CHAPTER - III

WOMEN IN PANCHAYATI RAJ
CHAPTER - III

WOMEN IN PANCHAYATI RAJ

3.1: Women and Panchayats in India:

In a patriarchal society it is easy to make amusing comments about the subservient role of women elected to Panchayats, and some fierce arguments based on the reservations saying that it has failed and women members are no more than proxies for their male relatives. In order to realise the great potential created by the reservations of seats for women, we need to look at the Panchayati Raj Institutions in a historical perspective and see what opportunities had been provided to women to participate in these institutions before the passage of the 73rd Amendment. An assessment in this respect has been made viewing women’s role in two different periods – namely prior to independence and post independence period.

3.1.1: Pre-independence Period:

Panchayat is a term used to refer to the council of five village elders vested with the authority to arbitrate disputes in a traditional village system. Panchayats have been existent in India since long periods in history.1 They find mention in the ancient Indian scriptures such as the Vedas and Puranas.2 But, Indian society being a patriarchal society these institutions were predominantly male institutions. According to Prof. Indra, “In ancient India, women were never thought fit for any other sphere other than the domestic life. The intricate question of administration and government were held to be beyond their comprehension”.3
Throughout ancient and medieval period, therefore, only men participated in these village assemblies. The tribal societies also had traditional village councils to deal with customary laws that ran the village in a systematic way. Here too, only the men were allowed to become members.\(^4\)

The genesis of panchayats in the colonial period can be traced to the famous resolutions of Lord Mayo of 1871 and of Lord Ripon of 1882. These resolutions focused on administrative and financial decentralization and the need to involve Indians in administration at the local levels.\(^5\) In 1909 the Royal Commission on Decentralisation in India recommended that “it is most desirable alike in the interest of decentralization and in order to associate people with the local tasks of administration that an attempt should be made to constitute and develop Village Panchayat for the administration of local village affairs”.\(^6\) The Commission recommended that the village headman should become the sarpanch and the other members be informally elected. Their function should include petty civil and criminal cases, village sanitation, the construction of minor public works and the building and management of village schools. They were to be supervised by the District Officers. But, the Government of India took no steps to implement the recommendations of the decentralization commission for about six years.\(^7\) Another resolution was issued by the Government of India on 18 May, 1918, which underlined the objective of the local self government as follows:

“The object of local self government is to train the people in the management of their local affairs and that political education of this sort must, in the main, take precedence of consideration of departmental efficiency. it follows from this that local bodies should be as representative as possible of the people whose affairs they are called upon to administer, that their authority in the matter entrusted should be real not nominal, and that they should not be subjected to unnecessary control, should learn by making mistakes and profiting from them”.\(^8\) Subsequently, The Government of India Act 1919, which introduced dyarchy, transferred the subject of local self government to the Provincial governments. New legislations were passed by several provinces to set up panchayats in the villages.\(^9\)
In keeping with the then dominant ideology, women were neither voters nor candidates in the panchayat elections, even when these local bodies had elected representatives and were supposed to be training grounds of political education. Only male residents who paid rent, land revenue or tax or had a stipulated annual income were eligible to contest elections. Even, only male residents of a local area could request for the setting up of a village panchayat. In fact, in many of the Acts passed by the provinces it was categorically stipulated that only males were entitled to contest or vote in the elections.

It would be pertinent to mention here that since 1917 Women organisations in India were pressing for enfranchisement. The delegates from Women’s India Association, Seva Sadan and Senate of SNDT Women’s University presented a memorandum before Lord Montague on 17 December, 1917, insisting on equal voting rights as men. This does not find mention in the Montague Chelmsford Report and was rejected by the Franchise Committee set up by then British government but, it was conceded by the Government of India Act 1919. This Act provided that if the legislative council in any province passed a resolution in favour of women’s franchise, they should be put on the electoral register of that province. Subsequently, women were given the right to vote in West Bengal (1925) Punjab (1920), Madras, Bombay and UP (1923), Assam (1926), Central Province and Berar (1927), and Bihar and Orissa (1929). The statutory rules made under the Act of 1919 did not make women eligible for appointment to the Legislative Councils and only later were powers given to the Councils to pass resolution to allow qualified women to become members by election or nomination.

3.1.2: Post Independence Period:

The Village Panchayats were a part of the ideology of the Indian National Movement. Gandhiji believed that independence should begin at the bottom. Therefore every village will be a republic or a panchayat having full powers. He
had given the idea of ‘Gram Swarajya’: “The Government of the village will be conducted by the panchayat of five members annually elected by the adult villagers, males and females, possessing minimum prescribed qualifications. These will have all the jurisdiction required ... Here is the perfect democracy based on individual freedom. The individual is the architect of his own government.”

Despite the nationalist’s movement’s commitment to panchayats and Gandhiji’s propagation of the ideal, the first Draft of the Indian Constitution did not contain the provision for Panchayats.

The Draft Constitution was introduced in the Assembly Session on 4 November wherein criticisms were made regarding the non-inclusion of village and district panchayats. Justifying the position of the Drafting Committee Dr. Ambedkar said “I hold that these village republics have been the ruination of India. I am therefore surprised that those who condemn Provincialism and Communalism should come forward as champions of the village. What is the village but a sink of localism, narrow-mindedness, and communalism? I am glad that the draft has disregarded the village and adopted the individual as the unit.” (CAD, Vol. II, p.390). Ambedkar faced severe criticism from many members for his scathing remarks and the issue resulted in a long debate over the creation of requisite space for panchayats in the Constitution. Ultimately an amendment was moved by K. Santhanam that after article 31-A a new article be added that “the state shall take steps to organise village panchayats and endow them with powers and authority as may be necessary for them to function as units of self government”. In due course it was incorporated in the Directive Principles as the Article 40 of the Constitution of India.

After Independence many states passed legislations to establish Panchayati Raj Institutions aimed at mobilising the effective participation of the rural people in decision making and the implementation of rural welfare programmes. Community Development Programme was started in 1952 and National Extension Service was also introduced in 1953 as a prelude to community development. Though all hindrances to women’s political participation had been
removed, women did not come forward to participate in these institutions. The questions of women's representation in the bodies of local self governments were discussed at several forums with some states reserving or co-opting/nominating one or two seats for women.\textsuperscript{16}

In 1956, a study team under the chairmanship of Balwantrai Mehta was set up to review the working of Community Development Programme and National Extension Service. The Committee submitted its report in 1957. A section of the report deals with the measures to be taken to improve the condition of rural women by helping them find ways to improve their income and conditions of their children. It recommended the appointment of a separate staff consisting of Women Social Extension Officers and Gram Sevikas to carry out welfare programmes meant for women. The Committee also suggested the co-optation two women members who are interested to work among women and children to the block level Panchayat Samitis and Village Panchayats\textsuperscript{17}

The Fourth Meeting of the Central Council of Local-Self Government in its fourth meeting in 1958, also, noted that it is essential to have adequate representation of women in the panchayats to make it a real representative body. But, till that stage is reached, at least two seats should be reserved for women and this would enable the panchayats to assess the total needs of the village from a fuller angle.\textsuperscript{18}

It is amazing that despite realizing the inadequacy of women's representation in the Panchayati Raj bodies that these Councils and Committees could envisage the need for only two women members. This viewpoint is also reflected the Panchayati Raj Acts of the different states during the 1950s and early 1960s, which just reserved two seats or co-opted /nominated up to two members if no women came through elections.\textsuperscript{19}

In 1971 the Committee on the Status of Women in India (CSWI) was set up by the Government of India, Ministry of Education and Social Welfare to:\textsuperscript{(a)}
evaluate the changes that had taken place as a result of the constitutional, legal and administrative measures that have been taken since independence. (b) to examine the impact of the complex process of social change on various sections of Indian women and (c) to suggest measures which would enable women to play their full and proper role in building up the nation.  

In its Report on the Political Status of women it envisaged the need to provide for greater opportunities to women to actively participate in the decision making process and to recognize the true nature of the disabilities and social inequalities that hamper them. This was sought to be done by providing them with special opportunities for participation in the representative structures of local governments. It felt the current form of associating women in these bodies through co-optation or nomination was a kind of tokenism and it was time to move out of this to a more meaningful association of women in local administration.  

CSWI recommended the establishment of Statutory Women’s Panchayats at the village level with autonomy and resources of their own for the management and administration of welfare and development programmes for women and children, as a transitional measure to breakthrough the traditional attitudes that inhibit most women from articulating their problems and participating actively in the existing local bodies. They should be directly elected by the women of the village and have the right to send their representatives to the Panchayat Samities and/or Zila Parishads. A viable relationship with the gram panchayats should be maintained by making the Chairman and Secretary of both bodies ex-officio of the other. When the Ashok Mehta Committee reviewed the working of the Panchayati Raj system in 1978, it recommended that a committee with all women members of the Mandal Panchayats represented on it should be formed so that decisions are made by the women members themselves on priorities and choices in welfare and development programmes meant for women and children.
In the decade of 1980s new initiatives were taken to increase women's presence in the decision making structures. In 1983, 25 percent seats were reserved for women in Karnataka Zilla Parishads, Taluk Panchayat Samitis, Mandal panchayats and the Nyaya Panchayat Act of 1983. The elections under this Act could be held only in 1987. Some 14,000 women were elected out of the 30,000 contesting women candidates. This was a major initiative in favour of women and a pacesetter for subsequent developments at the national level.23

The National Perspective Plan (NPP) for women was drawn up in 1988 to facilitate the mainstreaming of women's issues in major policies and programmes. Amongst other recommendations, it provided the following with regard to the political participation of women in Panchayati Raj bodies24:

- 50 per cent of all grass root functionaries must be women
- Reservation should be made of 30 per cent seats at panchayat to zilla parishad level and local municipal bodies for women. Wherever possible higher representation of dalits/tribals, women of weaker sections should be ensured.
- 30 percent of executive heads of all bodies from village panchayat to district level and a certain percentage of chief executives of Panchayati Raj bodies at lower, middle and higher levels must be reserved for women.
- A more effective step would be to declare certain percentage of constituencies in the lower tier of Panchayati Raj as exclusively women constituencies and all executive positions in a certain number territorial jurisdictions reserved for women candidates.
- All women members of panchayats and other executive bodies must be trained and empowered to exercise their authority. Both men and women members must be sensitized to women's issues.
Many of the recommendations of the NPP were implemented. In 1988 a Committee was set up under the chairmanship of P.K. Thungon to consider the "type of political and administrative structure in the district for district planning". It recommended that as a rule not less than two women should be members of the Panchayati Raj at each level. In case of bodies of small size with membership up to five there would only be one place reserved for women. With a view to elicit views on the question of greater delegation of powers to the Panchayati Raj Institutions, Panchayati Raj Sanmelans were convened at Delhi, Kolkata and Bangalore. National conferences were also held to review the role of the Scheduled Castes and Scheduled Tribes and Women in the Panchayati Raj Institutions. The Prime Minister laid emphasis on women's role and meager representation in the Panchayati Raj Institutions and indicated that 30% reservation would be given to women and indicated that the constitution would be amended. On 5th May a Chief Ministers Conference was convened at New Delhi as the last exercise of the government in which the draft bill on the Panchayati Raj Institutions was given final touches.25

Though the 64th Amendment fell through, many states initiated changes in their panchayat laws to bring reservation for women. Orissa, Maharasha, Kerala and West Bengal introduced 30 percent reservation for women;26 Assam had also initiated 30 percent reservation for women in 1991, November.

There was a change in the Union government in 1989. Rajiv Gandhi's Congress government was succeeded by the Janata Dal government. This government introduced another Constitutional (74th) Amendment Bill in 1990 which provided for a reservation of not less than one third seats for women in the panchayats at all levels. This Bill was introduced in the Parliament but never came up for discussion. When the Congress government came back to power again in 1991 a new amendment bill was introduced in the Parliament which finally became the 73rd and 74th Amendment to the Constitution. This Amendment also contained the provision relating to "not less than one third" reservation in membership for women and also introduced this reservation in
chairpersons’ posts. The President gave his assent on 24\textsuperscript{th} April 1993, when it became law. It was enjoined upon all state governments, through Constitutional Amendment in Article 243(M), that all state governments should amend their Panchayat Acts in conformity with the constitutional provisions, as contained in Article 243.\textsuperscript{27}

3.1.3 : Constitutional Status to Panchayats and Women Members :

The 73\textsuperscript{rd} Constitutional Amendment is not the first attempt to give Panchayats a constitutional status. In fact it was the Asoka Mehta Committee which was the first to demand constitutional recognition for panchayats way back in 1978.\textsuperscript{28} Rajiv Gandhi introduced the 64\textsuperscript{th} Amendment when he was the Prime Minister in 1989 and this amendment along with the constitutional status to panchayats for the first time introduced the reservation of one third seats for women in all the three tiers of the Panchayati Raj Institutions. This Amendment generated a lot of heat in both the houses of the Parliament and ultimately failed to get the requisite number of votes in the Rajya Sabha. Three years later in December 1992 the 73\textsuperscript{rd} amendment was passed by both the houses of the Parliament and it received the assent of the President on 20\textsuperscript{th} April 1993. This was hailed as a milestone the history of Panchayati Raj institutions in India. This Act directs the States to take necessary steps to establish village panchayats and to endow them with adequate powers and authority to function as units of self government.

3.1.4 : Rationale for the Constitution 73\textsuperscript{rd} amendment :

The rationale for the Amendment was that the PRIs had been in existence for a long time, but they had failed to acquire the status and dignity required for viable and responsive peoples’ bodies. Obstacles in this regard arose mainly from the absence of regular elections, prolonged super sessions, inadequate
representation for women and weaker sections, insufficient devolution of powers and lack of financial resources. These lacunae could not be rectified until appropriate constitutional support to PRIs was provided by including certain basic and essential features in the constitution itself to impart to them a measure of certainty, continuity and strength. It was therefore felt that the constitution must provide for a mandatory set up for the Panchayati Raj Institutions based on the holding of periodic elections to these bodies, provision of reservation for the weaker sections, including women and a mechanism to provide financial assistance to them on a regular basis. (Mukherji and Yugandhar, 1994) What is of critical importance to the study is the reservation of 33% seats for women at all the three levels of the Panchayati Raj Institutions. This thirty three percent is considered to be a “critical mass” in order to have an effective voice in any decision making body.

3.1.5: Main features of the 73rd Amendment:

(i) Imparting Constitutional status to the Panchayati Raj Institutions: A new part IX with the heading “Panchayat” was added to the constitution. Article 243, a new Schedule XI, containing 29 powers to be transferred to the Panchayats, was added. Constitutional status was also accorded to the Gram Sabha, a body of all adult voters of the village panchayat area.

(ii) Constitution of three tiers of Panchayats: A three tier Panchayat structure throughout the rural areas of all states was envisaged, except to those which Article 243M gives exemption to. All seats at the village level, intermediate level and district level shall be filled by persons chosen by direct election. Small states with a population of up to twenty lakhs could have a two tier structure.
Reservation of seats: Provision was made for reservation of seats for weaker sections of SC/ST and for women in the membership as well as in the Chairpersons posts. For women, a minimum of one third reservation of the total number of seats at all the three levels was provided for and this was also extended to the posts of chairpersons at all the three levels. These seats were to be allotted to different constituencies by rotation. Seats were to be reserved for SCs/STs in proportion to their population and even among these seats a minimum of one third was to be reserved for women. With the passing of The Panchayats (Extension to Scheduled Areas) Act 1996, all chairpersons to Panchayats in the Schedule V areas have to be tribals and fifty per cent members have to be tribals.

Continuity: Previously Panchayat elections were held at the whims of the state government. Five year tenure for all panchayats and their office bearers was fixed. The state government had no power to extend the period or to delay regular elections. Elections to all Panchayats were to be conducted by independent State Election Commissions to be set up by the state governments.

Direct election: All Panchayat members are to directly elected from territorial constituencies of the Panchayat area. There were to be no nominations or cooption etc. The only exception being the ex-officio membership of MPs/MLAs and to presidents of lower tier of Panchayats in the higher level panchayat bodies.

Devolution of powers and functions: The Panchayati Raj Institutions now have the power and authority to function as units of self-government. They have the power to prepare plans and implement schemes for economic development and social justice on all items listed in Schedule XI added with this amendment and also on other matters entrusted to it by the state governments (Ref. 84)
Table 3.1.2). District Planning Committee should be constituted in each district for the purpose of bringing together the plans prepared by the panchayats and municipalities and giving them to the state government for action.

(vii) **Financial Resources**: It is provided in this Act that the Governor of a state shall constitute a State Finance Commission every five years to review the financial position of the panchayats. Panchayati Raj Institutions can now levy, collect and appropriate such taxes, duties, tolls and fees as may be laid down by the state government.

It is clear in these essential provisions that a vibrant active Panchayati Raj system with more inclusive membership across class, caste and gender, responsive and responsible to the local community, with powers to raise resources to fulfill their responsibilities and meet the aspirations of the people was to be the visionary goal. According to Girish Kumar, "it has created space for a huge number of leadership positions and by extension offered scope for the dispersal of power at the local level- one of the pre-requisites of functional democracy. Secondly, by enabling conditions for people's participation, it has provided opportunities to experiment with innovative ideas. Thirdly, it facilitates the art of collective decision-making and influencing public opinion through public discussion and thus helps to bridge the gap between the leaders and the people. Fourthly, it is widening the social base of democracy by facilitating the empowerment of marginalized sections of society, including women. Last, but not the least it has slowly but gradually started changing the hitherto immobile rural society".³⁰
### Table 3.1.2: Statutory Functions of Panchayats under 73rd Amendment

<table>
<thead>
<tr>
<th>Agriculture, including agricultural extension</th>
<th>Rural housing</th>
<th>Libraries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land improvement, implementation of land reforms, land consolidation and soil conservation</td>
<td>Drinking water</td>
<td>Cultural activities</td>
</tr>
<tr>
<td>Minor irrigation, water management and watershed development</td>
<td>Fuel and fodder</td>
<td>Markets and fairs</td>
</tr>
<tr>
<td>Animal husbandry, dairy and poultry</td>
<td>Roads, culverts, bridges,</td>
<td>Health and sanitation, including hospitals, primary health centres and dispensaries</td>
</tr>
<tr>
<td>Fisheries</td>
<td>ferries, waterways and other means of communication</td>
<td></td>
</tr>
<tr>
<td>Social forestry and farm forestry</td>
<td>Rural electrification, including distribution of electricity</td>
<td>Family welfare</td>
</tr>
<tr>
<td>Minor forest produce</td>
<td>Non-conventional energy sources</td>
<td>Women and child development</td>
</tr>
<tr>
<td>Small scale industries, including food processing industries</td>
<td>Poverty alleviation programmes</td>
<td>Social welfare, including welfare of the handicapped and mentally retarded</td>
</tr>
<tr>
<td>Khadi (homespun cloth), village and cottage industries</td>
<td>Education including primary and secondary schools Technical training and vocational education</td>
<td>Welfare of the weaker sections, and in particular, of the scheduled castes and the scheduled tribes</td>
</tr>
<tr>
<td></td>
<td>Adult and non-formal education</td>
<td>Public distribution system</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintenance of community assets</td>
</tr>
</tbody>
</table>
3.2: Women and Panchayats in Assam:

Before we go into the role of the elected women members of the Gaon Panchayats of the Kamrup district in Assam, it would be worthwhile to have a look at the position of women in the local self-institutions of Assam with a historical perspective.

3.2.1: Local-self institutions of Assam—An overview:

Before the Ahoms had established their political supremacy over Assam, there were many tribal and non-tribal groups living within its territory. Most of the people who live in the plains were non-tribal with a small proportion of tribal population whereas the hilly regions were inhabited predominantly by tribal people and some small ethnic groups. These groups like the Hajongs, Jhados, Mishings, Cacharis, Karbis had their own traditional systems of local government. But it was principally the system under the Ahoms which provided the background to the evolution of panchayat institutions in the state. Ahoms who had ruled Assam for nearly six hundred years (1228-1826) had built up a social structure and a system of local administration wherein a rudimentary form of panchayat for handling local matters could be found. Mels, Khels, Namghars and Sattras are some traditional institutions of Assam during that time which played an important role in managing the affairs of the community at the local level.31

3.3.1: Mels and Khels:

The common parlance a ‘mel’ is a meeting, an assembly or a tribunal. The mels that existed in the Ahom period were of three types. First, there were mels which were gatherings of the village elders possessing influence in society who assembled to settle minor disputes. They assembled in the village namghar, or in an open place or in the house of an influential person in the village. Generally the
decisions of the mels were unanimous, but if unanimity could not be reached, the
majority decision prevailed. The second type of ‘mels’ were those called by the
Ahom King constituting of his ministers and principal officers to discuss important
political matters of the state. The ‘Barmel’ or the King’s Great Council consisting
of Ahom and non Ahom officers attended to important matters of the state. The
third type of mels were the estates granted to the queens, sons, daughters and near
relatives of the reigning monarch. These mels were of two kinds, male and female.
The Tipamia, Charingia and Namrupia mels were headed by a prince of the royal
family and the Majumel and Sarumel by the other close male relatives. The female
mels were Raidamgia mel for the Chief queen, Parbatia mel for the second queen,
the Purani and the Na mels for the other queens The King’s mother was enlisted
the emoluments of the Khangia mel, The King’s grandmother the Enaigharia mel,
the King’s stepmother the Mahi mel, the King’s nurse the Kalichengar mel and the
daughters, nieces, sisters and daughters-in law were granted the Gabharu mels.
The chief of such a mel was empowered to settle their disputes.32

Khels meant a clan or a fraternity. They were generally occupational
(like, kamar or blacksmiths, kumar or potters, sonari or goldsmith, etc.) and
territorial groups. Every adult male whose services were registered for the state
was called a paik and four paiks constituted a ‘got ‘which constituted an
indispensable part of a khel. People belonging to different khels were settled in
each village .Each Khel functioned under an assigned officer. A chief Ahom
officer with subordinates like Hazarika, Saikia and Bora exercised supervision
over the work of the khels. In lieu of the services rendered by the paiks they were
entitled to a certain quantity of land for his maintenance. The officer in charge of
a khel could settle minor disputes among the members of the khel.33

3.3.2 : Namghar ands Satras :

Under the leadership of Sankardeva34, namghars were established in
almost every village of Assam and satras in different parts of Assam. The namghars
were the prayer houses of the Assamese vaisnava sect and the satras were the vaisnava monasteries. The first satra was set up by Sankardeva near his ancestral village Bordowa, in Nowgong district. Birinchi Kumar Baruah in his ‘Sankardeva: the Vaisnava Saint’ said that the namghars which were set up as central religious institutions of the village worked to a large extent towards spread of intellectual and cultural activities in the village, and in the course of time came to coordinate all the aspects of social, economic and political life of the Assamese people. They also serve as the panchayat hall, where villagers gathered to discuss and solve many of their day to day problems. Every householder in the village has an equal voice in the management of their affairs. The villagers with their combined labour and resources build and repair them, provide necessary articles and look to their upkeep, and thus in diverse ways foster social solidarity and discipline.35

Women also have specific duties to perform in the Namghar. They are responsible for keeping the Namghar clean. They also participate in the devotional chanting in the Namghar though not simultaneously with men. Maheswar Neog also considered the namghars as ‘village parliaments’ as they were run on broad democratic principles and their decisions widely accepted by the members of the community.36

Though these mels, khels, namghars and satras were not strictly institutes of self government37, they were assemblies of village elders for collective decision making or to settle minor disputes and ingrained in the people the habit of doing some thing in common.

3.3.3 : Treaty of Yandaboo and After :

The mid-eighteenth century saw Assam embroiled in political anarchy which ended in a Civil War (1769) and ultimately Burmese appeared on the scene in 1817 and heralded the end of Ahom rule in Assam. Assam came under British rule with the signing of the Treaty of Yandaboo, on 24 February 1826,
with the Burmese. It is recorded by William Robinson in 1841, that, in the early years of British annexation the British officials exercised only a general supervision over Lower and Upper Assam paying more attention to fiscal matters while civil and criminal duties were performed by the councils of Assamese gentry under the name of panchayets. The reforms as envisaged by Ripon were proposed in Assam by a resolution in 1882. However, it was only in 1915 that the Assam Local Self Government Act was promulgated. By this Act for the first time village panchayats were constituted on formal legal basis and provision was made for the elective non-official majority and election of non-officials as chairpersons and vice-chairpersons. In 1926 another Act was passed with provision for a village authority consisting of nine persons elected on the basis of adult manhood franchise. It was also provided that though the village authority would consist of more than one person, under extraordinary circumstances it would consist of only one person. The functions of the village authority were listed as water supply, medical relief and sanitation.

Despite the formal establishment, the panchayats established under the British proved to a dismal failure as they did not receive adequate financial and administrative support from the colonial government.

3.3.4 : Developments during Post Independence Period:

After independence Assam was one of the first states to implement Article 40 of the Constitution. The Chief Minister of Assam introduced the Assam Rural Panchayat Bill in March 1948. It was referred to a Select Committee which submitted the report suggesting some modifications in the same month and the Act received the assent of the Governor in November 1948. This Act provided for the division of rural Assam into several Rural Panchayat areas. Each Rural Panchayat would consist of a number of villages and each village would have a Primary Panchayat. Each Primary Panchayat would have an executive body comprising a minimum of 9 and a maximum of 15 members. All adult persons in
the Primary Panchayat area would have the right to vote. Under this Act 422 Mouza Panchayats were established 2656 Primary Rural Panchayats were established. A Rural Development Officer under the District Commissioner looked after the functioning of these bodies both at the village level and the mouza level.43

The panchayats which had been established were not were successful in discharging their responsibilities and to make an analysis of their working, the state government appointed a Committee. This Committee made various recommendations and accordingly a new Act was drafted and even introduced in the legislature but the fact that the union government had also appointed the Balwantrai Mehta Committee to study the Panchayati Raj Institutions, no action was taken on this bill.44

The state government of Assam accepted the Balwantrai Mehta Committee report and enacted the Assam Panchayat Act 1959. This bill was introduced in the Assam Legislative Assembly by the Minister for Rural Development, M.N. Hazarika on August 19, 1958, and he insisted that the bill be referred to a Select Committee. But the bill was criticized for ignoring many recommendations made by the Balwantrai Mehta Committee. In fact the Bill did not contain provision for the co-optation of two women members and one member each from the Scheduled Castes and Scheduled Tribe communities which the committee had suggested and this was pointed out by many esteemed members of the state legislature during discussions on the bill in the floor of the house.45

This Act of 1959 provided for a three tier Panchayati Raj system in Assam i.e, Mahakuma Parishad at the sub divisional level, Anchalik Panchayat at the intermediate level and the Gaon Panchayat at the village level. All the three units were organically linked. The members of the Gaon Sabha elected the members to the Gaon Panchayats on the basis of adult franchise. The main functions of the Gaon Panchayat were water supply, public health and sanitation and primary education. The Anchalik Panchayat consisted of representatives of
the Gaon Panchayats, the members of Parliament and representatives of the cooperative societies within the area of Anchalik Panchayats. The Block Development Officer acted as the Executive Officer of the Anchalik Panchayat. At the sub-divisional level, the Mahakuma Parishad consisted of the presidents of the Anchalik Panchayats, the members of Parliament and State Legislative Assembly, the Deputy Commissioner and the Sub-Divisional Officer.

The Act of 1959 also had many lacunae and was not working satisfactorily and another study team was appointed in 1963 to review the working of Panchayati Raj Institutions in Assam. The study team suggested some changes in the Assam Panchayat Act, 1959 which were incorporated in the Assam Panchayat (Amendment) Act 1964.

Under the Act of 1959, Gaon Panchayat had the power to co-opt only one woman member if no woman was elected. In 1964 it was laid down that two women members be co-opted if no women were elected and one if one woman was elected. Again in the Act of 1959 there was no provision of co-opting women members to the Anchalik Panchayats and Mahakuma Parishads. But the Amendment Act of 1964 provided for the cooptation of two women members to the Anchalik Panchayats and the Mahakuma Parishads.

The Estimate Committee of the Government of Assam in 1970 again reviewed the working of the Panchayati Raj Institutions in Assam. It visited many Panchayat and Community Development Blocks during 1970-71, and submitted its Report in January 1972. The Committee had pointed out many difficulties in the functioning of Panchayati Raj Institutions in the state and made suggestions and recommendations to make the Panchayati bodies more effective and efficient. The state government decided to amend and consolidate the laws relating to local self government and a new Assam Panchayati Raj Act came into effect in 1972. Under this Act a two tier system was introduced, i.e., the Gaon Panchayat and the Mahakuma Parishad. The intermediate Anchalik Panchayat was abolished. Rural panchayats were to be established for a larger area and
population (15-20 thousand) than that of the existing gaon panchayats with a view to making them both economically viable and efficient units of local self government. With a view to achieve the objective of democratic decentralization more powers and functions were also allotted to them. The Gaon Panchayat had 15 elected members with the President directly elected. But, the vice President was elected from amongst the members of the gaon panchayat. There were also provisions for co-opting two women members. Every Mahakuma parishad was to have about 30 to 40 gaon panchayats. The electorates of the gaon panchayat areas elected one Councilor to the Mahakuma Parishad. The Chief Executive Councilor who was the head of the Mahakuma Parishad was elected from amongst the Councilors. Any of the constituencies was to be reserved, by rotation, for electing one woman councilor to the Mahakuma Parishad. If five percent or more of the population within the jurisdiction of the mahakuma parishad belonged to Scheduled Castes or Scheduled Tribes, the constituency having the highest number of such population would be reserved for electing a Councilor of that community.

In 1985, for the first time in the history of Assam the Assam Gana Parishad a regional political party formed the government in the state. This government repealed the Act of 1972 and replaced it by the Assam Panchayati Raj Act 1986. In the year 1990, the Government of Assam issued an Ordinance (The Panchayati Raj Ordinance No. VII of 1990) and renamed the Assam Panchayati Raj Act of 1986 as (Principal Act) Assam Act XVII of 1986 which was adopted with effect from 5th September 1990 only. With this new Act the state again reverted to the three tier set up, i.e., gaon panchayat, anchalik panchayat and the mahakuma parishad.

Under this new Act, the Gaon panchayat area was reduced to six to ten thousand. The Gaon panchayat would consist of ten members and a president directly elected by the people of the Gaon panchayat area for a period of five years. The Anchalik panchayat would consist of all the presidents of the Gaon panchayats and the MP's and MLA's were to ex officio members and other officers could be nominated by the government. The Mahakuma Parishad consisted of
all the presidents of the Anchalik panchayats of its jurisdiction, the MP’s and MLA’s representing the area and the district heads of different departments representing the government. The power to appoint their own staff was taken away from the panchayats and their staff was appointed by the Director of Panchayat.49

This Act provided for co-option of two women in the Gaon Panchayat if no one had been elected and one if one had been elected, and cooption one women member to the Anchalik Panchayat and one women member to the Mahakuma Parishad if no women had been elected. This Act was further amended by an Ordinance promulgated on 2nd November 1991, later adopted as the Assam Panchayati Raj Amendment Act VI, 1991, specifying that the area of the Gaon Panchayat would normally have a population from six to ten thousand and that the president of the Gaon Panchayat and Anchalik Panchayat shall be elected from amongst the Scheduled Castes or Scheduled Tribes (Plains) candidates if the population of SC or ST (plains) is 33% or more of the total population of the Gaon Panchayat or Anchalik Panchayat areas. Most importantly it provided that 30% of the total seats of the Gaon Panchayat and 30% of the total seats of the Anchalik Panchayat shall be reserved for women by rotation.50

In February, 1992, the first elections under the Act of 1986 were held. It is noteworthy that these elections were held after a gap of twelve years.51 But these Panchayati Raj Institutions could not become functional because secretaries to many of these bodies had not been appointed and in the absence of secretaries funds could not be released to the panchayats. The new government (AGP-led coalition) which came to power in 1996 dissolved all the rural bodies on 4th April 1997.52

The amended Act of 1991 did not fulfill all the requirements of the 73rd Amendment and therefore, The Assam Panchayati Raj Act 1994, came into being through an Ordinance on 2nd April 1994. The Assam Panchayat Bill 1994 was passed by the Legislative Assembly on 9th April 1994 and it came into force.
from 5th May 1994, after it received the assent of the Governor. The elections to these bodies under the new 73rd Amendment had been held only on 27th December 2001 and 31st December 2001. Therefore, though many states in India have had their third round of elections to the Panchayati bodies, Assam has just completed one after the 73rd Amendment.

The story of women’s role in the local self-government institutions in Assam is no different from the rest of India. In both tribal and non-tribal societies alike women did not enjoy any decision making powers though their grievances were heard and they could testify as witnesses. In the Ahom period women of the royal households had some powers of adjudication in the ‘mels’ which were granted to them. Though Assamese women are actively associated with the ‘namghar’, studies have revealed that women have a subordinate position in these institutions and do not find a place in the managerial or decision making bodies of ‘namghars’.

After independence, a token representation was provided to women in the Panchayati Raj Institutions. Though Assam provided for 30 percent reservation of seats in the Panchayati Raj Institutions prior to the 73rd Amendment, these bodies were never fully functional and were dissolved before their full term.

3.3.5: The Assam Act of 1994: Implementation of the 73rd Constitutional Amendment:

The Assam State Legislative Assembly passed the Assam Panchayati Raj Act 1994 in conformity with the Seventy Third Constitutional Amendment in its Budget session on 9th April 1994. This Act now covers the 21 districts of Assam under the Normal or General areas covered by the part IX of the Constitution and excludes the Bodo Territorial Council (BTC) districts Kokrajhar, Cirrang, Bagsha and Udalguri and the two hill districts, North Cachar and Karbi Anglong which fall under the Sixth Schedule areas. For the implementation of the Act, The Assam Panchayat (Constitution) Rules 1995 was adopted, specifying the code of Panchayat elections, delimitation and the determination of
constituencies for the different tiers, reservation of constituencies for scheduled castes, scheduled tribes and women and other allied matters. The Assam Panchayat (Financial) Rules 2002 was adopted for financial devolution through Panchayati Raj. On 26th July 2002, by a Gazette notification the Government of Assam devolved the functions of 29 subjects listed in the Eleventh Schedule to the Panchayati Raj Institutions and provided for mapping of activities, sources of funds and functionaries required to assist the Panchayati Raj Institutions at the three tiers.

As per provisions of this Act, the Gaon Sabha has become a permanent institution. The Gaon Sabha consists of all the voters in a village or group of village falling within the jurisdiction of a Gaon Panchayat. This Act makes it mandatory for the Gaon Sabha to meet once every three months to make recommendations and suggestions to the Gaon Panchayat on the development programmes to be undertaken. More specifically the Gaon Sabha has been entrusted with the following two functions (a) mobilizing voluntary labour and contribution in kind and cash for the Community Welfare Programmes and (b) identification of beneficiaries for the implementation of development schemes pertaining to the village. The Gaon Sabha has been visualized as a democratic space to ensure the participation of the villagers in matters relating to the development, planning and implementation of welfare programmes for its inhabitants. This Act provides for a three tier Panchayati Raj System, with Gaon Panchayats at the Village level; Anchalik Panchayats at the intermediate block level and Zilla Parishad at the District level.

Gaon Panchayat: The Gaon Panchayat area may comprise of a revenue village or a group of revenue villages, or a Forest Village or a Tea Garden area or hamlets forming part of a Revenue Village, Forest Village or Tea Garden area or such other administrative unit or part thereof with a population not less than six thousand and not more than ten thousand. The Gaon Panchayat shall consist of ten directly members besides one directly elected President. The Vice President shall be elected from amongst the members in the first meeting of the Gaon
Panchayat. All the constitutional provisions regarding the reservation of seats for women, the Scheduled Castes and Scheduled Tribes have been adhered to by this Act. The general functions of the Gaon Panchayat include (1) Preparation of Annual plans for the development of the Gaon Panchayat area, (2) Preparation of Annual Budget of the Gaon Panchayat, (3) Mobilization of relief in case of natural calamities, (4) Removal of encroachment on public properties and (5) Maintenance of essential statistics of villages. Besides these general functions the Gaon Panchayats have also been entrusted with the functions relating to the 29 subjects which fall within its sphere of activities. The Act makes it mandatory for the Gaon Panchayats to constitute three Standing Committees - Development Committee, Social Justice Committee and Social Welfare Committee from amongst its members. The Development Committee is to deal with poverty alleviation programmes and perform functions specifically relating to agricultural production and animal husbandry. The Social Justice Committee has been entrusted functions relating to the socio-economic, cultural, educational and other similar interests of the Scheduled Castes and Scheduled Tribes and Other Backward Classes, and welfare of women and children. The social welfare committee has to perform functions in respect of education, public health, public works and other similar activities of the Gaon Panchayat. This Act has authorized the Gaon Panchayats to co-opt members to each standing committee from Agriculture Field Management Committee, Mahila Samitis and other civil society organisations without the right to vote. Such co-option should be decided by the Gaon Panchayat by a resolution with majority support. To enable it to carry out such functions the Act empowers the Gaon Panchayat to constitute a fund mainly with contribution and grants made by the State and Central governments, Zilla Parishad, Anchalik Panchayat or any other local body. The Gaon Panchayat has also been given powers to generate its own resources through its power to levy taxes.

Anchalik Panchayats: The Anchalik Panchayats were set up at the block level consisting of directly elected members from each Gaon Panchayat territory. The President of the GP's, and the MLA's and MP's representing the constituency are also its members and they all have the right to vote like its
elected members. However, only the directly elected members are given the right to elect the President and Vice President from amongst themselves in its first meeting. This act fulfills all the provisions regarding the reservation of seats for women, Scheduled Castes and Scheduled Tribes in the Anchalik Panchayats. The general functions of the Anchalik Panchayats are (a) preparation of the Annual plans in respect of Schemes entrusted to it, (b) consideration and consolidation of the Annual plans of all Gaon Panchayats under the Anchalik Panchayat and submission of consolidated plan to the Zilla Parishad, (c) preparation of Annual Budget of the Anchalik Panchayat, (d) performing such functions and executing such works as may be entrusted to it by the Government or the Zilla Parishad and (e) to assist the Government in case of natural calamities. Besides these the Act of 1994 has envisaged a crucial role for the Anchalik Panchayats in respect of the 29 subjects transferred to the Panchayati Raj Institutions. This Act has also given the Anchalik Panchayats to levy tolls, cess, and taxes within limits prescribed by the State Government. It is obligatory on the part of the Anchalik Panchayats to constitute three Standing Committees: (a) General Standing Committee, (b) Finance, Audit and Planning Committee and (c) Social Justice Committee. The tasks entrusted to the General Standing Committee are establishment matters, communication, buildings, rural housing, relief against natural calamities, water supply and all miscellaneous residuary matters. The Finance, Audit and Planning Committee has to look after the matters pertaining to the financial issues of the Anchalik Panchayat, training, budget, scrutinizing proposals for increase of revenue, examination of receipts and expenditure statements and such other matters. The functions of the Social Justice Committee are the same with that of the Social Justice Committee of the Gaon Panchayat.

**Zilla Parishad** : The Act of 1994 provides for a Zilla Parishad in each district. The Zilla Parishad shall have within its jurisdiction the entire district excluding those areas which are included in a Municipality, or a Municipal Corporation, or under the authority of a Town Committee or a Sanitary Board or Cantonment Area. It is constituted by the members directly elected from the
territorial constituencies of the district, the Presidents of the Anchalik Panchayats and the MP's and MLA's representing a part or whole of the district, whose constituencies lie within the district. The Zilla Parishad has been vested with the responsibility of planning for economic development and social justice and to ensure the co-ordination of activities among the Panchayati Raj Institutions in the implementation of plans. It has also been entrusted with the power to examine and sanction the budget estimates of the Anchalik Panchayats in the district. For its functioning finance is provided from the consolidated fund of the state and other grants and contributions made by the government. It also has the power to generate its own resources by levying taxes, cess etc. on certain services to the limit prescribed by the State Government. The Zilla Parishad has four Standing Committees (a) The General Standing Committee, (b) Finance and Audit Committee, (c) Social Justice Committee and (d) Planning and Development Committee. The General Standing Committee has been entrusted the functions relating to the establishment matters, communications, buildings, rural housing, village extensions, relief against natural calamities, Rural Development Programme of the Government of India and allied matters and all miscellaneous residuary matters. The Finance and Audit Committee has been entrusted the functions relating to the finance of the Zilla Parishad like, framing of budgets, scrutinizing proposals for increase of revenue, examination of receipts and expenditure, consideration of proposals affecting the finance of the Zilla Parishad and general supervision of the revenue and expenditure of the Zilla Parishad. It also looks after the plan priorities, allocation of outlays to development, horizontal and vertical linkages, implementation of guidelines issued by the Government, regular review of planning programmes, evaluation of important programmes and small saving schemes. The Social Justice Committee has been entrusted with the same functions as that of the Anchalik Panchayats and the Gaon Panchayats. The Planning and Development Committee shall be in charge of all educational activities of the Zilla Parishad, undertake the planning of education in the district within the framework of the national policy and the National and State plans. In addition it also has to look after the health services, hospitals, water supply, family welfare, agricultural production, animal husbandry, co-
operation, village and cottage industries and promotion of industrial development of the district.

The Act of 1994 also made provision for constituting the District Planning Committee (DPC) for each district. The primary responsibility of the DPC is to prepare a draft development plan for the district consolidating the plans prepared by the Panchayati Raj Institutions, and the other urban bodies like the Town Committees, Municipalities and Municipal Corporation located in the district. The DPC consists of the MP’s and MLA’s representing the whole or part of the district, the President of the Zilla Parishad, the Mayor or Chairperson of the Municipal Corporation/Municipal Board/ Town Committee as the case may be, and not less than two third members of the Zilla Parishad, councilors of Municipal Corporations, Municipal Boards, Town Committees on rotation and in proportion to the rural and urban population of the district. The President of the Zilla Parishad who is the ex-officio Chairperson of the DPC has to forward the district plan to the State Government within a specified period. The DPC has to adopt an integrated approach of development and has to look into the common interests of both the urban bodies and panchayati raj institutions.

3.3.6 : Implementation of the Assam Panchayat Act 1994 :

The elections to the Panchayati Raj Institutions under the Assam Panchayat Act 1994 were held in December 2001. The 73rd amendment has made provisions for reservation of seats for women, SC and ST. Accordingly in Assam, the total number of seats reserved for women in the Zilla Parishad were 117 , out of which 17 seats have been reserved for Scheduled Caste women, and 29 seats for Scheduled Tribes women and 92 seats for general women. Again, in the Anchalik Panchayats, 646 seats have been reserved for women out of whom 29 have been reserved for scheduled caste women and 58 for scheduled tribes women and 559 for general women. Accordingly seats reserved for women in the Gaon Panchayat were 7851 out of which 649 are scheduled caste women, 555 scheduled
The number of total elected representatives at each level of the Panchayati Raj Institutions of the state is shown in the following tables.

### Table 3.3.6 (A) Gaon Panchayat

<table>
<thead>
<tr>
<th>No. of elected representatives</th>
<th>Gen</th>
<th>SC</th>
<th>ST</th>
<th>Women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Total no.</td>
<td>20862</td>
<td>1254</td>
<td>782</td>
<td>8977</td>
<td>23543</td>
</tr>
<tr>
<td>Percentage</td>
<td>93.28</td>
<td>3.38</td>
<td>3.34</td>
<td>38.28</td>
<td></td>
</tr>
</tbody>
</table>

Source: http://pnrdassam.nic.in/state_profile_modified

### Table 3.3.6(B) Anchalik Panchayat

<table>
<thead>
<tr>
<th>No. of elected representatives</th>
<th>Gen</th>
<th>SC</th>
<th>ST</th>
<th>Women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Total no.</td>
<td>1982</td>
<td>80</td>
<td>86</td>
<td>791</td>
<td>2148</td>
</tr>
<tr>
<td>Percentage</td>
<td>92.27</td>
<td>3.73</td>
<td>4.0</td>
<td>36.83</td>
<td></td>
</tr>
</tbody>
</table>

Source: http://pnrdassam.nic.in/state_profile_modified

### Table 3.3.6(C) :Zilla Parishad

<table>
<thead>
<tr>
<th>No. of elected representatives</th>
<th>Gen</th>
<th>SC</th>
<th>ST</th>
<th>Women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Total no.</td>
<td>362</td>
<td>10</td>
<td>18</td>
<td>135</td>
<td>390</td>
</tr>
<tr>
<td>Percentage</td>
<td>92.82</td>
<td>2.56</td>
<td>4.62</td>
<td>34.62</td>
<td></td>
</tr>
</tbody>
</table>

Source: http://pnrdassam.nic.in/state_profile_modified
Table 3.3.6 (D) Kamrup District

<table>
<thead>
<tr>
<th>Zilla Parishad</th>
<th>Anchalik Panchayat</th>
<th>Gaon Panchayat</th>
<th>Total Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>18</td>
<td>11(37.93)</td>
<td>102</td>
<td>57(35.84)</td>
</tr>
</tbody>
</table>

Source: State Election Commission, Assam

Note: Figures within the parentheses indicates percentage to total

In the Kamrup district out of 29 total seats, there were 11 women members, in the Zilla Parishad, out of a total of 159 members of the Anchalik Panchayat there were 57 women members and in the Gaon Panchayats out of a total of 1728 members there were 618 women members.

Therefore, we see that the number of women representatives at each level of the Panchayati Raj Institutions is above the reserved quota of 33%. A few women have also been elected from general seats and seats reserved for Scheduled Castes and Scheduled Tribes in general. Therefore, we see that more women are entering politics, as a consequence of reservations at the local level.

The Assam Panchayati Raj Act of 1994 brought all the 29 subjects enlisted in the Eleventh Schedule under the functional domain of the Panchayati Raj Institutions. But both funds and functionaries have remained in the exclusive domain of the state government.

According to the Act of 1994, the State Government is to constitute a **State Finance Commission** (SFC) for the effective devolution of financial powers to the Panchayati Raj Institutions. Accordingly the first SFC was constituted in 1994 to make recommendations on the devolution of funds to the panchayats from 1996-97 to 2000-01. The second SFC was constituted on 18.04 2001 to make recommendations for the years 2001-02 to 2005-06 and the third has been
constituted on 06.02.2006. The Status Report says that the State Finance Commission grant is not being regularly released to the Panchayats. According to the Report of the second SFC the relevant bye laws stipulating the rates of taxes leviable by the Panchayati Raj Institutions on the basis of empowerment under the 1994 Act are yet to be framed. The inevitable fallout of such delay in implementing the follow up actions has seriously impeded the functioning of the Panchayati Raj Institutions by not only delaying the process of decentralization but also deprived the Panchayati Raj Institutions of grants recommended by the Union Finance Commissions and also central funding under various Centrally Sponsored Schemes. The recommendations made by the second SFC have also been left to the discretion of the State government.

The technical staff of the Block office has to assist the panchayats in the preparation of the Action Plan but they are not accountable to the panchayats. The statutory provision for constituting the various standing committees has not been fulfilled in most of the Gaon Panchayats. According to the Status Report of the Panchayati Raj in Assam published in the website of the department it is ascertained that the consolidated draft district plans are not prepared and guidelines have not been issued for their functioning. No experts or institutions have been nominated to assist them. There is no practice of each Panchayat preparing a perspective Five Year Plan and Annual plans. In the absence of a Panchayat Sector Window in the budget, the state does not indicate the extent and type of available resource to each panchayat in order to facilitate planning.

However, it was only on Monday, June 25th 2007 that the State Government formally transferred 23 subjects of 17 departments to the Panchayati Raj Institution, allotting specific jobs to the three tiers from the Gaon Panchayat to the Zila Parishad. The Government organized a function to mark the occasion and released an activity mapping for devolution of functions, functionaries and funds to the Panchayat bodies in the presence of Mr. Mani Sankar Aiyar, the Union Minister for Panchayati Raj.
This Act has also made provision for the creation of a **State Election Commission** to prepare the electoral roll as well as conduct elections to the Panchayati Raj Institutions and accordingly a State Election Commissioner has been appointed by the Governor. Though the Constitution has ensured the continuity of the panchayats by making panchayat elections compulsory, such rules have been violated in Assam. The term of the present Panchayati Raj bodies expired on December 2006. The High Court had directed the state government to hold polls by October 31, 2007. But the spokesperson of the state government revealed that due to the flood situation in the state elections will be held only in December 2007.

**Gaon Sabha** is not a new feature of the Panchayati Raj system in Assam. The Assam Panchayat Act 1948 and the Assam Panchayat Act of 1959 also made provision for the Gaon Sabha. However the institution of the Gaon Sabha did not contribute much to the functioning of the system except for electing members to the rural or gaon panchayats. The Assam Panchayat Act 1994 has provided for a much larger role for the Gaon Sabha. As per provisions of this Act, the Gaon Sabha has become a permanent institution. The Gaon Sabha consists of all the voters in a village or group of village falling within the jurisdiction of a Gaon Panchayat. This Act makes it mandatory for the Gaon Sabha to meet once every three months to make recommendations and suggestions to the Gaon Panchayat on the development programmes to be undertaken. The dates for these meetings are fixed, namely, 26th January, 1st May, 15th August and 2nd October. Initially the quorum for the meeting of the Gram Sabha was fixed at 1/3 of the voters of the Gaon panchayat and later it was reduced to 10%. There is no provision for Mahila Sabha before the Gram Sabha meetings.

More specifically the Gaon Sabha has been entrusted with the following two functions (a) mobilizing voluntary labour and contribution in kind and cash for the Community Welfare Programmes and (b) identification of beneficiaries for the implementation of development schemes pertaining to the village. The Gaon Sabha has been visualized as a democratic space to ensure the participation
of the villagers both men and women in matters relating to the development, planning and implementation of welfare programmes for its inhabitants.

The Congress which came to power in 2001 announced a new concept Raijor Padolit Raijor Sarkar (RPRS), as an administrative measure to ensure accountable and transparent participation through community participation at the grass roots. RPRS were to be convened at every quarter of the year i.e. October, January, April and July. Gaon Sabhas were to be the basic units of RPRS. During each round called the RPRS week, Gaon Sabhas were held in all Gaon Panchayats of the State. A nodal team consisting of the block village level officials, of all the line departments including the sub-inspector of police headed by a nodal officer, deputed by the Deputy Commissioner of the concerned district is responsible for organizing the Gaon Sabha meeting. The first round of RPRS was held in the October 2001, just prior to the Panchayat elections and immensely helped the Congress Party politically. The initial efforts made by the government to institutionalize the RPRS involving the bureaucracy in the absence of elected representatives were received enthusiastically by the people. But the people had very little role to play in these affairs dominated by officials and Panchayat Secretaries. After the election of representatives to these bodies not much change is noticed in the agenda of the Gaon Sabhas.

The attendance of village women in the Gaon Sabhas was reported to be around 30% of the total attendance. The women mostly belonging to the poorer sections attended them hoping to hear about new schemes to be announced by the government. Initially people thought that the Gaon Sabhas would look into their grievances but it was soon obvious that there were no follow up actions of their ventilated grievances and therefore stopped attending them.

Conversations with the Panchayat secretaries and women Presidents revealed that Gaon Sabhas were only called when funds were released for new schemes to get the approval of the people for the work to be done. Most of them said that more than four Gaon Sabhas were held annually. When probed further
and asked when the last Gaon Sabha was held, most of them could not give a certain reply. The frequency of meetings of the Gaon Sabha the prescribed number of members to form its quorum is an important aspect to ensure wider participation of the people and ensure accountability and transparency, but these have become mere technicalities. It was reported that quorums are sometimes managed. Such abortive practices abuse the statutory provisions and make a mockery of the notions of good governance.

It is evident that the Act of 1994 fulfills the constitutional requirements but has not been implemented in the true spirit of the 73rd Amendment. In fact there are certain provisions which violate the spirit of the 73rd amendment. For example the Act requires that the meeting of the Gaon Sabha be convened by the secretary of the Gaon panchayat with due approval of the President of the Gaon Panchayat and in consultation with Block Development Officer. Again, if the President of the Gaon panchayat fails to convene the Gaon Sabha the same will be done by the Secretary of the Gaon Panchayat in consultation with the Block Development Officer.

Similarly, in case the Gaon Sabha fails to identify the beneficiaries within a reasonable time, the Secretary of the Gaon Panchayat and the Block development Officer concerned will identify the beneficiaries including the beneficiaries under the Integrated Rural Development Programme. The bureaucratic stronghold is sought to be retained by such provisions.

Considering the fact that many women are first time entrants into the Panchayati Raj Institutions these provisions have implications for women’s participation.

Like in other states of India misuse of the no-confidence motion has become an important tool to prevent women members from completing their term. This has led Mr. Mani Sankar Aiyar to remark that, no confidence motions against women chairpersons be allowed to be tabled only once every two years,
It was revealed that almost all the formalities relating to the formation of village panchayats, identification of constituencies to be reserved for women, were carried out at the block panchayat level without involving the local people. The information regarding the village panchayats to be reserved for women was divulged very late, therefore people were confused and many well educated women could not contest.

There is also the problem of mandatory rotation of seats. Studies have revealed that women do not like to re-contest once a seat has become unreserved. For first time political entrants a five year term is not enough to gather the experience to fulfill the new role properly and the political inexperience may lead to frustration and dissuade them from participating again.

It is also to be noted that in the vast majority of rural areas, women rarely exercise power in the formal political sphere and they were thrown into this complex process all of a sudden. In operational terms the enormity of the functions and powers entrusted to the panchayats has led to comments that the existing situation is like giving a high powered car to someone who has all along been used to pedal a bike. Reservations in India also did not emerge out of a typical historical pattern (of industrialization, urbanization, the entrance of women into the formal wage-earning sector, and their subsequent demands for political representation) like in the Scandinavian countries. One thing therefore which is very striking about the 73rd Amendment is that though it is thought of as a bottom up people centered process, it was very much a top down process and this paradox has had an affect on its execution.
Notes and References:


8. Buch. op cit p34

9. Joshi R.P. and Narwani, op.cit. p27

10. Buch. op.cit., p 34 (In fact, the panchayat legislation in some provinces specifically excluded them and the creation of panchayats was also voluntary and discretionary. In the Central Provinces (CP) Village Panchayat Act, 1920, for instance, the Deputy Commissioner was to make an inquiry into the desirability of establishing a panchayat and could establish a panchayat. “On an application made to him by a District Council or by not less than twenty adult male residents of a village or a group of adjacent villages”. The elected panchas were to be from among the male (omitted only by CP Act V of 1934) owners of houses and proprietors or tenants of land permanently resident within the circle.)
| 13 | Joshi and Narwani op. cit. p28 |
| 15 | Joshi and Narwani op. cit. p 45 |
| 16 | Buch op cit. p 35 |
| 18 | Buch op. cit. p35 |
| 19 | ibid.p35 |
| 22 | Manikyamba .op.cit. p14-15 |
| 23 | Buch, op.cit .p.38 |
| 24 | Kumar, op cit .p 140 |
| 26 | Buch ,op.cit. p 38 |
| 27 | Joshi and Narwani ,op.cit. p 49 |
| 28 | Kumar Girish, 2006, *Local Democracy in India*, Sage, India .p. 23 |

109
30 Kumar Girish .op.cit pp.25-26
31 Barooah D.P. in Mathew G and Buch N. ed. op. cit. pp. 66-68
34 Sankardeva (1449-1569), The Vaishnava Saint of Assam
38 Barooah DP. op cit. p 69
39 Rao op. cit. p80
40 ibid. pp94-95
41 ibid. p 42
42 Barooah DP. op cit. p70
43 SIRD, 2004, A Brief Profile on Panchayati Raj in Assam, p1
44 ibid. p2
45 Assam Legislative Assembly Debate, 30th August 1958 pp.112-15
46 Dutta N. op cit. pp 53-54
47 SIRD, op cit., p 2
48 Dutta N. op cit .p55
49 Baruah D.P. op cit. pp. 71-72

110
The last elections held under the Act of 1972 were held in 1979.

Baruah D.P.op.cit. p72


A Study conducted by Women Studies Research Center, Gauhati University entitled, “Women’s participation in the decision making in the village institutions of Namghar” (Draft report) WSRC, Gauhati University, sponsored by, UNICEF. 2000,p 34

Assam Act No XVIII of 1994 (The Assam Panchayat Act of 1994) op.cit.

http://pnrdassam.nic.in/state_profile_modified.pdf

The Assam Tribune 26th June, 2007, p1

It is seen that in the Gaon Sabha meetings people belonging to the economically weaker section of the society are mobilized for participation by the local leaders. People belonging to the well to do section are rarely present.

Sharmah Bhupen, 2006, op. cit. p187-188

An employee in a block office reported that it was not difficult to manage quorum. If every member brought ten members to the Gaon Sabha quorum was managed.

Aiyar Mani Shankar ‘Panchayati Raj: The way forward’, in, Economic and Political Weekly. VOL 37 No. 31 August 03 - August 09, 2002 pp 3293-3297
