchayats from the Consolidated Fund of the State,
- (j) Assignment to, or appropriation by, the Panchayats of the revenues of designated taxes, duties, tolls and fees;
- (k) Setting up of a Finance Commission within one year of the proposed amendment and thereafter every 5 years to review the financial position of Panchayats;
- (l) Auditing of accounts of the Panchayats;
- (m) Powers of State Legislatures to make provisions with respect to elections to Panchayats under the superintendence, direction and control of the chief electoral officer of the State;
- (n) Application of the provisions of the said Part to Union territories; excluding certain States and areas from the application of the provisions of the said Part; continuance of existing laws and Panchayats until one year from the commencement of the proposed amendment and barring interference by courts in electoral matters relating to.

Panchayats

2.1. Copy of the Constitution (Seventy-third Amendment) Act, 1992 is annexed as Annexure-2 to this Consultative paper.

3.0. In pursuance of the above, all the States and Union territories have enacted Panchayat Acts for their States and Union territories. Out of all such States and Union territories, 21 States have made 50% reservations for women and the remaining States have made 50% reservations for women.

4.0 Need For This Consultation Paper:

4.1. A Petitioner Mundona Rural Development Foundation, by a Writ Petition (Civil) No(s). 615/2023 in which the Union of India was made a Respondent, flagged the issue of the manner in which the 50% reservation of women in Panchayati Raj institution is working. Their submission in the above Writ petition before the Hon'ble Supreme Court was that actually, the men behind the women are operating the Panchayats. Hon'ble Supreme Court inter-alia observed — “as to what can judicial intervention do in this scenario as you cannot preclude a section of women merely because they are willing to lend their shoulders to this scenario”.

4.2. The Respondent submitted in the above Writ petition before the Hon'ble Supreme Court that a Committee be constituted to look into the problem.

4.3. Hon'ble Supreme Court in its Order in the above writ petition felt that it is for the Respondent-Ministry of Panchayati Raj to look into the grievance raised by the petitioner as to whether there is a better mechanism to implement the object of women reservation and permitted the petitioner to make a representation to the Respondent which should naturally look into the issue flagged by the petitioner-foundation.

4.4. The Petitioner made a representation dated 08/09/2023 to the Ministry of Panchayati Raj, inter alia vide which the following two remedies have been proposed for MoPR for consideration-

(i) To constitute a committee of experts to examine the issue of Women Pradhans being represented by the male members of their families and also examine other issues related thereto for making the reservation for women meaningful to promised by Part IX of the Constitution of India and also Panchayati Raj Acts passed by various State Govts. of India.

(ii) Taking into account the report submitted by this committee Govt. of India may take further steps as may be considered necessary to implement the suggestions made by the Committee

4.5. The copy of the Order dated 06-07-2023 of the Hon'ble Supreme Court is annexed as **Annexure-3** to this Consultative Paper.

5.0 Setting up of an Advisory Committee to examine the issue of Women Pradhans being represented by the male members of their families and also examine other issues related thereto.

In view of the above, the Government of India in the Ministry of Panchayati Raj has constituted, by its Office Memorandum NO. N-110141412023-PESA (Comp. No. 30103) an Advisory Committee. [*Copy of the above Office Order is annexed as Annexure-4 to this Consultative Paper*].

5.1. The above Advisory Committee, in its First meeting held on 19th October 2023 at New Delhi, inter alia, decided to solicit the views/suggestions of the State Governments and Union Territories and other stakeholders on the subject, in particular on the following issues relating to Panchayats in the respective States, namely:-

(A) IDENTIFICATION AND RECORDS OF PANCHAYATS WHERE AT SAPANCHES ACT THROUGH PROXY:

Sufficiency of mechanism/establishment for recording data at a more micro level so that number of Panchayats, where women only act as a proxy, can be identified for taking suitable measures for eliminating proxy in such panchayats.

(B) COLLECTION AND RECORDING DATA OF THE QUALITATIVE DATA ON THE ASPECTS OF ACTIVE PARTICIPATION OF ELECTED WOMEN REPRESENTATIVE AT PANCHAYAT:

Sufficiency of mechanism for recording data of qualitative data on the aspects of active participation of elected women representatives at panchayat including the utilization of the decision-making functionality provided to them.

(C) ADMINISTRATIVE MEASURES FOR ELIMINATING PROXY PRACTICES ADOPTED IN RELATION OF ELECTED WOMEN REPRESENTATIVE:

Additional measures for eliminating proxy practices adopted in relation to elected women representatives because it is reported that certain women got elected into the

panchayats, but they acted merely as the mouthpiece of their male family members. This indicates that there could be the possibility of on-roll women participation to be higher than what it actually exists on the ground.

(D) LEGAL MEASURES I.E. AMENDMENTS, IF ANY, REQUIRED IN THE EXISTING LEGAL FRAMEWORK REQUIRED FOR ELIMINATING PROXY PRACTICES ADOPTED IN RELATION TO ELECTED WOMEN REPRESENTATIVES:

Amendment, if any, in the legal framework required to overcome the practices being followed in the Panchayats where women have been elected as Pradhan/{Mukhiya/Chairperson for the namesake and their male family members are handling the day-to-day work of the Panchayat.

(E) IMPLEMENTATION OF EFFECTIVE RESERVATION FOR ELECTED WOMEN REPRESENTATIVE IN PANCHAYATS.:

Measures for empowering elected women representatives of Panchayats and ensuring their participation in the political process and decision-making at the grassroots level for effective implementation of reservation for elected women representatives in Panchayats.

(F) INTRODUCTION/STRENGTHING OF EXISTING TRAINING PROGRAMMES TO MAKE THE ELECTED WOMEN REPRESENTATIVE AWARE FOR THEIR POWERS AND DUTIES UNDER THE AFORESAID PROVISIONS OF THE CONSTITUTION AND PANCHAYAT ACTS:

Evaluation of Adequacy of the existing training programmes (including the intervals at which such training programmes are conducted, the distance for travelling to training centres for such training, duration of training period etc) or introduction of new training programmes elected women representative for to make the elected women representative aware for their powers and duties under the aforesaid provisions of Constitution and Panchayat Acts.

(G) CAPACITY BUILDING OF ELECTED WOMEN REPRESENTATIVE:

Measures required for capacity building of elected women representatives for empowering them with competencies for effective political leadership in Panchayats,

(H) INTERACTION AMONGST ENLIGHTENED RURAL ELECTED WOMEN REPRESENTATIVES AND ILLITERATE ELECTED WOMEN LEADERS:

Promotion and encouragement of interaction amongst enlightened rural elected women representatives and illiterate elected women leaders. Inter alia –

- (i) by taking out elected women representatives to the urban areas and their interaction with educated urban elected women representatives;
- (ii) increasing emphasis on ensuring the participation of women in the meetings of panchayat at all the levels so as to promote and enhance their leadership qualities and self-confidence so as to it help them to perform better in panchayat to ensure their participation in the meetings.

(I) INTRODUCTION OF INCENTIVE SCHEMES FOR PANCHAYATS:

Feasibility of introduction of incentives in ensuring the participation of elected representatives in decision-making for successfully implementing the developmental scheme by publicizing their leadership qualities and honouring them in public meetings.

(J) INTRODUCTION OF INCENTIVES BY WAY OF HONORARIUM FOR WOMEN SARPANCHES/ WOMEN PRADHANS:

Feasibility of introduction of award of honorarium at public functions to Women Sarpanches/ Women Pradhans for the efficient conduct of meeting of panchayats.

(K). USE OF DIGITAL TECHNOLOGY FOR ELECTED WOMEN REPRESENTATIVE OF PANCHAYATS:

In the context of Digital India, utilizing digital technology for elected women representatives of Panchayats to be actively involved in their own self and village development.

(L) COMPULSORY AVAILABILITY OF BROADBAND TO EVERY VILLAGE:

Measures/steps for compulsory availability of broadband to every village so as to digitalisation of Panchayat functions and meetings.

(M) PROVISION OF MOBILE PHONE TO EVERY WOMEN SARPANCHES/ WOMEN PRADHANS:

Feasibility of making provision for providing mobile phone once in three years to every Women Sarpanches/ Women Pradhans.

(N) CO-ORDINATION AMONGST ALL PANCHAYATS IN EVERY DISTRICT:

Establishing a mechanism of co-ordination all Panchayats in every District on matters relating to conduct of meetings of panchayat in each village and development activities in each village of Panchayats.

(O) VIDEO RECORDING OF MEETINGS OF PANCHAYATS AND PUTTING THEM IN PUBLIC DOMAIN:

Feasibility and implementing of Video recording of meetings of Panchayats and uploading the same on the District website or other appropriate websites of the competent authority.

(P) AVAILABILITY OF LITERATURE IN LOCAL LANGUAGE CONTAINING POWERS AND FUNCTIONS PANCHAYAT UNDER LAW RELATING TO PANCHAYAT:

Distribution of literature in the local language containing the various provisions of relating to Panchayat under Panchayat law so as to educate the elected women representatives about their powers and functions.

(Q) PUNITIVE MEASURES FOR PERSONS ACTING AS PROXY FOR ELECTED WOMEN REPRESENTATIVES:

Feasibility of punitive measures for husbands or other members of the family of elected women representatives or any other person (not being a person authorized to act as proxy under any law for the time being in force) acting their proxy.

(R) ENHANCEMENT OF CAPACITY OF SARPANCHES TO ASSUME HIGHER RESPONSIBILITY AS LOCAL LEGISLATORS:

Mechanism for systematic awareness for enhancing rural women's capacity to take up their new responsibility as local legislators.

(S) TRAINING TO ELECTED WOMEN REPRESENTATIVE TO INTERFACE WITH OTHER LAYERS OF LOCAL SELF-GOVERNANCE WITHIN THE STATE:

Imparting training to elected women representatives so as to develop leadership qualities and also to train them, find ways and means to interface with other layers of local self-governance within the State and claim the Panchayat's entitlements.

(T) TRAINING IN RELATION TO ADMINISTRATIVE MATTERS RELATING TO PANCHAYATS:

Imparting special training for enhancing the ability of elected women representatives-

- (i) To plan, and prepare the agenda of Panchayat meetings,
- (ii) Mobilise and encourage the participation of other elected women representatives;
- (iii) Conduct the Meetings of \Yard Sabha, Mahila Sabha, Gram Sabha and Panchayat General Body Meetings.

(U) ROLE/RESPONSIBILITY OF MEMBERS OF LEGISLATIVE ASSEMBLIES AND MEMBERS OF PARLIAMENT IN RELATION OF PANCHAYATS SITUATE IN THEIR CONSTITUTES:

Defining the role of Members of Legislative Assemblies and Members of Parliament and their responsibility in capacity building and leadership qualities of Women Sarpanches/ Women Pradhans in relation to panchayats situated in their constituency and discharge of functions by the elected women Representatives in Panchayats and Women Sarpanches Women Pradhans.

(V) INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN FOR ELIMINATING GENDER-BASED DISCRIMINATION AND PROXY PRACTICES:

Suggesting or creating new mechanisms, as the case may be, for information, education and communication campaigns for promoting change in social mindsets for eliminating Gender-Based Discrimination and proxy practices.

(W) CONVERGENCE AMONGST PANCHAYATS, SELF-HELP GROUPS AND COMMUNITY-BASED ORGANISATIONS:

Evolving measures for empowerment of rural women through intensifying Convergence amongst Panchayats, Self Help Groups and Community-Based Organisations.

(X) USE OF DOOR DARSHAN CHANNEL AND SOCIAL MEDIA FOR CREATING AWARENESS AMONGST ELECTED WOMEN REPRESENTATIVES:

Feasibility of using Door Darshan Television channel and social media such as YouTube etc. for promoting the functioning of Panchayat meetings, powers and functions of Sapa Women Sarpanches/ Women Pradhans and legal provisions relating to Panchayats and other elected women representatives and uploading live meetings of Panchayats.

(Y) CREATING NETWORK AMONGST NETWORKS OF ALL PANCHAYATS:

Creating network amongst Networks of all Panchayats for interaction amongst elected women representatives.

(Z) PERIODIC HOLDING OF MEETING OF WOMEN SARPANCHES/ WOMEN PRADHANS TO BE PRESIDED BY INCHARGE OF CONCERNED DISTRICT/ CONCERNED CHIEF SECRETARY/ CONCERNED CHIEF MINISTER OF THE CONCERNED STATE AND SOLICITING PRESENCE ONCE A YEAR OF HON'BLE PRIME MINISTER IN SUCH ANNUAL MEETING:

Feasibility of holding of meeting of—

- (i) All Sarpanches in a District at intervals of end of every quarter to be presided by the Administrative in-charge of a District,
- (ii) All Sarpanches in all Districts of a State at interval of six months to be presided by the Chief Secretary of the State;
- (iii) All Sarpanches in all Districts of a State to be convened annually to be presided by the Hon'ble Chief Minister of that State where at Hon'ble Prime Minister or in Union Minister In charge of Panchayat Ministry be the Chief Guest in such meetings.

(ZA) TENURE OF WOMEN SARPANCHES/ WOMEN PRADHANS:

Feasibility of limiting tenure of a woman elected as Women Sarpanches/ Women Pradhans for two terms so as to give opportunity to other women to be elected as Women Sarpanches/ Women Pradhans of Panchayat.

(ZB) ANY OTHER SUGGESTION:

Any other suggestion which would strengthen Panchayat Institutions, encourage elected women participation in Panchayat proceedings and eliminate the practice of proxy for elected women representatives and Women Sarpanches/ Women Pradhans.
