

### A STUDY ON WOMEN'S PARTICIPATION IN PANCHAYAT RAJ INSTITUTION OF KARNATAKA

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#### *Abstract:*

Gender discrimination and difference remains universal in Indian society. Domestic violence contrary to women, female feticide and infanticide, wage disparities, sexual harassment and abuse, nutritional discrimination, and low female literacy rates are widely prevalent. The Indian government has enacted numerous measures to promote women's empowerment, including laws to protect women from domestic violence, to ban dowry, to ensure that men and women receive equal pay for equal work, and numerous schemes that promote women's development. Most recently, the Women's Reservation Bill was passed by the upper house of the Parliament of India on March 9th, 2010, despite significant political resistance. This bill requires that one third of all seats in state legislatures and the lower house of Parliament must be reserved for female candidates.

**Key Words:** Women, Representation, Reservation, Panchayat Raj, Karnataka.

#### **Introduction**

Socioeconomic In India's local government structure the lowest tier is the gram panchayat. In Karnataka, the gram panchayat covers about 6 to 12 villages. An intermediate Taluk panchayat government has jurisdiction over a Taluk (sub-district), and then the Zilla panchayat governs at the district level. Government representatives are chosen through direct elections every five years. Certain seats in the each of the three tiers are reserved for women, Scheduled Castes and Scheduled Tribes (SCs/STs).

Apart from the reservation of seats, within every Taluk, gram panchayat presidencies are reserved for SC/STs, women, and other groups. Furthermore, a proportion of Taluk and Zilla panchayat presidencies are also reserved for disadvantaged groups. Local governments are responsible for roads, sanitation, drinking water

facilities, selecting beneficiaries for poverty alleviation schemes, implementing national job guarantee schemes, and other social services.

Karnataka has been acclaimed as a progressive state far ahead in the issue of local self-government. Committees were constituted, from time to time, by the state government to examine the possibilities of improving and strengthening of PRIs. The 'Integration Committee' under the chairmanship of Venkatappa, which was submitted its report in 1950, recommended a two-tier system and a major thrust was with regard to co-ordination and integration.

Based on these recommendations The Mysore Village Panchayat and District Board Act of 1952 was passed by the then government. The Local Board committee under the chairmanship of D.

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Chandrashekaraiyah in its (1954) report recommended a three tier structure of local self-government. One of the major recommendations was, both District Boards and Taluk Boards should function as executive bodies and these bodies should be assisted by a special agency to implement public works. There was no positive response from the government. The 1959 Act provided reservation of two seats for the SC and ST in proportion to their population and for 2 women, if not elected as members.

Later, a committee was set up to go through the working of PRIs and to make suitable structural changes under the chairmanship of Kondaji Basappa in 1963. The committee recommended the setting up of elected Zilla Parishads and the establishment of Nyaya Panchayats. But the Congress legislative party was not in favour, the bill was allowed to lapse. Although these committees made genuine efforts to empower rural people, did not said much about the role of women in local bodies. In respect of representation and participation of women, they recommended the limited presence of women. The teams remained content with the assumption that the representation and participation of women was not really an issue.

Similarly, the two national level committees, one under the chairmanship of Balwant Rai Mehta and another under the chairmanship of Ashok Mehta recommended a limited presence of women i.e. to co-opt two women who are interested in working among women and children in the event of no women coming forward for election.

There was a revival of interests for strengthening PRS with genuine transfer of powers and functions when Janata Party came to power in 1983 in Karnataka. The Ashok Mehta committee report came to power in 1983 in Karnataka. The Ashok Mehta committee report came in as handy for the government to introduce reform measures. Most of the principles enunciated in this report became the basis for the Act of 1983. The new era of PRS begin in the history of local self-Government in India. It demonstrated for the first time willing of a state government to divert its powers and functions in favour of sub-state institutions. The government introduced

‘Karnataka Zilla Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act’ bill in Aug, 1983 and it became an Act in July, 1985. On 14<sup>th</sup> August 1985, it was brought into force.

The Act consists of 15 chapters and over 300 clauses. Regarding the reservation of seats, Chapter 7, section 142 of the Act clearly mentions that “seats shall be reserved in a Zilla Panchayat for women and number of seats so reserved shall be not less than 25% of the elected members. Provided that out of the seats so reserved one seat shall be reserved for women belonging to the SC and ST”. Regarding composition of Mandal Panchayat, the importance of women has not been ignored. Chapter 3, Section 5(2), of the Act includes the same procedure as it was followed in case of Zilla Panchayat.

The significant features of the Act were that, it realized women were inadequately represented in political institutions. It provided 25% reservation for women members, including SC and ST women in local bodies. Thus, the 1985 Act provided an opportunity for women who were hitherto untouched.

Meanwhile, the 64<sup>th</sup> Constitutional Amendment Bill based on the recommendation of Singh, Committee, was passed in August, 1989 by the Lok Sabha but not approved by Rajyasabha. One of the outstanding features of the bill was to provide 30% reservation for women in membership of Panchayats at all the three levels. It did not provide for reservation among Chairpersons, leaving such reservation permissible in favour of SC and ST women if the state legislature wanted. Later, the Janata Dal government introduced another Constitutional Amendment Bill, which included the provision for reservation of not less than 1/3<sup>rd</sup> seats for women in Panchayats at all levels. These were to be allotted by rotation to different constituencies as also stipulated in the earlier bill. But even in this bill there was no reference to a possible reservation in chairperson’s position.

A fresh constitutional amendment bill was introduced by the Congress government on 16<sup>th</sup> September, 1991. The bill was passed with near unanimity by the Lok Sabha on 22<sup>nd</sup> December,

1992 and by the Rajya Sabha on 23<sup>rd</sup> December, 1992. With its ratification by 17 states; it has emerged as the constitution 73<sup>rd</sup> Amendment Act, 1993. It came into force from 24<sup>th</sup> April 1993.

Article 243-D of the Act State, that minimum 1/3<sup>rd</sup> reservation for women in membership as well as in the position of chairpersons of panchayat at all the three levels namely, the village, intermediate and the district. The amendment included one year's transitional period for the states to amend their panchayat legislations to confirm to this amendment. The amendment also stipulated 1/3<sup>rd</sup> reservation for Women in the seats reserved for weaker section SC and ST as well, thus mandating reservation for women across caste and class. Among the Chairpersons, the amendment spoke only of a minimum 1/3<sup>rd</sup> reservation in the total number of seats. There is no compulsion to ensure this one-third number among chairpersons post reserved for SC and ST.

The above developments had an impact on the PRS in Karnataka. The government introduced a new bill, in conformity with the Constitution 73<sup>rd</sup> Amendment Act. The Karnataka Zilla Panchayat, Taluk Panchayat Samiti and Gram Panchayat Act were passed by the state legislature (on April 7<sup>th</sup> 1993, by the legislative assembly and on April 13<sup>th</sup>, 1993, by the legislative council) and it came into force from May 18<sup>th</sup> 1993. Karnataka was the first state to bring its panchayat legislation in accordance with the Constitutional 73<sup>rd</sup> Amendment and to hold elections to Grama Panchayats under the new Act.

The important features of the Karnataka Panchayat Raj Act, 1993 are; Not less than 1/3<sup>rd</sup> seats reserved in each category, for persons belonging to the SC, ST and Backward Classes and of the non-reserved seats in the gram panchayat shall be reserved for women,

Reservations [Section 177(2)(c)] are given to women under category of SCs, BCM, Category 'A' and of unreserved. Therefore, the acceptance of the persons to the post of Adhyaksha and declaring her elected as Adhyaksha of Zilla Panchayat is illegal.

The Karnataka Panchayat Raj (Reservation of seats in gram Panchayats by rotation) Rules 1998

(as per Sub-section (2) (3) and (4) of Section 5 read with Section 311 of the Karnataka Panchayat Raj Act, 1993, dated 26<sup>th</sup> August, 1998) says that, the seats reserved for women in each category referred to in sub-rules (1), (2) and (3) shall subject to the general or special order of the State Election Commission be allotted by rotation by the Deputy Commissioner taking into consideration such factors as the DC may deem fit. The Act also states that, when a seat in the constituency of the gram panchayat was allotted to a category referred for a women during the previous term, the Deputy Commissioner shall not as far as possible allot a seat in the constituency to the same category or for a women in the succeeding term.

The Karnataka Panchayat Raj (Reservation of seats in Taluk Panchayats and Zilla Panchayats by Rotation) Rules 1998, dated 26<sup>th</sup> April 2000, allot a seat in a constituency by rotation, as it is followed in the gram Panchayats. The Karnataka Act No. 8 of 2000, considered desirable change to reduce the term of office of Adhyaksha and Upadhyaksha of gram panchayats to 30 months to provide opportunities for more than one set of persons to be elected as Adhyakshas and Upadhyakshas of gram Panchayats during a period of five year.

The Social Justice Committee shall consist of at least one member who is a women and one member belonging to the SC and ST. Article 121 says. not less than 1/3<sup>rd</sup> of the seats for each category of persons belonging to the SC, ST, BCM and those non-reserved in the Taluk Panchayat Samitis shall be reserved for Women. This is same in case of Zilla Panchayats as per Article 163(3) of the Act and

Article 138(c) and 177(2) of the Act states that not less than 1/3<sup>rd</sup> of the total number of offices of Adhyaksha and Upadhyaksha of the Taluk pinchayats and Zilla Panchayats in the state from each of the categories reserved for persons belonging to the SC, ST, BCM and those which are non-reserved for women.

Thus, one of the outstanding features of 1993 Act, as compared to previous Acts, is that it has provided reservation not only to membership seats but also to executive positions-Adhyakshas and Upadhyakshas. In order to strengthen Panchayats

both organizationally and functionally, the government has appointed an experts committee under the chairmanship of P.R. Nayak. One of the very useful and meaningful recommendations of the committee was, giving compulsory representation to women members in all standing committees.

Section 177 - Karnataka Panchayat Raj (Reservation of office of Adhyaksha and Upadhyaksha of Zilla Panchayat) Rules 1995, states that, the post reserved for members belonging to SC male members elected from constituencies reserved for SCs and women elected from constituency reserved for sc women is not eligible to be elected.

### Conclusion

Political representation of women is in itself intrinsically valuable as it is an important aspect of women's empowerment. Moreover, it can have numerous indirect benefits if decision-making shifts in favor of women. However, since trying to achieve representation through the instrument of reservation can have negative impacts, a priori it is difficult to predict the net effect of reservation on governance. In the following section, I highlight the empirical evidence on the actual impact of reservation in India.

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