STATUS OF WOMEN IN INDIA

For centuries together women in India have been much dominated by men. Indian society is a patriarchal society. In India we have witnessed more religious, social reforms and cultural movements than elsewhere in the world for the emancipation and empowerment of women from the bondage of domination and suppression. Moreover the Constitution of India seeks to secure to all its citizens justice-social economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and to promote among them all fraternity assuring dignity of the individual and the unity of the nation. But, in practice, the majority of the weaker sections, especially the women, are deprived of their fundamental rights, legal and constitutional provisions in the social, economic, educational, political and cultural aspects of the society. But the highlight of the Indian Constitution in respect of women is, Article 15-1, which states, "the state shall not discriminate against any citizens on grounds only of religion, race, caste, sex, place of birth or any of them". Article 15-3 states that "Nothing in this article shall prevent the state from making any special provision for women and children". Article 42 of the Directive Principles of State Policy directs the state to make adequate provisions for just and human conditions of work and maternity relief. Thought on empowerment of weaker sections, especially women, started much earlier to independence. Even during the independence struggle it was stressed.

It is vital to note here that though there are movements and legislations of different kinds made it is not possible to execute them and safeguard the women, especially the rural women.

Rural India depends on its women for survival

Rural India’s children and families are fed, clothed and sheltered by women’s labor. Women’s hands gather water and firewood. Family farms and rural economy are productive because of women’s work. Yet when men are asked, many say that women do nothing at all. Because of women’s low social
status, their work goes unrecognized, unvalued and unsupported. Women carry a triple burden. They make indispensable contributions in all areas of rural life and economic activity, particularly in household maintenance, agriculture and income-generating activities.

Household Maintenance

Women and girls have the primary responsibility of all household work, and caring and providing for their families. They are traditionally responsible for collecting water, fuel and fodder (animal feed). Women hold full responsibility for cooking, cleaning and washing, and caring for children, the sick and the elderly. Women may cook for more than three hours per day—burning wood, dung and crop residues. The smoke they inhale is equivalent to 20 packs of cigarettes per day. It causes eye and respiratory problems, bronchitis and lung cancer.

Agriculture

Women contribute between 55 and 66 per cent of the total farm labor. Their work includes planting, transplanting, cultivation and weeding, fertilizing and harvesting. Women provide 50 per cent of the labor in rice cultivation. Women account for 93 per cent of total employment in dairy production. Women do nearly all post-harvest processing and preservation. Women are generally not allowed to use agricultural implements. They perform many arduous tasks, such as transplantation and weeding, with their bare hands.

Income-Generating Activities

Women are critical income earners for the family. They engage in small business ventures, including silk-cocoon rearing, vegetable-oil extraction, spice preparation and fish farming. Women raise animals for milk, eggs, wool, leather and meat. Women are involved in various paid labor activities, which are often severely physically taxing. Women’s work includes cutting rocks and stones, construction, digging and carrying loads on their heads. Women constitute 51 per cent of total employment in forest-based small-scale enterprises such as basket, broom and rope making. Women who transport firewood on their heads may make two to three trips per day to the forest, carrying as much as 20-25 kilo grams (44-55 pounds) of wood per trip.

Unequal pay for unequal work

Despite their hand work, women are rarely compensated correctly for their labors. In a 1992 study of family based textile workers, male children who
helped in a home-based hand-loom mill were paid, while the adult women and girls were not. When women do earn an income it is significantly less than men’s. In the state of Tamil Nadu, women’s agricultural wages are only 57 per cent of men’s. When women control their own income, they invest in the well being of their children and families, while men often spend their earnings on themselves.

Violence against girls and adolescents

Foeticide and infanticide

Between 3 million and 5 million female foetuses are aborted in India each year. In one clinic in Maharashtra, 7,999 out of 8,000 aborted foetuses were female. Indian gender detection clinic advertisements suggest that it is better to spend US$ 38 now to terminate a female foetus than US$3, 800 later on her dowry. More than 10,000 girls each year are killed when they are born. Girls are murdered by suffocation, having their spines snapped, or having rock salt shoved down their throats. The intentional deprivation of girls—through insufficient breast feeding and denial of food and health care-leads to malnutrition and death. This mistreatment, along with foeticide and infanticide, has led to 50 million women “going missing” in India’s population. Psychiatrist Sudhir Kakkar has estimated that at least 600,000 to 700,000 Indian children are likely to have experienced sexual abuse, mostly by members of their own families. For every crime reported against children, there are 100 that are not reported. The incidence of rape of girls under age 10 increased by 27 per cent between 1996 and 1997 and 20 per cent of the pregnancies of adolescent abortion seekers in Mumbai were due to rape or incest.

Child Prostitution

Between 70,000 and 100,000 prostitutes were working in the six major cities of Bangalore, Calcutta, Chennai, Delhi, Hyderabad and Mumbai in 1991. 15 per cent of Indian prostitutes are children.

Child Marriage

39 per cent of girls aged 15-19 in India are currently or have been married. In Rajasthan, 56 per cent of girls are married before the age of 15. Of these, 3 per cent are less than five years old; another 14 per cent are under age 10. Many girls have their first child while they are still teenagers. Up to 17 per cent of total fertility in India is accounted for by births to women aged 15-18. These young mothers face the stresses and risk of childbirth before their
bodies have matured, and have a high incidence of maternal mortality. Young married girls have little control over when and how often they have children; 37 per cent of live births occur within two years of the previous live birth. Infant mortality for these children is more than twice as frequent as it is for those more widely spaced.

Violence Against Women

Physical abuse and domestic violence

In spite of the fact that most spousal abuse goes unreported, more than 70 per cent of women in some regions reported physical abuse by their husbands. Wife beating is often seen as a husband's right, Divorce is not an option for battered wives. Alcohol abuse contributes to the likelihood that men will beat their wives.

Dowry Deaths

As many as 15,000 women annually are killed by their husbands in disputes over dowry. Reported dowry deaths have increased by 170 per cent in the past decade. Thousands more are injured and maimed because the husband, or the husband's family, is dissatisfied with the dowry brought by the woman.

Psychological abuse

The United Nations Declaration on the Elimination of Violence against Women cites psychological harm as a major form of violence against women. Women suffer from belittlement, threat, taunting and confinement. This can lead to depression and even suicide.

Violence in Motherhood

Maternal mortality-410 deaths per 100,000 live births—is a leading cause of death in India. Beatings or denial of health care during pregnancy can lead to maternal mortality. Battered pregnant women are twice as likely to miscarry and four times as likely to have a low birth weight baby. Children born to battered women are 40 times more likely to die before age five than children of non-battered mothers.

Abuse in widowhood

Widows in India are frequently harassed, beaten and even murdered. 15,000 widows are abandoned in temples where they have no protection from sexual violence.
Violence against women and girls, many of whom are brutalized from cradle to grave simply because of their gender, is the most pervasive human rights violation in the world today. Long after slavery was abolished in most of the world, many societies still treat women like chattel. Their shackles are poor education, economic dependence, limited political power, limited access to fertility control, harsh social conventions and inequality in the eyes of law. Violence is a key instrument used to keep these shackles on. Stopping violence against women and girls is not just a matter of punishing individual acts. The issue is changing the perception-so deep seated it is often unconscious-that women are fundamentally of less value than men. It is only when women and girls gain their place as strong and equal members of society that violence against them will be viewed as a shocking aberration rather than an invisible norm.

Empowerment of women in particular has gained the optimum momentum from the words of Shri. Ram Manohar Lohia. He stated, "The two segregations of caste and women are primarily responsible for the decline of the spirit. These two segregations have enough power to kill all capacity for adventure and joy. All those who think that by the removal of poverty through a modern economy, the segregation will automatically disappear, make a big mistake. Poverty and this segregation thrive on each others’ arm. All war on poverty is a sham unless it is at the same time a conscious and sustained war on these two segregations". The question of women is also seen in Lenin: "You cannot draw the masses into politics without drawing in the women as well". The recognition and empowerment of women took a new shape in the year 1917 under the Women Indian Association chaired by Sarojini Naidu. It fought for women's franchise. Their memorandum reads "Our interests as one half of the people are directly affected by the demand. . . that the members of the Council should be elected directly by the people as abroad franchise as possible. . . We pray that when such franchise is drawn up women may be recognised as 'people' and it may be added in such terms as will not disqualify our sex, but allow our women the same opportunities of representation as that of our men. On agreeing with the demand of the above mentioned memorandum full measure of Local Self Government should be immediately granted. We request that it shall include the representation of our women".

Next to this we can take into consideration the Indian Freedom Movement. Two expressions are taken here for observation. First the words of Mahatma Gandhi. He stated, "As long as the women of India do not take part in
public life, there can be no salvation for the country. I would have no use for that kind of swaraj to which such women have not made their full contribution”. This aspect was integral to the strategy of the freedom struggle. Secondly the words of Jawaharlal Nehru. "Our women came to the front and took charge of the struggle. Women had always been there of course". This shows the extent of the involvement of women in the freedom struggle. But this aspect of the freedom movement suffered a serious setback in post independent India and its adverse impact could be found from the experiences of representation of women in the legislative institutions at the state and national levels. Another important factor to be dealt here is the violence during elections, violence in the work place, violence in various parts of the social and economic life of women. This has made the women move away from the mainstream to the margins. The poor representation of women in the parliament for the past five decades can be taken as an example.

Table 2.1 - Women representation in Lok Sabha

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Women members</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1952</td>
<td>14</td>
<td>2.8</td>
</tr>
<tr>
<td>1957</td>
<td>18</td>
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<td>43</td>
<td>7.9</td>
</tr>
<tr>
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</tr>
<tr>
<td>2004</td>
<td>45</td>
<td>8.3</td>
</tr>
</tbody>
</table>

Source: CSDS Data Unit
Yet another milestone in this context of empowerment of women is the recommendations of the Balwantrai Mehta Committee Report in 1957. It called for the statutory provision for two women to be coopted in all the three tiers of the rural local self-government, after the elections were completed for these bodies. The committee also specified that the selection of these two women must be based on the interest they took in activities relating to the welfare of women and children. Only a few states implemented this. In 1974, the Committee on the Status of Women in India recommended the establishment of statutory Women's Panchayats at the village level. The objectives of the committees recommendation was to ensure that the social and cultural inhibitions that prevented the women from taking part in and contesting the Gram Panchayat elections were removed by way of initiating them into the process through the exclusively women's bodies. It added "we therefore recommend the establishment of statutory women's Panchayats at the village level to ensure greater participation by women in the political process. These bodies are not gram Panchayats but should form an integral part of the Panchayati Raj structure with autonomy and resources of their own for the management and administration of welfare and development programmes for women and children". Only two states, Andhra Pradesh and Maharashtra, has established the Women's Panchayats.

In 1977, the Asoka Mehta Committee on Panchayati Raj recommended the cooption of women members in the following form. Two women who got the highest number of votes in the Zilla Parishad elections would be automatically coopted in the Zilla Parishad even if they failed to get elected. It also added that, in cases where no women candidates had contested the elections, two women would be coopted from the district concerned. The same case was applicable to the Mandal Panchayats also.

This does not mean that women contested in elections and acquired positions. They were coopted. This process of nomination or cooption is undemocratic if not antidemocratic by its very nature. It can be stated there's "Not merely is it undemocratic but also smacks of protectionism as if women are weaker and incapable of fighting the elections". In practice the system of cooption and nomination meant sheer patronage of the dominant political or social group and the women who were nominated had practically no
information on Panchayats nor any experience in working for women and children. The women's representation became one of tokenism and proxy ended as a total failure.

After the enactment of the 73rd Constitutional Amendment Act of 1992 we have experienced a quantum leap of women representation in the Panchayati Raj institutions, i.e, 33.3% of seats are reserved for women in all positions at all levels yet another significant feature is that SC women are also being given reservation as mentioned above. This provision has raised their interests and participation.

National development will be more effective if every citizen, irrespective of being a man or woman, has an active share in all the activities. Almost half the population which was excluded from the development process was given a chance to participate in making decisions to determinate their needs and priorities. This process of empowerment of women is called a process of redistribution of resources in the society in such a way that women get equal access to and control over the resources. For this there is a need to raise the consciousness of women so that they generate the power necessary to bring about positive change. Secondly it is at the grassroots level that women have to be empowered to participate effectively in the political process because the decisions of the local government have a profound effect on the problems of women and might lead to a redefinition of public life itself.

Against this background only the reservation of seats for women was provided by this constitutional amendment providing for one third connotation. It also has a far reading social impact which will go a long way in furthering the development of women. This has brought recognition to the role of women in decision making.

The reservation of seats for women has been put into practice in the following ways.
<table>
<thead>
<tr>
<th>Sl. No</th>
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<th>PU</th>
<th>DP</th>
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</tr>
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<td>8.</td>
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<td>84</td>
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<td>9.</td>
<td>Jammu &amp; Kashmir</td>
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<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>10.</td>
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<td>12.</td>
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<td>16.</td>
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<td>Not Applicable</td>
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<tr>
<td>17.</td>
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<td>32.</td>
<td>Pondichery</td>
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</tr>
</tbody>
</table>

Source: CSDS Data Base, New Delhi.
Status of Women in Tamil Nadu

Usually, the status of women is examined in the absolute sense by looking at where women stand vis-a-vis health, education, income and social indicators. This section focuses more on their position in society, that is, compares where they stand vis-a-vis men, and second, integrates both the 'rights' and 'development' framework while choosing the indicators.

Access to and Control over Resources and Assets

No state (or national) level statistics are available on the ownership of land. A study of land ownership amongst 161 households in Dindigul District carried out by the MSSRF revealed that in 94 per cent of the households, men owned the land. Women who owned land were predominantly those heading households or the only child of their parents (Murthy, 2000). Again no gender-disaggregated statistics are available in this regard. The patrilineal customary system of inheritance, patrilocal system of marriage, the lack of knowledge of women of their legal rights and the dependence of women on their male siblings for support in the event of marital conflict all come in the way of women claiming their rights (Agarwal, 1994).

Credit and Markets

The fact that women engage less in paid work and have less access to formal education than men further constrains their ability to access credit. They also do not have valuable independent assets to make them credit worthy. Other constraining factors are distance from banks, gender bias of bankers, working time of banks and the lack of resources to meet formalities.

In the past, household-focused poverty alleviation programmes such as the Integrated Rural Development Programme (IRDP) sought to reserve 50 per cent of credit for women. Against this target, 38.46 per cent of IRDP loans were channeled to women in 1998-9. However, women’s access to credit did not always imply that they exercised control. In many cases, a wife was just a channel to get access to subsidized credit, which her husband eventually utilized (Kabeer and Murthy, 1997). In extreme cases, women had to struggle to repay the loan in their name, while the money had been used or misused by their husband. Learning lessons from the past, the Tamil Nadu Government has evolved the Tamil Nadu Women’s Development Project (Mahair Thittam), which is an SHG based scheme with the focus on the economic empowerment of women. As regards access to markets, it is most often the husband who is involved in the marketing of products/goods in the case of agriculture, family business or service, and as a result, women lack knowledge of markets, which
includes information and the dynamics of pricing, quality, marketing channels, etc,

**Income**

There are no macro-level statistics on women’s control over their income or their family income. A micro-level study of 34 households carried out in three districts by the International Fund for Agricultural Development (IFAD) Mission of the TAWDP in 1999 reveals that women’s control over the income they earn varies with their age, household headship, and nature of activity (IFAD, 2000). Women’s control over their income is higher when they are engaged in wage labour or where marketing is controlled by them (for example milk vending, flower vending, fish vending), and less so when marketing is controlled by the men. However, where the women have some control over the money they earn, they usually spend the bulk of it on the family’s basic needs, especially food, health care and education, unlike their husbands. Moreover, the issue of control over household income is a crucial factor affecting nutritional levels of women (in particular pregnant women), infants and children, and the well-being of the family in general.

**Common Property Resources**

Poor women in Tamil Nadu, like all over the developing world, have a gender-specific form of interaction with the environment. As per social norms, women are concerned with the provisioning and care of the household. Scarcity and pollution of water and lack of fuel wood affect poor people more than the better-off, and amongst them poor women more than poor men. Micro-studies in Masinagudi Block of the Nilgiris reveal that the erosion of traditional rights of STs to forest produce in the colonial period led to a decline in food security for ST families, particularly of women and girl children. While many of these common property rights have been denied even in the post-independence period, a single Act in the 1990s, of issuing permits to STs to collect forest produce, has expanded the incomes and food security of women (MYWA, 2001).

**Decision Making and Participation**

One of the basic objectives of human development is expanding choices, and doing so for all sections of the people. An important aspect of this is enabling all sections of the population to take part in administrative and economic decision making. While such participation might not happen in the short run considering the social construction of gender (as detailed above), it can play an important part in the long run. This section looks at selected
indicators to explore the extent to which decision making and participation are widespread in Tamil Nadu and the extent to which women enjoy the same opportunities as men. Wherever possible, comparisons with the all-India position and with the position in other countries have been made.

Experiences from most countries in the world have shown that a more broad-based participation in decision making influences decisions in a positive way. Gender differences, however, continue to exist across the globe. In some ways, in fact, India has taken the lead as far as constitutional and statutory initiatives are concerned. For example, the recent sharp increase in the participation of women in grassroots democracy has paved the way for women’s increased mobility outside their homes, creating a space to voice their concerns. While there is still a long way to go for full participation, the 73rd and the 74th Constitutional Amendments, reserving one-third seats in local bodies for women, have facilitated women’s participation in the political process. There is, however, a need for the administrative and political machinery to develop a sensitivity to women’s aspirations and priorities and to make them mainstream and not marginal concerns.

Decision Making—Parliament and State Assembly

As women constitute around half of the world’s population, it is important to reflect on international attempts made to assess the threshold share of women in elected offices that would make a significant, irreversible difference in combating the unequal access to decision making in the public domain. The UNDP HDR stipulates that 30 per cent should be the minimum (UNDP, 1995). Very few countries have come anywhere near this minimum goal. Nordic countries lead the way in this regard. For example, in countries like Denmark, Finland, the Netherlands, Norway and Sweden, the 30 per cent threshold has been crossed either at the parliament the cabinet level.

However, in the case of Tamil Nadu (as no doubt in other states as well), the situation is very different. Despite the fact that differences in participation in voting among men and women are not considerable, gender difference in achieving positions of power through elections is higher. Table 6.4 captures the trend over time with regard to female members in both the Lok Sabha and the Tamil Nadu Assembly. As seen from the table, the percentage of female Members of Parliament (MPs) has been consistently below eight per cent. No improvement is seen over time. The gender gap is erratic for all India with female percentages ranging between a low of 2.5 per cent (1996) to a high of just 9.09 per cent (1984), with no discernible trend. There has only been one woman minister at the Centre from Tamil Nadu, in 1984.
Decision Making—Local Bodies

With respect to political participation in local bodies, the situation is more favourable in terms of women’s participation. The 73rd and the 74th Constitutional Amendments in 1992, which went a long way in re-activating decentralized democracy in India, also made it mandatory to reserve one-third of seats in local bodies for women. This set the stage for serious participation by women in the political process in India, not as passive voters or party workers alone, but also as candidates.

Local body elections in both rural and urban areas were held in Tamil Nadu in 1996. Table 6.6 shows that the total number of candidates elected to rural local bodies was 19,448 (620 district-level Panchayat seats, 6395 block-level Panchayat Union seats and 12,433 Village Panchayat seats). Of these 7040 were women, constituting 36.20 per cent of the total (37.26 per cent for District Panchayats, 37.90 per cent for Panchayat Unions and 35.27 per cent for Village Panchayats).

The story is similar for urban local bodies. The total number of seats was 3919 (3445 for Municipalities and 474 for Municipal Corporations). Of these 1311 went to female candidates constituting 33.45 per cent (1151 in Municipalities accounting for 33.41 per cent and 160 in Municipal Corporations, accounting for 33.76 per cent).

Table 2.3—Representation in Rural and Urban Local Bodies in Tamil Nadu

<table>
<thead>
<tr>
<th>Areas</th>
<th>Female</th>
<th>Male</th>
<th>Total Seats</th>
<th>% Female</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Panchayat (Ward Members)</td>
<td>231</td>
<td>389</td>
<td>620</td>
<td>37.26</td>
</tr>
<tr>
<td>Block Level Panchayat Union (Ward Members)</td>
<td>2424</td>
<td>3971</td>
<td>6395</td>
<td>37.90</td>
</tr>
<tr>
<td>Village Panchayats (Presidents)</td>
<td>4385</td>
<td>8048</td>
<td>12,433</td>
<td>35.27</td>
</tr>
<tr>
<td>Total Rural</td>
<td>7040</td>
<td>12,408</td>
<td>19,448</td>
<td>36.20</td>
</tr>
<tr>
<td>Urban</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipalities (Councillors)</td>
<td>1151</td>
<td>1294</td>
<td>3445</td>
<td>33.41</td>
</tr>
<tr>
<td>Corporations (Councillors)</td>
<td>160</td>
<td>314</td>
<td>474</td>
<td>33.76</td>
</tr>
<tr>
<td>Total Urban</td>
<td>1311</td>
<td>2608</td>
<td>3919</td>
<td>33.45</td>
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</table>

Source: Government of Tamil Nadu, State Election Commission.
Historical Background of Panchayati Raj Institutions in India

The village has always remained the most important unit of Indian social and economic life. It has naturally constituted the primary territorial unit of administration since very ancient times. Manu distinguishes three kinds of settlements-village (gram), town (pura) and city (nagar). But, even according to him, the villages were the fundamental unit of administration. The importance of villages in Indian administration is attributable to the fact that the vast majority of the Indian population-even now 74.33% according to the 1991 census-live in 5.6 lakh villages.

From the early Vedic age the village administration was carried on under the village headman, who was called the Gramini. He used to be the leader of the village. Generally he was a nominee of the king. The Gramini’s post may have been sometimes hereditary and sometimes nominative or elective.

In olden days every village was a republic. The village was governed by a Panchayat or Village Council. The expression Panchayat is now understood all over India as an association of villagers selected for the purpose of village administration including the administration of justice. Why the number five ‘Panch’ is stressed cannot be stated with certainty. According to Prihaspathi, two, three or five persons for the purpose may have given rise to the expression Panchayats. The Greek Ambassador Megasthenes, who visited the court of Chandragupta in 303 BC, describes village communities as rural units and little independent republics, aptly said to be self contained and self governed.

During the Tamil Sangam period in Tamil Nadu (3rd Century BC - 4th Century AD) the residents of a Ur (village) met and transacted local government affairs through the village assembly called Ur Mantram or Avai.

The Sangam system of local government survived the K'albhra Interregnum (3rd Century AD - 6th Century AD) and was revived during the Pallava and Pandia periods (6th Century AD - 9th Century AD). The local government developed into a knit and integrated system during the golden age of the Cholas (9th Century AD - 13th Century AD). Such a vibrant local government, however, declined, if not completely disappeared, under the Muslim and Vijayanagar rulers (14th Century AD - 17th Century AD).
(a) 1854-1871: The earliest motivation for administrative decentralization was related to the carrying out of small and dispersed road works linking them to the collection of minor local revenues for the purpose. In 1854, the Government of Madras set aside a portion of the land cess to constitute district road funds. From 1855, revenues for the road fund were gradually expanded to include ferry tolls, cart tax and fishing rents. The road fund in this process was enlarged as a ‘local fund’ and the revenues thus mobilized were allocated among the taluks within each district. A statutory basis for local funds was provided in 1866 when the Government of Madras passed the Madras District Road Cess Act of 1866, which authorized the government to levy a road cess on land revenue. The object of the Act was to raise funds for the construction, repair and maintenance of district roads and communications through the levy of a road cess on land revenue. Under the Act all occupied land in the Madras Presidency was liable to the payment of a district road cess, at prescribed rates, on the annual rent value of such land.

(b) 1871-1884: The earliest legislation that aimed at decentralization was the Madras Local Funds Act of 1871. It enabled the Governor-in-Council to declare any district or a part of a district a local fund circle. A local fund board was set up to administer the funds raised in each such circle under the Act. The principal objective of the Act was to utilize the funds raised within a circle for construction, maintenance and repair of schools, hospitals and roads in the jurisdiction of the circle. In addition to a cess on land revenue, the Act provided for the levy of house tax and tolls on carriages and carts. Wherever the Act was made applicable, the Road Cess Act of 1866 was repealed.

1882 witnessed the landmark resolution on local self-government of Lord Rippon. This resolution called upon the Provincial Governments to constitute local boards in rural and urban areas; for boards to be given powers to manage their revenues and expenditures; for subjects such as education, medical services and public services to be brought under the control of local boards; and, for boards to have a greater proportion of non officials. The Government of India (GOI) suggested to the Government of Madras to implement the recommendations of Rippon’s resolution in the Madras Presidency. However, the Madras Government was not very enthusiastic about the Rippon proposals on the ground that statutory bodies with separate funds and functions had already been established in the Presidency under the 1871 legislation.

The response of Madras to the GOI resolution was to appoint a committee in June 1882 to study the whole question of local government in the
Presidency. The most important recommendation of the committee was the one relating to a three tier structure of local administration. The committee was also in favour of more powers to local boards, greater proportion of non officials, and larger resources to be made available to local boards. The recommendations of this committee formed the basis of the next piece of legislation, which came in 1884.

(c) 1884-1920: The Madras Local Boards Act of 1884 represented the beginning of a whole series of legislations on local self-government in the British period. It went much beyond the 1871 Local Funds Act. Certain basic approaches and structures introduced in the 1884 Act were to be relevant for the next five decades. The Act was to be brought into force through notification on a district-wise basis and wherever it was brought into force the 1871 Act was repealed. A three tier structure for local bodies was introduced. A village or group of villages referred to as the ‘union’ formed the lowest tier; a taluk (forming part of a revenue district) formed the middle tier; and the district constituted the top tier. Panchayats were constituted at the union level and taluk boards and district boards were constituted at the next two levels.

The major developments between 1884 and 1920 can be briefly referred to: In 1900, the district boards were authorized to levy a railway cess, through an amendment to the 1884 Act. The amendment also required the government to take the consent of the district or taluk board if it was found necessary to remove a member of these bodies.

The next milestone was the appointment, by the Government of India in 1907, of the Royal Commission on Decentralization to examine the financial and administrative relations between the Government of India and the Provincial Governments and between the Provincial Governments and local authorities. The Royal Commission was in favour of Panchayats being established in each village with rural boards being formed at the sub-district level with appropriate resources and responsibilities. In 1915, the major recommendations of the Royal Commission were adopted by the Government of India and the Provincial Governments were requested to pass necessary legislation to implement them. The Madras Government was, however, not in favour of extending local self-government below the Union level (of a group of villages) to individual villages. The compromise they arrived at was to permit the constitution of voluntary or ‘informal’ non-statutory Panchayats in individual revenue villages. Such Panchayats were to consist of at least five members selected at a general meeting of the villagers by show of hand. The powers
given to these Panchayats were not uniform and varied according to local circumstances. Funds were given to them on a discretionary basis through the district boards. The Government of Madras also set up a Committee in 1915 to look into the financial position of local boards. In addition to existing taxes leviable by the local boards, the Committee recommended the levy of a profession tax and water and drainage taxes.

The Montague-Chelmsford Report (M-C Report) of 1918 on Indian Constitutional Reforms closely followed the 1915 Report of the Decentralization Commission. The ambit of the M-C report extended to local bodies as well and it set the scene for the next phase of decentralization, particularly in the matter of electoral representation. A major recommendation of the Report was that local boards should include a substantial elected element and that they should be able to exercise considerable freedom in formulating their budgets with government control being kept to a minimum. Following the M-C Report, the Government of India passed a resolution which recommended that non officials be made chairmen of local boards and that franchise be extended to the whole body of rate payers. At the same time, the Government of India Act of 1919, based on the M-C proposals, gave a much greater role to the democratic element at the Provincial level in the matter of local administration. Under the system of 'dyarchy' it introduced, local administration became a subject that came under the purview of an elected Minister of the Provincial Legislature.

(d) 1920-1950: The response of the Madras Government to the recommendations of the Royal Commission on Decentralization and to the M-C report was to pass two pieces of legislation in parallel. In 1920 both the Madras Local Boards Act and the Madras Village Panchayat Act were enacted. The former replaced the 1884 Act but retained the three tier structure of Unions, Taluk Boards and District Boards. The latter, following the recommendation of the Decentralization Commission, extended the Panchayat structure below the union level to single revenue villages or groups of contiguous villages. It was, however, not applicable in areas where the Madras Local Boards Act prevailed. Thus the lowest tier consisted of either Village Panchayats or of groups of villages comprised in a Union, with the latter being the predominant category.

The Madras Local Boards Act of 1920 was amended as many as 15 times during 1920-1950. Most of the amendments either rephrased certain provisions or included or excluded specific duties or powers of local boards. Two amendments that brought about major changes in the Act were passed in
1930 and 1934. In 1930, the Madras Village Panchayat Act of 1920 was repealed and Village Panchayats were brought within the scope of the Madras Local Boards Act. A number of other important changes such as provision for reservation of seats for minority groups in the local boards and for direct elections to district boards in respect of the majority of seats were also made in the amending Act of 1930. In the 1934 amendment the middle tier, viz., the taluk boards, were abolished. The decision to abolish taluk boards was justified by the government on the ground that a number of them were under severe financial strain. The government also argued that the functions carried out by the taluk boards could as well be undertaken by either the District Boards or the Panchayats.

Aspects relating to Legislations:

The forties were marked by detailed deliberations in the Madras Legislature relating to the structure of local bodies. The abolition of the Taluk Boards in 1934 reduced local bodies to a two tier structure of Village Panchayats and District Boards. In the forties, the Government of Madras considered reorganizing the local bodies by placing the Village Panchayats and District Boards under separate Acts. In the year 1941 a draft bill was prepared that placed the Village Panchayats under a separate statute, increased the powers of the District Collectors over them and made provisions for the appointment of executive officers to every Panchayat. This bill, however, could not be passed as the idea of doing away with the linkages between the two tiers met with strong opposition. In the year 1946 the legislature once again considered a proposal to remove the Panchayats from the purview of the District Boards and make the District Collector the direct authority to inspect, supervise a guide them. Subsequently, two Acts were passed in 1946 during the Adviser’s regime—one an amendment to the Local Boards Act of 1920 and another on Village Panchayats. However, these acts were not brought into force. The popular Ministry which subsequently came to power appointed a cabinet sub-committee in 1946 to draft a comprehensive legislation based on a thorough study of local government. This committee recommended that ‘Village Panchayats should be the basis of all democratic government and that Panchayats should be constituted in every village with powers to deal with all matters concerning the village and placed in possession of ample resources to carry out all their responsibilities and should function as units of administrative and economic activities. The committee also recommended that District Boards be abolished and suggested the idea of a ‘Panchayat Union: a group of
villages could form a Union and could undertake activities common to them such as middle schools, veterinary hospitals, dispensaries, markets etc., while basic infrastructural facilities and provision for sanitation could be undertaken by individual villages. This recommendation of the committee came into effect only with the passing of the 1958 Act. However, the idea of joint activities among local bodies was not a new one and had been put forth as early as the Madras Local Boards Act of 1920. As per this Act local boards could jointly undertake any activity in which they had a common interest.

Debate in the Constituent Assembly on Village Panchayats

Mahatma Gandhi had envisaged that Village Panchayats would form the basic political and economic structure of independent India. Gandhiji had, in fact, visualized a single vertical structure of governance, of which Village Panchayats formed the basis. According to Gandhiji, “There are seven hundred thousand villages in India each of which would be organized according to the will of the citizens, all of them voting. Then there would be seven hundred thousand votes. Each village, in other words, would have one vote. The villages would elect the district administration; the district administrations would elect the provincial administration and these in turn would elect the President who is the head of the executive”. This idea of Gandhiji that the constitutional structure of independent India ought to be village-based and pyramid-like was not given effect to. The Constitution makers made provisions for the members of the Lower House to be elected directly by the people by a system of universal adult suffrage. The omission of the Village Panchayat as the basic structure of governance was questioned by a number of members when the Draft Constitution was discussed in the Constituent Assembly. Dr.Rajendra Prasad also expressed his opinion in favour of having village republics as the basis of the Constitution. In response to this, Mr.B.N.Ranu, the Constitutional Adviser, pointed out that any attempt to change the basis of the Constitution was not feasible as considerable progress had been made in the making of the Constitution: “Even if the Panchayat plan is to be adopted, its details will have to be carefully worked out for each province and for each Indian state with suitable modifications for towns. Apart from other difficulties, this will take time and rather than delay the passing of the Constitution further it would seem better to relegate these details to ancillary legislation to be enacted after the Constitution has been passed”.

Members of the Constituent Assembly expressed strong views regarding the absence of any provision in the Draft Constitution for the establishment of
Village Panchayats. Arguments put forth in favour of establishment of Village Panchayats were as follows: the development of Village Panchayats as an absolute necessity for the prevalence of a democratic order, local autonomy, local development and upliftment of villages; the structure of the Constitution of a free country should be based on village so that it would be one that is built from the base and not one that is built from above; a strong centre is possible only with strong limbs, that is strong Village Panchayats; decentralization of power is possible only with the development of Village Panchayats; centralization of power is dangerous as it may make that power totalitarian; and development of Village Panchayats is also essential so that our ancient polity would get reflected in the structure of the Constitution—the absence of this reflects only the western model. As a consequence of the concern raised by the members, a new clause was inserted in the Constitution and adopted without any dissent on the 22nd of November 1948. This amendment, which was accepted as given by Mr. K.S. Santhanam of Madras, read as follows: “The State shall take steps to organize Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government”. Thus Village Panchayats were included in the Constitution as part of the Directive Principles of State Policy.

Features of the 1950 Act

As recommended by the Madras Retrenchment Reorganization Committee of 1946, the Government of Madras aimed at strengthening Village Panchayats and a Panchayat Bill was discussed in the Madras Legislature in the year 1949. Piloting the Bill in the Legislative Council, the Minister for Local Administration said, “In a country like ours which is predominantly rural in character and where there is still in our villages, a live sense of corporate unity, the village must necessarily be the basic administrative unit. . . The next step is to make every village a self-contained unit managing its own affairs and meeting as far as possible all its needs in the matter of food and clothing by local production and providing on its own initiative for all the social, economic and cultural necessities of the people. Several details of the Bill were discussed in the Legislative Council. The Bill had made provisions for the appointment of inspectors and executive officers who could exercise control over the elected members of the Panchayat and this provision was seen by a number of legislators as curtailing the freedom of the Panchayat. As pointed out by the leader of the opposition in the Legislative Council, V.K. John, “You want to give them local self-government and in order to make it really
democratic, tight control is vested in officers appointed by the government. I feel that it is a wrong thing and it is not local self-government at all; it is government of the Panchayat by the provincial government and their officers.” This issue, the status of the elected head— the president— vis-a-vis the government officials was discussed at length but an amendment put forth for removing the officers’ power was not accepted by the majority. Some members also objected to the provision of compulsory levy of taxes by Panchayats on the grounds that it was an infringement on the freedom of these bodies; some members also raised doubts about entrusting judicial powers to Panchayats.

The Madras Village Panchayats Act was passed in 1950. With the passing of this Act, the control the District Boards were having over the Village Panchayats was completely removed. Panchayats were constituted into autonomous bodies and were placed under the guidance of an officer called The Inspector of Municipalities and Local Boards’. The Madras Local Boards Act of 1920 was subsequently called the Madras District Boards Act and was made applicable only to district boards.

The Madras Village Panchayats Act, 1950 was the first Act pertaining to local government that was passed in the post-Independence period by the Government of Madras. According to the Act every revenue village with a population of not less that 500 and revenue village with a population of less than 500 grouped with any contiguous revenue village or villages so that the total population of all revenue villages so grouped is not less that 500 shall be declared Panchayat Villages. The Act envisaged setting up Panchayats in all villages in the State. The Act classified Panchayats into class I and II on the basis of their population and annual income. The Act prescribed the minimum strength of a Panchayat to be five members and the maximum strength to be fifteen. Members of the Panchayat and its President were to be elected directly by adults in the Panchayat area by a system of secret ballot, while the Vice-President of the Panchayat was to be elected by the Panchayat Members. In every Panchayat the Inspector may reserve seats for members of Scheduled Castes with due regard to their population in the village: the provision for reservation of seats for Muslims, Indian Christians etc., was omitted in this Act.

The Act did not introduce any basic change in the functions to be performed by a Panchayat: Panchayats were continued to be seen as units that provided infrastructural and basic amenities; the role of Panchayats in promoting developmental activities such as the promotion and encouragement
of cottage industries and improvement of agriculture was only minimal; a Panchayat had the discretion and was not obliged to perform developmental functions. However, an important new function that was assigned to Panchayats by the Act of 1950 was the judicial power. ‘Every Panchayat constituted or deemed to be constituted under this Act for any area shall be deemed to be a Panchayat court for that area’. The members of the Panchayat shall be ex-officio members of the Panchayat court. Another new function assigned to a Panchayat under this Act was the power to execute Kudimaramath and levy a fee for the same. In terms of sources of finance, the Act did not provide for any new taxes. House tax, profession tax, vehicle tax, a land cess and duty on transfers of property as provided for in the earlier Acts were to be collected by the Village Panchayat according to this Act also. According to the Act the Panchayat President was required to prepare a budget showing the probable receipts and expenditure during the following year and place it before the Panchayat for its sanction. The accounts of the Panchayat were scrutinized by government appointed auditors. The Panchayats also functioned under the overall supervision of the Inspector of Municipal Councils and Local Boards who had the power to dissolve or supersede a Panchayat when, in his opinion, the Panchayat was not competent to perform the duties imposed on it by law. The inspector also had the power to suspend any resolution passed by a Panchayat and all Panchayats were required to submit to the Inspector each year an administrative report.

In sum, with the passing of the 1950 Act, the structure of the local bodies underwent a change inasmuch as the linkages that existed between the two tiers, the District Boards and Village Panchayats was eliminated. But it terms of all other aspects such as functions assigned to Panchayats, finances raised by them, and government control over their functioning, there was hardly any change in the 1950 legislation.

Developments during 1950-58

The Balwantrai Mehta Committee’s Report and the Government of Madras’ Reaction to it; In the year 1952, the Government of India launched the Community Development and National Extension Service Scheme and this scheme aimed at the development of an area through people’s support and participation. In order to study the functioning of this scheme, a study team, under the chairmanship of Shri.Balwantrai Mehta, was set up by the Government of India. One of the major recommendations of the Balwantrai Mehta report was that the developmental programmes undertaken in a local
area should be channeled through elected bodies. The report of the team recommended the creation of an interconnected system of democratic institutions at the village, block and district levels that would undertake developmental activities. As per this report, the constitutions of Village Panchayats should be purely on an elective basis; at the block level a Panchayat Samiti should be constituted by indirect elections from the Village Panchayats; at the district level, a Zilla Parishad should consist of all the presidents of Panchayat Samitis and all members of the State Legislature and Parliament representing a part or whole of a district whose constituencies lie within the district and district level officers of certain departments. The District Collector shall be the Chairman of the Zilla Parishad. The report argued that the District Boards were unviable planning units due to the large area they covered and recommended their abolition. The report recommended that Panchayat Samiti should undertake the provision of basic amenities and infrastructural facilities in the villages. The function of the Zilla Parishads, according to the report, was to coordinate the activities of the various Panchayat Samitis.

The recommendations of the Balwantrai Mehta Committee were placed before the Government of Madras for its consideration. The Madras Government agreed with the recommendation of the creation of Panchayat Union or Panchayat Samitis. The concept of Panchayat Union was not a new idea as far as Madras was concerned as it could be seen as an evolution from the Firka development approach. Moreover, even before the Balwantrai Mehta Committee’s Report, a Panchayat Union was constituted in Madurai on an experimental basis in November 1956. An enquiry into the functioning of this Panchayat Union in 1957 had concluded that the constitution of Panchayat Unions would prove to be successful. The concept of ‘Zilla Parishad’ was also not new in Madras where a District Planning and Development Board had already been constituted as the advisory body at the district level for development plans. The Government of Madras, however, did not totally agree with the committee’s recommendations with regard to the nature of functions to be assigned to the local bodies. While the committee recommended an outright transfer of responsibility to the Panchayat Union as regards developmental activities such as agriculture, industries, education and health, the Government of Madras was in favour of a delegation of responsibility to the local body, which meant that the government would retain the ultimate responsibility for the action of the local body. The Madras officials
recommended three grades of authority to local bodies, statutory devolution of some other functions, executive delegation of certain other functions and advisory association of some others. The approach of the Government of Madras was not to widen the domain of responsibilities statutorily assigned to local bodies while it recognized the need for discretionary entrustment and consultation.

Madras Village Panchayat Amendment Act, 1958:

The Madras Village Panchayats Act of 1950 was amended in 1957 and the major changes introduced were as follows:

(a) The Act of 1950 had provided for the President of the Panchayat to be directly elected by the people. The amendment to the Act prescribed a system of indirect election whereby the President was to be elected. It was very strongly objected to by the Communist and Praja Socialist members.

(b) The amendment enlarged the tenure of Panchayats from 3 to 5 years. This change was significant as elections to Panchayats were due by 1957.

(c) The amendment permitted the grouping of contiguous villages for constitution of Panchayats even if their population exceeded 500, wherever it facilitated administration.

This legislation was passed on 9th November 1957, after being referred to a select committee of 15 members.

White Paper on Local Administration

Given the developments that took place since 1950s on the subject of local bodies, it became more or less imperative for the Government of Madras to discuss the issue in detail. As such, in the year 1957 the Government of Madras issued a White Paper on the Reform of Local Administration. The White Paper was discussed in the Legislative Assembly on the 4th and the 5th of November 1957 and in the Council on the 6th and 7th of November 1957.

The main elements of the White Paper were:

(1) A Panchayat Union should be constituted for every development block and the constitution of the Panchayat Union should be so devised that it will represent a co-operative association of the Panchayats of all villages situated in that block;
(2) District Boards should be abolished, with their functions being undertaken by Panchayat Unions.

(3) District Development Councils should be formed in each development district for establishing an advisory association between representatives of the local people and departmental agencies of the government.

Rajiv Gandhi’s initiative in the 80s

At the political level Rajiv Gandhi, as Prime Minister, was disturbed at the lack of responsiveness of the administration and held wide consultations with administrators on how to give India a responsive administration. This churning led to a realization on his part that representative government was fundamental to making the administration responsive. This process led to his sponsoring a Constitutional Amendment (64th) in late 80s to put Panchayats on a sure footing. This amendment was, however, lost in Parliament--but on grounds other than opposition to the principle and purpose underlying the Amendment. The pieces were picked up by the next Parliament in the early 90s, as Amendment 73rd.

Scope and Substance of 73rd Amendment

At long last, in 1992, the 73rd and 74th Amendment were brought to honour Article 40 of the Directive Principles to establish institutions of, self-government from village upwards. The Amendments incorporated in two Chapters, IX and IXa, of the Constitution were supported by all Members of Parliament across parties barring one who dissented on technical grounds.

These Amendments indeed went further than Article 40, in their social sweep and significance, by providing for a definite minimum reservation for discriminated groups, Women, Scheduled Castes and Scheduled Tribes, in the elected bodies (Panchayats/Nagarpalikas) and by requiring local area plans to include social justice along with economic development, the 73rd and 74th Amendments added an explicit and dynamic social dimension to the pursuit of decentralization, namely, to provide institutional under-pinning for the systematic pursuit of several other sister Directive Principles besides Article 40, which too had hitherto remained mainly uncared for, in particular:

- Article 38: State to secure a social order for the promotion of welfare of the people
- Article 41: Right to work, to education and assistance
- Article 45: Provision for free and compulsory education for children
- Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
- Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health
- Article 48-A: Protection and improvement of environment

Besides, the changes envisioned by these Amendments extended in scope and sweep the entire system of governance. The mandate required active participation (via Gram Sabha/Ward Committees) of every single adult member of our one billion population. Thus, for the first time, an active role and responsibility was devolved on every adult citizen who was an eligible voter in the system of governance.

This historical perspective must be borne in mind while assessing what has actually been done since 1992 to implement the mandate of the 73rd and 74th Amendment. We must also remember that the Constitution is not self-enforcing. It relies on designated agents to promote its purpose and enforce its provisions. In the instant case the principal agents required to implement the above Amendments are: Parliament, Central Government, State Legislature, State Governments, State Election Commissions, Gram Sabhas, Panchayati Raj Institutions, Nagar Palikas, National Finance Commission and the Planning Commission, which though not a statutory body, occupies a critical place in the development domain-in planning, allocation of resources and periodic monitoring of progress and evaluation.

For enforcement, the Constitution depends simultaneously on the degree of awareness and alertness of the people at large on the one hand and, on the other, on the faithfulness and firmness with which those who take the oath of office obey and advance its meaning and mandate.

**Historical Background of Panchayati Raj Institutions in Tamil Nadu**

**Madras Municipal Corporation, 1688**

Tamil Nadu has the unique distinction of having had the earliest formed Municipal Corporation in the country. In 1688, a Municipality was established at Madras with a Mayor and twelve Aldermen, including several Portuguese and Indians.
Much attention was paid in the Madras Presidency to the revival and development of rural local bodies. In 1864, Lord Robert, the Madras Governor, replaced the exploiting local chieftains with a new class of District Collectors. Distinguished District Collectors like Lionel Place, Col, Alexander Read, John Hodgsen and Sir Thomas Munro penetrated into the “impregnable mysteries” of the villages and found by experience that it was possible and advantageous to work through the indigenous institutions, reforming and adapting them to suit their ends. In particular, they attempted to revive the indigenous system by a series of resolutions.

The Madras Local Boards Act 1884

With Rippon’s Resolution on Local Self-Government, a network of local bodies came into existence. The Madras Local Boards Act V of 1884 provided for a three-tier self-government system consisting of District Boards, Taluk Boards and Union Boards. The Madras Local Boards Act of 1920 gave an independent status to each class of local boards and eliminated the ex-officio official elements. The Madras Village Panchayats Act of 1920 was passed with the object of providing for the "administration of the village by the villagers themselves, thereby developing the system of self-government in the rural areas". By 1920, the foundation for a three-tier system of local government was well laid with the Village Panchayat as the basic unit.

Madras Village Panchayats Act 1950

Inaugurating the Conference of Provincial Ministers on Local Self-Government in 1948, the then Prime Minister Jawaharlal Nehru observed that "Local Self-Government is and must be the basis of any true system of democracy".

Article 40 of the Indian Constitution, which came into force in 1950, directs the States to "take steps to organize Village Panchayats and endow them to function as units of self-government". The Madras Village Panchayats Act of 1950 was enacted in pursuance of this objective. Adult suffrage was introduced by the Madras Village Panchayat Act 1950. Seats were reserved for SCs/STs and Panchayats were given judicial powers. District Boards were formed. However, only a very little breakthrough was made between 1947 and 1957 when the Report of the Balwantrai Mehta Committee was published. The Balwantrai Mehta Committee (1957) suggested the integration of the Community Development Programme and the National Extension Service
Scheme with a popularly elected democratic decentralized body. This paved the way for the formation of a new three-tier Panchayati Raj: Panchayat at the village level, Panchayat Union at the block level and Zilla Parishad at the district level.

When the District Boards were abolished in 1957, District Development Councils were set up in all the districts by the District Development Council Act 1958. The District Development Council’s role was basically advisory in nature, with respect to both the local bodies and the government.

The Tamil Nadu Panchayats Act 1958, based on a White Paper of 1957, introduced a number of changes. All Panchayat Presidents were made members of the corresponding Panchayat Union Councils. This provided an organic link between the two tiers. The Inspector of Panchayats was given the power to co-opt at least one woman member to any Panchayat body wherever there was none.

In 1989 an amendment was introduced to reserve thirty per cent of the total seats at the level of the Village Panchayat for women. In 1991, by another amendment, it was stated that if women were not elected to these seats women could be co-opted to ensure 30% representation in the Village Panchayats. Depending on the number of Village Panchayats in a Panchayat Union a maximum of five seats were to be filled by women in the Panchayat Union Council. In addition the District Collector could nominate a maximum of two women to the Panchayat Union Council.

Local Body Elections in Tamil Nadu

After independence, elections were held only four times to the local bodies in Tamil Nadu as per the Madras Panchayats Act 1958. The first elections were held in 1960, followed by the second in 1965 and the third in 1970. The next Panchayat elections were due in 1975. But they were not conducted under some pretext. After an interval of 16 years, the fourth Panchayat elections in Tamil Nadu were held in 1986. Again the elections that were due in 1991 were put off due to various reasons. After the enactment of the 73rd Constitution Amendment Act 1992, the Village Panchayat elections in Tamil Nadu were conducted in October 1996 as per the Tamil Nadu Panchayats Act 1994.

Democratic decentralization as a policy and principle has deep roots in Indian society. Historically Tamil Nadu has promoted the decentralization of powers to strengthen community governance. Democracy can be functional
only if the public, irrespective of caste, creed or religion, have an opportunity to participate directly in their own governance. This is possible only through the strengthening of Panchayati Raj Institutions. Even during the Community Development era, Tamil Nadu was in the forefront to popularize the philosophy of community participation in developmental activities.

Tamil Nadu is one of the few States to bring out a new legislation, namely, the Tamil Nadu Panchayats Act 1994, in tune with the 73rd and the 74th Constitutional Amendment Acts of 1992. Thereafter a series of initiatives have been taken starting from the sub-committee of the State Planning Commission recommending various activities to delegate the powers, functions and finances to the three-tier Panchayati Raj Institutions in the rural areas to make them self-governing administrative units. Since democratic decentralization and devolution of powers is a dynamic concept and the degree and magnitude of delegation changes over time, the State of Tamil Nadu appointed a High Level Committee under the Chairmanship of the Honorable Minister for Rural Development and Local Administration to explore further possibilities for decentralization and delegation of more responsibilities to the three-tier rural local bodies. The Committee submitted its recommendations in January 1999 and, within a short time, the Government of Tamil Nadu took decisions. Several Government Orders were issued to delegate further powers as per the recommendations of this Committee. Adequate powers with varying degrees of responsibilities for the 29 items listed in the 11th Schedule of the Constitution have been entrusted to the three-tier Panchayats in Tamil Nadu.

**Salient Features of the Tamil Nadu Panchayati Raj Act 1994:**

The New Panchayati Raj System came into being in Tamil Nadu after enacting a new law for local body institutions in the year 1994.

The salient features of the new Act are as follows:

(a) A three-tier system;
(b) Gram Sabha;
(c) Establishment of Election Commission;
(d) Constitution of Finance Commission;
(e) Reservation of seats for SC/ST proportionate to their population;
(f) One third reservation of seats for women; and
(g) Constitution of District Planning Committee.
Gram Sabha

The Gram Sabha is the nucleus of the New Panchayati Raj System. All the registered voters are members of the Gram Sabha of that Village Panchayat. As per the Act it has to meet thrice a year and at least once in six months. The President of Gram Panchayat is the presiding officer of the meetings of the Gram Sabha. The Gram Sabha has to give approval to the budget proposal and annual plan of the Village Panchayat. Further it has to give approval to the annual audited statement of the expenditure of the Village Panchayat. One third forms the quorum to transact the business of the Gram Sabha as per the Act. In Tamil Nadu the Gram Sabha is a neglected subject and unit in the local body arrangement as both elected leaders and officials have not shown any interest in it due to many reasons. As per the Government orders, even beneficiaries for many government schemes are to be selected only in the Gram Sabha. But in reality it does not happen. Beneficiaries are selected not in the Gram Sabha but in the Panchayat Council, which is violative of the provisions of the Local Body Act of Tamil Nadu. It is a government approved unconstitutional activity. The Government of Tamil Nadu emphasizes transparent activities in all government programmes and schemes but there is no way to execute it as the Gram Sabha is made defunct. It is a nightmare to many who have been enjoying power and resources all along. In order to strengthen the Gram Sabha, recently, the government passed an order that all Gram Panchayats have to convene the Gram Sabha meeting four times in a year on 15th August, 2nd October, 26th January and 1st May and transact the activities as per the provisions available in the Act. Further the quorum for the Gram Sabha has been reduced from one third to one tenth. Officials from all the Government offices related to development will also participate in the Gram Sabha meeting as observers of the meeting and will report the proceedings to the Inspector of Panchayats. The responsibility of the observer is to provide the details of the government schemes and programmes to the people in the Gram Sabha.

Village Panchayat

A Village Panchayat or Gram Panchayat is constituted for a minimum of five hundred population. The Village Panchayat has got Ward Members ranging from a minimum of five to maximum of fifteen. In the Village Panchayat the Ward Members and the President are to be elected directly by the voters. The Vice-President of the Village Panchayat is elected indirectly from among
the elected Ward Members of the Village Panchayat. The Village Panchayat has to look after the following subjects:

(a) Construction, repair and maintenance of Village Panchayat roads;
(b) Lighting of public roads and public places;
(c) Providing drainage facilities;
(d) Cleaning of streets;
(e) Providing public latrines;
(f) Providing burial and burning grounds;
(g) Providing water for washing and bathing purposes and
(h) Such other duties notified by the Government then and there.

To enable the Village Panchayat to perform its functions the following decisions have been taken and notified through Government orders:

(a) All Village Panchayats will get financial resources from the Government directly without any intermediary. Panchayati Union or Block Panchayat will not interfere in the process;
(b) Gram Panchayat Presidents have been designated as Executive Heads and they have been entrusted with powers and responsibilities;
(c) Village Panchayat roads can be taken up for works with the resolution of the Panchayats;
(d) Facilities like street light, water supply can be maintained and attended to if there is any disrepair;
(e) Part time clerks can be appointed by the Panchayat President;
(f) House construction plan approval has to be given by the Village Panchayats;
(g) Beneficiaries for the central government schemes and programmes have to be selected by the Gram Panchayat in the Gram Sabha;
(h) New Library and information centre in the villages has to be established by the Village Panchayat.

Panchayati Union

For each development block a Panchayat Union is formed. Each Panchayati Union has a Chairperson and a Vice-Chairperson elected indirectly by the members of the Panchayat Council. Union Council Members are elected directly by the people. For every 5,000 population, one Union Council
Member are elected by the people. Members of Parliament and Legislative Assembly elected from that area are ex-officio members of the Panchayat Union Council.

The Panchayati Union has the following duties and responsibilities:

(a) Construction, repair and maintenance of Public roads;
(b) Establishment and maintenance of dispensaries;
(c) Construction and maintenance of elementary schools;
(d) Preventive and remedial measures connected with any epidemic;
(e) Conduct of fairs and festivals;
(f) Veterinary relief;
(g) Opening and maintenance of Panchayat Union markets;
(h) Extension of village sites and regulation of buildings;
(i) Maintenance of statistics related to births and deaths;
(j) Improvement of agriculture and agriculture stock;
(k) Promotion and encouragement of cottage industries;
(i) Other duties and responsibilities entrusted to Panchayati Union by the Government through Government notification.

To enable the Panchayat Union to perform its duties the Government of Tamil Nadu has issued a notification to take up the following activities:

(a) Construction and maintaining Panchayat Union roads, irrigation tanks, and lakes, initiating family welfare activities, executing noonmeal schemes and implementing schemes for Adi Dravidas;
(b) Works have to be identified from Employment Assurance schemes and they are to be executed;
(c) Draught relief works have to be identified and executed;
(d) M.P. and M.L.A area development schemes akin to union have to be executed;
(e) Panchayat Union buildings have to be maintained by the union itself;
Panchayat Union can supervise the activities in the domain of public health, primary education, drinking water supply, roads, small culverts, khadi and village industries works, technical training education, libraries, rural electricity and non conventional energy.

The Panchayat Union administrative arrangement has been modified by which works have been classified into two divisions and entrusted to the Block Development Officer and the Assistant Block Development Officer. The two sections work independently with their supporting staff. Infrastructural facilities have also been divided and attached to the two divisions.

District Panchayat

The District Panchayat is constituted with directly elected members for every 50,000 population and an indirectly elected Chairperson and Vice-Chairperson from among the Council Members. Members of Parliament and State Legislative Assembly of that area are ex-officio members of the District Panchayat Council. The District Panchayat will have to perform the following functions:

(a) Advise the government in all matters concerning Panchayati Raj institutions particularly on services and development programmes;

(b) Watching the progress of the measures undertaken by the government, Village Panchayats and Panchayat union councils in the districts as under the administrative control of the districts;

(c) Classification of markets, fairs and public roads in Panchayati Raj institutions, and

(d) Collection of data, publication of statistics, demanding any information from Village Panchayats and Panchayati Union councils.

To enable the District Panchayat to perform the earmarked functions, an administrative change has been effected by which the Divisional Development Office which is nearer to the district headquarters will supervise the District Panchayat activities. Yet another office which is away from the headquarters will look after auditing of the District Panchayat activities and the third one will be attached to the District Panchayat.
The Government of Tamil Nadu shall constitute in every district a District Planning Committee to consolidate the plans prepared by the District Panchayat, Panchayat Union Councils, Village Panchayats, Municipal Councils, and Municipal Corporations in the district and to prepare a draft development plan for the district as a whole. The Committee shall consist of the Collector of the district, members of the House of People who represent whole or part of the district, members of the Council of States, Members of Legislative Assembly whose constituencies lie within the district, the Mayor of the City Municipal Corporation and all Chairpersons of the Municipalities of the district, Chairpersons of the District Panchayats, one fifth of the total number of Chairpersons of the Town Panchayats and Panchayat Union notified by the government every year by rotation, and such number of persons, not less than four-fifths of the total number of the committee, as specified by the government elected from among the members of the District Panchayat, Town Panchayats, Municipal Councils and Corporations in the district in proportion to the ratio between the population of the rural areas and the urban areas. The District Collector is the Chairperson, the District Panchayat President is the Vice-Chairperson and the Chief Executive Officer of the District Panchayat is the Secretary of the District Planning Committee. The Committee shall allocate funds to various schemes in the Panchayats and Panchayat Unions and shall monitor the implementation of the schemes. Now the Government has changed the chairmanship of the District Planning Committee from the District Collector to the President of the District Panchayat. It is an irony that the District Planning Committees of the districts have convened their meetings and reviewed the activities of the sectoral departments but never took any step to prepare the District Plan. Further it is to be noted that even in the review meeting, district level officials do not participate. They send their officials to these meetings. It is a routine meeting without much of importance. But efforts are on to prepare Gram Panchayat level plans in four districts at the initiative of civil society organizations. Based on these activities a new scheme Namathu Gramam was evolved, by which each and every Gram Panchayat has to plan for social development.

Reservation

One third of positions at all levels of the bodies are reserved for women. SC and ST get reservation of positions at all levels of the bodies in proportion to their population. In Tamil Nadu the rotation of positions, especially for
women and Dalits, is for once in ten years. It is unique in the whole of the country. This change was due to the pressure given by the women Panchayat leaders through their federation.

Election and Finance Commissions

An Election Commission headed by the State Election Commissioner appointed by the Governor to conduct the local body elections is mandatory. The Election Commissioner enjoys the powers and privileges and status of a judge of the High Court. The tenure of office of the Election Commissioner is two years. However, the Commissioner can be given extension for four more years. In Tamil Nadu elections are conducted on party lines for District Panchayats and Panchayat Unions. Elections to Village Panchayats are not on party lines. In Tamil Nadu elections to Local Bodies, both urban and rural, will be conducted at one stroke. When the election was conducted in few places auctions were conducted, bidding was made, nominations were made by the traditional Panchayat leaders for Gram Panchayat Presidents’ posts.

There will be a Finance Commission constituted every five years to review the financial position of the Panchayats and to make recommendations to the Governor to fix the principles to govern the distribution between the state and Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the Government and to identify the logistics for making grants in aid to the Panchayats from the consolidated fund of the state and the measures needed to improve the financial position of the Panchayats. The Finance Commission shall consist of a Chairman and four other Members. In Tamil Nadu the 1st Finance Commission has recommended only 8% of the total revenue to the Panchayats, with an increase of 1% every year. The Government has already given 8% of the total revenue to the local bodies. The State Government has not increased the amount of share to the Panchayats as per the recommendation of 1% more every year. It remains stagnant at 8%. The Government of Tamil Nadu has constituted the Second Finance Commission. The Second Finance Commission has also recommended the same 8% of the total revenue to the Panchayats, without any increase.
REFERENCES


District Statistical Hand Book, Dindigul District, Year 1998.


