CHAPTER- 3

GROWTH AND DEVELOPMENT
OF THE PRI s IN INDIA
AND
THE STATUTORY PROVISIONS
WITH
REFERENCE TO WOMEN REPRESENTATION

We have a glorious history of local self-government as the form of village Panchayat in India since the Vedic age. Starting from the Vedic period to the end of the British rule almost every village in the country had a self-governing body of its own. The village Panchayat was formed by the village headman along with other village elders the purpose of which was to administer justice and other local affairs. The Panchayat system of ancient India was far more widespread, more real and more successful than in the days of British rule or even at present (Venkatrangaiah and Pattabhiram 1975: 1).

The village administration during the Vedic age was run under supervision and direction of the village headman which was called ‘Gramani’. Different sources like Jatakas reveal that the ruling of the villages was not the matter of the sweet will of the Gramani (village headman). The Gramani was guided in the administration by the opinion of the village public, which made it felt through the village elders, who formed a kind of informal council since very early time (Altekar 1973: 228). The village council or executive committee

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formed by the village elders was known as village panchayats in later times. The village government was run by the village elder council (Panchamandali) or Panchayat.

The survey of literature of village administration of ancient India reveals that there was the provision of village Assembly and village Council or executive in ancient India. The village Assembly was known as in different names in different places or provinces of India. They were Sabha, Ur, Nagaram, and Mandalam. The most important work of the Assembly was to elect the village executive. The village Assembly also selected the members of various sub-committees which were associated with the Assembly in the administration of the village. Sometime, the meetings of the village Assembly were also convened when matters of unusual importance like the sale of public land to mitigate the miseries of famine were to be considered. It was also customary to convene a meeting of the whole village Assembly, when donations were to be accepted on behalf of the Community.

The village Council which was known in later times as Panchayat was elected by the village Assembly. Till the Gupta period the village council, was not a regular body. The village council appears to have evolved into regular bodies in the Gupta period at least in some part of India. They were known as Panchamandalies in Central India and Gramjanapada in Bihar (Altekar 1973: 228). Different inscriptions showed the presence of village Council or Executive but it is difficult to ascertain whether it was a regular executive or not. Inscription from Gujarat and Deccan show that from 600 A.D. the village elders used to appoint a formal executive committee of their own. Inscriptions show a similar development in contemporary Rajputana
also, where the executive of the village Assembly was known as Panchakula; it worked under the guidance of a headman known as Mahanta. In south India especially in village Uttarmerrur it was found that there were some sub-committees to perform the different duties of the villages (Altekar 1997:228). The committees were (1) Annual committee (2) Garden committee (3) Tank committee (4) Gold committee (5) Committee of Justice, and (6) committee of Styled Pancha Vara. Thus from different inscriptions it is found that in ancient India the administration of villages was run by village Council or different sub-committees had performed enormous functions related to village administrations.

Different inscriptions and literature with regards to the ancient Indian village administrations are silent on the participation and role played by women in the village administration. According to information available in literature women did not participate in politics in India during ancient times, though they had participated in the socio-economic and cultural activities. Women were not allowed to attend the political Assemblies (Mazumdar 1998:90). In this regard Ram Ahuja writes that the political status of women depends on the political situation and the existing political system in the country. Since the political system in ancient India was based on monarchy, there were no legislature, political parties, diplomatic relations and international conferences. In such a situation, the question of recognizing voting right or freedom for contesting elections and holding political posts to women did not arise. Women were not permitted entry to the Sabha (Assemblies) because these places besides being used for taking political decisions, were also used for gambling, drinking and such other purposes (Ahuja 2004:93). Thus, we find
that during ancient times Indian women had no role in village politics and they were exclusively subjugated to that of men. Politics was only the domain of men.

In the Mughal period the traditional social institutions and political structures of India had faced a major setback. In this period the status of women also decreased to a lower extent. In the words of Ram Ahuja, ‘from eleventh century onwards till the middle of the eighteenth century, when the British authority was established in the country, that is during nearly 700 years, the breakdown of social institutions, the upsetting of traditional political structures, the vast migration of people, and the economic depressions in the country – all these contributed to a general depression of social life, especially among women. The *Purdah* system came to be followed to such an extent that rigorous seclusion of women became the rule. The facilities of education were totally denied to women (Ahuja ibid: 95).

As a traditional social institution the Panchayats also become ineffective during the period of Mughal Rule over India (Das 1990:12). The villages during the Mughal period were controlled by a strong headman and obviously it was the rule of one man instead of the collective assembly and village council prior to the Mughal period. It was not fully representative in character, because most of the members were drawn from the Brahmin and superior cultivators. The *manials* and landless might have almost no say in the affairs (Hugh 1967: 19). Thus, we can say that in the socio-political system where women were forced to live under *Purdah*, the question of participation in the village administration or local self government did not arise.

The detailed working of the local administration in ancient Assam is not
definitely known. The insufficient materials about village administration indicate that local units did not enjoy much autonomy and the rulers tried their level best to extend profound influence upon them by issuing *Sasanas*, the infringement of which was properly dealt with (Choudhury 1966: 297). The administration of Kingdom was divided into *Bhuktis, Mandals, Visayas, Puras, Agraharas* (group of villages), and *Gramas* (Choudhury ibid:297). The *Bhuki* was perhaps the largest division and the term was used in the sense of province similar to that of the Gupta period. The lowest unit of administration, as it had been in other parts of India, was the *grama* or village. We have little information about the village officials and their functions. Ordinarily they had to discharge civil, revenue and other duties, and were responsible for the internal safety of the village under their jurisdiction. As appears from the grants, the king sent *sasans* to the heads and respectable inhabitants of the villages and the country parts through *Visyapati*. It is also evident from the same source that the king sent royal officers occasionally to supervise and help them in their work of administration. The village headman was perhaps helped by an advisory body or a council of elders. The advisory body was synonymous to the panchayat system. Sometimes, they may have been represented in the unofficial body or council of the Visyapati (Choudhury ibid: 298). But there was no evidence about the existence of regular village panchayats in the sense of true village self government in the Kamrupa kingdom. There was also no evidence about the participation of women in the village administrative process during that period.

In the medieval Assam (Ahom period) there had been many village institutions like- *Khels, Mels, Taluks* etc. which functioned as the village
organization for settling their local disputes, for the collaboration of social or religious functions and for other welfare activities of the villages. The Khel was formed by a class of people following a similar profession. According to Dr. S.K. Bhuyan, the Paiks were grouped together according to the nature of their duties and each division was known as a ‘Khel’. Each Khel predominantly of the Hindus constructed its own Namghar by their own efforts. Every Khel had some functionaries like Medhi, Sajtola, Gaon Barik, Pachani, Melki or Melluoi, Bayan, Gayan, Deuri etc. The leading person of the Khel occasionally met to settle the disputes placed before it and also to decide matters relating to the Khel. The village leader met in a Mel or Panchayat, sometimes took the help of other influential persons from the neighbouring villages to settle major disputes (Saikia 1977: 26). In every Khel the leading person or functionary was obviously male and they took part in the administration of the Khel.

Another village institution during the Ahom period was the ‘Mel’. The word ‘Mel’ in Assamese generally means a discussion or decision making group of persons (Saikia ibid: 26). The Mel of the Ahom period was mainly of two types- (1) Official Mel, and (2) Non-official Mel. The official Mel were- Barmel, Majumel, and Sarumel. Dignitaries and officers of different status of Ahom Kingdom participated in these Mel. For example the Barmels consisted of high dignitaries in the king council like, Buragohain, Bargohain, Barpatragohain, Barphukan etc. The Barmel were occasionally held to decide upon important matters of the state. There were other kinds of Mel. These Mel consisted of both male and female members of the royal family. So, for the Rajas or princes there were separate land and establishment as
Tipomia Mel, Charingia Mel, Namrupia Mel etc. For the female members of the royal family, there were Raidangia Mel, Parbatia Mel, Khangia Mel, Gabharumel etc.

It is quite evident that the official Mel did not serve any purpose of the local people. It was merely to solve some important matters of the state. But the non-official Mels were mainly concerned with the local disputes and local problems. Since the days of the Ahom rule, the leading persons used to hold Mels to decide matters relating to the village. Mels were also organized by the village leaders belonging to the Khel, to settle disputes occurred among people. Thus, the village Mels of Assam was the lively institutions and they occasionally performed constitutional works.

Though the ‘Khel’ and ‘Mel’ systems were mainly concerned with village administration to some extent, it was in the true sense not strictly local self-government (Rao and Hajarika 1979: 7). The medieval society of Assam was strictly patriarchal. In that society, women were bounded only to the household works and their duties were also exclusively confined to the four walls of their home. Though purdah system was not prevalent and women were allowed to freely participate in certain economic and cultural activities even outside their home, yet they were not allowed to participate in political and administrative activities during the Ahom rule. Thus the ‘Khel’ and ‘Mel’ systems were predominantly the male affairs.

There was no importance of local governments in the early days of the British rule in India. Panchayats were given least importance in the administration, which in turn led to the disruption in the village community life. Slowly, these institutions started losing their self government character,
which was the feature of the ancient village government system and led to near extinction (Sivanna 1990:35). A centralized civil and judicial administration was set up by the Britishers at first. But from 1857 onwards, the local government gained importance. No doubt such importance was given due to the financial crisis faced by the British ruler. The immediate stimulus to the development of local institutions in the 1860’s, arose out of the post-mutiny financial embarrassment of the Indian government (Hugh 1967: 35). The British rulers had taken up a decision for financial decentralization and consequently, they transferred some development works including construction of roads, bridge and other related works to the local bodies. District and Taluka local fund committee were set up as advisory bodies and they were nothing more than a convenience for the district magistrate to supply him with information or to carry out miscellaneous duties.

The Lord Mayo’s famous resolution of 1870 for decentralization of power exerted significant impact on the development of local government in India. But the famous resolution of Lord Ripon adopted in 1882 was the milestone in the development of local-self government in India. The Viceroy of India Lord Ripon, declared in the famous resolution of 1882 that local self government in India must be revived, “as an instrument of political and popular education”, and as an outlet for the ambition and aspiration engendered by western ideas. Accordingly the provinces were allowed to set up rural district boards composed of officials and elected members and encouraged for the establishment of elected village panchayats. The government resolution of 18 May, 1882 providing for local boards consisting of a large majority of elected non-official members and preside over by non-
official chairperson, is considered to be the Magna Carta of local democracy in India. The role of local administration was elevated by the introduction of this resolution.

The Royal Commission on decentralization’s report of 1909 had laid stress on the village as a unit of administration. The commission came to the conclusion that it was the village and not the Taluka which was the basic unit of administration. The Commission stated that: “we consider, as the local self-government should commence in the villages with the establishment of village panchayats, so the next step be the constitution of boards of areas of smaller size than a district. We desire, therefore, to see sub-district boards, universally established, as the principal agencies of rural administration”. District boards were retained with co-ordinating and financial powers. The Commission recommended granting some powers to panchayats so that they can perform their duties independently. They were entrusted with the functions like village sanitation, control over ponds and management of schools. The commission suggested that there should be adequate finance to cope up with the above functions. It also suggested that the panchayats should be empowered to have a portion of the land cess, receipts from markets, fees on civil suits and special grants for particular objects to be made by the district board (Sivanna 1990: 38). Thus it was only subsequent to 1909 when the report of the importance of the village panchayats came to be recognized. Even the Indian National Congress at its 24th session at Lahore in 1909 passed a resolution on the subject and urged the government of India to make all local Vedic form village panchayats upward elective with elected non-official chairman and to support them with adequate financial
The Montagu Chelmsford reform of 1919 had introduced diarchy and in the proposed scheme of diarchy, made local self-government a ‘transferred subject’, under the responsibility of elected ministers. To make local self-government both fully representative and responsible, the reform had suggested that there should be, as far as possible, complete popular independence for them of outside control. Notwithstanding this professed objective of the Montagu Chelmsford scheme, it did not make the panchayat institutions truly democratic and vibrant instruments of self-government at the level of the village, due to various constraints, both organizations and fiscal. Still in almost all provinces and a number of native state acts were passed for the establishment of village panchayats (Sharma 2002: 6).

The Simon Commission 1927 (Indian Statutory Commission) made an exhaustive survey on the development in the sphere of local governments from 1920 onwards. The Commission pointed out that village Panchayats had not made progress except in certain provinces. The commission recommended the increase of the control of the provincial government over local bodies, so that more efficiency could be secured. The commission also referred to the unwillingness of the elected members to impose new taxes (Mahajan 1993: 41).

The Government of India Act of 1935 introduced the provincial autonomy. The department of local self-government came under control of a popular minister who could afford to put more money at the disposal of the local bodies. Laws were passed practically in every province to give more functions to local bodies. However, the sources of income of local
bodies, instead of increasing, became less. Restrictions were imposed on the powers of the local bodies to levy or enhance terminal taxes on trades, calling and professions and municipal property. The result was that not much progress was made in that field of local self-government.

During the freedom movement, Mahatma Gandhi strongly advocated the ‘gram swaraj’ and village republic. He was the ardent advocate of self sufficient and self reliant villages and to fulfill these ideals he favoured the ‘Gram Panchayat’ system. He was the first leader to advocate for the equal participation of women in politics and in the Panchayats with men. He wrote that the government of village will be conducted by the Panchayats of five persons annually elected by the adult villagers, male and female, Possessing minimum prescribed qualification.

During the British rule, though different committees and commissions were set up to decide on local self-government and these committees provided different recommendations to strengthen the local self-government, they largely failed to achieve that goal. They were not interested to set up democratic village institutions like village Panchayat. Thus, there was no universal and democratic village institution during the British period in India. What was conceived was just a peacemeal or a consolation to Indian villagers in the name of democratic decentralization with a colonial design. Many native states and eight provinces of British India passed the village panchayats act as below (Joshi and Narwani 2005: 44).

1) Madras Panchayat Act, 1920;

2) Bombay Panchayat Act, 1920;
3) Bengal Self-Government Act, 1920;

4) Central Provinces and Berar Panchayat Act, 1920;

5) Uttar Pradesh Village Panchayat Act, 1920;

6) Punjab Panchayat Act, 1922;

7) Assam Self-Government Act, 1925;

8) Bihar Panchayat Raj Act, 1947;

9) Native States of Cochin (1919), Indore (1920), Travancore (1925), Baroda (1926), Kolahpur (1926), Bikaner (1928), Karauli (1939), Hyderabad (1940), Mewar (1940), Jasdan (1942), Bhavnagar (1943), Porabandar (1943), Bharatpur (1944), Marwar (1945), Wadia (1946), Morvi (1946), Sirohi (1947), and Jaipur (1948).

Panchayats under erstwhile states covered a limited number of villages geographically and had quite a limited number of functions. In spite of the passing of all such Acts, these institutions did not emerge as self-governing institutions, but this was designed to suit the colonial masters (Joshi and Narawani ibid: 44).

Assam was annexed by the Britishers in 1826. In the beginning years of the British rule in Assam, Panchayats were constituted with different meaning and purpose. The Panchayats were not constituted by the village elders to solve the local problems. The judicial council that was functioning from 1828 on the bank of Jaysagar Tank at Sibsagar was called Panchayat. The members of this Panchayat were drawn from the distinguished class of
persons during that time (Saikia 1976: 12). The main purpose of this panchayat was to decide major case on behalf of the British administration. However, this panchayat mainly settled civil disputes but it was also used by the British administration to punish the great patriot like Peoli Phukan, Jeuram, Harnath, Roopchand, Boom Singphon and the Dihingia Barua. All of them were sentenced to death with approval of the Bar Panchayat. However, the sentence of death of Peoli Phukan and Jeuram Dulia Baruah was confirmed by the agent to the Governor General at Calcutta and others were acquitted from the death sentence.

In Assam the constitution of Panchayat was initiated by Village Choukidar Act, 1870. This Act lay down that the district magistrate might constitute a panchayat in any village consisting of more than sixty houses. Two or more villages contiguous to one another might be combined together and constituted into a single Panchayat for the purpose of the Act. A Panchayat might be constituted, one village even though the number of houses might be less than sixty (Rao and Hazarika ibid: 64).

As per the provisions of the Village Choukidar Act 1870, the main function of the Panchayat was to determine the number of chowkiders to be appointed and the salary to be paid to them and collected the necessary money for the payment of salaries. It is to be mentioned here that the Choukidar Panchayat Act 1870, did not cover the whole area of Assam. This act only took steps to constitute Panchayat in the district of Sylhet, Goalpara and Cachar.

In 1915 an Act on local self-government (The Local Self-Government Act, 1915) was enacted on the basis of the recommendations of Royal
Commission on Decentralization in 1907. This act provided power to District Commissioner to constitute village Panchayat and it also provided certain functions to Panchayat and powers to collect some taxes as government norms. The Panchayat under the 1915 Act was not a success. The failure was not due to any defect in the Act but due to the fact that most of the panchayats consisted of nominated members. Again, the higher castes were not prepared to sit round a table along with their ryots, to discuss problems of common interest. In some villages the Chairman would not permit any one to sit in a chair except him. In some places, some of the members were made to stand. It is true that in some places such a state of affairs did not exist. Added to these there were village factions. If one party got a village tank repaired, there were others to pollute it. Again elections to the village panchayat were a farce. Better types of men did not come forward to contest elections (Rao and Hazarika ibid: 67). In that situation the question of participation of women and even morally empowered men in the village Panchayats did not arise.

As a result of the failure of the Local Self-Government Act 1915 the need for a new Act was felt with certain new provisions. Therefore, a separate legislation, the Rural Self-Government Act, 1926 was enacted. The act provided that in every village there should be a village authority consisting of nine members, elected by adult franchise. Under exceptional circumstances the Panchayats may be a single member Panchayat. This Act also was a failure because most of the villages were not capable of discharging their functions. Some of the village authority had only a nominal existence.

In 1948, another Act was passed which introduced certain changes in
the rural administration. This Act created two types of Panchayat- Primary Panchayat and Rural Panchayat. Primary panchayat was elected on the basis of adult franchise. But this Act also was a failure (Rao and Hazarika 1983: 194).

The Constitution of India which was adopted on 26 November and enacted from 26 January 1950 inserted only one Article in support of Panchayati Raj in India. Article 40 of the Constitution states that the states will 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 a new era of democratic decentralization in India began by the constitutional provision in support of Panchayati Raj. Commenting on the importance of Panchayats in the constitution Henry Meddick write that the Panchayati development under the constitution has had three main aims: to foster the involvement of individuals throughout the nation in the process of democratic government, to gain the villager’s participation in national development from the village level upwards (with the aim of improving agriculture and improvement in village conditions) and to lessen the burden of state administration through decentralization (Henry Meddick 1962: 204-5).

The real development of Panchayat Raj in general and participation of women in Panchayats in particular, began in India after independence. Central Government has set up different committees to study on Panchayati Raj and different statutory provisions were also made in this regard which has provided a new shape to the Panchayati Raj.
Balwant Rai Mehta Committee, 1957:

The impact of constitutional development began from the inauguration of community development programme in 1952. The community development programme was not successful to a desired extent. Therefore, in 1956 the Union Government appointed a study team under the chairmanship of Balwant Rai Mehta to study and report on community project and national extension service. The Committee submitted its report in 1957. The main features of the recommendations of the team were establishment of a three tier panchayati raj system—village Panchayat, Panchayat Samity, and Zila Parishad; demarcation of functions of the village Panchayat and Panchayat Samity and assignment of services of income to the Panchayat Samity and village Panchayat; setting up of a permanent cadre of trained personnel for running the panchayat system. The most important recommendation of the Balwant Rai Committee was ‘democratic decentralization’ which should be located at the block/samity level. The team envisaged for directly elected panchayat system for every village or a group of villages, an executive body called Panchayat Samity for a block with directly elected and co-opted members and an advisory body called Zila Parishad at the district level constituted indirectly, mainly through the ex-officio member from lower tier.

Mehta Committee also favoured co-option of two women in each Panchayat from among those women who were interested in the development works among women and children. Most of the state government accepted the formulation of the committee and established Panchayat institutions. From the beginning few state Panchayat Acts prescribed co-option method for women in case no women were elected. In some states co-option was not
straight way incorporated in the Panchayat act but appended later on, when it was found that women were not joining through elections (Mandal 2003: 44-45). Thus, statutory provision for women representation in the PRIs in India began since 1957.

**The Committee on Status of Women in India, 1974:**

The Committee on the status of Women in India (CSWI), 1974 was appointed by the Government of India. The reference of the committee was:

1. To evaluate the changes that had taken place in the status of women as a result of the constitutional, legal and administrative measures adopted since independence;

2. To examine the impact of the complex processes of social change on various section of Indian women; and

3. To suggest measures that could enable women to play their full and proper role in building up the nation.

The committee on Status of Women in India, 1974 surveyed the political plights of Indian women and made some bold recommendations with regards to the participation of women in Panchayats. The committee prepared a report “Towards Equality” where it raised questions on the then prevailing mode of co-option in PRIs (as suggested by Mehta Committee, 1957) and termed it as mere ‘tokenism’. The committee realized that the traditional attitude in rural society inhibited women from articulating their problem and it required to be rooted out.
The Committee on the Status of Women recommended one specific measure for improving women’s participation in Panchayat: establishment of all women Panchayat at Gram Panchayat level as an integral part of PRIs and as one transitional step. Its members were to be directly elected by women only and it’s Chairperson and secretaries would be ex-officio members of succeeding Panchayati Raj tiers. Those women Panchayats would have authority and resources of their own for the management and administration of welfare and development programmes for women and children. Establishment of such women’s Panchayats would help it reasoned, better co-ordination among various women’s development programmes at the level of implementation. It would reduce the inhibition of women, give women a scope to participate in debating and deciding local affairs and would foster leadership among rural women. But this recommendation was nowhere statutorily accepted. After the CSWI report few women Panchayats emerged in Andhra Pradesh and Maharashtra, but they were not in conformity with the suggestions of CSWI but for reason other than the concern for or initiative of the women as such (Mandal ibid: 45-46).

**Ashok Mehta Committee, 1978:**

The Government of India appointed the Ashok Mehta Committee in 1977 to study the role and powers of the PRIs in rural development and give suitable suggestions. The recommendations of the Ashok Mehta Committee Report initiated the rise of the second generation of Panchayat in India, with emphasis on regular elections on the basis of open competition, participation of political parties, devotion of powers and resources to PRIs.
The Mehta Committee visualized Panchayat Raj not only in terms of decentralization of powers but also for strengthening planning process at micro level. But in its prescribed two tiers Panchayats the committee did not seriously look into the woeful women representation in PRIs. The committee just recommended for the selection of two women in each Zila Parishad and Mandal (block) Panchayat who had secured highest number of votes in the election in case no women could win directly. It further recommended for a committee with all women members of Mandal Panchayat to allow women members to decide on priorities and choices involved in their programmes.

The recommendations of the Ashok Mehta committee were not accepted by the Union Government due to a change in the ruling party. It did exercise some influence upon the working of Panchayati Raj in a few states like Karnataka and West Bengal.

**National Perspective Plan for Women, 1988:**

National Perspective Plan for Women (NPPW), 1988 was one of the most important steps with regards to the women’s participation in local governments. The NPP realized that co-option of women in PRIs did not bring about any perceptible impact on women’s participation in panchayats. Reviewing the governmental policies and developmental programmes, the NPP asserted that special intervention was necessary to give more thrust and responsiveness to the policies and programmes. It felt that women’s participation in PRIs would be a step forward for achieving equality and social justice and for it definite step required to be taken for women’s enhanced representation in PRIs so as to remove their isolation and to give them the
visibility and strength to be assertive.

The final Report recommended for women by NPP were:

a) Thirty percent reservation of total seats in local government—both Panchayats and Municipalities— with higher representation of dalit, tribal and weaker section of the society ‘wherever possible’.

b) Thirty percent reservation of executive heads in all PR bodies and a ‘certain percentage of chief executives.’

c) Reservation of certain percentage of constituencies in lower PR tiers as exclusively women constituencies, and

d) Fifty percent of all grassroots functionaries would be women.

Thus the NPP came out with certain concrete propositions with no other committee hitherto could dare or deem necessary. The proposals in the main, crystallized the then prevailing reservation practices in some states and sought to resolve in its own way the debate among women and political parties as to the viability of reservation policy for women (Mandal ibid: 48).

**Sixty Fourth Constitution Amendment Bill, 1989:**

The Constitution (64th Amendment) Bill was presented in the Parliament in 1989 in order to make the PRIs powerful bodies when Rajiv Gandhi was the Prime Minister of India. The salient features of the draft of the Sixty Fourth Constitution Amendment Bill were (Guru 2002: 2) as follows:

a) Three tier Panchayats for all states but states having a population not
exceeding twenty lakhs may have a two tier panchayat;

b) All seats to be filled by direct election;

c) A fixed tenure of five years;

d) Reservation of seats for the scheduled castes and scheduled tribes according to their population;

e) Reservation of thirty percent of the seats for women including tribal women;

f) Devolution of powers and responsibilities upon panchayats with respect to the preparation of plans for economic development and social justice;

g) Appointment of Finance Commission in the states in every five years to review financial position;

h) Audit of accounts by the Comptroller and Auditor General of India; and

i) A new schedule, Eleventh schedule, is to be added to the constitution to specify the subjects in which the state must devolve powers to the Panchayat. Twenty nine subjects have been listed in this schedule.

The Sixty Fourth Constitution Amendment Bill was passed in the Lok Sabha. However, the Rajya Sabha rejected the bill. This was the first time since 1952 when constitutional amendment bill moved by the government has been defeated in the Rajya Sabha.
Seventy Third Constitution Amendment Act, 1992:

In June 1991, the Minority Congress Government with P.V. Narasimha Rao as Prime Minister came into power. To give a practical shape to the solemn promise of Rajiv Gandhi it gave top priority by giving constitutional status to PRIs and brought out the 72nd Constitutional Amendment Bill, 1991. On December 22, 1991 the Bill was passed by the Parliament and was known as the 73rd Constitution Amendment Act, 1992 and the Act has added a new dimension to the concept of panchayati raj by providing enough scope for direct election.

The Constitution (73rd Amendment) Act, 1993 was passed because there was an imperative need to enshrine in the constitution certain basic and essential features of the PRIs and to impart certainty, continuity and strength to them. The basic features of the Act were (Singh and Mishra 1993: 289-98) constitutional status to Gram Sabha; constitution of three tier of Panchayats; reservation of seats for SCs/STs in proportion to their population; reservation of one-third of seats for women; reservation of office of the Chairperson of the panchayats at all levels for the SCs/STs/women in the same proportion; five years term for PRIs; powers to impose taxes and funds; constitution of Finance Commission; Audit of account; constitution of state election commission; inclusion of XI Schedule, etc.

Amendment Specially Releating to Women:

- Not less than one-third of seats will be reserved for women including SCs and STs and these may be allotted by rotation to different constituencies of a Panchayat.
• In proportion to the total population of the area, seats will be reserved for SCs and STs. One-third seats for SC and ST women would also be reserved from the reserved constituencies.

• The office of the Chairperson of the Panchayats at all levels shall also be reserved in the same proportion for the women. This would be rotated among different Panchayats at each level.

Women’s empowerment is one of the major objectives of the third generation of Panchayats in India. As such 73rd Constitution Amendment Act provides reservation of one third of the seats for women in the PRIs. The participation of women in PRIs is considered essential not only for ensuring their political participation in the democratic process, but also for realizing the development goals of women. Participation of women in PRIs involves women as (1) voters (2) members of political parties (3) candidates (4) elected members of the PRI’s taking part in decision making, planning, implementation and evaluation; and (5) as members of Mahila Mandals and their association with voluntary organizations (Bhargava and Vidya 1992: 603).

**Participation of Women in Panchayat Bodies in Different States of India Following the 73**<sup>rd</sup> **CA Act, 1992**:

The enactment of the 73<sup>rd</sup> Constitution Amendment Act with a view to involve women in decision making provides psychological empowerment and a sense of political efficacy to those who had been left powerless to intense public decisions that affect them. This is indeed a welcome, though
delayed gesture, for democracy will not be meaningful in a traditional society like India without active involvement of women and other weaker segments of society. Consequently, approximately a million Indian women entered formal politics and local elected administration, often with little prior experience or knowledge of political systems and processes (Pillai, and Badari 2004:5). But a constitutional provision and certain enabling measures for women’s upliftment in the country are necessary (Mathew 1994: 130).

In the sense of its being enabling and necessary, though not sufficient, condition for empowerment, the 73rd Constitution Amendment Act is a milestone for women assuming leadership and decision making positions, as it makes such a role mandatory and universal for the whole of India (Kaushik 1995: 3). The initial reaction to the announcement of reservation for women was one of excitement and happiness on the one hand and bewilderment and anxiety on the other hand. It has also raised some question marks on the success of the real intention of the reservation of seats for women. Especially the mandatory rotation of reservation after each election is not conducive for generating women’s leadership. It leads to a situation where women who contest and come to the panchayats as chairpersons have to seek reelection to other panchayats after the completion of first term. One term position is hardly enough for obtaining experience. The reasons for not encouraging reservation of two or more terms are obvious. Men cannot relish the idea of women serving a second term (Biju 2006: 32).

After independence the Assam Government appointed a committee in 1953 to study the working of Panchayat, because the existing Panchayat system under the Panchayat Act of 1948 was not successful at all. The
Committee recommended that Panchayat should be established throughout the state in a period of two years and that the total number of primary Panchayats in a Panchayat area might be five to fifteen. These recommendations were embodied in a bill and it was introduced in the legislature in 1955. But it was not proceeded with (Rao & Hazarika 1979: 68).

**The Assam Panchayat Act, 1959:**

In accordance with the recommendations of Balwant Rai Mehta Committee the Assam Government enacted the Assam Panchayat Act 1959. The main provision of this Act was to establish three tier of Panchayats-Gaon Panchayat at the village level, Anchalik Panchayat at the Block level and Mahkuma Parishad at the Sub-divisional level.

The Assam Panchayat Act, 1959 made a provision to co-opt women members in all the three tier of Panchayats. Under the Act Gaon panchayat should consist of not less than fifteen members. The Gaon panchayat had power to co-opt one woman if no woman was elected. It was amended in 1964 and increased the number of co-option of women up to two. With regards to Anchalik panchayat the Act made provision to co-opt two women if no women were elected. Similarly the Act also made provision to co-opt two women in Mahakuma Parishad if no women were elected. If one was woman elected to Mahakuma Parishad then one woman could be co-opted.
The Assam Panchayat Raj Act, 1972:

In 1972, the Assam Panchayat Act repealed the Assam Panchayat Act of 1959. The main provision of this Act was to set up two tier Panchayat instead of three tiers as the provision of previous Panchayat Act. It abolished the middle level tier i.e Anchalik Panchayat. According to this Act, the Gaon Panchayat was consisting of a maximum of fifteen members out of which two seats would be reserved by lot for electing two women members. Provisions were also made to rotate the reserved seats for every election held for a new term. The Act also provided for reservation of one seat for women in Mahkuma Parishad. Thus the reservation procedure of seats for women in Panchayats was started. However it was not sufficient for women.

The Assam Panchayat Act, 1986:

In 1986 the Assam Government enacted another Act of Panchayat but it was implemented in 1992 because it was not getting due consent from the President of India. The main provisions of this Act were to set up three tier of panchayat – Gaon Panchayat at the village level, Anchalik Panchayat at Development block level and Mahkuma parishad at the Sub-divisonal level and reserved seats for women only in Gaon Panchayat.

This Act for the first time in Assam has provided thirty percent reservation of seats for women in Gaon Panchayat. There was also provision of co-option of two women to Gaon Panchayat if no women were elected. This Act also made provision to co-opt one woman each in Anchalik Panchayat and Mahkuma Parishad respectively if no women were elected.
**Assam Panchayat Act, 1994:**

The Assam Panchayat Act, 1994 was enacted by the Assam Government as per the Seventy Third Constitution Amendment Act of 1992. All of the provisions of the Seventy Third Constitution Amendment Act have been accommodated in the Panchayat Act of 1994, like - three tier of Panchayats; reservation of seats of members and presidents for Scheduled castes, Scheduled Tribes and women; providing twenty nine subjects to PRIs as per the Eleventh Schedule; formation of State Panchayats Election Commission; formation of District Planning Committee; formation of State finance Commission etc.

One of the very important provisions of the Assam Panchayat Act of 1994 is to reserve seats for women. It has provided reservation of one-third seats for women in PRIs. On the other hand, it has also provided reservation of one-third post of presidents for women in PRIs. One-third seats of members and post of presidents from the reserved category for Scheduled Castes and Scheduled Tribes were also provided to the women of the said communities. Thus the Assam Panchayat Act, 1994 has provided a broad base for women to participate in Panchayats.

Thus, we find that in India since the ancient period to the present time Panchayat have been working for the rural development and solving different problems facing by the rural people as grass root level organization. However, Panchayat as a modern form of grassroots organization, has come into light since the British period especially from the days of Lord Ripon the Viceroy of India who made a famous resolution on the local self government in India. Since independence, different legislation have been enacted to set up
Panchayat Raj. However, in the real sense the decentralization of powers to rural bodies and Panchayati Raj began from 1992 after enactment and execution of 73rd CA Act. It has provided the status of ‘Third Stratum of governance’ to PRIs. The PRIs have been constitutionally recognized and got statutory powers and jurisdictions like that of the central and the state government of India.

In Assam there was no historical evidence of Panchayat in ancient period. There was certain local institution in the medieval period which was known as ‘Khel’, ‘Mel’ etc. which functioned as the village organization for setting their local disputes, for the collaboration of social or religious functions and for other welfare activities of the villages. However, these institutions were not similar to that of Panchayats in other parts of India. In the initial period of British rule, Assam Panchayats were constituted by the British rulers with different meaning and purpose. The Panchayats were not constituted by the village elders to solve the local problems. It was mainly constituted for judicial purpose to decide major case on behalf of the British administration. In Assam the constitution of Panchayat was initiated by village Choukidar Act, 1870. Further during the British rule another Act on local self-government was enacted by the British rulers in 1915. After independence the first panchayat act was enacted in Assam in 1959 as per the recommendations of Balwant Rai Mehta Committee Report. Thereafter, Assam Panchayat Raj Act, 1972 and The Assam Panchayat Act 1986 were enacted respectively before the 73rd CA Act. It is worth mentioning here that for the first time the Assam Panchayat Act 1986 had provided twenty five percent reservations to women in Assam at a time when there was no provision of
reservation for women in PRIs in other parts of India. In 1994 a new Panchayat act was passed by the Assam Legislative Assembly according to the provisions of the 73rd CA Act. However, its execution began since 2001 by the first Panchayat election held as per the new act in December 2001. Since then the new experimentation of grassroots governance in the state has been going on with statutorily recognized women reservation and resultant participation of women to the desired extent and it becomes a grassroots governance movement for the women milieu in Assam like other states to make the prevalent functional democratic decentralization more effective than before where women could raise their voices heard in the decision making process.