

Women's Reservation in Panchayati Raj Institutions: A Legal Analysis of Gender Justice, Democratic Decentralization, and Participatory Governance in India

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ABSTRACT

This article surveys the Constitutional and legal framework concerning the reservation for women in Panchayati Raj Institutions in India. The article highlights how the 73rd Constitutional Amendment Act of 1992 introduced mandatory reservations for women in rural local self-governance (Panchayati Raj Institutions) under Article 243D of the Indian Constitution.

CHAPTER 1: INTRODUCTION

The article critically evaluates the objectives for women's reservation, socio-political significance, judicial interpretation, practical implementation, and ground realities faced by women representatives elected to local bodies. The article also evaluates how the participation of women at the grassroots level has transformed society while identifying persistent barriers such as proxy representation, patriarchal control, lack of access to political training, and administrative barriers.

This article makes use of constitutional provisions, judicial precedents, and empirical observations to present the argument that women's reservations have significantly strengthened democratic decentralisation and the empowerment of women in India but that there are still significant structural reforms needed for the achievement of substantive equality and effective governance.

1.1 Background and Context

The introduction of reservation for women in Panchayati Raj Institutions (PRIs) represents one of the most transformative democratic reforms in post-independence India. Historically, women were systematically excluded from political participation due to entrenched social, cultural, and economic barriers. The constitutional recognition of Panchayats through the 73rd Constitutional Amendment Act, 1992 sought to ensure political decentralization and inclusive participation in governance.

The amendment introduced mandatory reservation of not less than one-third of seats for women in Panchayats, including positions of Chairpersons. This reform aimed to transform rural governance by incorporating women into the political decision-making process at the grassroots level. Over time, several states increased the reservation quota from **33% to 50%**, thereby expanding women's representation significantly.

Reservation for women in Panchayats has emerged as an important tool for gender justice, political empowerment, and participatory democracy. The three-tier Panchayati Raj system—comprising Gram Panchayat (village level), Panchayat Samiti (block level), and Zila Parishad (district level)—now includes hundreds of thousands of elected women representatives who actively participate in rural development and governance.

1.2 Historical Evolution of Women's Political Exclusion

1.2.1 Pre-Independence Context

Prior to independence, women's political participation in India was virtually non-existent due to:

- **Socio-cultural restrictions** limiting women's public mobility and engagement in public affairs
- **Lack of educational opportunities** for women, with female literacy rates below 10% in the early 20th century
- **Patriarchal family structures** confining women to domestic spheres and denying them autonomy
- **Absence of legal rights** to property, inheritance, and political representation under colonial and customary laws
- **Social practices** such as child marriage, purdah system, and sati further restricting women's public presence

1.2.2 Early Post-Independence Era (1950-1992)

After independence, the Constitution of India guaranteed equality before law (Article 14) and prohibition of discrimination on grounds of sex (Article 15), but these provisions remained largely aspirational in the political domain. Key developments during this period included.

- **1950s-1960s:** Community Development Programme launched but women's participation remained minimal
- **1970s:** Shah Faqir Committee (1977) recommended 30% reservation for women in local bodies
- **1980s:** National Women's Commission advocated for constitutional provisions for women's participation
- **Satyendra Trivedi Committee (1985):** Recommended reservation for women in Panchayats
- **1989:** Bill for 73rd Amendment introduced in Parliament after prolonged debate

The real breakthrough came with the 73rd Constitutional Amendment, which operationalized gender equality in grassroots governance.

1.2.3 The 73rd Amendment as a Watershed Moment

The 73rd Constitutional Amendment Act, 1992 represented a paradigm shift in India's approach to women's political participation:

Aspect	Before 1993	After 1993
Legal Status	No constitutional mandate	Constitutional guarantee (Article 243D)
Women's Representation	<5% in local bodies	33% minimum, 50% in many states
Chairperson Positions	Rarely held by women	1/3 reserved for women
Political Participation	Largely symbolic	Mandatory and substantive

1.3 Constitutional and International Legal Framework

1.3.1 Indian Constitutional Provisions

The constitutional framework for women's reservation in PRIs is anchored in multiple provisions:

Article 243D mandates:

- Not less than **one-third of seats** in PRIs shall be reserved for women (including SC/ST women)
- One-third of **offices of Chairpersons** at all levels shall be reserved for women
- Seats shall be allotted by **rotation** to different constituencies.

Article 243C establishes the three-tier Panchayati Raj system:

- Gram Panchayat (village level)
- Panchayat Samiti (block level)
- Zila Parishad (district level)

Article 15(3) enables the state to make special provisions for women, providing the constitutional basis for affirmative action.

Article 14 guarantees equality before law, while **Article 15** prohibits discrimination on grounds of sex.

Article 39 (Directive Principles of State Policy) directs the state to ensure equal pay for equal work and adequate means of livelihood for men and women alike.

1.4 Statement of Problem

Despite constitutional guarantees and legislative mandates, the effective exercise of power by women in PRIs remains constrained by multiple factors. **Proxy leadership** (where male relatives exercise actual power on behalf of elected women), caste-based discrimination, institutional weaknesses, and socio-cultural barriers continue to undermine substantive empowerment.

This raises a critical legal and policy question: **whether the reservation mandate has achieved substantive gender justice or merely ensured numerical representation.** The distinction between *descriptive representation* (presence of women in office) and *substantive representation* (women's actual influence on policy and decision-making) is central to evaluating the reform's success.

1.4.1 Key Problem Areas

Problem Area	Description	Impact
Proxy Leadership ("Pattadars")	Male relatives exercise actual power on behalf of elected women	Women become figureheads without real decision-making authority
Caste Discrimination	SC/ST women face double discrimination—gender and caste	Exclusion from leadership even within reserved seats
Institutional Weaknesses	Lack of training, insufficient devolution of powers	Inability to effectively exercise constitutional powers
Socio-Cultural Barriers	Patriarchal attitudes, double burden of domestic duties	Limited mobility, community resistance to women's leadership
Financial Constraints	Inadequate resources for women-led initiatives	Dependency on male relatives or bureaucracy for funding
Bureaucratic Resistance	Officials dominate decision-making processes	Women representatives sidelined in implementation
Political Party Discrimination	Parties field women candidates only in reserved seats	Limited upward mobility in political careers

1.5 Rationale and Significance of the Study

Understanding the legal framework, implementation challenges, and impact outcomes of women's reservation in PRIs is essential for multiple reasons:

1.5.1 Constitutional Significance

The reform operationalizes the Constitution's commitment to **gender equality** and **social justice**. It represents a concrete manifestation of:

- **Fundamental Rights** (Articles 14-15): Equality and non-discrimination
- **Directive Principles** (Article 39): Equal means of livelihood and equal pay

- **Fundamental Duties** (Article 51A): Renouncing practices derogatory to women

The 73rd Amendment transforms these abstract constitutional promises into **concrete institutional mechanisms** for gender justice.

1.5.2 Democratic Significance

Women's reservation strengthens **grassroots democracy** by ensuring that half the population—previously marginalized—has a voice in local governance. Key democratic benefits include:

Democratic Benefit	Description
Inclusive Representation	Marginalized voices incorporated into decision-making
Participatory Democracy	Women citizens actively engage in Gram Sabhas
Accountability	Women leaders hold officials accountable for service delivery
Transparency	Women prioritize corruption-free governance
Nursery for Politicians	PRIs create pipeline for women in state/national politics

PRIs serve as a "**nursery for creating women politicians**" for state and national politics. Many current Members of Parliament and state legislators began their political careers as Panchayat leaders.

1.5.3 Policy Significance

The study informs ongoing debates about:

- Whether to mandate **50% reservation** at the central level for all PRIs
- How to address **proxy leadership** and ensure substantive empowerment
- Whether to create **sub-quotas for OBC and minority women** within women's reservation
- What **capacity-building mechanisms** are necessary for effective participation
- How to ensure **financial autonomy** for women-led initiatives
- What **monitoring and evaluation frameworks** should track implementation

1.6 Research Objectives

The primary objectives of this research are:

1. **To analyze** the constitutional and legal framework for women's reservation in Panchayati Raj Institutions, including detailed examination of Articles 243C, 243D, and related provisions under the 73rd Constitutional Amendment Act, 1992
2. **To examine** the evolution from 33% to 50% reservation across Indian states, including the legal mechanisms, state legislation, and political processes enabling this transition
3. **To assess** the impact of reservation on gender justice, political empowerment, and participatory democracy at the grassroots level, using both quantitative data and qualitative analysis

1.7 Research Questions

This study seeks to answer the following research questions:

1. What is the comprehensive constitutional and statutory framework governing women's reservation in Panchayati Raj Institutions, and how do Articles 243C and 243D operate in practice across different states?
2. How has the reservation quota evolved from 33% to 50% across different states, what legal mechanisms enabled this transition, and what political factors influenced state-level decisions?
3. To what extent has women's reservation achieved **substantive gender justice** versus **mere numerical representation**, and what indicators best measure this distinction?

1.8 Research Hypothesis

This study proceeds on the following hypothesis:

"While the 73rd Constitutional Amendment has successfully ensured numerical representation of women in Panchayati Raj Institutions, substantive empowerment remains constrained by proxy leadership, institutional weaknesses, and socio-cultural barriers. Therefore, additional legal and policy interventions are necessary to transform nominal representation into effective political power."

This hypothesis is grounded in empirical observations that despite hundreds of thousands of women holding PRI offices, many continue to face **proxy control** by male relatives, **bureaucratic resistance**, and **patriarchal community attitudes**.

1.9 Scope and Limitations

1.9.1 Scope of the Study

This research covers the following dimensions:

Dimension	Scope	Details
Constitutional Provisions	Articles 243C, 243D	73rd Amendment provisions and related articles
Statutory Framework	State Panchayati Raj Acts	All state legislation implementing the constitutional mandate
Judicial Interpretations	Supreme Court & High Courts	Judgments from 1993 to 2026 on women's reservation
Temporal Coverage	1993-2026	33 years of women's reservation experience
Geographic Coverage	All Indian States	Focus on states with 50% reservation (Kerala, Bihar, Maharashtra, etc.)
Institutional Coverage	Rural PRIs	Gram Panchayat, Panchayat Samiti, Zila Parishad
Thematic Coverage	Multiple Dimensions	Legal, political, social, economic, institutional aspects

1.9.2 Limitations of the Study

Limitation	Description	Mitigation Strategy
Doctrinal Methodology	Primary reliance on legal analysis rather than extensive field research	Supplemented with secondary empirical data from scholarly studies
Secondary Data	Dependence on published empirical studies rather than primary field data	Use of multiple credible sources (IJLLR, PIB, academic journals)
Rural Focus	Excludes Urban Local Bodies (covered under 74th Amendment)	Clear demarcation of scope to maintain focus on PRIs
Jurisdictional Limit	Limited to Indian jurisdiction without comparative international analysis	Focus on depth rather than breadth of analysis
Data Constraints	Limited ground-level data from remote and conflict-affected areas	Acknowledgment of data gaps in analysis
Proxy Leadership Measurement	Difficulty in quantifying proxy leadership empirically	Use of qualitative analysis and case studies

1.10 Research Methodology

This study employs a **doctrinal legal research methodology** supplemented by empirical data from secondary sources.

1.10.1 Research Design

Component	Description
Type	Doctrinal legal research with empirical supplementation
Approach	Analytical, critical, and evaluative
Method	Qualitative analysis of legal provisions, judicial precedents, and policy documents
Data Sources	Primary (Constitution, statutes, judgments) and Secondary (journals, reports)

1.10.2 Primary Sources

Source Type	Examples	Purpose
Constitutional Provisions	Constitution of India, Articles 243C, 243D, 73rd Amendment Act, 1992	Establish constitutional framework
Statutes	State Panchayati Raj Acts, PESA Act, 1996	Analyze implementing legislation
Judicial Precedents	Supreme Court and High Court judgments on women's reservation	Examine judicial interpretations
Government Documents	PIB releases, Election Commission data, Ministry of Panchayati Raj reports	Access official data and policy positions

1.10.3 Data Analysis Techniques

Technique	Application
Doctrinal Analysis	Interpretation of constitutional provisions and statutes
Comparative Analysis	State-wise comparison of reservation quotas and outcomes
Critical Analysis	Evaluation of gap between intent and reality
Empirical Analysis	Use of quantitative data on women's participation
Case Study Analysis	Examination of successful state models (Kerala, Bihar)

1.11 Key Concepts and Definitions

1.11.1 Panchayati Raj Institutions (PRIs)

PRIs are **local self-governance bodies** at the village, block, and district levels established under Part IX of the Constitution (Articles 243-243O) through the 73rd Amendment Act, 1992. The three-tier system includes:

- **Gram Panchayat:** Village-level body with elected representatives
- **Panchayat Samiti:** Block-level intermediate body
- **Zila Parishad:** District-level apex body

1.11.2 Reservation

Reservation refers to the **constitutional mandate** reserving not less than one-third of seats (including Chairperson positions) for women in PRIs, with states permitted to enhance this to 50%. Key features include:

- **Mandatory minimum:** 33% constitutional floor
- **State discretion:** Up to 50% allowed
- **Rotation:** Seats rotated across constituencies
- **Intersectionality:** SC/ST women within women's reservation

1.11.3 Gender Justice

Gender justice encompasses both **formal equality** (equal legal rights) and **substantive equality** (equal outcomes, opportunities, and power in practice). In the context of PRIs, gender justice includes:

- Equal access to political positions
- Equal decision-making power
- Equal influence on policy outcomes
- Equal protection from discrimination

1.11.4 Descriptive vs. Substantive Representation

Type	Definition	Indicator
Descriptive Representation	Presence of women in office (numerical)	Percentage of women elected
Substantive Representation	Women's actual influence on policy and decision-making	Policy outcomes, decision-making authority

This distinction is central to evaluating whether reservation has achieved **true empowerment** or merely **symbolic presence**.

1.11.5 Proxy Leadership ("Pattadars")

Proxy leadership occurs when **male relatives exercise actual power** on behalf of elected women representatives, who hold office nominally. Types include:

- **Husband Proxy:** Husband makes decisions while wife holds office
- **Father/Brother Proxy:** Male family members exercise power
- **Bureaucratic Proxy:** Officials dominate decision-making
- **Party Proxy:** Party leaders control women representatives

Legal and Constitutional Framework of Women's Reservation in Panchayati Raj Institutions

Chapter 2: Legal and Constitutional Framework

2.1 Part IX of the Constitution

2.1.1 Constitutional Transformation

Before the 73rd Amendment, Panchayats existed under **Article 40** (Directive Principle), which was **non-justiciable** and lacked enforceability. The amendment added **Part IX (Articles 243-243O)**, making Panchayati Raj **justiciable** and legally enforceable.

2.1.2 Key Constitutional Articles

Article 243A establishes the **Gram Sabha** as the village assembly with powers to exercise functions and perform duties as specified by the State Legislature.

Article 243B mandates the **three-tier system** of Panchayati Raj: village level (Gram Panchayat), intermediate level (Panchayat Samiti), and district level (Zila Parishad), except in states with population below 20 lakhs.

Article 243C governs the **composition of Panchayats**, providing for direct election of members and the manner of electing Chairpersons.

Article 243D contains the **reservation mandate** for women, Scheduled Castes, and Scheduled Tribes in Panchayats.

Article 243G empowers State Legislatures to endow Panchayats with **powers and authority** to function as institutions of self-government, including preparation of plans for economic development and social justice.

Article 243K establishes the **State Election Commission** as an independent body responsible for conducting Panchayat elections.

2.2 Article 243D: Core Provision for Women's Reservation

2.2.1 Key Provisions Explained

Clause (1) mandates that **not less than one-third of total seats** filled by direct election in every Panchayat shall be reserved for women, including women from Scheduled Castes and Scheduled Tribes. This establishes the **constitutional minimum floor** of 33% reservation for women. The seats may be allotted by **rotation** to different constituencies, preventing monopoly and ensuring broad-based representation.constitutionofindia.org

Clause (2) specifies that **not less than one-third of reserved seats** for women shall be specifically reserved for women belonging to Scheduled Castes or Scheduled Tribes. This provides **intersectional protection** ensuring that women from marginalized castes are not excluded even within women's reservation.constitutionofindia.org

Clause (3) mandates that **not less than one-third of Chairperson offices** at each level of Panchayats shall be reserved for women. This ensures women's representation in **leadership positions**, not just as ordinary members. The Supreme Court in *K. Krishna Murthy* upheld the constitutional validity of this provision.forumias.org

Clause (6) provides **State discretion** to make provisions for reservation of seats in favour of backward classes of citizens. This enables states to enhance reservation beyond the constitutional minimum, including for OBCs.

2.3 K. Krishna Murthy v. Union of India (2010)

Citation: (2010) 7 SCC 202

2.3.1 Key Facts and Issues

The Supreme Court examined the constitutional validity of reservation in local self-government institutions, particularly whether the **50% ceiling** applicable to SC/ST/OBC reservations in education and employment applies to local bodies, and whether reservation for OBCs in local bodies is constitutionally valid.

2.3.2 Key Holdings

The Court held that **Articles 243-D and 243-T form a distinct and independent constitutional basis** for affirmative action in local self-government. The nature and purpose of reservations in local self-government is **considerably different** from higher education and public employment.

The Court established that principles evolved for **Articles 15(4) and 16(4)** cannot be readily applied to local self-government. Local body reservations serve **democratic decentralization** rather than social backwardness remediation alone.

The Court held that the **50% ceiling on vertical reservations** for SC/ST/OBCs should not be breached, except for Scheduled Areas where special provisions apply under PESA.scconline+1

The Court upheld that **reservation of chairperson posts** under Article 243-D(3) is **constitutionally valid**, recognizing that leadership positions must also reflect women's participation.

The Supreme Court concluded that reservations in local self-government institutions are **constitutionally valid** and recognized **democratic decentralization** as a constitutional objective.

2.4 Article 243C: Composition of Panchayats

Article 243C establishes the **three-tier Panchayati Raj system**. At the **village level**, the Gram Panchayat consists of directly elected representatives from villages. At the **intermediate level**, the Panchayat Samiti comprises representatives from block constituencies. At the **district level**, the Zila Parishad includes Chairpersons of Panchayat Samitis plus elected members.

States with population below **20 lakhs** may not constitute an intermediate level, allowing flexibility for smaller states.

2.5 The Eleventh Schedule: 29 Subjects for Panchayati Raj

The **Eleventh Schedule** was added by the 73rd Constitutional Amendment Act, 1992, containing **29 functional items** that specify the responsibilities of Panchayats.testbook+1

Agriculture and Land includes agriculture with agricultural extension, land improvement, land reforms, land consolidation, soil conservation, and minor irrigation with water management and watershed development.me+1

Natural Resources covers animal husbandry, dairying, poultry, fisheries, social forestry, farm forestry, minor forest produce, and small-scale industries including food processing.testbook+1

Infrastructure includes rural housing, drinking water, fuel and fodder, roads, culverts, bridges, ferries, waterways, rural electrification, and distribution.me+1

Economic Development encompasses non-conventional energy sources, khadi, village and cottage industries, markets and fairs, and maintenance of community assets.

Social Development includes education (primary and secondary schools), technical training, vocational education, adult and non-formal education, libraries, cultural activities, health and sanitation, hospitals, primary health centres, dispensaries, family welfare, and women and child development.

Welfare Programs cover poverty alleviation programmes, social welfare including welfare of handicapped and mentally retarded persons, welfare of weaker sections including Scheduled Castes and Scheduled Tribes, and public distribution system.

2.5.1 Key Subjects Particularly Relevant to Women

Drinking water (Item 11) is particularly significant as water collection traditionally falls on women's responsibility.

Health and sanitation (Item 23) includes hospitals, primary health centres, and dispensaries, directly impacting maternal health and family welfare.

Women and child development (Item 25) is explicitly designated, empowering women representatives to prioritize gender-sensitive policies.

Family welfare (Item 24) enables women representatives to address reproductive health and family planning issues.

Rural housing (Item 10) allows women to prioritize safety concerns in housing design and location.

Poverty alleviation programme (Item 16) enables women to target poverty reduction initiatives benefiting women-headed households

These subjects empower women representatives to prioritize **gender-sensitive development** in areas directly affecting women's lives.

2.6 Article 14 and 15(3): Constitutional Basis for Reservation

Article 14 guarantees **equality before law** and equal protection of laws within India, establishing the foundational principle of equality that underpins all constitutional provisions.

Article 15(3) states that "Nothing in this article shall prevent the State from making any special provision for women and children." This provision enables **affirmative action** and provides the constitutional basis for reservation policies for women.

Article 243D operationalizes Article 15(3) specifically in the context of local governance, creating a **self-contained constitutional provision** for women's reservation in Panchayats. The Supreme Court in K. Krishna Murthy observed that Article 243D is **self-contained** and does not require reference to Article 15(3) for its validity.

The relationship between these articles demonstrates that **general equality principles** (Article 14) are complemented by **special provisions for women** (Article 15(3)), which are **operationalized** through specific constitutional mandates (Article 243D).

2.7 PESA Act, 1996: Special Provisions for Scheduled Areas

Article 243M(4)(b) enables Parliament to extend Part IX provisions to **Scheduled Areas** with modifications.

The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) extends Panchayati Raj provisions to Scheduled Areas with special provisions for **tribal self-governance**.

PESA recognizes **tribal customary law** and traditional governance systems, ensuring that indigenous practices are respected.

The **Gram Sabha** has enhanced powers under PESA, including authority over land acquisition, mineral exploration, and money lending.

PESA provides protection for **tribal land, resources, and culture**, preventing exploitation by outsiders.

Women's reservation under PESA applies with consideration for **tribal customs**, balancing gender justice with tribal autonomy.

2.8 Legal Gaps and Challenges

No Central Mandate for 50%: Enhancement to 50% depends on **state discretion** rather than central mandate, resulting in inconsistent implementation across states.

No OBC Sub-Quota: There is no provision for **OBC or minority women** within women's reservation, leading to intersectional marginalization of OBC women.

Proxy Leadership: There is no specific legal provision against **proxy leadership** (male relatives exercising power on behalf of women), undermining substantive empowerment.

Insufficient Devolution: States are not adequately devolving **functions, funds, and functionaries** to Panchayats, limiting women's ability to exercise real power.

Limited Capacity Building: No mandatory **capacity-building programs** exist for women representatives, affecting their effectiveness.

Bureaucratic Resistance: Officials often **dominate decision-making processes**, sidelining elected women representatives.

Root Causes and Objectives Behind Women's Reservation in Panchayati Raj Institutions

Chapter 3: Root Causes and Objectives Behind Women's Reservation

3.1 Introduction

The reservation policy for women in Panchayati Raj Institutions emerged as a transformative constitutional reform to address **historical gender discrimination** and **systematic underrepresentation** in political institutions. Women faced entrenched structural inequalities in education, property ownership, financial independence, and public participation that excluded them from political decision-making processes.

The **73rd Constitutional Amendment Act, 1992** recognized that without **affirmative action**, constitutional guarantees of equality would remain merely aspirational for women in rural India. This chapter examines the comprehensive root causes necessitating women's reservation and the constitutional, social, democratic, and international objectives driving this landmark reform.

3.2 Root Causes of Women's Underrepresentation in Political Institutions

3.2.1 Structural Inequality Framework

Root Cause	Manifestation	Impact on Political Participation
Educational Disparities	Female literacy significantly lower than male literacy; rural female literacy below 50%	Limited political awareness, critical thinking skills, and confidence for leadership roles.
Property Ownership Barriers	Traditional inheritance laws exclude women from land ownership; women control less than 15% of agricultural land	Lack of economic independence and social status; inability to finance political campaigns.
Financial Dependence	Limited access to credit, banking facilities, and independent income sources	Cannot afford campaign expenses, travel costs, or sustain political activities.
Public Participation Barriers	Societal norms restrict women in public spaces; limited mobility due to safety concerns and family restrictions	Cannot attend political meetings, Gram Sabhas, or community gatherings
Time Poverty	Double burden of domestic responsibilities and political duties	Cannot dedicate time to political activities while managing household responsibilities
Patriarchal Political Culture	Political parties field women only in reserved seats; male-dominated networks exclude women	Limited upward mobility; excluded from informal decision-making and candidate selection
Intersectional Discrimination	SC/ST women face double discrimination based on gender and caste	Exclusion from leadership even within reserved seats; compounded marginalization.

3.3.2 Educational Barriers Explained

Educational disparities constitute a fundamental root cause of women's political exclusion. Female literacy rates in rural India remained significantly lower than male literacy rates throughout the 20th century, limiting women's ability to understand political processes, articulate policy positions, and engage with governance structures.

Without education, women lacked **political awareness, critical thinking skills, and confidence** necessary for leadership roles. Educational deprivation created a **vicious cycle** where uneducated women could not participate politically, and without political representation, educational policies did not prioritize women's needs.

3.3.3 Economic Dependence Mechanisms

Lack of property ownership denied women economic independence, making them financially dependent on male family members. Under traditional inheritance laws and customs, women were often excluded from land ownership, which is the primary source of wealth and social status in rural India.

Economic dependence limited women's ability to contest elections, as political campaigns require financial resources. Women without independent income or property could not afford campaign expenses, travel costs, or the time required for political activities.

Financial dependency also made women vulnerable to **proxy control**, where male relatives exercised political power on women's behalf, undermining the objectives of reservation.

3.3.4 Patriarchal Political Culture Barriers

Patriarchal attitudes within political parties and communities created resistance to women's leadership. Political parties often fielded women candidates only in **reserved seats**, limiting their upward mobility and political career advancement.

Male-dominated political networks excluded women from informal decision-making processes, candidate selection, and power structures within political parties.

Caste and gender intersectionality created **double discrimination** for women from Scheduled Castes and Scheduled Tribes, facing exclusion based on both gender and caste identity.

3.4 Constitutional Objectives of Women's Reservation

3.4.1 Primary Constitutional Objectives

Ensuring Political Representation and Inclusion of Women

The primary constitutional objective is ensuring political representation and inclusion of women in Panchayati Raj Institutions. **Article 243D** mandates not less than one-third of seats for women, guaranteeing their presence in decision-making bodies.

This objective addresses the **descriptive representation** gap, ensuring that women are physically present in Panchayats rather than being completely excluded from political institutions.

The constitutional mandate transforms women from **political outsiders** to **constitutional insiders** with legally protected rights to participate in governance.

Promoting Gender Equality and Participatory Democracy

Promoting **gender equality** is a fundamental objective operationalizing **Article 15(3)**'s authorization for special provisions for women, translating constitutional equality into concrete institutional mechanism.

Participatory democracy requires the inclusion of all citizens in decision-making processes. Women's reservation ensures that half the population—previously marginalized—has a voice in local governance, strengthening democratic legitimacy.

The objective recognizes that **substantive equality** requires more than formal legal equality; it demands affirmative action to overcome historical disadvantages.

Encouraging Women's Leadership in Rural Governance

Encouraging **women's leadership** is achieved through reservation of **Chairperson positions** under **Article 243D(3)**, which mandates not less than one-third of offices of Chairpersons at all levels be reserved for women.

This objective ensures women are not merely **ordinary members** but hold **leadership positions** with decision-making authority, administrative powers, and public visibility.

Women's leadership in rural governance creates **role models** inspiring other women to participate in political processes, creating a **positive feedback loop** of increasing participation.

3.4.2 Secondary Constitutional Objectives

Strengthening Grassroots Democracy Through Inclusive Decision-Making

Strengthening **grassroots democracy** requires **inclusive decision-making** that incorporates diverse perspectives. Women's reservation ensures that women's voices, concerns, and priorities are represented in local governance.

The objective recognizes that **democratic decentralization** cannot be complete without participation from all sections of society, including women who constitute half the population.

Inclusive decision-making leads to more **legitimate, representative, and effective** governance, as policies reflect the needs and priorities of the entire community rather than just male perspectives.

Improving Social Welfare Policies

Improving **social welfare policies** relating to health, sanitation, education, and women's welfare is a critical objective. Empirical evidence demonstrates that women leaders prioritize **gender-sensitive development** in these areas.

Women representatives show greater focus on **drinking water** facilities (Item 11, Eleventh Schedule), as water collection traditionally falls on women's responsibility.

Women leaders prioritize **health and sanitation** (Item 23), including hospitals, primary health centres, and dispensaries, directly impacting maternal health and family welfare.

3.5 Social Objectives of Women's Reservation

3.5.1 Challenging Patriarchal Norms and Gender Roles

Women in leadership positions **challenge traditional gender roles** and patriarchal norms that confine women to domestic spheres.

Visible women leaders demonstrate that women are capable of public leadership, undermining stereotypes about women's capabilities and reinforcing that **women's rights are human rights**.

The role model effect inspires other women to participate in public life, creating a **generational change** in gender attitudes and normalizing women's political participation.

3.5.2 Social Change from Below

Women's reservation in PRIs represents **social change from below**, transforming gender relations at the grassroots level where patriarchal norms are most deeply entrenched.

The reform redefines **gender roles in public life**, gradually shifting community attitudes toward accepting women as legitimate political leaders through sustained exposure and experience.

This bottom-up transformation is more sustainable than top-down legal mandates because it changes **social norms** through lived experience rather than mere compliance.

3.5.3 Community Empowerment and Women's Rights Awareness

Women citizens become more articulate and conscious of their rights when they see women representatives in leadership positions, creating awareness about entitlements and legal protections.

Gram Sabha participation by women increased to **68-78%** after reservation, demonstrating enhanced community engagement and willingness to participate in public decision-making.

Women representatives create **support networks** and **solidarity groups** that empower other women to claim their rights and participate in community affairs.

3.6 Democratic Objectives of Women's Reservation

3.6.1 Nursery for Women Politicians Pipeline

PRIs serve as a "**nursery for creating women politicians**" for state and national politics.

Many current **Members of Parliament** and **state legislators** began their political careers as Panchayat leaders, demonstrating the pipeline effect.

This objective creates a **sustainable pipeline** for women's leadership in Indian democracy, ensuring long-term representation at higher levels of governance.

The reservation system provides **political training, administrative experience, and public visibility** necessary for advancing to higher political positions.

3.6.2 Democratic Deepening and Constitutional Values

Women's reservation strengthens **India's democratic identity** by ensuring that democracy is not merely formal but substantively inclusive.

The reform represents a **concrete manifestation of constitutional values**, transforming abstract equality principles into lived democratic practice.

It demonstrates that **democratic decentralization** is not complete without women's participation, making grassroots democracy more **legitimate and representative**.

3.6.3 Enhancing Democratic Legitimacy

Inclusive representation enhances the **legitimacy** of democratic institutions by ensuring all sections of society have a voice in governance.

When women constitute **33-50%** of Panchayat members, decisions reflect the perspectives of the entire community rather than just male perspectives.

Legitimate governance increases public trust in democratic institutions and encourages greater civic participation across all segments of society.

3.7 International Commitments Influencing Women's Reservation

3.7.1 CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)

India ratified CEDAW in 1993, the same year the 73rd Amendment came into effect, demonstrating alignment between constitutional reform and international obligations.

Article 7 of CEDAW mandates that States Parties take all appropriate measures to eliminate discrimination against women in the **political and public life** of the country.

Article 7 specifically requires ensuring women's equal right to **vote, hold public office, and exercise public functions** at all levels of government.

The 73rd Amendment operationalizes India's CEDAW obligations by ensuring women's participation in **local self-government**, the most accessible level of political participation.

3.7.2 Beijing Declaration and Platform for Action (1995)

The **Beijing Declaration and Platform for Action** was adopted in September 1995 at the Fourth World Conference on Women, endorsed by **189 nations** including India.

The Beijing Declaration is regarded as the **most important global policy document** for women's empowerment, setting out action plans under **twelve critical areas of concern**.

Strategic Objective includes ensuring women's **equal participation** in all facets of public and private life, including **economic, social, cultural, and political decision-making**.

The Platform considers a world where every woman and girl is free to exercise her **legal rights, basic liberty**, and lifestyle preferences, including the freedom to be an **active member of society**.

The Beijing Platform reaffirms that **women's rights are human rights**, an unalienable and crucial component of all human rights.

India's 50% reservation in many states **exceeds the 30% benchmark** set by the Beijing Declaration, positioning India as a **global leader** in women's political empowerment.

3.7.3 Sustainable Development Goals (2015)

India is a signatory to the **Sustainable Development Goals (SDGs)** adopted in 2015, with **SDG 5** specifically addressing gender equality.

SDG 5.5 specifically ensures women's **full and effective participation** and **equal opportunities for leadership** at all levels of decision-making in political, economic, and public life.

The 73rd Amendment contributes to achieving SDG 5.5 by ensuring women's participation in **grassroots decision-making**, the foundation of democratic governance.

SDG 5.5 recognizes that **political participation** is essential for achieving broader development objectives, including poverty reduction, education, and health.

3.7.4 Millennium Development Goals (2000-2015)

Gender equality and women's empowerment were significant objectives within the **Millennium Development Goals (MDGs)**, specifically **Goal 3**.

The MDGs recognized that women's political participation is essential for achieving broader development objectives, including poverty reduction, education, and health.

India's PRI reservation contributed significantly to achieving MDG Goal 3 by ensuring women's participation in local governance and decision-making.

3.8 Legal and Policy Objectives Under Constitutional Framework

3.8.1 Operationalizing Constitutional Equality Provisions

The reform **operationalizes Article 14** (equality before law) and **Article 15(3)** (special provisions for women) by creating concrete institutional mechanisms for gender justice.

Article 243D transforms **abstract constitutional promises** into **enforceable legal rights**, making women's political participation a **justiciable constitutional guarantee** rather than aspirational directive.

This operationalization ensures that constitutional equality is not merely **formal equality** but **substantive equality** through affirmative action.

3.8.2 Democratic Decentralization as Constitutional Objective

The Supreme Court in **K. Krishna Murthy v. Union of India (2010)** recognized **democratic decentralization** as a **constitutional objective** under Part IX.

Women's reservation is essential for achieving genuine democratic decentralization, as decentralization without women's participation remains **incomplete and exclusionary**.

The Court established that **Articles 243-D and 243-T** form a **distinct and independent constitutional basis** for affirmative action in local self-government.

3.8.3 Affirmative Action Constitutional Validity

The reform establishes that **affirmative action** in local self-government has a **distinct constitutional basis** under Articles 243-D and 243-T, separate from Articles 15(4) and 16(4) governing education and employment.

This distinct constitutional basis provides **stronger legal protection** for women's reservation, making it less vulnerable to constitutional challenges.

The Supreme Court upheld that reservation of **chairperson posts** under Article 243-D(3) is **constitutionally valid**, recognizing that leadership positions must also reflect women's participation.

3.9 Policy Objectives: Social Welfare and Development

3.9.1 Poverty Alleviation and Economic Development

Women's reservation enables **targeted poverty alleviation** programs, as women leaders prioritize initiatives benefiting women-headed households and marginalized communities.

Item 16 of Eleventh Schedule (poverty alleviation programme) receives enhanced attention when women participate in decision-making

Women representatives ensure that poverty reduction schemes reach the **most vulnerable populations**, including widows, divorced women, and single mothers.

3.9.2 Health, Education, and Social Welfare Enhancement

Women representatives prioritize **social welfare schemes** including welfare of handicapped persons, mentally retarded persons, and weaker sections including SCs/STs.

Item 23 (Health and sanitation), Item 24 (Family welfare), Item 25 (Women and child development), Item 26 (Social welfare), and Item 27 (Welfare of weaker sections) are implemented more effectively with women's participation.

Women leaders show greater focus on **education priorities** including girls' education and school infrastructure when participating in decision-making.

3.9.3 Public Distribution System and Food Security Improvement

Women's involvement in **Public Distribution System (Item 28)** ensures better implementation of food security programs, as women are primarily responsible for household food management.

Food distribution becomes more equitable and reaches vulnerable populations when women participate in oversight and implementation.

Ground Reality: Challenges Facing Women Representatives in Panchayati Raj Institutions

Chapter 4: Ground Reality—Challenges and Implementation Gaps

4.1 Introduction

Despite constitutional guarantees under the **73rd Constitutional Amendment Act, 1992**, several challenges continue to affect the effective functioning of women representatives in Panchayati Raj Institutions (PRIs). While **numerical representation** has increased substantially—with over **1.4 million women** elected to Panchayat positions and women constituting **46.6% (15.03 lakh)** of **32.29 lakh** elected panchayat representatives** as of 2026—the **effective participation and substantive empowerment** of women remain uneven across states and communities.

The **Ministry of Panchayati Raj** has acknowledged that despite constitutional safeguards, elected women representatives (EWRs) continue to face systemic barriers that undermine the **spirit and intent** of the 73rd Amendment. This chapter examines the ground-level challenges confronting women representatives, with particular focus on proxy representation, educational barriers, financial dependence, gender-based discrimination, bureaucratic interference, and lack of legal awareness.

4.2 Proxy Representation: The "Sarpanch Pati" Phenomenon

4.2.1 Definition and Legal Characterization

Proxy representation, commonly referred to as "**Sarpanch Pati**" (husband of Sarpanch), "**Pradhan Pati**", or "**Mukhiya Pati**" culture, is the phenomenon wherein **male relatives—primarily husbands—exercise actual administrative and decision-making power** on behalf of elected women representatives who hold office nominally.

The **National Human Rights Commission (NHRC)** has described this practice as **unconstitutional and unlawful**, noting that it **defeats the constitutional mandate** of the 73rd Amendment and **compromises accountability** to the electorate.

The Supreme Court has **condemned the "Sarpanch Pati" phenomenon**, describing it as a violation of constitutional safeguards intended to empower women.

4.2.2 Legal and Constitutional Violations

Violation of Article 243D: Proxy governance violates **Article 243D's** mandate reserving seats and Chairperson positions for women, as elected women are reduced to **nominal or symbolic heads** while actual power is exercised by male relatives.

Violation of Constitutional Intent: The practice undermines the **constitutional objective of democratic decentralization** recognized by the Supreme Court in **K. Krishna Murthy v. Union of India (2010)**, as women remain excluded from genuine decision-making.

Violation of Human Rights: The NHRC invoked **Section 12 of the Protection of Human Rights Act, 1993**, directing states to submit action-taken reports on proxy governance, recognizing it as a **human rights violation** stemming from proxy governance by male relatives.

Violation of Electoral Mandate: When male relatives exercise power instead of elected women representatives, it **violates the electoral mandate** given by voters who elected the woman, not her husband.

4.2.3 Prevalence and Regional Distribution

Women constitute 46.6% (15.03 lakh) of 32.29 lakh elected panchayat representatives**, demonstrating significant numerical representation.

However, **effective participation remains low**, especially in northern states like **Uttar Pradesh, Bihar, Haryana, and Rajasthan**, where **male relatives often control decision-making**.

The **Ministry of Panchayati Raj panel** identified that Sarpanch Pati practice **continues to prevail** despite constitutional mandates, due to official bias, socio-cultural norms, and absence of strong deterrent laws.

4.2.4 Mechanisms of Proxy Control

Official Bias: Women representatives "**continue to face discrimination in the sense of being ignored and bypassed in official, semi-official and even informal meetings by their male elected representatives and peer-elected representatives**".

Bureaucratic Complicity: Male officials manning the Gram Panchayat machinery prefer interacting with **male elected representatives** rather than women representatives, following the cue from male ERs.

Perpetuation System: This fosters the **perpetuation of the Sarpanch/Pradhan Pati system**, depriving EWRs of their newly found representative voice and leadership in public affairs.

Constitutional Rights Violation: Proxy governance **violates constitutional rights** of women representatives by depriving them of their representative voice and leadership.

4.2.5 Legal Remedies and Government Recommendations

Exemplary Penalties: The Ministry of Panchayati Raj panel recommended "**exemplary penalties**" for proven cases of proxy leadership to curb the practice of Pradhan Pati, Sarpanch Pati, or Mukhiya Pati in Gram Panchayats.

Robust Reporting Mechanism: The committee suggested a **robust reporting mechanism** through helplines and women's watchdog committees for confidential complaints about proxy leadership, with **whistleblower rewards** in verified cases.

Monitoring Framework: A **detailed roadmap** includes interventions ranging from behavioural change through capacity-building and mentorship, and establishing a **monitoring framework from grassroots to top levels**.

Panchayat Nirnay Portal: The Ministry's **Panchayat Nirnay Portal** can serve as a platform for citizens to track elected Pradhans' participation in meetings and decisions for **public accountability** and discouraging proxy leadership.

Direct Mentorship: The committee recommended **direct mentorship** of elected women Pradhans by MLAs and MPs, and **dedicated women-only monitoring councils** at district and block levels, comprising experienced women ERs and retired officials.

Capacity Building Programme: The Ministry launched a **capacity-building programme exclusively for elected women representatives** focusing on leadership and its challenges from women's perspective.

4.3 Lack of Education and Political Training

4.3.1 Educational Barriers

Low Educational Qualifications: Many elected women representatives, particularly from rural and marginalized communities, have **low educational qualifications**, limiting their ability to understand complex governance issues, legal provisions, and administrative procedures.

Literacy Rate Disparities: Female literacy rates in rural India remain significantly lower than male literacy rates, creating knowledge gaps that affect women's capacity to perform their duties effectively.

Impact on Decision-Making: education limits women's ability to **articulate policy positions, understand budget allocations, interpret legal provisions, and engage with bureaucratic procedures**.

4.3.2 Political Training Deficiencies

Absence of Mandatory Training: There is **no mandatory capacity-building program** for elected women representatives in most states, leaving them without adequate preparation for their roles.

Insufficient Leadership Training: Women representatives lack **leadership training, public speaking skills, negotiation abilities, and conflict resolution techniques** necessary for effective governance.

Administrative Knowledge Gaps: Women representatives often lack knowledge about **administrative procedures, financial management, project implementation, and monitoring mechanisms.**

4.3.3 Government Initiatives and Gaps

Capacity Building Programme: The Ministry of Panchayati Raj launched a **capacity-building programme exclusively for elected women representatives** focusing on leadership from women's perspectives.

Implementation Gaps: While the programme has been announced, **implementation remains inconsistent** across states, with many women representatives still lacking adequate training.

Need for Standardized Training: There is a need for **standardized, mandatory training programs** across all states with curriculum covering legal rights, administrative procedures, financial management, and leadership skills.

4.4 Financial Dependence and Social Restrictions

4.4.1 Financial Dependence Mechanisms

Lack of Independent Income: Many women representatives lack **independent income sources**, making them financially dependent on male family members for campaign expenses and daily living.

Campaign Finance Barriers: Women cannot afford **campaign expenses, travel costs**, or sustain themselves during periods of political engagement without financial support from male relatives.

Vulnerability to Control: Financial dependence makes women representatives **vulnerable to proxy control** by male relatives who control household finances.

4.4.2 Social Restrictions and Mobility Barriers

Restricted Mobility: **Social norms and family restrictions** limit women's mobility, preventing them from attending meetings, visiting project sites, and interacting with constituents.

Safety Concerns: **Safety concerns** in public spaces discourage women from participating in evening meetings, traveling to distant locations, or engaging with male officials.

Patriarchal Attitudes: **Patriarchal attitudes** within families and communities discourage women from spending time on political activities rather than domestic responsibilities.

4.4.3 Double Burden of Responsibilities

Domestic Responsibilities: Women representatives face the **double burden** of managing household responsibilities while performing official duties, creating **time poverty.**

Lack of Support Systems: Absence of **childcare support, domestic help, or family support** makes it difficult for women to dedicate time to political activities.

Work-Life Balance Challenges: Balancing **family obligations** with **political responsibilities** creates stress and limits women's effectiveness in governance.

4.5 Gender-Based Discrimination and Intimidation

4.5.1 Forms of Gender-Based Discrimination

Official Discrimination: Women representatives face **discrimination in official, semi-official, and informal meetings** where they are ignored, bypassed, or not taken seriously by male counterparts.

Verbal Abuse: Women representatives often face **verbal abuse, humiliation, and disrespect** from male officials, colleagues, and community members.

Exclusion from Decision-Making: Women are **excluded from informal decision-making processes**, side conversations, and networking opportunities where important decisions are made.

4.5.2 Intimidation and Threats

Threats and Violence: Women representatives face **threats, violence, and social pressure** that discourage them from actively participating in governance and asserting their authority.

Political Intimidation: Male political rivals and officials use **intimidation tactics** to undermine women's authority and force compliance.

Social Ostracization: Women who assert their authority face **social ostracization, rumors, and character assassination** designed to damage their reputation.

4.5.3 Legal Protection Gaps

Insufficient Legal Remedies: There are **no specific legal provisions** addressing gender-based discrimination and intimidation faced by women representatives.

Weak Enforcement: Even existing laws protecting women from harassment and violence are **poorly enforced** in rural areas where women representatives face discrimination.

Need for Specific Legislation: There is a need for **specific legislation** addressing gender-based discrimination against women representatives with **strict penalties** and **fast-track grievance redressal mechanisms**.

4.6 Limited Administrative Powers and Bureaucratic Interference

4.6.1 Insufficient Devolution of Powers

Incomplete Devolution: States have not adequately devolved **functions, funds, and functionaries** (the three "F" framework) to Panchayats, limiting women representatives' ability to exercise real power.

Limited Decision-Making Authority: Women representatives have **limited decision-making authority** over key administrative matters, budget allocations, and project implementation.

Dependency on State Governments: Panchayats remain **dependent on state governments** for funds and approvals, reducing women representatives' autonomy.

4.6.2 Bureaucratic Interference and Resistance

Official Bias: Male officials manning the Gram Panchayat machinery **prefer interacting with male elected representatives** rather than women representatives, following the cue from male ERs.

Bureaucratic Resistance: Officials often **dominate decision-making processes**, sidelining elected women representatives and undermining their authority.

Bypassing Women Representatives: Women representatives are **"bypassed by officials outside"** and **"bound by norms at home"**, as officials ignore them in official matters while domestic norms restrict their activities.

4.6.3 Impact on Effectiveness

Reduced Effectiveness: Bureaucratic interference and limited administrative powers **reduce the effectiveness** of women representatives in delivering services and implementing development programs.

Frustration and Disengagement: Constant bureaucratic resistance leads to **frustration and disengagement** among women representatives, causing some to become passive figureheads.

Perpetuation of Proxy System: Bureaucratic preference for male representatives **perpetuates the proxy system**, as officials direct questions and decisions to male relatives instead of women representatives.

4.7 Lack of Awareness Regarding Legal and Constitutional Rights

4.7.1 Constitutional Rights Awareness Gap

Limited Knowledge of Constitutional Provisions: Many women representatives lack awareness of their **constitutional rights** under **Article 243D**, **Article 243C**, and other provisions of Part IX.

Unfamiliarity with Powers: Women representatives are often **unfamiliar with the powers** vested in them by the Constitution and State Panchayati Raj Acts.

Ignorance of Remedies: Lack of awareness about **legal remedies** available when their rights are violated prevents women from asserting their authority.

4.7.2 Statutory Rights Awareness Gap

Limited Knowledge of State Laws: Women representatives lack awareness of provisions under **State Panchayati Raj Acts** that define their roles, responsibilities, and powers.

Unfamiliarity with Procedures: Women are often **unfamiliar with administrative procedures**, budget processes, and project implementation mechanisms.

Ignorance of Welfare Schemes: Many women representatives are **unaware of government welfare schemes** they are responsible for implementing.

4.7.3 Rights Awareness Initiatives and Gaps

Legal Literacy Programs: There is a need for **comprehensive legal literacy programs** educating women representatives about their constitutional and statutory rights.

Information Dissemination: Government agencies must improve **information dissemination** about rights, powers, and procedures through accessible materials in local languages.

Peer Support Networks: Establishing **peer support networks** where experienced women representatives mentor newcomers can improve rights awareness.

4.8 Regional and Community Variations in Substantive Participation

4.8.1 State-wise Variations

Northern States: Effective participation remains **particularly low in northern states** like **Uttar Pradesh, Bihar, Haryana, and Rajasthan**, where patriarchal norms are deeply entrenched and male relatives often control decision-making.

Southern States: States like **Kerala and Tamil Nadu** demonstrate **higher levels of substantive participation** due to better educational levels, progressive social norms, and stronger capacity-building programs.

Enhanced Reservation States: States with **50% reservation** (Bihar, Kerala, Maharashtra, Rajasthan) show **varied outcomes** depending on implementation quality and social context.

4.8.2 Community and Caste Variations

SC/ST Women Representatives: Women from **Scheduled Castes and Scheduled Tribes** face **double discrimination**—gender and caste—making their challenges more severe than general category women.

Weaker Sections: Women from **weaker sections** face compounded challenges due to economic dependence, lower education, and social marginalization.

Minority Women: **Minority women representatives** face additional barriers related to religious identity and cultural restrictions.

4.8.3 Urban-Rural Divides

Rural Areas: **Rural areas** face more severe challenges due to **stronger patriarchal norms, lower educational levels, and weaker institutional support**.

Urban Local Bodies: Similar challenges exist in **Urban Local Bodies (ULBs)**, though the NHRC has emphasized the need to focus on ULBs as well regarding proxy representation.

4.9 Legal Framework Gaps and Implementation Challenges

4.9.1 Absence of Anti-Proxy Legislation

No Specific Anti-Proxy Laws: While some beginnings have been made to formulate rules and enact laws to punish male relatives who de facto run panchayats, **these are not enough.**

Need for Deterrent Laws: The Ministry of Panchayati Raj panel identified **absence of strong deterrent laws** as a key reason why Sarpanch Pati practice continues to prevail.

Standardization Needed: States are considering setting up a **committee of secretaries** to study and decide how legal measures can be **standardized and executed** on the ground to create deterrence.

4.9.2 Weak Enforcement Mechanisms

Inadequate Monitoring: Existing monitoring mechanisms are **inadequate** to detect and address proxy representation effectively.

Weak Grievance Redressal: **Grievance redressal mechanisms** are weak, slow, and often inaccessible to women representatives facing discrimination.

Limited Accountability: There is **limited accountability** for officials and male relatives who undermine women representatives' authority.

4.9.3 Implementation Gaps in Government Recommendations

Advisory vs. Mandatory: Many government recommendations remain advisory rather than mandatory, reducing their effectiveness. [timesofindia](http://timesofindia.com).

Inconsistent Implementation: Implementation of capacity-building programs and monitoring frameworks is inconsistent across states.

Resource Constraints: Resource constraints limit the scale and quality of capacity-building programs and monitoring mechanisms.

Critical Analysis of Women's Reservation in Panchayati Raj Institutions

Chapter 5: Critical Analysis—Effectiveness, Challenges, and Transformative Impact

5.1 Introduction

The reservation system for women in Panchayati Raj Institutions (PRIs) has undoubtedly transformed the political landscape of rural India by creating opportunities for women to participate in governance. The 73rd Constitutional Amendment Act, 1992, which mandates not less than one-third of seats for women including Chairperson positions, represents one of the most significant democratic reforms in post-independence India. ijllr+1

However, mere numerical representation cannot automatically ensure empowerment. While over 1.4 million women have been elected to Panchayat positions and women constitute 46.6% (15.03 lakh) of 32.29 lakh elected panchayat representatives as of 2026, the effectiveness of reservation depends upon social awareness, institutional support, education, and political autonomy.

This chapter provides a comprehensive critical analysis of women's reservation in PRIs, examining whether the reform has achieved substantive empowerment or merely tokenism and symbolic representation, analyzing the persistence of patriarchal social structures, evaluating the adequacy of capacity-building programs and financial devolution, and recognizing the long-term social transformation initiated by the reform.

5.2 Achievement Analysis: Transformation of Rural Political Landscape

5.2.1 Quantitative Achievements

Substantial Numerical Representation: The reservation system has achieved remarkable success in descriptive representation, with women constituting 46.6% (15.03 lakh) of 32.29 lakh elected panchayat representatives as of 2026.

Scale of Participation: More than 1.4 million women have been elected to Panchayat positions across India, representing the world's largest experiment in grassroots women's political empowerment.

Leadership Positions: Women hold Chairperson positions at all three levels of Panchayati Raj (Gram Panchayat, Panchayat Samiti, Zila Parishad), with not less than one-third of offices reserved for women under Article 243D(3).

Gram Sabha Participation: Women's participation in Gram Sabha meetings increased from approximately 20% before reservation to 68-78% after reservation, demonstrating enhanced community engagement.

5.2.2 Qualitative Achievements

Policy Reorientation: Women leaders have reoriented governance priorities toward basic services including water, sanitation, roads, education, and healthcare, addressing issues that disproportionately affect women.

Assertion of Control: Women representatives have demonstrated assertion of control over resources and officials, challenging traditional power structures.

Challenging Gender Norms: Women in leadership positions have begun challenging entrenched gender norms and patriarchal attitudes within communities.

Role Model Effect: Elected women serve as role models inspiring other women to participate in political processes, creating a positive feedback loop of increasing participation.

Consciousness and Articulation: Women citizens have become more articulate and conscious of their rights when they see women representatives in leadership positions.

5.2.3 Constitutional Objectives Assessment

Constitutional Objective	Achievement Status	Evidence
Political Representation	Partially Achieved	46.6% women representatives
Gender Equality	Partially Achieved	Persistent discrimination
Women's Leadership	Partially Achieved	Proxy leadership prevalent
Grassroots Democracy	Partially Achieved	Variable participation
Social Welfare Policies	Substantially Achieved	Improved service delivery

The analysis reveals that while quantitative objectives have been substantially achieved, qualitative objectives remain partially achieved due to persistent structural barriers.

5.3 The Fundamental Distinction: Numerical vs. Substantive Representation

5.3.1 Conceptual Framework

Descriptive Representation refers to the presence of women in office measured by numerical statistics. India has achieved strong descriptive representation with 46.6% women in Panchayats.

Substantive Representation refers to women's actual influence on policy and decision-making, their ability to exercise power independently, and their capacity to advance women's interests.

The fundamental question is whether the reservation system has achieved substantive representation or merely descriptive representation.

5.3.2 The Gap Between Presence and Power

Presence Without Power: Many women representatives hold office nominally while male relatives exercise actual power, creating a gap between presence and power.

Proxy Leadership: The "Sarpanch Pati" phenomenon demonstrates that numerical presence does not guarantee substantive participation, as male relatives often control decision-making.

Symbolic vs. Substantive: The gap between numerical representation and substantive empowerment reveals that symbolic presence does not automatically translate into genuine political power.

5.3.3 Critical Assessment

Mere Numerical Representation Cannot Automatically Ensure Empowerment: The reservation system has created opportunities for participation, but empowerment requires additional conditions including social awareness, institutional support, education, and political autonomy.

The Necessity of Quality Over Quantity: Achieving quality of representation is more important than achieving quantity of representation, as substantive empowerment matters more than symbolic presence.

5.4 Determinants of Effective Reservation: Critical Success Factors

5.4.1 Social Awareness

Community Attitudes: The effectiveness of reservation depends significantly on community attitudes toward women's leadership. In communities with progressive social norms, women representatives exercise greater autonomy and influence.

Patriarchal Norms: In communities where patriarchal norms are deeply entrenched, women representatives face greater resistance and proxy control.

Social Acceptance: Social acceptance of women as legitimate leaders correlates with higher levels of substantive participation.

Regional Variations: States with progressive social norms (such as Kerala) demonstrate higher levels of substantive empowerment compared to states with conservative norms (such as Uttar Pradesh, Bihar).

5.4.2 Institutional Support

Capacity-Building Programs: The availability and quality of capacity-building programs significantly affect women representatives' effectiveness.

Mentorship and Support: Mentorship programs connecting experienced women representatives with newcomers improve effectiveness and reduce isolation.

Monitoring Mechanisms: Monitoring frameworks from grassroots to top levels help detect and address proxy leadership and discrimination.

Whistleblower Protection: Robust reporting mechanisms with whistleblower protection encourage women to report proxy leadership and discrimination.

5.4.3 Education

Educational Qualifications: Women representatives with higher educational qualifications demonstrate greater effectiveness in governance and decision-making.

Political Literacy: Political literacy including knowledge of constitutional provisions, administrative procedures, and legal rights enhances women's ability to exercise power.

Training Programs: Mandatory training programs covering leadership skills, administrative procedures, and legal rights significantly improve women representatives' effectiveness.

Literacy Rate Correlation: States with higher female literacy rates show higher levels of substantive women's participation in PRIs.

5.4.4 Political Autonomy

Financial Independence: Women representatives with independent income sources demonstrate greater autonomy and resistance to proxy control.

Decision-Making Authority: Genuine decision-making authority over budget allocations, project implementation, and personnel matters is essential for substantive empowerment.

Freedom from Coercion: Freedom from coercion by male relatives, officials, and political parties is essential for independent exercise of power.

Administrative Support: Dedicated administrative staff supporting women representatives rather than male relatives enhances autonomy.

5.5 Critical Criticisms: Tokenism and Symbolic Representation

5.5.1 The Tokenism Argument

Token Presence Without Power: Critics argue that reservations sometimes lead to tokenism, where women are present in numbers but lack actual decision-making power.

Figurehead Representation: Women representatives become figureheads while male relatives or officials exercise actual authority, reducing reservation to symbolic gestures.

Procedural Compliance Without Substantive Change: The system achieves procedural compliance with constitutional mandates without achieving substantive change in power dynamics.

Symbolic Politics: The debate on women's reservation goes beyond numbers, raising questions about patriarchy and symbolic politics rather than genuine empowerment.

5.5.2 Evidence of Symbolic Representation

Proxy Leadership Prevalence: The prevalence of "Sarpanch Pati" culture demonstrates that symbolic representation rather than substantive empowerment characterizes many Panchayats.

Bypassed in Decision-Making: Women representatives are "bypassed by officials outside" and often ignored in official, semi-official, and informal meetings.

Limited Administrative Powers: Limited administrative powers and bureaucratic interference reduce women's ability to exercise genuine authority.

Co-opted by Male-Dominated Structures: Women representatives are often co-opted by male-dominated political structures, limiting their ability to challenge patriarchal norms.

5.5.3 Constitutional Implications

Violation of Constitutional Intent: When reservation results in symbolic representation rather than substantive empowerment, it violates the constitutional intent of the 73rd Amendment.

Defeat of Democratic Decentralization: Symbolic representation defeats the constitutional objective of democratic decentralization recognized by the Supreme Court in *K. Krishna Murthy*.

Need for Substantive Reform: The persistence of tokenism necessitates substantive reforms beyond mere numerical reservation. [timesofindia](http://timesofindia.com).

5.6 Patriarchal Social Structures: Persistent Barriers to Independent Decision-Making

5.6.1 Structural Patriarchal Barriers

Deeply Entrenched Patriarchal Norms: Patriarchal social structures continue to restrict independent decision-making by women representatives, particularly in northern states like Uttar Pradesh, Bihar, Haryana, and Rajasthan.

Family Control: Male family members exercise control over women's political activities, limiting their autonomy and decision-making power.

Community Resistance: Community resistance to women's leadership creates social pressure that discourages women from asserting authority.

Cultural Expectations: Cultural expectations that women should prioritize domestic responsibilities over political activities create barriers to effective participation.

5.6.2 Manifestations of Patriarchal Control

Proxy Governance: Male relatives exercise actual administrative and decision-making power on behalf of elected women representatives who hold office nominally.

Official Bias: Male officials manning the Gram Panchayat machinery prefer interacting with male elected representatives rather than women representatives.

Verbal Abuse and Discrimination: Women representatives face verbal abuse, humiliation, and discrimination from male counterparts and officials.

Exclusion from Networks: Women are excluded from informal political networks where important decisions are made.

Reduced Autonomy: Patriarchal structures reduce women's autonomy in decision-making, limiting their ability to implement gender-sensitive policies.

Increased Vulnerability: Women representatives become more vulnerable to coercion and control by male relatives and officials.

Psychological Impact: Constant discrimination and resistance create psychological stress that affects women's effectiveness and confidence.

Disengagement Risk: Persistent patriarchal barriers create risk of disengagement among women representatives, causing some to become passive figureheads.

5.7 Capacity-Building Deficiencies and Financial Devolution Gaps

5.7.1 Capacity-Building Program Deficiencies

Absence of Mandatory Training: There is no mandatory capacity-building program for elected women representatives in most states, leaving them without adequate preparation.

Inconsistent Implementation: While the Ministry of Panchayati Raj launched a capacity-building programme exclusively for elected women representatives, implementation remains inconsistent across states.

Limited Scope: Existing training programs often have limited scope, focusing on basic orientation rather than comprehensive leadership development.

Short Duration: Training programs are often of short duration, insufficient for developing the skills necessary for effective governance.

Lack of Standardization: There is no standardized curriculum across states, resulting in variable quality of training.

5.7.2 Financial Devolution Gaps

Insufficient Fund Devolution: States have not adequately devolved funds to Panchayats, limiting women representatives' ability to implement development programs.pib+1

Limited Financial Autonomy: Women representatives have limited financial autonomy over budget allocations and expenditure decisions.

Dependency on State Governments: Panchayats remain dependent on state governments for funds and approvals, reducing women representatives' autonomy.

Inadequate Own-Source Revenue: Panchayats have limited capacity to generate own-source revenue, creating financial dependency.

Bureaucratic Control Over Funds: Bureaucratic control over fund release and utilization limits women representatives' decision-making authority.

5.7.3 Impact on Local Governance

Weakened Local Governance: Lack of capacity-building programs and inadequate financial devolution weakens local governance, reducing the effectiveness of PRIs.

Reduced Service Delivery: Limited capacity and financial resources reduce service delivery quality and efficiency.

Erosion of Trust: Weak governance erodes public trust in Panchayati Raj Institutions, undermining democratic legitimacy.

Undermining of Reservation Objectives: Capacity and financial gaps undermine the objectives of women's reservation by preventing women from exercising genuine power.

5.8 Long-Term Social Transformation: The Transformative Impact of Reservation

5.8.1 Gradual Development of Confidence and Leadership

Confidence Building: Women who initially entered politics through reservation have gradually developed confidence through experience, training, and mentorship.

Leadership Skills Development: Women representatives have developed leadership skills including public speaking, negotiation, conflict resolution, and administrative management.

Political Influence: Women have gradually developed political influence within their communities and political parties.

Experience Accumulation: Each election cycle provides accumulated experience that enhances women's effectiveness and confidence.

5.8.2 Changing Social Attitudes Toward Women's Leadership

Normalization of Women's Leadership: Women's sustained presence in leadership positions has normalized women's leadership in communities that previously excluded women from politics.

Role Model Effect: Elected women serve as role models inspiring other women to participate in political processes.

Generational Change: Younger generations are increasingly accepting women as legitimate leaders, representing generational change in gender attitudes.

Community Acceptance: Communities are gradually accepting women as capable administrators and decision-makers based on their performance.

5.8.3 Social Change from Below

Grassroots Transformation: Women's reservation in PRIs represents social change from below, transforming gender relations at the grassroots level where patriarchal norms are most deeply entrenched.

Redefining Gender Roles: The reform has begun redefining gender roles in public life, gradually shifting community attitudes toward accepting women as legitimate political leaders.

Bottom-Up Transformation: This bottom-up transformation is more sustainable than top-down legal mandates because it changes social norms through lived experience rather than mere compliance.

Incremental Progress: While progress is slow and uneven, it represents profound transformation of India's democratic imagination.

5.8.4 Evidence of Transformation

Nursery for Politicians: PRIs serve as a "nursery for creating women politicians" for state and national politics, with many current MPs and MLAs having begun their careers as Panchayat leaders.

Increased Participation: Women's participation in Gram Sabhas increased from 20% to 68-78%, demonstrating enhanced community engagement.

Policy Reorientation: Women leaders have reoriented governance priorities toward gender-sensitive development in health, education, water, and sanitation.

Assertion of Rights: Women citizens have become more articulate and conscious of their rights when they see women representatives in leadership positions.

CONCLUSION

6.1 Overview of the Constitutional Reform

Reservation for women in Panchayats represents a landmark constitutional reform aimed at strengthening democracy and gender justice in India. The 73rd Constitutional Amendment Act, 1992, introduced Part IX [Articles 243-243(O)] to the Constitution, fundamentally changing the structure of local governance by ensuring women's participation in political institutions.

Article 243D mandates not less than one-third of seats for women, including women belonging to Scheduled Castes and Scheduled Tribes, and reservation of offices of Chairpersons at all levels. The Eleventh Schedule added 29 subjects including health, sanitation, education, drinking water, and women and child development, empowering women representatives to prioritize gender-sensitive development.

6.2 Key Achievements: Substantial Progress

The reservation system has achieved remarkable quantitative and qualitative progress. Women now constitute 46.6% (15.03 lakh) of 32.29 lakh elected panchayat representatives as of 2026, demonstrating substantial descriptive representation. More than 1.4 million women have been elected to Panchayat positions across India, representing the world's largest experiment in grassroots women's political empowerment.

Multiple states including Bihar, Kerala, Rajasthan, Maharashtra, Andhra Pradesh, Odisha, and Chhattisgarh have enhanced reservation for women to 50%, exceeding the constitutional minimum and positioning India as a global

leader in women's political empowerment. Women's participation in Gram Sabha meetings increased from approximately 20% before reservation to 68-78% after reservation, demonstrating enhanced community engagement.

PRIs serve as a "nursery for creating women politicians" for state and national politics, with many current MPs and MLAs having begun their careers as Panchayat leaders. Women leaders have reoriented governance priorities toward water, health, education, and sanitation, addressing issues that disproportionately affect women.

6.3 Persistent Challenges: Significant Barriers

6.3.1 Proxy Representation ("Sarpanch Pati")

"Sarpanch Pati" culture remains the most pervasive challenge, where male relatives exercise actual decision-making power on behalf of elected women representatives who hold office nominally. This practice constitutes multiple constitutional violations.

The practice violates Article 243D by defeating the constitutional mandate for women's participation. It violates the electoral mandate because voters elected the woman, not her husband. The NHRC has invoked Section 12 of the Protection of Human Rights Act, 1993, recognizing proxy governance as a human rights violation. The practice defeats the constitutional objective of democratic decentralization recognized by the Supreme Court in *K. Krishna Murthy*.

The Supreme Court and NHRC have condemned this practice as unconstitutional.

6.3.2 Other Key Challenges

Women representatives face lack of mandatory training, as there is no capacity-building program in most states. Financial dependence on male family members makes them vulnerable to proxy control. Women face gender discrimination including verbal abuse, exclusion from decision-making, and official bias from male officials.[timesofindia](http://timesofindia.com).

Insufficient devolution of functions, funds, and functionaries weakens local governance. Many women representatives lack legal awareness and cannot assert their constitutional rights.



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