

REPORT

PART I

Introductory

The 73rd amendment to the Constitution which came into effect in 1993 paved the way for entry of large numbers of women into electoral politics in India. This landmark legislation gave India the unique distinction of having more number of elected women representatives (EWRs) than the rest of the world together. What followed over the course of the next fifteen years was a political and social transformation that has impacted the nature of governance itself. The presence of more than 1 million elected women representatives in the institutions of local governance in rural India may be termed as 'silent revolution' within the process of democratic decentralization ushered in by the 73rd amendment.

1.2 As per information given by Ministry of Panchayati Raj in 25 States* and 6 Union territories, out of total number of elected representatives of 26,78,183 at Gram Panchayats, 9,84,273 are women elected representatives. Similarly, at Intermediate Panchayats, out of a total elected representatives of 1,57,973, the women elected representatives are 58,112. Likewise at District Panchayat level, out of total number of elected representatives of 15,583, elected women representatives are 5,763.

1.3 By virtue of being inclusive, women's political participation through the PRIs has altered the traditional structure. It is not just women from political families who are contesting elections to the Panchayats but many women from marginalized sections, often with little or no political experience are also contesting the elections.

1.4 While reservation may have facilitated women's entry into the political space, the EWRs have demonstrated their capacity to shoulder the responsibilities of political office. They not only serve as elected members in rural local bodies, many of the EWRs occupy leadership positions in the three tiers of Panchayats.

* Maghalaya, Mizoram and Nagaland have traditional Councils, J&K elections have not been held after adoption of the Panchayat Act. Panchayat elections have not been held in Jharkhand

1.5 The President of India in her address to the Parliament on 4th June, 2009 has mentioned the intent to provide fifty percent reservation for women in Panchayats as women suffer multiple deprivations of class, caste and gender and enhancing reservation in Panchayats will lead to more women entering into/in the public sphere.

1.6 Panchayats as such have a vital role to play in the welfare and development of the weaker sections of the society, viz., women, Scheduled Castes (SCs), Scheduled Tribes (STs). Greater representation of these sections would enhance their voice in these bodies and promote inclusive governance which is critical to inclusive growth. Enhancement of reservation for women in Panchayats will facilitate more women entering into public sphere and thereby lead to further empowerment of women and also make Panchayats more inclusive institutions, thereby improving governance and public service delivery.

1.7 Government on 27th August, 2009 approved the proposal for moving a Constitutional Amendment Bill for enhancing reservation for women in Panchayats at all the three tiers of PRIs from one third to 50% in the total number of seats. Accordingly, 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009' (**Appendix I**) was introduced in Lok Sabha on 26th Nov, 2009. On 21st December, 2009, the aforesaid Bill was referred to the Standing Committee on Rural Development by Hon'ble Speaker, Lok Sabha for examination and Report.

Constitutional provision regarding reservation of seats

1.8 The existing provisions in Article 243 D of the Constitution read as under :-

Reservation of Seats

243 D. (1) Seats shall be reserved for –

- (a) the Scheduled Castes ; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (/) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number or offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

1.9 The Constitution (One Hundred and Tenth Amendment) Bill, 2009 seeks to amend Article 243 D as under :-

Amendment of article 243 D

"In article 243D of the Constitution,-

(i) in clause (2), for the word "one-third", the word "one-half" shall be substituted;

(ii) in clause (3), for the word "one-third", the word "one-half" shall be substituted;

(iii) for clause (4), the following shall be substituted, namely:-

"(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State:

Provided further that not less than one-half of the total number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided also that not less than one-half of the total number of offices of Chairpersons (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.”

1.10 According to the Ministry of Panchayati Raj, the proposed amendment would increase reservation for women in

- (a) total number of seats to be filled in by direct election;
- (b) offices of Chairpersons; and
- (c) the seats and offices reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) to 50% in all tiers of Panchayats.

1.11 The Bill seeks to amend Article 243 D of the Constitution dealing with reservation of seats in the Panchayats. Article 243 D provides that ‘not less than one-third’ of the total number of seats and seats reserved for the Scheduled Castes and Scheduled Tribes as well as offices of the Chairpersons in Panchayats at each level shall be reserved for women. Need to further enhance women’s participation in Panchayats for the twin purpose of empowering women and making Panchayats more inclusive institutions has been outlined the statement of ‘Object and Reasons’ of the Bill.

Status in States regarding 50 per cent reservation for women

1.12 The Ministry of Panchayati Raj has informed that the following States have already made provision of 50 per cent reservation for women.

S.No.	Name of the State	Views
1.	Bihar	50% reservation already in force
2.	Chhattisgarh	Notification for 50% reservation for women has been made and it will be applied to election to be held.
3.	Himachal Pradesh	Notification has been made. Effect of Amendment will take place during next election in January, 2011.
4.	Kerala	Government has decided to increase reservation for women to 50% in PRIs for membership of post of Presidents and Vice Presidents.
5.	Madhya Pradesh	State Government has decided to increase reservation upto 50% for women.
6.	Rajasthan	Notification for 50% reservation for women issued on 25.6.3008.
7.	Uttarakhand	50% reservation for women has been decided and the same has already been implemented in elections held in 2008.

1.13 It is observed from the information furnished by the Ministry of Panchayati Raj that in Sikkim reservation for women was increased to 40 percent on 7.7.2009.

1.14 During the course of examination, the following States have given their comments on the issue as shown against each :

S.No.	Name of the State	Views
1.	Tripura	The State Government has already amended the State law
2.	Maharashtra	State Cabinet on 17.12.2009 has given consent to the proposal for reservation in local bodies upto 50% which is under consideration of the Central Government.
3.	Haryana	The State Government is in favour of the Bill.
4.	Karnataka	The State Government supports the Bill.
5.	Punjab	50% reservation of women in Panchayat will be beneficial for overall working of the PRIs.

The State-wise details of their comments are shown in **Appendix IV**.

1.15 In connection with examination of the Bill under reference, the Committee took evidence of the representatives of the Ministry of Panchayati Raj, representatives of four State Governments (Bihar, Uttarakhand, Maharashtra and Karnataka) as shown in **Appendix II** and also heard the views of four Experts/NGOs as shown in **Appendix III**. The Committee also obtained the views of different State Governments on the Bill (**Appendix IV**). A Press Communiqué soliciting views of public on various provisions of the Bill was also issued. In all 26 memoranda were received including 5 from experts/NGOs.

1.16 The following **issues** came up for discussion during the examination of the Bill :-

- (i) Enhancing reservation for women in Panchayats;
- (ii) Views on reservation of seats for women in Panchayats by rotation;
- (iii) Issue of inclusion of the word 'rural' before the word 'population' occurring in Proviso (i) of Clause 2 (iii) of the Bill ;
- (iv) Retaining the words 'not less than one-half' occurring in the Bill;
- (v) Capacity building and training of elected representatives;
- (vi) Pre-requisites for necessary empowerment of elected representatives of Panchayats including elected women representatives;
- (vii) Issue of proxy attendance;

1.17 The above issues are discussed in the succeeding sections:-

(i) Enhancing reservation for women in Panchayats

1.18 Out of 26 memoranda received from public, experts and NGOs all have unanimously supported the Bill except one organization viz. Rakshak Foundation, California, USA. The organization has opposed the Bill on various grounds viz. Statement of objects and reasons overlooked reality, insufficient ground for 50% reservation, discrimination on the ground of gender etc. The Committee during the course of examination wanted to have the views of the Ministry of Panchayati Raj on all these issues. Pointing out that since women enjoy equal rights as men and as such are free to stand in elections and get chosen by men and women alike, the Committee enquired whether rights of men have been taken into account while enhancing reservation of women. The Ministry of Panchayati Raj, in a written reply, stated as under:-

“Women and men by and large share the same set of rights. The Constitution also does not discriminate between men and women on the ground of gender. Both can exploit the avenues of advancement as per their capability and capacity. However as compared to men, women have to put up with a number of additional responsibilities on account of their household duties, natural physical disadvantage, responsibilities as mothers, social obligations and traditional values. Therefore, it is not fair to assume that providing women reservation is in any way violative of the rights of men.”

1.19 The Committee also enquired as to what extent the 50 per cent reservation for women in Panchayats is justified particularly when the current level of women’s participation in Panchayats is already at the level of 42 per cent, the Ministry of Panchayati Raj in a written reply clarified :

“...Gender equity and inclusiveness are critical to the inclusive growth and this factor also results in better dealing of public services, especially in health, sanitation, early childhood care, drinking water, etc. that affect the lives of women and children.”

1.20 In reply to another query whether increasing the reservation only proves that existing reservation policy has not helped adequately, the Ministry of Panchayati Raj in a written reply stated as under :-

“Women constitute almost 50 per cent of total population of our country. Also, there are directions from various Courts that reservation of any kind cannot ordinarily exceed the limit of 50%. There is already a provision of reservation of 33% of seats for women in PRIs at all levels. A study on the EWRs in Panchayats by Ministry of Panchayati Raj in 2008 reveals that the performance of EWRs is in sync with participatory style. Almost 80% of all the women representative got elected from reserved seats and this facilitated their first entry into politics. Around 79% of them perceived this as enhancing their self esteem, 81% found their confidence increased and 74% experienced as equipped with decision making ability. It will show that the reservation of 33% has already proved a boon for the women. To maintain and increase this tempo it is necessary that their percentage of reservation is enhanced to 50%.”

1.21 During the course of briefing of the representatives of the Ministry of Panchayati Raj, the Secretary (Panchayati Raj) clarifying the need for reservation stated as under:-

“Madam, the first issue was why there should be 50 per cent reservation for women in Panchayati Raj Institutions. The answer for this is obvious as women constitute 50 per cent of the total population of our country, it is felt that the size of reservation should be 50 per cent...”

1.22 In this regard the Ministry of Panchayati Raj in a written reply also stated as under :-

“The proposed amendment has been mooted after considering the matter from all angles in depth. Despite many encouraging measures adopted by the Government for the upliftment of conditions of women, it has been found that the women still suffer from multiple deprivations of class, caste and gender. The avenues provided to them in Legislature have not yielded desired results. The enhancement of reservations for them at the grass roots level i.e. in PRIs is a well conceived attempt initiated to build solid foundation for the Elected Women Representatives from bottom up. This move is not contrary to the empowerment of women but rather affirms resolve of the Government that they should feel responsible and duly empowered towards performing their duties as elected representatives of the Society.”

1.23 In this connection, pointing out that there can be no objection to the amendments, the Secretary, Legislative Department stated as under :-

“Usually the main function of the Legislative Department while drafting of the Bill is to translate the policies of the Government or the Administrative Ministry into the legislative proposals unless there is a very serious legal or Constitutional objection, which is also examined thoroughly by our sister Department, namely, Department of Legal Affairs. So, in this case, probably in the municipalities also, there is 50 per cent, and 1/3rd was already there. We translated and did not find any legal or Constitutional objections to increase it to 50 per cent.”

(ii) Views on reservation of seats for women in Panchayats by rotation

1.24 Another important area that came up for discussion while examining the Bill was the issue of reservation of seats in Panchayats by rotation. In this connection last proviso of Clause 2 (iii) of the Bill states as under :-

“.....Provided also that the number of offices reserved under this clause shall be allotted by **rotation** to different Panchayats at each level.”

1.25 During the course of briefing on the Bill by the representatives of Ministry of Panchayati Raj on this issue, the Committee pointed out that rotating the seats after every term would not bring in leadership among women elected representatives as under the provision the seat will be given to other. The Committee wanted to know that whether the seats reserved for women in Panchayats can be for three consecutive terms, elaborating the view of the nodal Ministry the Secretary (Panchayati Raj) submitted as under :-

“On the issue of reservation of offices in Panchayats by rotation divergent opinion have come up before the Committee. Some experts submitted before the Committee that the mandatory rotation of reservation of post of Chairperson is highly de-motivating for women because they know the next time they may not be able to represent again. However, some say it will be useful and on this issue States are to be consulted. This subject whether rotation cycle is of one election or two elections is the issue of debate within the Ministry. One argument is, it should be maximum two cycle so that leadership quality is developed. Those who are elected they get long term stake. The second view is, if we give two cycles, then one particular segments representation will come after forty years. That is also a difficult preposition. However in Constitution there is no bar as such it has been left to the States. To my knowledge it is two consecutive terms in Tamil Nadu. In Bihar it is under consideration and perhaps it has been implemented. Administrative Reforms Commission has recommended that rotation should be only after two elections. In this subject whatever the Committee will recommend we will certainly implement it.”

1.26 The Committee also wanted to know whether the term period for rotation of seats while providing reservation for women as being observed by each States, the Ministry of Panchayati Raj in a written note clarified :-

“The term period for rotation of seats while providing reservation for women in PRIs is decided by the concerned State Governments in accordance with the provisions of their respective statues. As per information informally available only Tamil Nadu and Bihar have the provision of rotation of seats after two cycles.”

1.27 The Committee also wanted whether some definite period on the issue of rotation can be mentioned in the Bill, the Ministry of Panchayati Raj in a written reply clarified :-

“This could be considered.”

1.28 The Committee also wanted to enquire whether the Ministry of Panchayati Raj has ever consulted the Ministry of Law and Justice on this issue and what is the considered view of the Ministry in this regard, the Ministry of Panchayati Raj in a written reply stated as under :-

“The Ministry of Law is being consulted in a different context. This Ministry is however in agreement with the recommendation of second ARC that reservation for at least two terms is advisable to enable elected representatives to grow as genuine leaders. However the Ministry is in the process of obtaining the comments of all concerned including State Governments and a firm view will be taken after taking into consideration the responses received.”

(iii) Issue of Inclusion of the word ‘rural’ before the word ‘population’ occurring in 1st Proviso (i) of Clause 2 (iii) of the Bill

1.29 The first proviso to Article 243 D (4) proposed to be substituted by clause 2 (iii) of the Bill reads as under :-

“(4) The offices of the Chairperson in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Schedules Tribes in the Panchayats at each level in any State Shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the **population** of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total **population** of that State.”

1.30 Enquired about the views of the Ministry of Panchayati Raj on the question of insertion of the word 'rural' before the word ' population' in the first proviso to Article 243 (D) 4 quoted above, a representative of the Ministry of Panchayati Raj in a written reply clarified as under :-

“There may be no objection in accepting addition of word “rural” before the word “population”. However, such an addition would be more appropriate if a similar amendment is made in Chapter IX A i.e. “Municipalities” for reservation in proportion to urban population.”

1.31 The Ministry of Law and Justice (Legislative Department) stated in a written note in this regard as under :-

“The first proviso to clause 4 of article 243D already exists in which the word “rural” has not been used and no amendment has been suggested by the administrative Ministry. We feel that purpose can be achieved by retaining the existing language of the said first proviso.”

1.32 The Ministry of Panchayati Raj subsequently in a written reply to a question stated as under :

“This seems desirable since the proportion of SC and ST in rural areas of a State usually differ from their proportion to the population of the State.”

(iv) Retaining the words 'not less than one-half' occurring in the Bill

1.33 During the course of examination of the Bill the Committee had obtained views from different State Governments/UTs on the aforesaid Bill. The State Government of Rajasthan while submitting their views stated as under :-

“.....regarding reservation for women in Panchayats, in the total number of seats, offices of Chairperson and in the seats reserved for the Scheduled Castes and the Scheduled Tribes across three tiers to be increased from 'not less than one-third' to 'not less than one-half'..... it is submitted that the Government of Rajasthan has already made the provision for reservation to women as 'not less than one-half'. In this context Hon'ble High Court, Rajasthan has given directions to make the provision for reservation as 'not exceeding one-half'. However, the Government is of the view that the provision for reservation fro women be introduced as 'one-half' instead of 'not less than one-half'.

1.34 Clarifying the position on the above issue, the Ministry of Panchayati Raj in a written reply stated as under :-

“In this connection, it is stated that if in a body, the seats are in odd numbers, it will not be possible to arrive at the exact half number of the same. However, if the provision is made “not less than one-half” it may exceed the constitutional limit of 50%. Therefore, the provision may be made to the effect “as near as may be one-half”.

1.35 The Ministry of Law and Justice (Legislative Department) has given the following opinion stating as under :-

“The expression “*not less than one-half*” also occurs in article 243T of the Constitution. As the seats are to be in whole numbers, it is not possible to lay it in terms of mathematical precision as “*one-half*”. Such a figure cannot be achieved with exactitude. Therefore, we feel that the uses “*not less than one-half*” would be proper and implementable”.

(v) Capacity Building and Training of elected representatives

1.36 One prominent issue that was examined by the Committee was whether increased level of reservation for women in Panchayats alone is sufficient or it should be accompanied by their actual empowerment for their capacity building and training requirements. Outlining Capacity Building and Training of Elected Representatives of Panchayati Raj Institutions in the Annual Report of the Ministry of Panchayati Raj, it has been stated that the major function of the Ministry has been to provide assistance to the States for the capacity building and training of elected representatives of PRIs. It is well recognized that many of the elected representatives of PRIs are illiterate or semi-literate and know little about development programmes, planning, systems, and procedures. They require training to undertake the tasks expected of them as people’s representatives. A comprehensive National Capacity Building Framework (NCBF) has been circulated for the guidance of all concerned. Further, most of the Panchayats do not have their own office space as well as adequate staff to look after the functions assigned to them. Hence, the Ministry has taken many steps in this direction, which include clear guidelines of 23rd October, 2009 on construction of Panchayat Ghars, dated 23.10.2009 on manpower for Panchayats, etc. Further for the implementation of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the

Panchayats at district, intermediate and village levels are the principal authorities for the planning and implementation of NREGA.

1.37 Even after 17 years of the 73rd Amendment of the Constitution, the Panchayats are yet to come up as the effective units of Self Governance due to several factors. A key factor being the inadequate infrastructure. A large number of Gram Panchayats (GPs) do not have even office buildings and full-time staff. All the same, their responsibilities are increasing progressively with their role in the planning and implementation of National Rural Employment Guarantee Act (NREGA), Backward Region Grant Fund (BRGF), etc. and so on. Keeping in view the increasing role of PRIs in the implementation of various development schemes and to provide civic services to the rural peoples in their Panchayat area, Ministry of Panchayati Raj issued a detailed guidelines on 23rd October, 2009 for construction of Gram Panchayat Office Building and Rajiv Sewa Kendra by dove-tailing funds from NGNREGA, BRGF and other Central and State Schemes

1.38 For capacity building of Panchayats, three programmes of Backward Region Grant Fund (BRGF) for 250 districts, Rashtriya Gram Swaraj Yojana (RGSY) for non-BRGF 350 districts and third is exclusively for Panchayat Mahila Evam Yuva Shakti Abhiyan (PMEYSA) are being implemented by the nodal Ministry.

Allocation and utilization of funds for capacity building and training

1.39 Giving details about the allocation vis-à-vis utilization of funds for capacity building and training requirements of Panchayats during the last three years the Ministry has given the following figures :-

(Rs. In crore)

Scheme	Year-wise allocation vis-à-vis utilization							
	2007-08		2008-09		2009-10		2010-11	
	Allocation	Utilisation	Allocation	Utilisation	Allocation	Utilisation	Allocation	Utilisation
BRGF	250	121.3	250	135.7	250	190.63	250	0
RGSY	33	30.31	41.85	48.34	34	39.28	34	3.44
PMEYSA	4	2.02	4.00	4.00	2.60	2.40	2.70	0"

1.40 The Committee wanted to know whether the capacity building of Panchayats should go hand in hand with existing level of reservation as also with proposed

increased level in different States, the Ministry of Panchayati Raj in a written note clarified:-

“The Government is conscious of the fact that the Capacity Building of Panchayats particularly that of the EWRs, is an imperative need to ensure the successful functioning of PRIs at all levels. The proposed increase in the percentage of reservation for EWR will result in the increase of the EWRs at different levels. The expected increase will be about 4 lakh EWRs and this will obviously entail the necessity of creating additional capacity building facilities.”

1.41 At this the Committee also pointed out that different State Governments like Bihar, Karnataka, Uttarakhand, Maharashtra etc. have unanimously agreed with the Committee that imparting sufficient training to large number of representatives of PRIs, specially women elected representatives is very much essential for their actual empowerment. The Committee pointed out that around 28 lakh elected representatives, have been trained during the period of five years from 2005-06 to 2009-10 under different schemes of BRGF, RGSY and other schemes out of which 36.87 per cent are women. With proposed Constitution amendment, the number of elected women representatives is expected to rise to more than 4 lakhs. Asked about how the Ministry will be able to manage to train increased number of elected women representative, the Ministry of Panchayati Raj in a written reply informed :-

“On the basis of information received from the State about the EWRs trained during the last three years and also keeping in view the position after the reservation of EWRs is statutorily enhanced to 50%, the Government is taking stock of the entire position for making appropriate arrangement for capacity building and training of the elected representatives.”

1.42 About details of male and female illiterate elected women representatives in the country, the Ministry of Panchayati Raj in a written reply further clarified :-

“The Government is all earnest about the availability of appropriately literate and trained elected representatives, including Sarpanches for the effective functioning of PRIs. The details about the literate and trained number of male and female elected representatives are not available. State Governments have been requested to provide status of social, educational and economic background of EWRs in the States.”

1.43 The Committee further enquired that whether present level of flow of funds the required capacity building can be achieved, the Ministry of Panchayati Raj in a written reply clarified:-

“..... There should not be any financial constraint in capacity building even of the increased number.”

Study on Elected Women Representatives (EWRs)

1.44 The Ministry of Panchayati Raj commissioned a study in 23 States across the country on empowerment of EWRs in Panchayats after enactment of 73rd Constitutional Amendment Act of 1993 and the study submitted its report in April, 2008. The findings contained in the report on the Study confirm the view that mandated political participation of women has had a positive impact on society as a whole. The study also revealed that reservation facilitated the first entry into politics for most of them. A sizable proportion of women representatives perceived enhancement of their self esteem, confidence and decision making ability.

1.45 The Conclusions of the study are as follows :-

“The last fifteen years of Panchayati Raj in India have contributed significantly not only to the political but also the social empowerment of women as is evident from the findings of the study on EWRs in PRIs. Earlier notions of women being mere proxies for male relatives have gradually ceded space to the recognition that given the opportunity to participate in the political system, women are as capable as their male counterparts. The impact of women's participation in the Panchayats is seen in the development priorities identified by them. EWRs have used their office to not only mainstream gender issues but also address the developmental needs of the community as a whole. The positive contribution made by EWRs needs to be sustained by ensuring the continued participation of women in the political process. In conclusion it may be said that the political participation of women in Panchayati Raj institutions enhances self-esteem and self-confidence among them. This is reflected in the creation of an enabling

environment both within the home and community as well as the professional space which in turn improves the performance of the EWRs.”

1.46 The major recommendations and the nationwide study of EWRs are as detailed below :-

- Education level should be improved
- Younger women should be encouraged to join politics
- There should be regular training, covering multiple dimensions, including rules regulations, administrative issues, budgeting and finance, and the implementation of development schemes
- In order to increase the effective participation of women they should be given more honoraria
- Membership of groups/committees plays an important role in terms of increasing the visibility of women in village. Thus, such entities should be provided greater support
- The rotation of seats for reservation may be discontinued for the women-headed Panchayats and wards

1.47 Efforts should be made not only to maintain the representation of women in politics in terms of their percentage, but also improve their ability to remain in politics.

1.48 In this connection the attention of the Ministry of Panchayati Raj was drawn that as per Supreme Court direction a review Committee to assess the impact of empowerment of women in the country can be set up, the Ministry in a written reply stated as under :-

“Government would set up such a Review Committee within a month.”

1.49 In order to look into the issue of actual empowerment of women in Panchayats, the Committee also sought the views of State Governments/experts and that of the Ministry of Panchayati Raj. While examining the witnesses of four State Governments, the Committee enquired as to whether in view of existing level of reservation for women in Panchayats, do the women still need their necessary empowerment, the Secretary,

Department of Panchayati Raj, Government of Bihar while deposing before the Committee explained :-

“Participation of women in Panchayats in Bihar has come in a large scale..... But yet there is a lot to be done....”

1.50 On the issue of capacity building of elected women representatives, the Secretary, (Department of Panchayati Raj), Government of Bihar submitted as under :-

“...So far as capacity building of elected women representatives that is major area, there is need to work. Here we have focused on women, because we have 50 per cent women in Panchayats. On capacity building we have started in an organized and structured way... We are doing it based on National Capacity Building Framework (NCBF). First State level Resource persons have been developed, followed by district level resource person, then every Panchayat was covered with different training modules. Now we will train the elected representatives in a structured way..... This is in brief how we are progressing.”

1.51 The witness further added :-

“This depends on how much initiative we take at local level since all concepts are already available. In each Block and Panchayat crore of rupees are being spent but there is no toilet which is generally constructed at a cost ten to twenty thousand. A mind set has not been evolved. As I have already said that we are moving in a structured way, there all these things are to be remembered thus in years to come all these things would improve...We are insisting that the SIRD in Bihar is not working in an effective manner. It needs to be strengthened. Not only that there should be an institute of excellence for Panchayats”.

1.52 He further added :-

“...In this capacity building exercise, one of the major constraints which we face is in respect of the fund flow. Generally, there is a problem with the fund flow because for these institutions, we have not developed the capacity. So far as capacity development is concerned, there should be some kind of a freedom to the State. Also, there should be some kind of a relaxation of norms so that we can use the fund properly. The issue now is whether we develop the capacity, first we utilise it or the other way. So, as a result, many times, capacity building is not there. Funds are available but they are not being utilized properly. So, there should be some lenient view on that. There should be some kind of a policy so that the funds earmarked for capacity building are utilized.....”

1.53 Similarly, the Secretary, (Department of Panchayati Raj), Government of Uttarakhand narrating the experience of Uttarakhand stated as under :-

“In Uttarakhand women are more active..... Here change is discernible in planning process in formulation of plans at district, block and village levels and it has been seen that issues related with women like drinking water, women and child care, women education and public distribution system women have received priority.....”

1.54 Likewise the Principal Secretary (Rural Development and Panchayati Raj), Government of Karnataka explaining the position on the twin issues of capacity building and training informed the Committee stating as under :-

“In Karnataka, we have one advantage. Rural Development and Panchayati Raj together, they do not have two separate departments. Therefore, the funds from the rural development, which are in very large scale, are now available for Panchayati Raj functioning. Therefore, for capacity building, we get a lot of funds from the Ministry of Rural Development. From each of the programmes that we have, we have enough money to take care of capacity building. But we have to see the problem also. Even in a State like Karnataka, we have more than 92,000 gram panchayat members. To train them, it is taking at least more than two years. The half of the term is over before we train all the members. Madam, you have raised a very valid issue.”

1.55 The Committee thereafter heard the views of Experts/NGOs on the issue of capacity building and training of elected women representatives. In this context Ms. Nirmala Buch, President Mahila Chetna Manch, Bhopal expressed her views stating as under :-

“....On capacity building, I feel it is absolutely necessary. Most of the capacity building exercises are about giving nuts and bolts of how to do it. It should focus more on understanding the politics of democracy, the politics of representation, the politics of how to take people together and how to be responsible leader. Therefore, we must support them to build teams, allow other members to participate and to take up issues so that they can demand what is necessary. In some States what was given to Panchayats was gradually withdrawn without any protest.”

1.56 Another expert Shri N.C. Saxena, former Secretary, Planning Commission also submitted before the Committee :-

“I believe that the proposed level of reservation for women in Panchayats will empower the women and will enhance their self esteem since in Indian society there are wider disparities on the issue of gender. The reservation will reduce such disparities. To understand that the proposed reservation will bring about improvement in the working of Panchayats is not true. It is also not correct that 50 per cent reservation will bring change in the status of women in a big way but,

at the same time, we have to think of the measures which will strengthen Panchayats, which will make them effective, which will make them more pro-people, more pro-poor, more pro-marginalised people. At the same time, we have to think of measures which will empower women. The most important is the non-implementation of the Hindu Succession Act which was amended in 2005 and which said that women have an equal right in inheritance of inherited property, agricultural property. These have not been properly percolated among the masses. Most of the State Governments are not even aware about this law. Therefore, it is necessary that steps should be taken for empowerment of women in Panchayats.”

1.57 At this the Committee wanted to know in what way issue of slow progress on devolution and excessive control of bureaucracy over Panchayats as outlined by the expert is coming in the way of empowerment of Panchayats, the witness clarified :-

“Madam, in this context my suggestion is we must bear in mind both the issue of responsibility and authority. It is essential that the Panchayats be transferred necessary funds, functions and finances and more and more schemes are implemented through the Panchayats....”

1.58 The Committee also enquired about how social audit of Panchayats be done where many Sarpanches are illiterate, the witness clarified as under :-

“It is essential that for audit of Panchayats we should devise a system wherein civil society or representative from press are associated alongwith Government officials and it should be timely reviewed...”

(a) Training

1.59 On the issue of training to elected representatives of Panchayats, the Secretary, (Department of Panchayati Raj), Government of Uttarakhand elaborated as under :-

“Madam, training is very essential.... There are women Sarpanches. The money is drawn by the joint signatures of Sarpanch and Gram Sevak. Today in large number of Central Governments’ scheme funds are being given in villages. Financial management is a big issue. There are large number of women those who are illiterate, they also become Sarpanches. In that level training is essential. That training should be done in such a way that it must include somewhat accounting. So on this pattern a focused training is essential wherein some kind of training on information technology should be given. Alongwith this some legal aspects should also be told to trainees. This kind of provision should be made. For this it is essential that women elected representatives will have to be taken outside and 2-3 days training has to be given.....”

1.60 Principal Secretary (Rural Development and Panchayati Raj), Government of Karnataka on the issue of the nature and duration of training suggested as under :-

“For that, face to face training with all these things is not possible. It is because we have got a satellite training network established. In every State, the satellite training network is there.”

“..... we have to have capacity building Through SIRD through network institutions, we are taking up capacity building for women.We have to give higher thrust on training.”

1.61 The Committee pointed out that the Ministry itself had admitted before the Committee that through normal system of National Institute of Rural Development (NIRD) and State Institute of Rural Development (SIRD) the results are not as per expected lines. Further, the proposed Bill will lead new set of untrained persons entering electoral fray thus leading to their greater representation in these Panchayats. The Committee wanted to know as to how the Government plan to address this issue given the fact that Panchayats are already being criticized for not performing well due to lack of trained pool of persons representing these bodies, the Ministry of Panchayati Raj in a written note clarified :-

“Government is taking measures to strengthen SIRDs and other training institution besides Public – Private – Partnership for Capacity Building.”

1.62 At this the Committee also drew the attention of the Ministry of Panchayati Raj that indicating a departure from the conventional way, the Secretary (Panchayati Raj) had earlier submitted before the Committee that for the purpose of capacity building of Panchayats the Ministry of Panchayati Raj has started discussing the issue with Non-Governmental people like NGOs, Corporate sector, the training organizations and different State Governments also by offering service providers for each States of their choice and that the process would be finalized by March, 2010. The Committee wanted to know the latest position in this regard, the Ministry of Panchayati Raj in a written note clarified :-

“The Ministry had organized a PRIs CB&T Business Meet on 07.01.2010 at New Delhi well over 100 organisations participated. The process is being

carried forward in association with the State Governments / UTs. These initiatives will help in better coverage and improvement in the quality of training.”

1.63 The Committee also pointed out that the Ministry of Panchayati Raj has brought out a comprehensive programme of ‘National Capacity Building Framework (NCBF) for the above purpose. However, it has not reportedly worked well so far. The Committee wanted to know in what way the aforesaid progress could be made attractive and acceptable to States, the Ministry of Panchayati Raj in a written note stated as under :-

“In order to take up the capacity building and training activities as per the NCBF in a Mission Mode The States were impressed upon to give thrust to the CB&T activities through preparation of integrated perspective plan for CB&T covering BRGF, RGSY as well as other Schemes for the current year and the next year. 11 States have already finalised their perspective plan while other States are in the process of doing so. The workshops also provided a platform for States to come together, exchange ideas, communicate their success stories as well as difficulties and deliberate on issues of common concern.”

1.64 In this connection the Committee pointed out that in villages all are not generally literate how the important work of capacity building can be done in the light of 50 per cent reservation for women already proposed. The Committee also wanted to know whether it be done alone through channelizing funds or through institutions responsible for training while reaching at village level, clarifying all these points, the Secretary (Panchayati Raj) stated as under :-

“Your concern is very genuine that giving of reservation welcome but main aim behind it is empowerment. Besides this you have mentioned that in capacity building the progress is unsatisfactory and we are going to take measure in this regard. In this context we have two strategies. First besides State Institute of Rural Development (SIRD) we should set up District cum resource Centres so that the person who comes for training he/she has to travel a less distance and he gets the training. In this NGOs are to be involved specially the women who are illiterate and first time have come out of the family fold, these should be trained. In this direction we are taking up steps as to how NGOs are involved so that those women who become Sarpanches or Panches they should given be not only training but quality training. Secondly National Literacy Mission is to be implemented through Panchayats. We have interacted with HRD Ministry and in that special attention is being paid for training such women representatives.....”

(vi) Pre-requisites for necessary empowerment of elected representatives of Panchayats including elected women representatives

1.65 While examining the aforesaid Bill, an equally important issue that came up before the Committee for examination was whether with the available amenities to elected representatives of Panchayats including women representatives in different States are sufficient enough for discharge of the Panchayat works judiciously. In this connection the State-wise monthly/daily allowance remuneration etc. available to office bearers of Gram Panchayats, Intermediate Panchayats and Zilla Panchayats level have been given at **Appendix V**. In this connection the Committee had taken up the issue of adequacy of these amenities with Secretary level officials of Department of Panchayati Raj in four State Governments of Bihar, Uttarakhand, Maharashtra and Karnataka and also with Experts. Similar details for Maharashtra have not been submitted by the Ministry of Panchayati Raj. The State-wise position of available amenities in following three States is as under :-

Bihar					
Gram Panchayat					
Name of the Post	Mukhia	Up-Mukhia	Sarpanch	Up-Sarpanch	Sadasya (member)
Monthly/Daily allowance	100	100	100	100	100
Meeting fee	@5 per km	@5 per km	@5 per km	@5 per km	@5 per km
Remuneration	600	300	600	300	0
Honorarium					
Others sitting fee					
Intermediate Panchayat					
Name of the Post	Pramukh	Up-Pramukh	Sadasya (member)		
Monthly/Daily allowance	100	100	0		
Meeting fee	@5 km	@ 5km	@ 5 km		
Remuneration	3000	1500			
Honorarium					
Others sitting fee					
Zilla Parishad					
Name of the Post	Adhayaksh	Up-Adhayaksh	Sadasya (member)		
Monthly/Daily allowance	100	100	100		
Meeting fee	@5 km	@5 km	@5 km		
Remuneration	4000	3000	0		
Honorarium					
Others sitting fee					

Karnataka					
Gram Panchayat					
Name of the Post	President	Vice-President	Member		
Monthly/Daily allowance					
Meeting fee					
Remuneration					
Honorarium	500	300	Nil		
Others sitting fee	100	100	100		
Intermediate Panchayat					
Name of the Post	President	Vice-President	Member		
Monthly/Daily allowance					
Meeting fee					
Remuneration					
Honorarium	2000	1300	700		
Others sitting fee	150	150	150		
Zilla Parishad					
Name of the Post	President	Vice-President	Members		
Monthly/Daily allowance					
Meeting fee					
Remuneration					
Honorarium	2750	2050	1200		
Others sitting fee	200	200	200		

Uttarakhand					
Gram Panchayat					
Name of the Post	Sarpanch	Naib Sarpanch	Ward member		
Monthly/Daily allowance					
Meeting fee					
Remuneration					
Honorarium	600				
Others sitting fee					
Intermediate Panchayat					
Name of the Post	Chairman	Vice-Chairman	Member		
Monthly/Daily allowance					
Meeting fee					
Remuneration					
Honorarium	3000				
Others sitting fee	200	200	200		
Zilla Parishad					
Name of the Post	President	Vice-President	Members		
Monthly/Daily allowance					
Meeting fee					
Remuneration					
Honorarium	4000				
Others sitting fee	300	300	300		

1.66 During the course of evidence of representatives of four State Governments, the Committee pointed out that in the present context where 50 per cent reservation for

women is being proposed, whether adequate level of amenities like transport facility, daily allowance, accommodation are being given to the elected representatives of Panchayat who largely have to cover an area of 50 kms and even beyond that, the Secretary, (Panchayati Raj), Government of Bihar informed as under :-

“So far as the facilities or benefits are concerned so that they can easily commute in their area...the system of honorarium and travelling allowance is there... In our State there are long distances. Chairman Zila Parishad is the Chairman of DRDA. He ex-officio is entitled for vehicle and gets the staff of District office....So far as honorarium is concerned, the quantity of honorarium has to be enhanced, In my opinion nobody will deny it.....”

1.67 Similarly on the issue of remunerable transport allowance being given in the State of Uttarakhand, the Secretary, Rural Development and Panchayati Raj appearing before the Committee clarified:-

“It is very meagre. It is Rs.500/- for Gram Pradhan, Rs.1500/- for Pramukh and Rs.5000/- for Chairmen Zilla Parishad.”

1.68 When asked about the similar entitlement for members, the Secretary, (Department of Panchayati Raj, Government of Uttarakhand clarified :-

“Madam the Member gets TA/DA for attending meeting that too at Block and Zila Parishad level. This is very less. States do not have finances so that these can be enhanced.”

1.69 The Principal Secretary, (Department of Panchayati Raj), State Government of Maharashtra elaborating the problem coming in the way of training of elected women representatives in Maharashtra submitted :-

“Women will have to travel all the way. Then, there is the norm for giving capacity per person. Per Zilla Parishad, it is only Rs.500; for a Gram Panchayat, it is only Rs.100. We are talking of the flexibility. Ultimately, each person has to be trained. Whether he is coming from the village or the Zilla Parishad does not matter. So, kind of a flexibility is needed.”

1.70 In order to have a broader view on the issue, the Committee also had the views of eminent experts. In this connection the Committee wanted to know from Dr. Ratna M. Sudarshan, Director, Institute of Social Sciences Trust, New Delhi about adequacy of remuneration and amenities etc., the Committee were informed as under :-

“The first thing is that several of the women that we spoke to, said that they were not aware of it. They did not receive the remuneration. It was being pocketed by other persons. So, the first problem, I think, is that this awareness itself has to be generated. Once they get to know, then, they have to fight.....So, I think, even before we come to the issue of adequacy, we must ensure that everyone knows about it. We have to address the problem why they are not receiving the money. But, definitely, transport is a big problem. It takes time even to walk to the main road from any of these villages. So, arrangements for stay would be very much welcome and it would be a good thing.”

1.71 In reply to a similar question another expert Dr. Sneha Palnitkar, Director, All India Institute of Local Self Government, Mumbai, submitted before the Committee as under :-

“....after interaction with these PRIs we feel that allowances be enhanced. Normally it happens that some women elected members bring their children at the site of training we try to give them day care. Therefore, they should be given allowances in such a way that may enhance their efficiency.... Now when 50 per cent reservation of women in Panchayats is being proposed, it is necessary that for their capacity building they should be given facilities also and it must be given in every State.....”

1.72 Thereafter, during the course of evidence of representatives of the Ministry of Panchayati Raj, on being enquired about the issue of adequacy of remunerations, the Secretary (Panchayati Raj) informed :-

“.....So far as giving of remuneration, emolument or conveyance allowances is concerned, we had requested before the Thirteenth Finance Commission that their requirement is most pressing and justified. However, the recommendation that has come from Thirteenth Finance Commission, no clear recommendation has been made on this issue. However, whatever amount the Panchayats and States will get that is untied grants. The Panchayats and State Governments are free to use it in whatever way they like. As you have already stated that allowances are widely varying among the States and in most of the States these are largely unsatisfactory. Therefore, in the light of observation of the Committee we will pursue with States a strategy of consideration.”

1.73 At this the Committee further enquired whether leaving the issue the task of providing much needed remunerations and amenities to the State Governments will not make it impossible and some way a system has to be devolved, the Secretary (Panchayati Raj) informed :-

“...So far as the issue of remunerations to elected representative of Panchayats is concerned the view of the Committee is correct.....Now the matter is left to State Governments. If the august Committee recommend that we from Central Government should take some initiative, based on the recommendation, we will take action thereon. Within the Ministry we can't do anything.”

1.74 Elaborating further on the issue the Ministry of Panchayati Raj in a written reply has given the following information :-

“In the Memorandum submitted to the 13th Finance Commission, Ministry of Panchayati Raj (MoPR) had proposed an allocation of 4% of the divisible pool for PRIs for the activities related to construction of Panchayat Ghars, provision for skeleton staff for each Panchayat as well as honoraria and sitting fee for elected representative, office expenses and e-governance. Another 1% of the divisible pool was proposed as specific purpose grant for preparation of data-bases, incentivisation of State Governments to empower Panchayats and grants for area planning and capacity building.

The 13th Finance Commission has recommended a basic grant at the rate of 1.5% of the divisible for the period 2010-11 to 2014-15 and a performance grant at the rate of 0.5% payable from the year 2011-12 and at the rate of 1% thereafter, for the local bodies. In addition, a special area basic and performance grant amounting to Rs. 1357 crore has also been recommended. As per present estimates, the share for PRIs works out to Rs. 63,050 crore for the five year period. The special area grant is combined for rural and urban local bodies.

The grant for local bodies is ‘untied’ and purpose for which it is to be used has not been stipulated by the 13th Finance Commission. The 13th Finance Commission has also not made any specific recommendation for allocation of funds for providing amenities to the office bearers of Panchayats at different levels.”

1.75 The Committee further enquired how far the funds availability will be met by the Thirteenth Finance Commission Report for emerging training requirements of elected representatives of Panchayats in the country, the Ministry of Panchayati Raj in a written reply clarified :-

“Necessary guidelines on the release and utilization of 13th Finance Commission grant for PRIs are yet to be issued by the Ministry of Finance, However, Since the 13th Finance Commission grant for PRIs is ‘untied’, and States and PRIs would be free to use the grant for the activities as may be considered appropriate. Ministry of Panchayati Raj (MoPR) has advised the States to consider using these funds for manpower, office buildings and other infrastructure for Panchayats, ICT (e-Panchayats), etc.”

(vii) Issue of proxy attendance

1.76 During the course of examination it came out before the Committee that a large number of elected women representatives are illiterate and there have been instances that their spouses/close relatives sometimes act as *de-facto* Pradhans in Panchayats. The Committee wanted to know as to what action, the Ministry of Panchayati Raj has taken in this regard. The Ministry of Panchayati Raj in a written note clarified :-

“This Ministry is seized of this issue and has issued two communications to the States / UTs. Vide D. O. letter dated 19.01.2010, the States / UTs were informed that the Government of Maharashtra had informed their PRIs vide their circular dated 17.07.2007 to the effect that running of PRIs by the close relatives of the Elected Women Representatives would be treated as misconduct under the relevant PRIs Act and the action against the lady office bearer who allow the relatives to interfere in office action would be taken. The States and UTs were requested to consider taking similar action in this regard. Subsequently, another communication was sent to the States / UTs on 16.02.2010 to the effect that if such proxy attendance takes place in the meetings of PRIs, the concerned Government officers / Secretaries who allow relatives to attend instead of office bearers should be proceeded against department.”

1.77 During the course of briefing on the Bill by the representatives of the Ministry of Panchayati Raj wherein representatives of Ministry of Law and Justice (Legislative Department) were also present, the Committee wanted to know the comment of the Legislative Department (Ministry of Law and Justice) in this regard, Secretary, Legislative Department (Ministry of Law and Justice) submitted before the Committee :-

“Probably this issue needs to be examined in depth. But my first reaction to this would be that any person who is legitimately elected to an elected body, you see, I would say it is a sort of making a distinction between *de jure* and *de facto*. As a spokesman or Secretary in the Ministry of Law, I have to examine the same whether a duly elected person who is acting as an extra-Constitutional authority or who have the *de facto* power can be debarred.”

PART II

Recommendations/Observations of the Committee

1. The Committee note that the proposed 'Constitution (One Hundred and Tenth Amendment) Bill, 2009' seeks to amend Article 243 D so that the reservation for women in Panchayats in the total number of seats, offices of Chairpersons and in the seats reserved for the Scheduled Castes and the Scheduled Tribes across three tiers is raised from 'not less than one-third' to 'not less than one-half'. Reservation for women belonging to the Scheduled Caste and Scheduled Tribe categories in the offices of Chairpersons in Panchayats at each level is also proposed to be 'not less than one-half'. The Committee are of the firm view that enhancement of reservation for women in Panchayats would not only ensure their increased representation and participation in Panchayats, but would also facilitate women in general and women from the most marginalized communities becoming politically active. Incidentally, the Committee find that almost all experts/NGOs and representatives of State Governments who have tendered evidence before the Committee have unanimously supported the Bill. According to the Secretary, Legislative Department, there is no legal or Constitutional

objection to increase the reservation for women to 50 per cent in Panchayats. Having considered all aspects, the Committee agree with the proposed amendments and recommend consideration of the Bill subject to certain modifications suggested in this report.

2. The Committee note that the modalities regarding rotation of reserved seats has been left entirely to the States with the result there will be no uniformity among States in the matter of rotation. The Committee have been informed that only Tamil Nadu and Bihar have the provision of rotation of seats after two cycles and that the Ministry of Panchayati Raj is in the process of interacting with State Governments on this issue. The Committee desire that action should be taken through this Constitutional amendment to achieve a measure of uniformity in the modalities of rotation of seats by ensuring that rotation of seats after at least two cycles is provided for.

3. First Proviso of Clause (2) (iii) of the Bill provides for reservation of offices of chairpersons in Panchayats for Scheduled Castes and Scheduled Tribes in proportion to the total number of such offices in the Panchayats as the population of Scheduled Castes and Scheduled Tribes in the whole State. It is observed that the Proviso relates the

reservation of offices of chairpersons in Panchayats to the entire Scheduled Castes and Scheduled Tribes population. The Scheduled Castes and Scheduled Tribes population is spread in 'rural' as well as 'urban' areas. The Committee feel that reservation of offices of chairpersons in Panchayats should be linked only to the 'rural' Scheduled Castes and Scheduled Tribes population so that it reflects appropriate demographic representation. As agreed to by the Ministry of Panchayati Raj, the Committee recommend that the word 'rural' should be added before the word 'population' occurring in Proviso (i) of Clause (2) of the Bill. Suitable amendment will also be necessary in Article 243 (T).

4. The Committee note that the intention of the Bill is to provide for enhancement of reservation of seats for women to 50 per cent. As the seats are to be in whole numbers, it is not possible to lay it in term of mathematical precision as 'one-half'. The Committee, therefore, suggest that as proposed by the Ministry of Law and Justice (Legislative Department), the provision may be retained to the effect 'not less than one-half'.

5. The Committee are of the view that enhancement of reservation for women in Panchayats ought to be accompanied by sound

measures for capacity building and training of Elected Women Representatives (EWRs) in Panchayats. With the proposed increase in the percentage of reservation for EWRs, there will be expected increase of about 4 lakh EWRs which will call for augmented efforts in capacity building. On hearing the representatives of State Governments, NGOs/experts in this regard, the Committee received an impression that efforts in capacity building and training of EWRs so far leave much to be desired. The Committee feel that 'the National Capacity Building Framework (NCBF)' is under-funded and has not been effectively implemented so far. This must be corrected. In this connection, the Committee suggest that in order to meet the Capacity Building and Training requirements of PRIs, one per cent of the funds for centrally sponsored schemes of different Ministries related to rural development be earmarked for Capacity Building and Training under NCBF. This amount may also be utilized for catering to promote e-governance in PRIs by utilizing the information and communication technology network of the National Informatics Centre (NIC). As in the case of Karnataka, West Bengal and some other States, e-systems and satellite-based training and capacity building should be promoted countrywide to ensure adequate outreach to elected representatives

of PRIs particularly EWRs. The Government is stated to be taking measures to strengthen State Institutes of Rural Development (SIRDs) and other training institutions besides promoting public-private-partnership for capacity building. The Ministry of Panchayati Raj has also proposed to set-up District-cum-Resource Centres involving NGOs for imparting quality training to EWRs. The Committee desire that immediate steps should be taken to ensure effective implementation of all capacity building plans so that the proposed enhancement of reservation of seats for women in Panchayats really yield intended results.

6. One of the inadequacies which impedes women empowerment relates to lack of amenities and inadequate remuneration to elected women representatives. There has also been wide disparity among States in the grant of allowances and remuneration to elected representatives. There is unanimity among different experts and State Governments that there should be adequate enhancement of remuneration and allowances to elected representatives of Panchayats to enable them to perform their duties effectively. The Thirteenth Finance Commission has recommended a Basic Grant at the rate of 1.5 per cent and a further Performance Grant of 0.5 per

cent rising to one per cent of the total divisible pool, amounting to a minimum absolute amount of Rs. 63,050 crore and possibly upto Rs. 90,000 crore over the five year cycle. The Committee suggest that the Panchayats may be advised to provide for honorarium and sitting fee for elected representatives out of the 'un-tied' Basic and Performance Grants recommended by the Thirteenth Finance Commission. The Committee hope that in order to ensure effective performance of elected representatives of Panchayats, the Ministry of Panchayati Raj will take up the matter appropriately with State Governments and ensure adequate amenities to elected representatives.

7. It transpired during the Committee's examination that there have been instances of some Panchayats being run by spouses/close relatives of the Elected Women Representatives (EWRs). The Committee note that in order to deter such unconstitutional practices, the Ministry of Panchayati Raj has issued communications to different States/UTs in January, 2010 and in February, 2010. The Committee hope that the State Governments would take the issue of proxy attendance seriously and take effective steps to prevent this. The Committee desire that as has already been made clear, if such proxy

attendance takes place in the meetings of the PRIs, the concerned Government Officers/Secretaries who allow relatives to attend instead of office bearers should be proceeded against by the Department.

NEW DELHI;
26 July, 2010
4 Sravana, 1932 (Saka)

SUMITRA MAHAJAN
Chairperson,
Standing Committee on Rural Development

APPENDIX I

As introduced in Lok Sabha
Bill No. 99 of 2009

THE CONSTITUTION (ONE HUNDRED AND TENTH AMENDMENT) BILL, 2009

A
BILL

- *further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Constitution (One Hundred and Tenth Amendment) Act, 2009. Short title
and
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 243D of the Constitution,-

(i) in 243D clause (2), for the word "one-third", the word "one-half" shall be substituted; Amendment
of article

(ii) in clause (3), for the word "one-third", the word one-half shall be substituted;

(iii) for clause (4), the following shall be substituted, namely:-

"(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State:

Provided further that not less than one-half of the total number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided also that not less than one-half of the total number of offices of Chairpersons (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level."

STATEMENT OF OBJECTS AND REASONS

Panchayats have a vital role to play in the welfare and development of the weaker sections of society, including women. The representation of the marginalised sections of the society in Panchayati Raj Institutions serves to enhance their voice within these bodies and promotes inclusive governance which is essential for inclusive growth.

2. It needs to be recognised that women suffer multiple deprivations of class, caste and gender. The existing provisions in the Constitution relating to reservation for women in Panchayats have facilitated women, in general, and women from even the most marginalised communities, becoming politically active. Further, reservation of offices of the Chairpersons in the Panchayats for women has brought them into leadership positions. This has enhanced the image of women in the society, especially in rural areas, and has made Panchayati Raj Institutions more inclusive institutions.

3. Article 243D of the Constitution provides that not less than one-third of the total number of seats, and seats reserved for the Scheduled Castes and the Scheduled Tribes as well as offices of Chairpersons in Panchayats at each level, shall be reserved for women. There is a further need to enhance women's participation in Panchayats, as it would serve the twin purpose of empowering women and making Panchayats more inclusive institutions.

4. Accordingly, it is proposed that the reservation for women in Panchayats in the total number of seats, offices of Chairpersons and in the seats reserved for the Scheduled Castes and the Scheduled Tribes across three tiers should be raised from not less than one-third to not less than one-half. Reservation for women belonging to the Scheduled Caste and Scheduled Tribe categories in the offices of Chairpersons in Panchayats at each level should also be not less than one-half.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 6th November, 2009.

C.P.JOSHI.

ANNEXURE
EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

Reservation of seats.

(2) Not less than one-third of the total number of seats reserved under clause (/) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

243D. (1)*

* * * * *

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of .. Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number or offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

* * * * *

Appendix II**List of representatives of the State Governments of Bihar, Uttarakhand, Maharashtra and Karnataka who tendered oral evidence before the Committee on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009'**

1. Dr. Deepak Prasad - Secretary, Panchayati Raj, Government of Bihar
2. Shri Om Prakash - Secretary, Panchayati Raj, Government of Uttarakhand
3. Shri Sudhir Khatare - Secretary, Panchayati Raj, Government of Maharashtra
4. Shri P. Ravi Kumar - Principal Secretary (Rural Development and Panchayati Raj), Government of Karnataka

Appendix III**List of NGOs/experts who had tendered oral evidence before the Committee on
'the Constitution (One Hundred and Tenth Amendment) Bill, 2009****Names and addresses of Non-Governmental Organisations (NGOs)/Experts**

1. Ms. Nirmala Buch, Mahila Chetna Manch, Bhopal, Madhya Pradesh
2. Dr. Ratna M. Sudarshan, Director, Institute of Social Studies Trust, India Habitat Centre, Lodhi Road, New Delhi
3. Ms. Sneha Palnitkar, Director All India Institute of Local Self Government, Bandra Mumbai.
4. Dr. Rekha Pande, Coordinator, Centre for Women's Studies, School of Social Sciences, University of Hyderabad, Hyderabad
5. Shri N.C. Saxena, Former Secretary Planning Commission, New Delhi.

Appendix IV

State-wise comments on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009'

Sl. No.	Name of the State from where comments on the Bill have been received	Nature of comments
1.	Delhi	Panchayats were suspended in 1990 and have not been revised as on today. Thus nil report
2.	Haryana	The State Government is in favour of the Bill
3.	Himachal Pradesh	Already amended the State Act
4.	Kerala	The State Government has decided to amend the State Act
5.	Madhya Pradesh	The State Government has already amended the State Act and is in favour of the Bill
6.	Maharashtra	<p>State Cabinet on 17.12.2009 has given consent to the proposal for reservation of women in the local bodies upto 50 per cent (As per Indian Constitution Part 243-D) which is under consideration by Central Government, and agreed to send this decision to the Central Government which is as follows :-</p> <ol style="list-style-type: none"> 1) Posts in PRIs by direct election should have 50 per cent reservation for women 2) The posts for Sarpanch/Chairman/President in the PRIs should have 50 per cent reservation for women 3) The posts reserved in the PRIs for the SC/ST (i.e. Schedule Caste/Scheduled Tribes) should have 50 per cent reservation for women <p>As per the decision of the State Cabinet, above decision for the reservation of women in the PRIs increasing upto 50 per cent is accepted and conveyed by the letter dated 18.12.2009 to the Central Government</p>
7.	Manipur	The issue is under consideration of the State Cabinet and no final decision has been taken
8.	Punjab	50 per cent reservation of women in Panchayats will be beneficial for overall working of the PRIs
9.	Rajasthan	The State Government has already made this provision. In this context Hon'ble High Court Rajasthan has given direction to make provision for reservation as 'not exceeding one-half'. However Government of Rajasthan is of the view that the provisions for reservation for women be 'one-half' instead of 'not less than one half'.
10.	Tripura	The State Government has already amended the State Law

11.	Bihar	Already amended State Law and enforced
12.	Uttarakhand	Already amended State Law and enforced
13.	Karnataka	The State Government supports the provisions of the Bill to provide at least 50 per cent reservation for women in seats and posts in Panchayati Raj Institutions at all levels in the State
Union Territories		
1.		
2.		
3.		
4.		
5.		
6.	Lakshadweep	The Lakshadweep being a Union Territory without legislative, whatever decision the Central Government takes on the matter will be binding and acceptable to the Administrator.

- (i) States of Nagaland, Mizoram and Meghalaya are excluded as 73rd (Amendment) Act is not applicable there as there are no Panchayats as these States have traditional councils.
- (ii) Jammu & Kashmir elections have not been held after adoption of Panchayat Act to Panchayats.
- (iii) Panchayat elections have not been held in Jharkhand.
- (iv) No comments have been received from 10 States and 5 Union territories. These States are Assam, Andhra Pradesh, Arunachal Pradesh, Goa, Gujarat, Orissa, Sikkim, Tamil Nadu, Uttar Pradesh and West Bengal and the Union territories are Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Puducherry

Appendix V

The State-wise monthly/daily allowance, remuneration etc. available to office bearers of Gram Panchayats, Intermediate Panchayats and Zilla Parishads as furnished by the Ministry of Panchayati Raj are as under:

State	Gram Panchayats						Intermediate Panchayats						Zilla Parishad					
	Name of the post	Monthly/Daily Allowance	Meeting fee	Remuneration	Honarium	Others sitting fee	Name of the post	Monthly/Daily Allowance	Meeting fee	Remuneration	Honarium	Others sitting fee	Name of the post	Monthly/Daily Allowance	Meeting fee	Remuneration	Honarium	Others sitting fee
Andaman and Nicobar	Pradhan				2400		Pramukh				3150		Adhayaksh				4125	
	Up-Pradhan				1900		Up-Pramukh				2475		Up-Adhayaksh				3375	
	Sarpanch				1900		Chairman				2250		Chairman				3150	
	Up-Sarpanch				1800													
	Member				1050		Member				1875		Member				2475	
Bihar	Mukhia	100	@ 5 per km	600			Pramukh	100	@ 5 per km	3000			Adhayaksh	100	@ 5 per km	4000		
	Up-Mukhia	100	@ 5 per km	300			Up-Pramukh	100	@ 5 per km	1500			Up-Adhayaksh	100	@ 5 per km	3000		
	Sarpanch	100	@ 5 per km	600														
	Up-Sarpanch	100	@ 5 per km	300														
	Sadasya (member)	100	@ 5 per km	0			Sadasya (member)	0	@ 5 per km				Sadasya (member)	100	@ 5 per km	0		

Chandigarh	Sarpanch Panches					Chairman	1000					Chairman	2000				
						Vice-Chairman	750					Vice-Chairman	1500				
						Member	0	Rs.50 (attending one meeting)				Member	-	Rs. 100 (attending one meeting)			
Chhattisgarh	Sarpanch				300	Chairman	60					President	80				
	Naib Sarpanch					Vice-Chairman	60					Vice-President	80				
	Ward member					Member	60					Member	80				
Goa	Deputy Sarpanch	750	1000			Adhyaksha @@@@		@	@@	3000	Entitled to sumptuary allowance of Rs.500 p.m						
	Member	500	1000			Up-Adhyaksha		@@@				Member	@@@@				200
Himachal Pradesh	Pradhan				Rs.1000/- pm	Chairpersons				1500		Chairpersons					3000
	Up-Pradhan				Rs.750/- pm	Vice-Chairpersons				1200		Vice-Chairpersons					3000
	Member				Rs.125/- as sitting fee to the maximum for 2 sitting in a month	Member				1000		Member					1350

@ Entitled to the use of the motor car and services of Chauffeur, for the official work, subject to maximum consumption of 200 litres of petrol/diesel per month, if no motor car and services provided he shall be entitled to travelling allowance @ of Rs.2500/- p.m.

@@ Entitled to medical reimbursement as laid down from time to time under the Central Service (Medical Attendance) Rules, 1994 as in force

@@@ Entitled to daily and travelling allowances as admissible to Group 'A' officers of the Government in the pay scale of Rs.10000-15200/-

@@@@ Entitled to daily and travelling allowances as admissible to Group 'A' officers of the Government in the pay scale of Rs.8000-13500/- and entitled to Rs.200/-

@@@@@ Goa_ No travelling allowance shall be paid to any member or Adhyaksha or Upadhaksha if the journey is less than 8 km

Haryana	Sarpanch Gram Panchayat				1500		Chairman Panchayat Samiti				4500		President Zila Parishad				6000	
	Panches of Gram Panchayat				400		V. Chairman & Member of Panchayat Samiti				1000		Vice President Zila Parishad				4500	
													Member Zila Parishad				2000	
Karnataka	President				500	100	President				2000	150	President				2750	200
	Vice-President				300	100	Vice-President				1300	150	Vice-President				2050	200
	Members				Nil	100	Members				700	150	Members				1200	200
Kerala	President				4600	75	President				5300	75*	President				5900	75
	Vice-President				3300	75	Vice-President				4000	75*	Vice-President				4600	75
	Standing Committee Chairman				2100	75	Standing Committee Chairman				2400	75*	Standing Committee Chairman				2700	
	Member				1500	60	Member				1800	60**	Member				2400	

* Kerala _Subject to max Rs.360 p.m

** Kerala _Subject to max Rs.300 p.m

Lakshdweep	Sarpanch	3500 (Salary)			80	Chairman						President*	4500			900	100	
	Naib Sarpanch	2500 (Salary)			80	Vice-Chairman						Vice-President	3500			900	100	
	Ward member				80	Member						Member					100	
Manipur	Pradhan				400							Adhyaksha				2500		
	Up-Pradhan				350							Up-Adhyaksha				2000		
	Members				300							Members						
	Co-opted Members				50 per sitting for 3 days in a month													
Orissa	Sarpanch	@ Rs.15 per meeting in a month			300	@ Rs.15 per meeting in a month	Chairman	15			750	15	President	30			3500	20
	Naib Sarpanch				300		Vice-Chairman	15			750	15	Vice-President	30			2500	20
	Ward member				300		Panchayat Samiti Member	15			300	15	Zila Parishad Members	30			1000	20
Puducherry	President				1000		Chairman					3000						
	Vice-President				750		Vice-Chairman					2000						
	Ward Member				500		Counsellors					1000						

* Lakshadweep_ For President of District Panchayat Rates as admissible to employees of the Central Governments drawing Basic Pay of Rs.16400/- or more as per notified vide U-11024/4/99 UTL dated 18/3/2003 by MHA.

Punjab	Sarpanch			600		Chairman	1000					Chairman	2000	@@			
	Panches					Vice-Chairman	750					Vice-Chairman	1500				
						Members					Rs.50 per sitting	Members			Rs.100 per sitting		
Rajasthan	Sarpanch		Rs.32 (T.A)	400	30	Chairman	Rs.65(T.A)			2000	30	President	Rs.75(TA)) Rs.1000 (HRA)			3000	Rs. 40, Rs.900 (telephone)
	Naib Sarpanch		Rs.32 (T.A)		20	Vice-Chairman	Rs.65(T.A)				25	Vice-President	Rs.75(TA)				30
	Ward member				20	Members	Rs.55(T.A)				25	Members	Rs.70(TA)				30
Sikkim	Sabhpati	Rs.50(per day)		400								Members	Rs.70 per day	@@ @@ @		800	@@@ @@@ @@@
	Members of GPs other than Sabhpatas	Rs.50(per day)		300													
Tamil Nadu	Village Panchayat President		Rs.500 (Monthly Fixed TA)		50	Panchayat Union Chairperson	Rs.750 (Monthly Fixed TA)				75	District Panchayat Chairperson			1500 (Monthly fixed TA)		100
	Village Panchayat Member				25	Panchayat Union Member	Rs.400 (Monthly Fixed TA)				50	District Panchayat Member			500 (Monthly fixed TA)		100

@ Allowed to travelling allowance, which is admissible to a class II officer of the State Government

@@ Allowed to traveling allowance, which is admissible to a class I officer of the State Government

@@@ When a member of GP outside the Sikkim to participate in a conference organized by the GOI or other State Government or UTs. State Capital and UT Rs.90 per day. Other places Rs.60 per day

@@@@ A member of GP shall be paid the actual fair paid by him for to and fro journey as per the rates fixed by the SNT for buses plying under them. Provided that, in case a member who is travelling from a place where SNT bus service is not available, he shall be paid the actual fare of private transport fixed by the Motor Vehicle Department

@@@@@ When a member of GP outside the Sikkim to participate in a conference organized by the GOI or other State Governments or UTs. State Capital and UT Rs.120 per day. Other places Rs.100 per day

@@@@@@ Rs.100 per day per meeting as sitting allowances for attending meeting of the Zila Panchayat, as the case may be. And a member of ZP shall be paid the actual fair paid by him for to and from journey as per the rates fixed by the SNT for buses plying under them. Provided that in case a member who is travelling from a place where SNT bus service is not available, he shall be paid the actual fare of private transport fixed by the Motor Vehicle Department.

Tripura						Chairman	1000	@				Sabhahipati	1500	}	500 pm as HRA		@@@
						Vice-Chairman	800					Sahakari Sabhahipati	1200				
							Member					Entitled to sitting fees @ Rs.50 per member					
Uttar Pradesh	Sarpanch				600	Chairman				3000	200	President			4000		300
	Naib Sarpanch					Vice-Chairman					200	Vice-President					300
	Ward member					Member					200	Members					300
Uttarakhand	Sarpanch				600	Chairman				3000	200	President				4000	300
	Naib Sarpanch					Vice-Chairman					200	Vice-President					300
	Ward member					Member					200	Members					300

@ Travelling on duty beyond 8 km from usual place of residence, be entitled to draw TA/DA at the rate applicable to a Group B Officer serving in the State of Tripura

@@ Travelling on duty beyond 8 km from usual place of residence, be entitled to draw TA/DA at the rate applicable to a Class II Gazetted Officer of the State Government

@@@ For one day sitting they shall be entitled to get three days DA in addition TA. Absent members shall not be entitled to receive sitting fee for that sitting

West Bengal	Pradhan	2000	Fixed TA @ Rs.500 pm				Sabhapati	2800 pm				Sabhapati	3500 pm				@@@
	Up-Pradhan		Fixed TA @ Rs.200 pm		1500		Sahakari Sabhapati	2500 pm				Sahakari Sabhapati	3200 pm				
	Sanchalak of a Up-Samiti				400		Karmadhya ksha of a Sthayee Samiti		@		2000 pm	Karmadhya aksha, Sthayee Samiti	3000 pm	@@			
	General Members (including ex-officio members)		Fixed TA @ Rs.150 pm			@@@ @	General Members					General Members					
							Members directly elected to the Panchayat Samiti		Fixed TA @ Rs.200 pm			@@@ @@	Adhyaksha District Council for Panchayat				3000

@ As are admissible to the Group II State Government Officers pay Scale Rs.8000 pm or more but less than Rs.16400 pm including TA at the same rate

@@ As are admissible to the Group II State Government Officers pay Scale Rs.8000 pm or more but less than Rs.16400 pm including TA at the same rate

@@@ Rs.600 p.m. or the actual house rent paid per month at the head quarter town of the district which ever is less. Rs.1000 p.m (Sumptuary)

@@@@ Subject to attendance in the meeting of the Upa-Samiti or the body primarily constituted in the Gram Panchayat once in a month

@@@@@ Subject to attendace in the meeting of Upa-Samiti of the Gram Panchayat/body primarily constituted once in a month

COMMITTEE ON RURAL DEVELOPMENT (2009-2010)**EXTRACTS OF THE MINUTES OF THE NINTH SITTING OF THE COMMITTEE HELD ON
WEDNESDAY, THE 20 JANUARY, 2010**

The Committee sat from 1500 hrs. to 1615 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shrimati Sumitra Mahajan - Chairperson

Members**Lok Sabha**

2. Shri Pulin Bihari Baske
3. Shri Raghuvir Singh Meena
4. Shri Sidhant Mohapatra
5. Shri Gobinda Chandra Naskar
6. Shri A. Venkatarami Reddy
7. Shri Jagdanand Singh
8. Dr. Sanjay Singh
9. Shri Kodikkunnil Suresh
10. Shrimati Usha Verma
11. Shri Ramesh Vishwanath Katti

Rajya Sabha

12. Shri Silvius Condpan

Secretariat

1. Shri P.K. Grover - Joint Secretary
2. Shri V.R. Ramesh - Director
3. Shri A.K. Shah - Additional Director

COMMITTEE ON RURAL DEVELOPMENT (2009-2010)

**MINUTES OF THE TENTH SITTING OF THE COMMITTEE HELD ON WEDNESDAY, THE
10 FEBRUARY, 2010**

The Committee sat from 1500 hrs. to 1630 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shrimati Sumitra Mahajan - *Chairperson*

Members
Lok Sabha

2. Shri Pulin Bihari Baske
3. Shri Kunvarjibhai Mohanbhai Bavalia
4. Shri Sanjay Dhotre
5. Shri Sidhant Mohapatra
6. Shri Gobinda Chandra Naskar
7. Shri Rakesh Pandey
8. Shri P.L. Punia
9. Shri A. Venkatarami Reddy
10. Shri Jagdish Sharma
11. Shri Jagdanand Singh
12. Dr. Sanjay Singh
13. Shrimati Usha Verma
14. Shri Ramesh Vishwanath Katti

Rajya Sabha

15. Shri Silvius Condpan
16. Dr. Ram Prakash
17. Shri P.R. Rajan
18. Miss Anusuiya Uikey

Secretariat

- | | | | |
|----|------------------|---|---------------------|
| 1. | Shri P.K. Grover | - | Joint Secretary |
| 2. | Shri V.R. Ramesh | - | Director |
| 3. | Shri A.K. Shah | - | Additional Director |

Witnesses

Representatives of Ministry of Panchayati Raj

5. Shri A.N.P. Sinha, Secretary
6. Shri J.M.Phatak, Additional Secretary
7. Smt. Rashmi Shukla Sharma, Joint Secretary

Representatives of Legislative Department (Ministry of Law & Justice)

1. Shri V.K.Bhasin, Secretary
2. Shri N.K.Nampoothiry, Joint Secretary & Legal Counsel

2. At the outset the Chairperson welcomed the Members to the sitting of the Committee convened for briefing by the representatives of the Ministry of Panchayati Raj and the Legislative Department (Ministry of Law & Justice) on various provisions of 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009' as introduced in Lok Sabha on 26 November 2009 and referred to the Committee by Hon'ble Speaker on 21 December, 2009 for examination and report.

[The representatives of the Ministry of Panchayati Raj and Legislative Department (Ministry of Law & Justice) were then called in.]

3. The Chairperson welcomed the representatives of the Ministry of Panchayati Raj and the Legislative Department (Ministry of Law & Justice) for the briefing on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009' that *inter-alia* proposes reservation for women in Panchayats in the total number of seats, Offices of Chairperson and in the seats reserved for the Scheduled Castes and the Scheduled Tribes across three tiers to be increased from "not less than One-third" to "not less than One-half". The Committee highlighted certain issues *viz.* need for actual empowerment of women in Panchayats across the country, need for prohibiting the husbands of Elected Women Pradhans from acting as *de-facto* Pradhans in the guise of Pradhan Pati in various States of the country etc. On the issue of actual empowerment of Elected Women Representatives (EWRs) in the country, the

Committee, through nationwide study submitted by the nodal Ministry i.e. Ministry of Panchayati Raj, were given to understand that consequent upon enactment of Constitution Seventy-Third (Amendment) Act, 1993 high degree of social and political transformation of Elected Women Representatives (EWRs) in Panchayats in the country has taken place. However, in the light of prevailing status of women in Panchayats across the country, the Committee expressed apprehensions about the extent to which the facts and figures brought out in the aforesaid study could be relied upon.

[The witnesses then withdrew].

4. Thereafter, the Committee decided to take oral evidence of some Non-Government Organizations (NGOs) associated with the subject matter of the aforesaid Bill and representatives of some of the State Governments, for their viewpoint on the issue in the subsequent sittings of the Committee.

The Committee then adjourned.

A record of the verbatim proceedings has been kept.

APPENDIX VIII

COMMITTEE ON RURAL DEVELOPMENT (2009-2010)**MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE HELD ON TUESDAY, THE
9 MARCH, 2010**

The Committee sat from 1600 hrs. to 1830 hrs. in Committee Room No. 'E', Parliament House Annexe, New Delhi.

PRESENT

Shrimati Sumitra Mahajan - *Chairperson*

***Members
Lok Sabha***

2. Shri Pulin Bihari Baske
3. Shri Kunvarjibhai Mohanbhai Bavalia
4. Shri Manikrao Hodlya Gavit
5. Shri P.L. Punia
6. Shri A. Venkatarami Reddy
7. Shri Jagdish Sharma
8. Shri Jagdanand Singh
9. Shri Makansingh Solanki

Rajya Sabha

10. Dr. Ram Prakash

Secretariat

- | | | |
|----------------------|---|---------------------|
| 1. Shri P.K. Grover | - | Joint Secretary |
| 2. Shri V. R. Ramesh | - | Director |
| 3. Shri A.K. Shah | - | Additional Director |

Witnesses

1. Dr. Deepak Prasad - Secretary, Panchayati Raj, Government of Bihar
2. Shri Om Prakash - Secretary, Panchayati Raj, Government of Uttarakhand
3. Shri Sudhir Thakre - Secretary, Panchayati Raj, Government of Maharashtra
4. Shri P. Ravi Kumar - Principal Secretary (Rural Development and Panchayati Raj), Government of Karnataka

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee convened for taking evidence of the representatives of State Governments of Bihar, Uttarakhand, Maharashtra and Karnataka on 'The Constitution (One Hundred and Tenth Amendment) Bill, 2009'. The aforesaid Bill was referred to the Standing Committee on Rural Development by Hon'ble Speaker on 21 December, 2009 for examination and report within three months *i.e.* by 21 March, 2010. Apprising the Committee about the progress of the examination of the Bill by the Committee, Chairperson informed that the Committee was yet to receive memoranda from experts, public, NGOs etc. and take their evidence wherever felt necessary followed by the evidence of the nodal Ministry viz. Ministry of Panchayati Raj. The Chairperson observed that during the recess of the Parliament, the Committee have to complete examination of Demands for Grants (2010-11) of the three Departments of the Ministry of Rural Development and Ministry of Panchayati Raj under their purview and present four reports thereon in the current session. Besides the Committee have to present four reports on action taken by Government on the four reports presented to Parliament on Demands for Grants (2009-10). Keeping in view the aforesaid status of examination of the Bill and other mandatory work relating to the Demands for Grants (2010-11) before them, the Committee, felt that it would not be possible to complete the examination of the Bill and present a report thereon by 21 March, 2010. The Committee decided that the Hon'ble Speaker may be requested to grant extension of time upto the last day of the first week of the next session for presentation of the report on the said Bill.

3. The Committee thereafter decided that the next sittings of the Committee may be held on 19 and 29 March, 2010 for taking oral evidence of the representatives of different Departments/Ministries in connection with examination of Demands for Grants (2010-11).

[The witnesses were then called in]

4. The Chairperson then welcomed the witnesses to the sitting of the Committee and drew their attention to direction 55 (1) of the Directions by the Speaker, Lok Sabha. Thereafter, the Committee took evidence of the representatives of State Governments of Bihar, Uttarakhand, Maharashtra and Karnataka on the aforesaid Bill. The witnesses submitted the views of the respective State Governments on the Bill before the Committee one by one. Subsequently, the Chairperson and members raised their queries which were responded to by the witnesses.

5. The main issues that came up for discussion include, need to provide adequate amenities to district and block level Panchayat members, need for providing adequate remuneration for attending meetings of district and block level Panchayats on the line of elected representative of Parliament and State Assemblies, need for imparting training to elected Panchayat representatives and officials for capacity building, need for amending the relevant provision in the Bill relating to rotation of seats for women in Panchayats at each level so as to provide for reservation for a particular seat for women for at least two consecutive terms etc. Thereafter, the Chairperson thanked the witnesses for appearing before the Committee.

5. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

APPENDIX IX

COMMITTEE ON RURAL DEVELOPMENT (2009-2010)**MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE HELD ON WEDNESDAY,
THE 19 MAY, 2010**

The Committee sat from 1500 hrs. to 1645 hrs. in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shrimati Sumitra Mahajan - *Chairperson*

Members***Lok Sabha***

2. Shri Pulin Bihari Baske
3. Shri Kunvarjibhai Mohanbhai Bavalia
4. Shri Sanjay Dhotre
5. Shri Sandeep Dikshit
6. Shri H.D. Kumaraswamy
7. Shri Raghuvir Singh Meena
8. Shri Rakesh Pandey
9. Shri A. Venkatarami Reddy
10. Shri Jagdish Sharma
11. Shri Navjot Singh Sidhu
12. Shri Jagdanand Singh

Rajya Sabha

13. Shri Mani Shankar Aiyar
14. Shri Ganga Charan
15. Dr. Ram Prakash
16. Shri P.R. Rajan
17. Shri Bhagwati Singh

Secretariat

1. Shri V. R. Ramesh - Director
2. Shri A.K. Shah - Additional Director
3. Shri Raju Srivastava - Deputy Secretary

Witnesses**Non-Governmental Organisations (NGOs)**

1. Ms. Nirmala Buch - President, Mahila Chetna Manch, Bhopal
2. Dr. Ratna M. Sudarshan - Director, Institute of Social Studies Trust, New Delhi

Experts

1. Dr. Sneha Palnitkar - Director, All India Institute of Local Self Government, Mumbai
2. Shri N.C. Saxena - Former Secretary Planning Commission, New Delhi

2. At the outset, the Chairperson welcomed the members to the sitting of the Committee convened for taking oral evidence of the representatives of Non-Governmental Organisations (NGOs) and Experts on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009' as introduced in Lok Sabha on 26 November, 2009 and referred by Hon'ble Speaker to Standing Committee on Rural Development for examination and report. The Chairperson also welcomed Shri Mani Shankar Aiyar, MP Rajya Sabha on his nomination as a member of the Committee.

3. The Committee then took oral evidence of the following representatives of NGOs and experts on the aforesaid Bill at time indicated against each :

Name of representatives of NGOs/experts	From	To
1. Ms. Nirmala Buch	1500 hrs.	1530 hrs.
2. Dr. Ratna M. Sudarshan	1530 hrs.	1550 hrs.
3. Dr. Sneha Palnitkar	1550 hrs.	1610 hrs.
4. Shri N.C. Saxena	1610 hrs.	1635 hrs.

[The representatives of Non-Governmental Organisations (NGOs) and Experts were then called in one by one]

4. The Hon'ble Chairperson welcomed the witnesses and drew their attention to the provisions of direction 55(1) of the 'Directions by the Speaker, Lok Sabha'. The Committee *inter-alia* deliberated the issue of enhancing the existing level of reservation of 'not less than one-third' of the total number of seats, and in the seats reserved for the Scheduled Castes and the Scheduled tribes as well as offices of the Chairpersons in Panchayats at each level for women to 'not less than half', need for empowerment of women at each level of Panchayats by way of their training and capacity building, making available adequate amenities like travelling allowance and daily allowance to the elected representatives, issue of reservation of number of offices in the Panchayats for women by rotation etc. The witnesses responded to the queries raised by members on the above issues.

[The witnesses then withdrew]

5. Thereafter, the Committee decided to undertake on-the-spot study tour to Dharamsala, Dalhousie and Amritsar from 14 to 18 June, 2010 in order to oversee the implementation of various schemes of Ministries of Rural Development and Panchayati Raj in connection with examination of different subjects selected by the Committee during 2009-10.

6. The Committee also decided that next sitting of the Committee will be held on 7 June, 2010 for taking the evidence of the representative of the nodal Ministry i.e. the Ministry of Panchayati Raj in connection with examination of 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009'.

7. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

APPENDIX X

COMMITTEE ON RURAL DEVELOPMENT (2009-2010)**MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE HELD ON MONDAY, THE
07 JUNE, 2010**

The Committee sat from 1500 hrs. to 1630 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shrimati Sumitra Mahajan - *Chairperson*

Members***Lok Sabha***

2. Shri Pulin Bihari Baske
3. Shri Kunvarjibhai Mohanbhai Bavalia
4. Shri Sanjay Dhotre
5. Shri Sidhant Mohapatra
6. Shri Gobind Chandra Naskar
7. Shri Rakesh Pandey
8. Shri Jagdanand Singh
9. Shri Kodikunnil Suresh
10. Shrimati Usha Verma

Rajya Sabha

11. Shri Ganga Charan
12. Shri Silvius Condpan
13. Dr. Ram Prakash
14. Shri Bhagwati Singh
15. Miss Anusuiya Uikey

Secretariat

1. Shri V. R. Ramesh - Joint Secretary
2. Shri A.K. Shah - Additional Director
3. Shri Raju Srivastava - Deputy Secretary

WITNESSES**Ministry of Panchayati Raj**

- | | | |
|------------------------------|---|----------------------|
| 1. Shri A.N.P. Sinha | - | Secretary |
| 2. Shri J.M.Phatak | - | Additional Secretary |
| 3. Smt. Rashmi Shukla Sharma | - | Joint Secretary |

Ministry of Law & Justice (Legislative Department)

- | | | |
|-------------------------|---|----------------------|
| 1. Shri V.K.Bhasin | - | Secretary |
| 2. Shri N.K.Nampoothiry | - | Additional Secretary |

2. At the outset, the Hon'ble Chairperson welcomed the members to the sitting of the Committee convened for taking oral evidence of the representatives of Ministry of Panchayati Raj on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009'.

3. The Committee then took oral evidence of the witnesses.

[The representatives of Ministries of Panchayati Raj and Law and Justice (Legislative Department) were then called in]

4. The Hon'ble Chairperson welcomed the witnesses and drew their attention to the provisions of direction 55(1) of the 'Directions by the Speaker, Lok Sabha'. The major issues that came up for discussion include, examining 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009' not merely for enhancing the number of women elected representatives at each levels of Panchayats from existing level of 'not less than one third' in total number of seats and in offices of Chairperson and in the seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) to 'not less than one half' but also to ensure their actual empowerment by way of ensuring adequate flow of funds for their capacity building and training requirements, need for interaction of nodal Ministry with different States on the issue of bridging the gap among different States on the issue of amenities like transport, remuneration etc., need for examining the scope of the Bill from economic aspect for holistic empowerment of elected representatives of Panchayats at each level, need for examining the possibility of assisting illiterate elected women representatives with the help of a literate and trusted person for their actual empowerment, need for wider consultation with different State Governments on the issue of rotation of seats for women, need for inclusion of the word 'rural' in the context of population determining the

criteria for reservation for women in Panchayats etc. The witnesses responded to the queries raised by the members on the above issues.

[The witnesses then withdrew]

5. Thereafter, the Committee discussed the progress regarding on-the-spot study visit of the Committee to Dharamsala, Dalhousie and Amritsar from 14 to 18 June, 2010.

6. A verbatim record of the proceedings was kept.

The Committee then adjourned.

COMMITTEE ON RURAL DEVELOPMENT (2009-2010)**MINUTES OF THE TWENTY-FIRST SITTING OF THE COMMITTEE HELD ON TUESDAY, THE
20 JULY, 2010**

The Committee sat from 1500 hrs. to 1630 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi

PRESENT

Shrimati Sumitra Mahajan - *Chairperson*

Members***Lok Sabha***

2. Shri Pulin Bihari Baske
3. Shri H.D. Kumaraswamy
4. Shri Raghuvir Singh Meena
5. Shri P.L. Punia
6. Shri A. Venkatarami Reddy
7. Shri Jagdish Sharma
8. Shri Jagdanand Singh
9. Dr. Sanjay Singh
10. Shri Makansingh Solanki
11. Shri Ramesh Vishwanath Katti

Rajya Sabha

12. Shri Mani Shankar Aiyar
13. Shri Silivus Condpan
14. Dr. Ram Prakash
15. Shimati Maya Singh

Secretariat

- | | | |
|-------------------------|---|---------------------|
| 1. Shri A. Louis Martin | - | Joint Secretary |
| 2. Shri A.K. Shah | - | Additional Director |

2. The Chairperson welcomed the members to the sitting of the Committee convened for consideration of Draft Report on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009' that was referred by the Hon'ble Speaker to the Standing Committee on Rural Development for examination and report.
3. The Committee then took up for consideration the Draft Report on the aforesaid Bill and after some discussion adopted the same with certain modifications/additions as given in **Annexure**.
4. The Committee then authorised the Chairperson to finalise the aforesaid Draft Report in the light of above modifications/additions and also on the basis of factual verification from the Ministry of Panchayati Raj and present the same to both the Houses of Parliament.

The Committee then adjourned.

Annexure

Modifications/additions made by the Standing Committee on Rural Development (2009-10) in the Draft Report on 'the Constitution (One Hundred and Tenth Amendment) Bill, 2009'

Para	Page No.	Line	Modifications/additions
1	30	4	<u>for</u> : modification <u>read</u> : modifications
2	31	1	<u>after</u> : The Committee <u>delete</u> : regret to
		3	<u>substitute</u> : is <u>with</u> : will be
		7	<u>delete</u> : the process of consultation in the matter should be completed expeditiously and <u>after</u> : The Committee desire that
		9	<u>add</u> : through this Constitutional amendment <u>after</u> : action should be taken
		10	<u>delete</u> : reserved <u>before</u> : seats
		10	<u>add</u> : by ensuring that rotation of seats after at least two cycle is provided for. <u>after</u> : seats
4	33	2, 3 & 4	<u>delete</u> : The Committee feel that the usage of words 'not less than one-half' in this context may result in reservation of seats in excess of 50 per cent.
		7	<u>substitute</u> : Panchayati Raj <u>with</u> : Law and Justice (Department of Legislative Department)
		8	<u>substitute</u> : made <u>with</u> : retained <u>substitute</u> : as near as may be <u>with</u> : not less than
5	34	11	<u>delete</u> : has not worked well so far <u>add</u> : (NCBF) is under-funded and has not been effectively implemented so far. This must be corrected. In this connection, the Committee suggest that in order to meet the Capacity Building and Training requirements of PRIs, one per cent of the funds for centrally sponsored schemes of different Ministries related to rural development be earmarked for Capacity Building and Training under NCBF. This amount may also be utilized for catering to promote e-governance in PRIs by utilizing the information and communication technology network of the National Informatics Centre (NIC). As in the case of Karnataka, West Bengal and some other States, e-systems and satellite-based training and capacity building should be promoted countrywide to ensure adequate outreach to elected representatives of PRIs particularly EWRs.
6	35	1	<u>read</u> : impedes <u>for</u> : impede
		8& 9	<u>delete</u> : The Ministry of Panchayati Raj has stated in this connection that

		11	<p><u>delete</u> : as against 4 per cent proposed by the Ministry of Panchayati Raj for PRIs for different activities including honorarium and sitting fee for elected representatives. According to the Ministry of Panchayati Raj, the Thirteenth Finance Commission has not made any specific recommendation for allocation of funds for providing amenities to the office bearers of Panchayats. It has been stated that since Thirteenth Finance Commission grants for PRIs is 'untied' and States and PRIs would be free to use the grant for the activities as may be considered appropriate. The Ministry of Panchayati Raj has reportedly advised the States to consider using these funds for manpower, office buildings and other infrastructure for Panchayats, ICT (e-Panchayats), etc.</p> <p><u>add</u> : a further Performance Grant of 0.5 per cent rising to one per cent of the total divisible pool, amounting to a minimum absolute amount of Rs. 63,050 crore and possibly upto Rs. 90,000 crore over the five year cycle. The Committee suggest that the Panchayats may be advised to provide for honorarium and sitting fee for elected representatives out of the 'un-tied' Basic and Performance Grants recommended by the Thirteenth Finance Commission. The Committee hope that in order to ensure effective performance of elected representatives of Panchayats, the Ministry of Panchayati Raj will take up the matter appropriately with State Governments and ensure adequate amenities to elected representatives.</p>
		3 from bottom	<u>add</u> : the Ministry of Panchayati Raj
		2 from bottom	<u>before</u> : will take up the matter
			<u>delete</u> : the
			<u>before</u> : State Governments
7	37	6	<p><u>after</u> : in February, 2010</p> <p><u>delete</u> : to the effect that running PRIs by the close relatives of EWRs would be treated as misconduct under relevant PRIs Act and action against lady office bearer who allows the relatives to interfere in office action should be taken.</p>
		10	<p><u>delete</u> : It has also</p> <p><u>before</u> : been made clear</p>
		10	<p><u>add</u> : The Committee desire that as has already</p> <p><u>before</u> : been made clear</p>
			<p><u>delete</u> : that</p> <p><u>before</u> : if such proxy</p>
		3 from bottom	<p><u>add</u> : the issue of</p> <p><u>before</u> : proxy attendance</p>
		2 from bottom	<p><u>substitute</u> : them</p> <p><u>with</u> : this</p>
		Last line	<p><u>delete</u> : in the light of the communications issued by the Ministry of Panchayati Raj</p>