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# Dynamics of Panchayat Elections and Provision of Reservations in Himachal Pradesh: A Review of Electoral Journey of PRIs in the Post-73 rd Constitutional Amendment Act Period

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ABSTRACT: The present paper is an enquiry into the dynamics of panchayat elections and provisions of reservations in the post-73 rd Amendment Act, 1992, period. In this paper the efforts have been made to examine the ground reality about emerging new trends in the electoral politics of PRIs. At the same time, the paper analyses the implementation of 73 rd and subsequent developments with regard to the provisions of reservations to the Women, SCs and STs. The election data regarding provision of reservation of seats, and votes polled during the PRIs elections in 2005 and 2010, have been analyzed and examined the future prospects of reservations to all marginalized sections of the society in Himachal Pradesh. The reservation of 50 per cent to the Women in the state has been a stepping stone towards Women empowerment in the state. The paper finds out that 73 rd Amendment Act has provided better opportunities to women, Scheduled caste and Scheduled Tribe sections to ensure their participation in the rural power structure.

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# I. INTRODUCTION:

Election is the only medium available in modern democracies through which a peaceful change in the government is affected or, to use Michael Brecher's words, they are means for the "reutilization of political change". Democracy is inevitably correlated with the electoral process and Abraham Lincoln's hyperbole, 'Democracy is a government of the people, for the people and by the people' practically signifies that a democratic government rests on the consent of the people and is based on their mandate. This mandate is not perpetual but has to be sought and renewed during periodical elections. Elections give legitimacy and sanction to rule.<sup>2</sup>

Panchayati Raj Elections have a vital bearing on the process of institution building for rural development. Delicate socio-political questions, most of which could be quite controversial, might account for a little resistance towards such perspective on the part of those handling sensitive assignments in government. Panchayati Raj, thus, has a wide sweep in so far as institution building for rural development is concerned. In the context of rural India, Panchayati Raj election might be regarded as sign-parts on the road to modernisation. One of the major drawback of Panchayati Raj is that election to these bodies, in majority of States, has been very irregular. As such, it may be suggested that Panchayati Raj Institutions should not be superseded on flimsy grounds. If superseded, elections must be ensured within six months from the date of supersession. Similarly, like Parliament and State Legislatures, elections to Panchayati Raj Institutions may be made obligatory on stated intervals. The elections should not be postponed at any cost. It is strongly felt that unless elections become a regular feature, the Panchayati Raj Institutions may not take firm root's. 4Through the 73<sup>rd</sup> Amendment Act, people were given the power of electing their own representatives in each level of Panchayati Raj System. The focus of this attempt is to analyse as to what extent periodic elections to PanchayatiRaj Institutions have set forth the process of parliamentary and participatory democracy on the right tract as to whether the emerging electoral trends are any indicator of stability and viability of our Panchayati Raj System

# 1. Panchayat Elections in Himachal Pradesh

The main objective of rural power structure is to strengthen the base of the democracy of the grass-roots level and to exercise power and discharge responsibilities to the peopleso that they may be able to manage their affair in the best possible manners. In this process, the establishment of Panchayati Raj System in Himachal Pradesh was an important step in the process of political integration of "Pahari Society" with the mainstream of Indian society. In fact, in passing of Himachal Pradesh Panchayati Raj Act, 1952 (Act No. 6 of

1953) and it came into operation in the year of 1954, when Panchayati Raj system was established in the State. <sup>5</sup> Under this Act, 466 Village Panchayats were constituted in 1954, which rose to 497 due to the reorganization of Panchayat circles in Chamba district and Chini tehsil of Mahasu district. <sup>6</sup> Further, it increased to 638 in 1962. <sup>7</sup> This Act was drafted mainly on the basis of Uttar Pradesh Panchayati Raj Act 1948. Although, Panchayat legislation of other States were consulted and taken into consideration but in real sense Panchayati Raj in Himachal Pradesh stated its functioning after the recommendations of Balwant Ray Mehta study team, which was appointed by the committee of plan projects of the National Development Committee in 1957. A notable feature of this act was that it contained provisions for the establishment of a three tier system in the Pradesh. <sup>8</sup> On 1<sup>st</sup> November 1966, the hilly areas of Punjab State merged with Himachal Pradesh and Panchayati Raj Bodies had been functioning under the Punjab Gram Panchayat Act 1952 and Punjab PanchayatSamiti and ZilaParishad Act, 1961. <sup>9</sup>In the merged areas, the Gram Panchayat Act, 1952, was implemented and the number of Gram Panchayat rose from 638 to 1965. <sup>10</sup> But in the old area of the Pradesh, the Himachal Pradesh Panchayati Raj Act, 1952, remained in force until 15<sup>th</sup> November 1970, when Himachal Pradesh Panchayati Raj Act, 1968, was passed.

In order to bring uniformity in the Himachal Pradesh Panchayati Raj, the Government of Himachal Pradesh passed Himachal Pradesh Panchayati Raj Act 1968 (Act No. of 1970), which came into force on 15<sup>th</sup> November 1970. The act provided for a three tier system of Panchayati Raj i.e. Gram Panchayat at the village level, PanchayatiSamiti at block level and ZilaParishad at the district level. After the general elections of Gram Panchayat in 1972-73, 2038 Gram Panchayat and an equal number of NyayaPanchayat were set up. NyayaPanchayats were functioning in the State for Scheduled Caste discharging the judicial functions upto March 1978. The Himachal Pradesh Panchayati Raj Act 1952 and 1968 have been suitably amended from time to time

In the light of the past experiences and in view of the shortcomings, it is proposed to bring about certain amendments in the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1978). Therefore, the Himachal Pradesh Panchayati (Amendment) Bill 1991 was introduced in the Legislative Assembly on March 15, 1991 by Sh. Sadhu Ram, Minister in charge. This Act may be called the Himachal Pradesh Panchayati Raj (Amendment) Act 1991. This amendment provided for among other things, assured existence and constitution of Gram Panchayat, PanchayatSamiti's and reservations of constitutions of Gram Panchayats, PanchayatSamities and reservations of seats for Scheduled Caste, Scheduledtribe and 30% reservation of seats for women Panches at Gram Panchayat level and so much as twenty five to thirty percent reservations of seats for Scheduled Caste, ScheduledTribe and also for Women. Before passing the 73<sup>rd</sup>Constitutional amendment act, last election of Gram Panchayats and PanchayatSamiti were held in December, 1991, and Jan, 1992. As per the requirements of the provisions of the constitution and the State panchayati Raj Act, 1994, the three tiers Panchayati Raj System was established in this State during the year 1995-96.

In the post 73<sup>rd</sup> Amendment Act period, the First General Election of Panchayati Raj Bodies of this State, except in development block of Lahaul and development block of Pangi, were held during December, 1995 and the Panchayats started functioning w.e.f.  $23^{rd}$  January, 1996 and the 5 years term expired on  $22^{nd}$  January, 2001. In development block Lahaul and development block Pangi, the first general elections were held during may, 1996. Second general elections of Panchayati Raj bodies of this State, except in development block Lahaul and development Block Pangi, were held during December, 2000 and the Panchayats started functioning w.e.f. 23<sup>rd</sup> January, 2001 and the 5 years term expired on 22<sup>nd</sup> January, 2006. In development block Lahaul and Development Block Pangi, the second general elections were held during May, 2006. The third general elections of Panchayati Raj bodies of this State except development block Lahaul and development block Pangi were held in December, 2005 and the panchayats started functioning w.e.f 23rd January, 2006 and five year term of panchayat expired on 22<sup>nd</sup> January, 2011. In development block Lahaul and development block Pangi, the third general election will be held in June, 2011. The fourth general elections for 48 gram panchayts i.e. 28 Gram Panchayats of sub-divisions Lahual of district Lahaul-Spiti and 16 Gram Panchayats of sub-division Pangi of district Chamba and 4 Gram Panchayats of district Kullu, two PanchayatSamitis namely Lahaul and Pangi and ZilaParishadLahaul Spiti, were held on 28<sup>th</sup> and 30<sup>th</sup> December, 2010 and 1<sup>st</sup> January, 2011. Presently elected office bearers started functioning w.e.f 23<sup>rd</sup> January, 2011. The elections of remaining were held during June, 2011, the election of 4 gram panchayts of Kullu district has been held during February, 2012. <sup>14</sup>Thus, after passing the 73<sup>rd</sup> Amendment Act period, four regular Panchayat elections were held without any hurdle and Women, SCs and STs got the opportunity to ensure their proportional presence in the decision making process.

#### 2. Delimitation and Reservation of Wards

Delimitation of constituencies of Panchayati Raj Institutions had been provided under Section 8 of the Himachal Pradesh Panchayati Raj Act, 1994. This whole process is done by the Panchayati Raj Department through respective Deputy Commissioners. The procedure for delimitation of constituencies has been prescribed under rule 3 to 11 of the Himachal Pradesh Panchayati Raj (election) Rules, 1994. Any elector aggrieved by the

order of the Deputy Commission may life an appeal to the Divisional commissioner under rule 10 of the rules ibid. For 3<sup>rd</sup> general election of 2005 to Panchayati Raj Institutions, the total numbers of wards fixed for member of 3243 Gram Panchayats were 19413, Pradhan, Gram Panchayat were 3243, members for 75 PanchayatSamitis were 1676 and members for 12 ZilaParishads were 251. In order to elect these office bearers the total number of electors in the State were 41,18,259 and total polling stations established of Himachal Pradesh vide Act, No. 17 of 2005 amended section 8 (1) of the Act deleted the provision for direct election of the post of Up-Pradhan and inserted a proviso that the elected members of a Gram Panchayat shall, in the prescribed manner, elect one of its members to be the Up-Pradhan.

The reservation of seats in all the three tiers of Panchayati Raj System is done under rule 28 of the rules ibid. before every election to a Panchayat the Deputy Commissioner or any other officer authorized by him, in accordance with the provision of section of section 8, 78 and 89 of the Himachal Pradesh Panchayati Raj Act, 1994, reserve the constituencies for Schedule Caste, Schedule Tribes and Women in a Panchayat area and determines their rotation. In every Panchayat, the population of General Category, Schedule Caste, Schedule Tribe and Women are worked out constituency-wise and the percentage of Schedule caste and Schedule Tribe and Women in relation to the population of the constituency and are to be determined for the purpose of making reservation. If the total population of Schedule Caste or Schedule Tribe in a Panchayat area is less than five percent of the total population of the Panchayat area, then no constituency is to be reserved. However, there is no reservation provided for the post of Up-Pradhan. There is also no reservation for Other Backward Classes for the post of members of Gram Panchayats. <sup>15</sup>In the light of above discussions, the detail about the Panchayats, PanchayatSmitis and ZilaParishad elections are given as below:

Table No. 1
Districtwise Information of Total Number of Gram Panchayats and Seats/Wards of Members (Reserved and Unreserved) in the State-2005

Sr.	Name of Distt.	Total	Total G.P.	Total								Unrese
No		Block		Wards	S.C.		S.T		O.B.C		Wome n	rved i.e. Gen.
					G	W	G	W	G	W		Gen.
1	Solan	5	211	1345	262	160	3	5	-	-	375	540
2	Kullu	5	204	1228	160	196	2	25	-	-	264	581
3	L&S	2	41	209	23	2	87	62	-	-	21	14
4	Chamba	7	283	1585	210	117	292	174	-	-	341	451
5	Kangra	14	760	4554	706	323		-	-	-	1462	2063
6	Bilaspur	3	151	1011	149	120	10	5	-	-	263	464
7	Mandi	10	473	2877	570	285	33	1	-	-	876	1112
8	Kinnaur	3	65	359	11	25	161	110	-	-	-	52
9	Hamirpur	6	229	1341	241	104	-	-	-	-	329	667
10	Shimla	9	363	2077	345	333	2	-	_	-	510	887
11	Una	5	235	1437	195	140	-	-	-	-	382	720
12	Sirmaur	6	228	1390	303	153	14	4	-		295	621
	Total	75	3243	19413	3175	1958	604	386	-	-	5118	8172

**Source:** Election Report-2005, Staff Election Commission-Govt. of Himachal Pradesh.

The Table No. 1 shows the number of Gram Panchayat and seat/wards of member (Reserved and unreserved) as district wise in Himachal Pradesh. The Table shows that the total number of blocks is 75. In the year 2005, the elections were held in the 3243 Gram Panchayats for 19413 seats/wards. Out of the total wards, 3175 seats /wards were reserved for Schedule Caste category, 1958 reserved for Schedule Caste Women, and 604 seats/wards were reserved for ST category. Out of which 386 seats were reserved for ST Women. In all, there were 5118 seats/wards which were reserved for Women and 8172 seats were open for General Category.

Table No. 2
Districtwise information about Number of PanchayatSmitis and Seats/Wards of Members (Reserved and Unreserved) in the State -2005

		Total number of Samitis	Total Number of Wards of P/S	Numbe		Unreserved					
Sr.	Name of Distt.			S.C.		S.T.		OBC		Women	i.e. Gen.
No.				G	w	G	w	G	W		
1.	Solan	5	118	22	15	-	-	2	2	24	53
2.	Kull	5	103	19	12	1	1	-	-	22	48
3.	L& Spiti	2	30	2	-	15	8	-	-	2	3
4.	Chamba	7	136	14	11	31	16	1	1	18	44
5.	Kangra	14	375	50	29	-	-	33	25	81	157

6.	Bilaspur	3	93	15	8	-	-	2	2	25	41
7.	Mandi	10	244	44	26	-	-	7	5	50	112
8.	Kinnaur	3	45	1	5	23	10	-	-	-	6
9.	Hamirpur	6	125	19	12	-	-	11	6	28	49
10.	Shimla	9	172	30	19	-	-	2	2	38	81
11.	Una	5	115	16	10	-	-	12	5	23	49
12.	Sirmaur	6	120	26	12	1	-	8	3	23	47
	Total	75	1676	258	159	71	35	78	51	334	690

**Source:** Election Report-2005, Staff Election Commission-Himachal Pradesh.

Table No. 2 shows the total number of PanchayatSamities as districtwise in the state. In Himachal Pradesh, there were 75 PanchayatSamities and 1676 wards of PanchayatSamities. The total number of seats/wards reserved for Schedule Caste General Category were 258 and 159 seats were reserved for Schedule Caste Women. Further, the seats reserved for Schedule Tribe General Category were 71, 35 seats were reserved for Schedule Tribe Women, 78 seats were reserved for Other Backward Classes General Category and 51 seats were reserved for Other Backward Classes Women. There were 334 seats reserved for Women of General Category and 690 seats were unreserved which means open for General Category.

Table No. 3
Information of Seats/Wards (Reserved and Unreserved) for Member ZilaParishad in the State for Third
General Elections of PRIs-2005

G.	NI 6771	Total Seats	Numb	er of Sea	atsrese	Unreserved	Total No.				
Sr. No.	Name of Zila Parishad	Total Seats of Zila Parishad	S.C.		S.T.		OBO	C	Women	seats	of seats
NO.	rarishau	orznararishau	G	W	G	W	G	W			
1.	Solan	17	3	2	-	-	-	1	3	8	17
2.	Kull	14	2	2	-	-	-	-	3	7	14
3.	L& Spiti	10	1	-	4	3	-	-	1	1	10
4.	Chamba	18	2	2	3	2	-	-	2	7	18
5.	Kangra	56	8	5	3	-	4	2	9	25	56
6.	Bilaspur	14	2	2	-	-	-	1	2	7	14
7.	Mandi	36	7	4	-	-	1	1	7	16	36
8.	Kinnaur	10	-	1	4	4	-	-	-	1	10
9.	Hamirpur	18	3	1	-	-	2	1	4	7	18
10.	Shimla	24	4	3	-	-	-	-	5	12	24
11.	Una	17	3	1	-	-	2	1	4	6	17
12.	Sirmaur	17	3	2	-	-	2	1	3	6	17
	Total	251	38	25	14	9	11	8	43	103	251

**Source:** Election Report-2005, Staff Election Commission-Himachal Pradesh.

Above Table No. 3 shows the number of ZilaParishad wards reserved for different categories reserved in Himachal Pradesh. The total number of seats of ZilaParishad was 251and number of seats reserved for Schedule Caste General Category were 38, Schedule Caste Women 25, Schedule Tribe General 14, Schedule Tribe Women were 9, Other Backward Classes General were 11 and 8 seats were reserved for Other Backward Classes Women. On the other hand, 43 seats were reserved for Women of General category. Out of the total seats 251, there were 103 seats left open for General category. Thus, district Kangra comprises highest number of ZilaParishad seats/wards which is followed by district Mandi and district Shimla respectively.

Thus, the above mentioned tables (Tables,1,2,3) reveal that the Government of Himachal Pradesh not only followed the provisions of 73<sup>rd</sup> Amendment Act but also made efforts to ensure the participations of Women, SCs and STs therein. Thus, the 73<sup>rd</sup> Amendment Act has invented ensured opportunities for weaker sections of the society to raise their voices in the decision making process as well as their involvement and participation in the meetings of Gram Sabha also. The provisions of reservation are a milestone step towards empowerment of Women, SCs and STs at the grassroots level and their role in the process of democratic decentralization in the state of Himachal Pradesh.

# 3. Third General Elections of Panchayati Raj Institutions

The Third General Elections of PRIs were held in Himachal Pradesh during December, 2005 and the Panchayat started functioning w.e.f. 23<sup>rd</sup>January 2006 and five year term of Panchayatexpired on 22<sup>nd</sup>ofJanuary, 2011.In total, there were 3243 Gram Panchayat and 1109 Panchayatswere being headed by Women Pradhans at different categories. The district wise detail of reservation of seats to women for Panchayat Pradhan during Third Elections (2005-2010) is presented in the Table No. 5 as follows:

Table No. 4 Number of Seats reserved for Women Representatives in Panchayats as Pradhan Gram Panchayat(2005)

Sr.	Name of	Reservation	Reservation of Seats for Women					
No.	District	Total seats	Schedule Casteheduled Caste women	Schedule Casteheduled tribe women	OBC women	General Women	Total Women	
1	Bilaspur	151	14	0	3	34	51	33.77
2	Chamba	283	20	29	2	45	96	33.92
3	Hamirpur	229	19	0	11	47	77	33.62
4	Kangra	760	59	0	44	166	269	35.39
5	Kinnaur	65	0	22	0	0	22	33.84
6	Kullu	204	22	1	0	49	72	35.29
7	Lahaul& Spiti	41	0	15	0	0	15	36.58
8	Mandi	473	48	0	8	103	159	33.61
9	Shimla	363	38	0	4	81	123	33.88
10	Sirmour	228	24	1	6	45	76	33.33
11	Solan	211	24	0	3	44	71	33.64
12	Una	235	18	0	12	48	78	33.19
	Total	3243	286	68	93	682	1109	34.81

Source: Himachal Pradesh Panchayati Raj Department of Shimla.

The above Table No. 5 explores the breakup about reservation of seats for Women in Gram Panchayat for the seats of Pradhan/President during 2005 elections. Out of 3243 seats, 286 seats were reserved for Schedule Caste Women, 68 seats for Schedule Tribe Women, 93 seats for Other Backward Classes Women and 682 seats were reserved for General Women. There were 1109 seats reserved for Women of all categories which constitute 34.81 percent of the total seats. Thus, the mandatory provision of 33 per cent of reservation to women has been ensured in letter and spirit by the state government.

# 4. Fourth General Elections of Panchayati Raj Institution Gram Panchayat

The Fourth General Elections of PRIs were held in Himachal Pradesh during December, 2010 and January 2011 and present office bearers started functioning w.e.f. 23<sup>rd</sup> January, 2011, and its five years term will be expired on 22<sup>nd</sup> January, 2016. During 2010-11 election, there were total 3243 Gram Panchayats. For 3243 Gram Panchayats Pradhan, 1639 Panchayats were headed by Women segment in the State of Himachal Pradesh during 2010-2011 period which constitute 50.54 percent. In Kangra district, 384 Panchayats were headed by Women whereas in Lahaul Spiti in 21 Panchayats, the Pradhans were amongst the Women. The district wise detail of reservation of seats to Women for Panchayat Pradhan during 4<sup>th</sup> elections of PRIs has been appended as follows:

Table No.5 Number of Seats reserved for Women Representatives in Panchayats, Pradhan Gram Panchayat(Term 2010)

Sr.	Name of	Reservation of Seats for Women								
No.	District	Total seats	Schedule Caste Women	Schedule Tribe Women	OBC Women	General Women	Total Women			
1	Bilaspur	151	20	0	5	51	76	50.33		
2	Chamba	283	27	46	3	67	193	50.53		
3	Hamirpur	229	29	0	11	75	115	50.22		
4	Kangra	760	85	0	58	241	384	50.53		
5	Kinnaur	65	0	33	0	0	33	50.70		
6	Kullu	204	31	2	0	69	102	50.00		
7	Lahaul& Spiti	41	0	21	0	0	21	51.22		
8	Mandi	473	72	0	9	157	240	50.74		
9	Shimla	363	55	0	5	124	184	50.69		
10	Sirmour	228	39	2	9	63	115	50.44		
11	Solan	211	35	0	4	67	107	50.71		
12	Una	235	28	0	15	73	119	50.64		
	Total	3243	421	104	109	987	1639	50.54		

Source: Himachal Pradesh Panchayati Raj Department of Shimla.

The above Table No.6 presents the reservation of seats for women in Gram Panchayats for the seats of Pradhan/President. Out of 3243 seats, 421 seats reserved for Schedule Caste Women, 104 seats for Schedule Tribe Women, 109 seats for OBC Women and 987 seats were reserved for General Women. There were 1639 seats reserved for Women which constitute 50.54 percent of the total seats. During 2010 Panchayat elections,

the percentage of reservations was increased to 50 per cent from earlier provision of 33 per cent as per 73<sup>rd</sup> Constitutional Amendment Act period prevailing at that time. The State of Himachal Pradesh has become one of the few states which has provided 50 per cent reservation to women folks in all the three tiers of PRIs.

## II. CONCLUSION

The PRIs elections provide an opportunity to the rural masses to ensure their participation in decision making process and their political empowerment as well. There are legal provisions for achieving political empowerment but the lack of awareness among the masses limits the utilization of such benefits. In the post-73<sup>rd</sup> Amendment Act period, the Government of Himachal Pradesh hassuccessfully conducted four continuous elections. The government had implemented the provision of reservations to the Women, Scheduled Caste and Scheduled Tribe and particularly, 33 per cent reservation to women. At present this percentage has been increased to 50 per cent which covers half of the population of the state. Women have to recognize, collectively and critically, the forces that limit them and to work collectively and continuously to change the unequal power structure. The family, community and state should together create a situation wherein elected women representatives act effectively in PRIs. However, PRIs should work more actively and effectively for the development of all and particularly women in order to realize the benefits of rights, equality and justice as enshrined in the preamble of the Indian Constitution. In the case of the panchayat elections in Himachal Pradesh which is the bedrock for grassroots participation in the panchayat system in the state, it is observed that grassroots participation is limited to voting and rarely outside the ambit framed by the political parties. The above presented data reveals that the people at large are actively taking keen interest in contesting the elections but a large section of the society is yet to ensure their active involvement in the electoral process at the grassroots level. The Indian constitution and the Panchayat Raj Act framers had intended to involve the PRIs in the process of decision-taking and policy framing but its role has been re-defined by the political parties as per their convenience and vested interests therein.

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