

Proxy Participation by Women in Panchayati Raj Institutions- A Critical Study

By- Dr. Santosh K. Tripathi

Associate Professor, Amity University Haryana

Abstract

It was very well concluded by the spokespersons of women empowerment that in traditional societies all over the world the three major factors were responsible for the poor position of the female counter-parts. Firstly women did not have a right to own property in most of the ancient contemporary societies. Secondly they were also disallowed to participate in public or political life and the third factor responsible for the backward condition of women was their non participation in legal system either as a judge or as a lawyer or even as a petitioner. Once the problem was diagnosed campaigns started all over the world to educate women to the optimum and to ensure their participation in public life. Their political role was to be determined now through political awareness and participation. The political participation of women was ensured through various Acts and regulations but due to the second grade status of women counterpart in traditional Indian social system, it gave birth to another problem and that was women as proxy participant for their male counterparts particularly in politics. The present paper tries to explore the causes of such proxy participation by women and to find out suggestions to ensure actual participation of women in politics.

Key Words- Proxy Participation, Panchayati Raj, UDCHR, Pradhan Pati, 73rd Amendment, Women Empowerment

Introduction

The women's movement in India emerged during the 19th century. The movement for the liberation of women did not start as a movement itself but as a by- product of India's freedom struggle. Movements like Non-Cooperation and civil disobedience saw high political mobilization among women.

The political awareness and political participation among women are the need of the hour in the developing countries like India because women's contribution to the social and economic development of societies is high, it is more than the men by virtue of their dual roles in productive and reproductive spheres. Yet their participation in formal political structures and processes, where decisions regarding the use of societal resources generated by both men and women remains insignificant. There cannot be true development with half of the population living in ignorance, withdrawn from the main stream particularly policy making. The political status of the woman can be defined as the degree of equality and freedom enjoyed by women in shaping and sharing of power and in the acceptance given by the society to this role of women. Higher involvement of women in political processes through legislation like Panchayati Raj where women are allotted proportional representation, have contributed to the betterment of their status in the society.

Encouraging women to participate in elections as a contestant or as a voter is one step forward; empowering them with knowledge and skills in planning and decision-making must necessarily follow if women need to be active creators of their own future and not figure-heads and proxy figures for the men in their families.

Provisions to Ensure Political Participation of Women

In 1948 the United Nations adopted the Universal Declaration of Human Rights; Article 21 stated: "(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (3) The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

The United Nations General Assembly adopted the Convention on the Political Rights of Women, which went into force in 1954, enshrining the equal rights of women to vote, hold office, and access public services as set out by national laws.

Like many European nations, Free India made no discrimination among men and women while guaranteeing them right to participate in elections as a voter or contestant.

Article 325: No person to be ineligible for inclusion in, or to claim to be included in a special electoral roll on ground of religion, race, caste or sex.

Article 326: Elections to the Lok Sabha and Legislative Assemblies of States to be on the basis of adult suffrage.

Article 84 of Indian constitution lays eligibility to contest election as- A person shall not be qualified to be chosen to fill a seat in Parliament unless he is a citizen of India. Article 173 corresponds to article 84 for the Union Parliament. In order to be eligible for membership of a State Legislature, a person (a) must be a citizen of India, (b) must take an oath to the Constitution, (c) must not be less than 25 years of age in case of Assembly and not less than 30 years in case of the Council, as on the date of nomination, and (d) must possess other qualifications prescribed by law. The Representation of the People Act 1951 also does not propose any disqualification on our women folk regarding contesting of election in union or State Legislature or Presidential or Vice Presidential Elections.

Although the above mentioned laws and regulations removed any type of constraint on women counterparts in regard to participation in democratic process but these regulations also could not make any specific provisions to ensure women participation in politics.

Article 243D of the Constitution of India provides for not less than one-third reservation for women out of total number of seats to be filled by direct election and number of offices of chairpersons of Panchayats. However, as per the information available with the Ministry of Panchayati Raj, 21 States namely, Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand and West Bengal, have made provision of 50% reservation for women in Panchayati Raj Institutions in their respective State Panchayati Raj Acts. In respect of remaining States, Constitutional provision as prescribed in Article 243D applies.

'Panchayat', being 'Local Government', is a State subject and part of Seventh Schedule of the Constitution. Accordingly, all Panchayat related matters, including representation of women in Panchayat systems, are governed by the respective State Panchayati Raj Acts and rules, subject to the provisions of the Constitution. However, Government has been encouraging increased involvement of women in the functioning of Panchayats through active participation in the Gram Sabha meetings for preparation of Gram Panchayat Development Plans and various schemes being implemented by the Panchayats.

Constitution (Seventy Forth Amendment) Act, 1992 has introduced a new Part IXA in the Constitution, which deals with Municipalities in an article 243 P to 243 ZG. This amendment, also known as Nagarpalika Act, came into force on 1st June 1993. It has given constitutional status to the municipalities and brought them under the justifiable part of the constitution. States were put under constitutional obligation to adopt municipalities as per system enshrined in the constitution.

In respect of women, the seats shall be reserved to the extent of not less than one-third of the total number of seats. This includes seats reserved for women belonging to SC/ST. These reservations will apply for direct elections only.

Issue of Proxy Participation

Proxy voting is a form of voting whereby a member of a decision-making body may delegate their voting power to a representative, to enable a vote in absence. The representative may be another member of the same body, or external. A person so designated is called a "proxy" and the person designating them is called a "principal". Proxy appointments can be used to form a voting bloc that can exercise greater influence in deliberations or negotiations. Proxy voting is a particularly important practice with respect to Corporations where Investment Advisers often vote proxies on behalf of their client accounts.

Proxy voting is still allowed in many countries worldwide. Even the old democracies like United Kingdom have also adopted it. The provision for proxy voting in the UK dates back to James I. Long before women's suffrage, women sometimes voted as proxies for absent male family heads.

Under British electoral law, ballot papers could not be sent overseas. British emigrants had no right to vote until the mid-1980s. They can now vote by proxy in general elections if they have been on a British electoral register at some point in the past 15 years. They can also vote by post.

In the United Kingdom, electors may appoint a proxy. An elector can only act as a proxy for two people to whom they are not directly related. However, they can be a proxy for any number of electors if they are directly related to those electors. The voter can change his mind and vote in the election personally as long as his proxy has not already voted on his behalf or applied to vote by mail.

Thanks to our secret voting system that we in India have not yet allowed proxy voting but we face another problem that is the issue of Proxy Representation or participation in political Institutions. Although we have instances of women folks participating in the gambit of politics and raising to the position of Chief Executive like Prabhavati Gupta the sister of Great Harshvardhana of 7th century AD, Razia Sultan, Rani Durgavati and Rani Laxmibai etc but in general politics had never been women's cup of tea and mostly they became active in politics in absence of their male counterparts.

Even in modern times when political parties try to provide representation to women folk in national or state level politics and governance, this is done mainly to project the party concerned as a crusader of women empowerment or gender equality movements.

While selecting candidates for the Parliamentary or State Legislature elections, the contribution of the would be female candidates is not judged in isolation but her male counterpart's or family's contribution is also counted for. This comprehensive assessment of the female candidate automatically makes her male family member being active on behalf of the female legislator giving birth to the problem of Proxy in our political system.

This problem of proxy aggravated in Panchayati Raj and in urban local bodies where the seats are reserved for women candidates and this reservation is rotational, consequently sometime or the other every seat falls under women's reservation. Now the local male dominated political system has developed a tacit understanding among the male politicians to use power and authority of the winning female candidates, making women as a proxy participant in local politics.

Women as Proxies in Panchayats

Haryana is one of the developed states in the country which has 2nd highest per capita income among all states. But with the development Haryana is also known for lowest sex ratio in the country. From the time of its separation sex ratio has been less compared to other state. As per population census 2011, Haryana has lowest sex ratio 877 women on 1000 men in all states and UTs and child sex ratio (age 0-6) is also lowest in Haryana. Haryana is some time also known for honor killings but, nowadays situations become better. Women are looking forward to their participation in every field. Centre and state governments are making constant efforts to improve the sex ratio and also for women empowerment. In these situations it becomes necessary that women participation in politics should be increased and women should be aware of participation in decision making process at all level. It can be possible only by making women more literate.

The issue of proxy women Sarpanches or Members/ Chairpersons at Block or District levels is still a big challenge in Haryana, which is not being addressed by the government on priority basis. It has been alleged that in most cases women act as proxies for male members of their family. It is the male members who campaign for the elections and work in place of women position holders in various levels of Panchayats in post- elections. In some cases, men and other male family members are the real candidates, but since their gram panchayat is reserved for a woman candidate, they put forth a female candidate from their family or community on their behalf to contest elections. In such cases the elected woman sarpanch serves as a proxy for a male member who is the real Sarpanch. So much so that they even have a name for men serving in place of elected women. They are referred to as the sarpanch pratinidhi (sarpanch's representative) or sarpanch pati (sarpanch's Husband), in case they are the husband of the female sarpanch.

A study conducted by Ms Shailiza Mayal in her paper titled 'Are Reservation enough to empower women in local governance' on participation of women folks in Panchayats of Karnal District of Haryana reveals following facts on Proxy women representation in panchayats -

Karnal has 382 gram panchayats with 175 (45 per cent) 1 women sarpanches. A baseline assessment of their knowledge about the Panchayati Raj Act and their participation in the working of the panchayat was conducted in Karnal by the District Administration in collaboration with the Haryana Institute of Rural Development (HIRD). It

was observed that out of the 95 women sarpanches who responded, 16 never called a gram sabha (village meeting), which has to be conducted every quarter, and it was the male members of her families who had called the meetings. Twenty women sarpanches informed that meetings were called both by them and their husbands from time to time.

According to the Gram Sachivs (Village Panchayat Secretaries) all the women sarpanches of the selected gram Panchayat were assisted by someone in the family to do the Panchayat works. When they were enquired about the relation of the person who supported the sarpanch, 76.67 per cent respondents said that the sarpanches were supported by their husbands, 13.34 per cent were supported by their brother-in-law and 6.67 per cent were supported by their father-in-law. One of gram sachivs mentioned that if the husband was not present the father-in-law assisted the sarpanch. A respondent also shared that the Sarpanch worked with the support of her uncle. It is important to note that the people supporting the Sarpanch in the Panchayat work, according to the Gram Sachivs, are male members from the family of the Sarpanch.

The first step to understand the extent of involvement was to get information about the gram panchayats that had a Sarpanch Pratinidhi/Pati. This was done by interacting with the block officials and the village secretaries. It was found that the Sarpanch Pratinidhi/Pati culture existed in all the gram panchayats in the sample.

Findings and Conclusion

Bihar might have been the most egregious example of a woman CM (Rabri Devi) effectively becoming the figurehead while her husband ran the show, but in advanced states like Haryana too particularly in rural areas, this worrying trend is defeating the very purpose of reserving seats in Panchayati Raj Institutions for women.

If you happen to elect a woman candidate to a civic body – municipal council or corporation – in Haryana, don't be surprised if you are 'served' by a male, most probably her husband, father, father-in-law, brother or brother-in-law.

Past record shows that men don't take kindly to being displaced from positions of political power and have now found ways to work around it. Here's how they do it.

One, they manage to field close female relatives, often those who live under the same roof, to contest seats reserved for women. Once elected, the woman attends the formal meetings and then little else. The male continues to do the rest of the business – politicking, deals, nursing the constituency.

Two, if the election is for posts like Sarpanch or Panchayat President (panchayat often is co-terminus with the Taluk or the Block) then the woman makes her formal appearance in the office. The office has an extra chair behind the table from where the dispossessed male does business on her behalf. He even conducts routine work. Except, of course, putting his signature on official papers.

Three, where the Sarpanch is a woman – some Gram Panchayats and Panchayat Samitis are also reserved for women – she is persuaded to sign away her rights to a male deputy, and she remains blissfully out of the orbit. Until, of course, the next election dereserves the office on the basis of a lottery. Then men resume their formal roles.

This gives raise to the anomalous, even tragic, situation of a *de jure* elected representative being sidelined and a *de facto* representative wielding authority.

Many women accept it, and even the constituencies accept it, but there's no gainsaying the fact that it makes a mockery of the intent and purpose of a decentralised representative democracy in which women are to be politically empowered to play greater roles in decision-making.

Some scholars have proposed that reservation can have the unintended and adverse consequence of weakening local democracy. They believe that women, who are elected from reserved constituencies, serve as proxies for their male relatives—exercising nominal power while the men retain the real work of governance. Reservation, they therefore argue, intensifies the problem of gender inequality by giving it the veneer of a solution.

The last decade, however, has seen a wave of scholarship opposing this view. These scholars argue that even if women are pushed into power with the intent of being proxies, they are eventually able to influence the delivery of public services. In particular, research has shown that women's needs are better addressed in villages where there is a female *Sarpanch*.

There have been evidences that due to reservation policy, certain women got elected into the setup, but they acted merely as the mouth-piece of their male family members. This indicates that there is a possibility of on-roll women participation to be higher than what it actually exists on ground. Awareness programs and increase in female education is now taking care of such happenings and women active participation is on an increase. Still there is a need to record data at a more micro level so that women who only act as a proxy can be identified.

The quantitative data of political participation of women at local level is available but the qualitative data on the aspects of their active participation including the utilization of the decision-making functionality provided to them is not being quantified properly. Although, the legislature has enabled their huge presence into the state of affairs, but their valuable essence into the system is yet to be established at most of the places. The data on their sensitization about their rights and its usage is still missing. Efforts can be made to capture the performance of women in debates, initiative in bringing legislation and participation in other aspects of the democratic process.

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