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WOMEN'S PARTICIPATION IN PANCHAYATI RAJ INSTITUTIONS: CONSTITUTIONAL PROVISIONS

AUTHORED BY - MS. HARDEEP KAUR

LL.M. Student, University School of Law, SGGSWU, Fatehgarh Sahib, Punjab

Abstract

Women's participation in democratic governance is an indispensable component of an inclusive and representative political system. The constitutional recognition of local self-government through the 73rd Constitutional Amendment Act, 1992, marked a watershed moment in India's democratic evolution by institutionalizing Panchayati Raj Institutions (PRIs) and providing constitutionally mandated reservations for women. The reservations for women not less than one-third of seats and offices under Article 243D has significantly enhanced their political representation and has transformed the structure of grassroots governance. Subsequently, several States have increased this reservation to fifty percent, thereby expanding opportunities for women's leadership and decision-making at the village, intermediate, and district levels. Despite these remarkable achievements, numerous structural and socio-cultural barriers continue to impede the effective participation of elected women representatives. Patriarchal norms, proxy representation, inadequate education, limited financial autonomy, insufficient institutional support, and political interference remain persistent challenges affecting meaningful empowerment.

Keywords: Panchayati Raj, Women's Reservation, Article 243D, 73rd Constitutional Amendment, Local Self-Government, Gender Justice, Democracy.

Introduction

The participation of women in political decision-making constitutes one of the essential pillars of a democratic society. Democracy thrives when governance reflects the diversity of the population and provides equal opportunities to all citizens irrespective of gender, caste, religion, or socio-economic status. In India, despite constitutional guarantees of equality and universal adult franchise since independence, women's participation in political institutions remained disproportionately low for several decades. Although women actively participated in

the national freedom movement alongside men, their representation in elected bodies after independence remained limited because of deeply entrenched patriarchal norms, unequal educational opportunities, economic dependence, and societal discrimination.¹

The Constitution of India envisages the creation of a social order based on justice, liberty, equality, and fraternity. Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties collectively impose obligations upon the State to eliminate discrimination and promote equal participation of women in public life. Articles 14, 15, 16, and 39 guarantee equality before law, prohibit discrimination on the basis of sex, and encourage equal participation in public employment and governance. Article 15(3) further empowers the State to enact special provisions for women, thereby providing constitutional legitimacy to affirmative action policies designed to overcome historical disadvantages. Consequently, the demand for constitutional reforms aimed at democratizing local governance gained momentum during the latter half of the twentieth century.²

The concept of democratic decentralization acquired significant importance following the recommendations of several expert committees, including the Balwant Rai Mehta Committee (1957), the Ashok Mehta Committee (1978), the G.V.K. Rao Committee (1985), and the L.M. Singhvi Committee (1986). These committees consistently emphasized that effective rural development required constitutionally protected local institutions with active public participation, particularly involving marginalized groups and women.³ The culmination of these reform efforts was the enactment of the Constitution (Seventy-third Amendment) Act, 1992, which came into force on 24 April 1993.

Historical Evolution of Women's Participation in Panchayati Raj

The institution of village self-government has deep historical roots in India. Ancient Indian villages possessed community-based decision-making bodies that regulated local administration, settlement of disputes, management of common resources, irrigation, taxation, and maintenance of social order. These institutions, commonly referred to as village panchayats, functioned with varying degrees of autonomy depending upon the prevailing political and administrative system. Although women occasionally exercised influence within communities, formal participation in these institutions remained extremely limited due to

¹ P.M. Bakshi, *The Constitution of India* 96 (Universal Law Publishing, New Delhi, 17th ed., 2022).

² V.N. Shukla, *Constitution of India* 143 (Eastern Book Company, Lucknow, 13th ed., 2017).

³ D.D. Basu, *Introduction to the Constitution of India* 357 (LexisNexis, Gurugram, 26th ed., 2021).

prevailing patriarchal social structures.⁴

During the medieval period, centralized political authority gradually weakened traditional village institutions. The autonomy of Panchayats declined under successive dynasties, while customary social norms continued to restrict women's participation in public affairs. Political authority remained concentrated in male elites, and women's roles were largely confined to domestic responsibilities. The British colonial administration introduced significant changes in local governance. Although certain local government reforms were undertaken, they were primarily intended to facilitate colonial administration rather than promote democratic decentralization. Lord Ripon's Resolution on Local Self-Government (1882) is widely regarded as the foundation of modern local governance in India because it advocated greater local participation in administration. Nevertheless, women's representation remained virtually absent from these institutions due to restrictive property qualifications, educational disparities, and prevailing social customs.⁵

Following India's independence, the framers of the Constitution recognized the importance of village self-government in promoting democracy and rural development. Article 40 of the Constitution, incorporated within the Directive Principles of State Policy, directs the State to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Although Article 40 reflected the constitutional aspiration for decentralized governance, Panchayats initially remained statutory institutions under State legislation without constitutional protection.⁶

Definition of Panchayat

Article 243(d) of the Constitution of India, a "Panchayat" means "an institution (by whatever name called) of self-government constituted under Article 243B, for the rural areas." Thus, a Panchayat is a constitutionally recognized institution of local self-government in rural areas.

The 73rd Constitutional Amendment Act, 1992, inserted Part IX (Articles 243 to 243-O) into the Constitution and gave constitutional status to Panchayati Raj Institutions. Article 243B provides for the constitution of Panchayats at the village, intermediate and district levels, subject to the constitutional framework.

⁴ B. Shiva Rao, *The Framing of India's Constitution* 412 (Universal Law Publishing, New Delhi, 2017).

⁵ George Mathew, *Status of Panchayati Raj in the States and Union Territories of India* 33 (Concept Publishing Company, New Delhi, 2018).

⁶ Durga Das Basu, *Shorter Constitution of India* 428 (LexisNexis, Gurugram, 16th ed., 2021).

Constitutional Provisions Governing Women's Participation in Panchayati Raj Administration

The Constitution of India embodies the ideals of equality, social justice, and participatory democracy. Although the original Constitution did not provide constitutional status to Panchayati Raj Institutions, it laid the normative foundation for gender equality through Fundamental Rights and Directive Principles of State Policy. The constitutional provisions concerning equality before law, prohibition of discrimination, affirmative action, and village self-government collectively established the legal framework that ultimately culminated in the Constitution (Seventy-third Amendment) Act, 1992. The Amendment fundamentally transformed local governance by introducing constitutionally guaranteed reservations for women in Panchayati Raj Institutions and thereby ensured their meaningful participation in democratic administration.⁷

Article 14: Equality before Law

Article 14 guarantees equality before law and equal protection of the laws to every person within the territory of India. It embodies the principle that all individuals are equal before the legal system and prohibits arbitrary state action. The provision forms the constitutional cornerstone for women's political participation because it rejects discrimination based upon gender and requires equal access to public institutions. However, constitutional equality does not merely imply identical treatment of unequals. The Supreme Court has consistently interpreted Article 14 as permitting reasonable classification and affirmative action where necessary to remove historical disadvantages. Women, having suffered centuries of social exclusion from political decision-making, constitute a class requiring special constitutional protection. Consequently, reservation in Panchayati Raj Institutions is not an exception to equality but rather an instrument for achieving substantive equality. Article 14 has therefore served as the constitutional foundation upon which subsequent legislative and constitutional measures promoting women's representation have been justified. The provision reflects the transition from formal equality towards substantive justice by recognizing that equal opportunities often require differential treatment to eliminate structural inequalities.⁸

⁷ K.C. Vidya, *Panchayati Raj and Rural Development* 174 (Rawat Publications, Jaipur, 2020).

⁸ S.N. Mishra, *Panchayati Raj, Bureaucracy and Rural Development* 118 (Mittal Publications, New Delhi, 2018).

Article 15(3): Constitutional Basis of Protective Discrimination

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. Nevertheless, clause (3) specifically authorizes the State to make special provisions for women and children. This clause constitutes one of the most progressive provisions of the Indian Constitution because it expressly recognizes the legitimacy of affirmative action designed to improve the social, educational, economic, and political status of women.⁹ Reservation of seats for women in Panchayati Raj Institutions derives its constitutional validity primarily from Article 15(3). The framers of the Constitution anticipated that historical discrimination against women would require positive governmental intervention rather than mere formal equality. Therefore, the constitutional policy of reservation does not violate equality; instead, it advances constitutional equality by ensuring effective participation of disadvantaged groups. The constitutional philosophy underlying Article 15(3) has acquired increasing significance with the emergence of gender justice as an essential constitutional value. Women's reservation in local governance represents an exercise of the State's constitutional obligation to remove barriers preventing equal political participation.¹⁰

Articles 38 and 39: Social Justice and Equal Participation

The Directive Principles of State Policy supplement Fundamental Rights by imposing positive obligations upon the State to establish a welfare-oriented social order. Article 38 directs the State to promote social, economic, and political justice while minimizing inequalities among individuals and groups. Political justice necessarily includes equitable representation in democratic institutions. Similarly, Article 39(a) requires the State to ensure that both men and women possess an equal right to adequate means of livelihood, whereas Article 39(d) emphasizes equal pay for equal work. Article 39(e) directs the State to protect the health and strength of workers, including women, while Article 39(f) seeks to safeguard opportunities for the healthy development of children.¹¹ Although these provisions are non-justiciable, they provide important constitutional guidance in interpreting legislative and constitutional measures concerning women's political empowerment. Reservation in Panchayati Raj Institutions reflects the constitutional commitment to social justice envisaged under these Directive Principles by facilitating the inclusion of women in decision-making processes affecting rural development.

⁹ B.S. Khanna, *Panchayati Raj in India* 231 (Deep & Deep Publications, New Delhi, 2019).

¹⁰ O.P. Bohra, *Local Self Government in India* 203 (Prakashan Book Depot, Jaipur, 2021).

¹¹ S.C. Kashyap, *Constitutional Law of India* 694 (Universal Law Publishing, New Delhi, 2019).

Article 40: Constitutional Vision of Village Self-Government

Article 40 directs the State to organize village panchayats and endow them with such powers and authority as may be necessary to function as units of self-government. This provision reflects Mahatma Gandhi's vision of Gram Swaraj, wherein villages constitute the foundation of democratic governance. For several decades after independence, Article 40 remained largely aspirational because Panchayati Raj Institutions functioned under ordinary State legislation and lacked constitutional protection. Their structure, powers, tenure, and financial autonomy varied considerably across States, resulting in weak and ineffective local governance.¹² The inadequacies of statutory Panchayats ultimately led to the demand for constitutional recognition. The 73rd Constitutional Amendment transformed Article 40 from a Directive Principle into a constitutional reality by incorporating Part IX into the Constitution and institutionalizing democratic decentralization throughout the country.

The Constitution (Seventy-third Amendment) Act, 1992

The Constitution (Seventy-third Amendment) Act, 1992, represents one of the most significant democratic reforms undertaken in independent India. Coming into force on 24 April 1993, it inserted Part IX comprising Articles 243 to 243-O and the Eleventh Schedule into the Constitution. The Amendment granted constitutional status to Panchayati Raj Institutions and introduced a uniform framework for democratic decentralization across the States.¹³ The principal objectives of the Amendment were to strengthen grassroots democracy, promote people's participation in governance, improve rural development administration, and ensure representation of marginalized communities, particularly women, Scheduled Castes, and Scheduled Tribes. The constitutionalization of Panchayati Raj fundamentally altered the character of local governance by making democratic participation a constitutional right rather than merely a statutory privilege.¹⁴

Article 243D: Reservation for Women

Article 243D constitutes the most significant constitutional provision relating to women's political participation in local governance. It mandates that not less than one-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women.

¹² Subhash C. Jain, *Local Government and Constitutional Governance in India* 215 (Regal Publications, New Delhi, 2020).

¹³ I.P. Massey, *Administrative Law* 486 (Eastern Book Company, Lucknow, 10th ed., 2021).

¹⁴ Ramesh K. Arora & Rajni Goyal, *Indian Public Administration: Institutions and Issues* 319 (New Age International Publishers, New Delhi, 4th ed., 2022).

The reservation extends to seats reserved for Scheduled Castes and Scheduled Tribes, thereby ensuring intersectional representation of women belonging to historically disadvantaged communities. Clause (4) of Article 243D further provides that not less than one-third of the total number of offices of Chairpersons in Panchayats at all levels shall also be reserved for women. This provision seeks not merely to increase women's numerical representation but also to facilitate their participation in leadership positions. The constitutional reservation under Article 243D has transformed India's democratic landscape. Millions of women have contested elections, participated in governance, and exercised decision-making authority over matters affecting rural communities. The constitutional provision has also challenged traditional patriarchal assumptions that confined women exclusively to domestic responsibilities.¹⁵

Part IX and Democratic Decentralization

Part IX of the Constitution establishes a comprehensive constitutional framework for democratic local governance. Articles 243A to 243O regulate the constitution, composition, elections, powers, finance, and functioning of Panchayati Raj Institutions. Article 243A recognizes the Gram Sabha as the foundation of participatory democracy. Articles 243B and 243C provide for the constitution and composition of Panchayats. Article 243E guarantees a fixed tenure of five years, thereby ensuring institutional continuity. Articles 243G and 243H authorize State Legislatures to devolve powers, authority, and financial resources upon Panchayats for effective local administration. The Eleventh Schedule identifies twenty-nine subjects—including agriculture, irrigation, drinking water, education, health, women and child development, social welfare, rural housing, sanitation, and poverty alleviation—that may be entrusted to Panchayats. Women's participation in these sectors has significantly contributed to gender-sensitive governance because elected women representatives often prioritize issues directly affecting rural households and marginalized communities.¹⁶ Thus, Part IX establishes a constitutional framework within which women's participation is not merely symbolic but integrally connected with democratic administration and rural development.

The Punjab Panchayati Raj Act, 1994

The Punjab Panchayati Raj Act, 1994 is the principal legislation governing the system of rural local self-government in the State of Punjab. It was enacted as Punjab Act No. 9 of 1994 and received the assent of the President of India on 20 April 1994. The Act was enacted to replace

¹⁵ K.K. Ghai, *Indian Government and Politics* 402 (Kalyani Publishers, New Delhi, 2020).

¹⁶ C.L. Anand, *Women and Panchayati Raj* 167 (A.P.H. Publishing Corporation, New Delhi, 2019).

the earlier laws relating to Gram Panchayats, Panchayat Samitis and Zila Parishads and to establish a comprehensive three-tier Panchayati Raj system in Punjab, consistent with the objectives of the 73rd Constitutional Amendment Act, 1992. Its primary purpose is to promote democratic decentralisation, greater participation of rural people in administration and more effective implementation of rural development programmes.

The Act provides for a three-tier structure of Panchayati Raj institutions consisting of elected bodies at the village, Block and District levels. At the village level, the Gram Panchayat functions as the basic institution of rural self-government; at the intermediate level, the Panchayat Samiti performs functions relating to block-level development; and at the district level, the Zila Parishad coordinates and supervises development activities. This structure is intended to bring administration closer to the rural population and to provide opportunities for local communities to participate in decisions concerning their social and economic development.¹⁷

A significant feature of the Act is its recognition of the Gram Sabha and Gram Panchayat as fundamental institutions of village-level democracy. The Act contains provisions concerning the establishment and constitution of Gram Sabhas, their meetings, quorum, resolutions, budgets and functions. It also provides for the constitution of Gram Panchayats and deals with the election, tenure, powers and duties of Panches and Sarpanches. Thus, the Act provides the legal framework through which villagers participate in local governance and through which elected representatives are entrusted with responsibility for village administration and development.

The Act also contains important provisions relating to reservation and representation in Panchayati Raj institutions. In its original form, the legislation provided for reservation of seats and offices for women in accordance with the constitutional requirement of at least one-third representation. Subsequently, the Punjab Panchayati Raj (Amendment) Act, 2017 substantially strengthened women's representation by providing for 50% reservation for women in Panchayati Raj Institutions in Punjab. The Ministry of Panchayati Raj officially records that Punjab introduced 50% reservation for women through the 2017 amendment, which was notified on 25 July 2017.¹⁸

The Act further provides the institutional and administrative framework for the functioning of Panchayati Raj bodies, including their powers, functions, duties, finances, taxation, property, budgetary matters, elections, meetings and administrative control. It also empowers the State

¹⁷ The Punjab Panchayati Raj Act, 1994 (Punjab Act No. 9 of 1994).

¹⁸ The Punjab Panchayati Raj (Amendment) Act, 2017 (Punjab Act No. 12 of 2017), 2.

Government to make rules and regulations for implementing the provisions of the Act. Consequently, the legislation does not merely establish Panchayats as elected bodies but also provides the legal machinery necessary for their continued functioning as institutions of rural self-government.

Local Bodies in Villages

Local bodies in villages are institutions of local self-government established to administer, regulate and promote the social and economic development of rural areas. They provide a mechanism through which people at the grassroots level participate in decision-making and address matters relating to local infrastructure, sanitation, drinking water, public health, education, welfare and community development. In India, rural local bodies are constitutionally recognised under Part IX of the Constitution of India, inserted by the 73rd Constitutional Amendment Act, 1992. Article 243(d) defines a Panchayat as “an institution (by whatever name called) of self-government constituted under Article 243B, for the rural areas.” Article 243B further provides for the constitution of Panchayats at the village, intermediate and district levels. Thus, village local bodies, particularly the Gram Panchayat, constitute the basic institutional framework of rural self-government and provide an important means for democratic participation and grassroots administration.¹⁹

Women's Reservation in Panchayati Raj Institutions

The reservation policy introduced under Article 243D represents one of the world's largest experiments in gender-based political empowerment. Prior to the 73rd Constitutional Amendment, women's participation in local government was negligible, with many Panchayats functioning without a single female representative. Constitutional reservation fundamentally altered this scenario by guaranty women's entry into democratic institutions.²⁰ Initially, the Constitution mandated reservation of not less than one-third of seats and chairperson offices. Recognizing the positive impact of women's participation, numerous States—including Bihar, Rajasthan, Madhya Pradesh, Chhattisgarh, Himachal Pradesh, Odisha, Maharashtra, Uttarakhand, Jharkhand, and several others of State Panchayati Raj Acts/Rules/Regulations subsequently increased the reservation to 50 percent through amendments to their respective Panchayati Raj Acts. It comes from State Panchayati Raj Acts enacted by individual States

¹⁹ The Constitution of India, arts. 243B, 243D.

²⁰ S.L. Goel, *Panchayati Raj Administration* 241 (Deep & Deep Publications, New Delhi, 2021).

after the constitutional minimum of one-third reservation was introduced under Article 243D by the 73rd Constitutional Amendment Act, 1992 of The Punjab Panchayati Raj Act, 1994. The Constitution itself mandates "not less than one-third" (33.33%) reservation for women, but it permits States to provide a higher percentage. Many States exercised this power by amending their Panchayati Raj laws to provide 50% reservation. In Punjab, the principal legislation governing Panchayati Raj Institutions is the Punjab Panchayati Raj Act, 1994. Subsequently, the Punjab Panchayati Raj (Amendment) Act, 2017 enhanced the reservation for women in Panchayati Raj Institutions to 50 percent, thereby going beyond the constitutional minimum of one-third prescribed under Article 243D.²¹

The reservation policy has produced remarkable achievements. Women representatives have demonstrated increasing competence in local administration by emphasizing education, sanitation, drinking water, maternal health, nutrition, environmental conservation, and implementation of welfare schemes. Numerous empirical studies indicate that women-led Panchayats have improved accountability, transparency, and responsiveness in public administration. Nevertheless, reservation alone cannot guarantee substantive empowerment. In several regions, elected women continue to encounter social resistance, inadequate administrative training, financial dependence, bureaucratic obstacles, and political interference. The phenomenon popularly described as "proxy representation" or "Sarpanch Pati" remains a significant challenge, whereby male relatives exercise authority on behalf of elected women representatives. Such practices undermine the constitutional objective of genuine political participation and necessitate stronger institutional safeguards, legal enforcement, and continuous capacity-building programmes.²²

Achievements of Women's Participation in Panchayati Raj Administration

The constitutional reservation introduced through Article 243D has fundamentally transformed women's political participation in India. Before the Seventy-third Constitutional Amendment, women occupied only a negligible proportion of elected positions in local government. Today, India has one of the highest proportions of elected women representatives in local governance anywhere in the world. One of the most significant achievements has been the democratization of political participation. Millions of rural women have entered electoral politics for the first time, thereby challenging traditional patriarchal assumptions that confined women exclusively to domestic responsibilities. Political participation has enhanced women's visibility within rural

²¹ Ministry of Panchayati Raj, *State Panchayati Raj Acts/Rules/Regulations* (Government of India, Updated 2024).

²² B.L. Fadia, *Indian Government and Politics* 556 (Sahitya Bhawan Publications, Agra, 2021).

society and has encouraged greater educational, economic, and social empowerment.²³ Women representatives have also influenced developmental priorities. Empirical studies demonstrate that women-led Panchayats often allocate greater attention to drinking water, sanitation, maternal healthcare, education, nutrition, public health, self-help groups, environmental protection, and welfare programmes. These priorities directly affect the quality of life within rural communities and contribute to sustainable development.²⁴

Role of Women in Punjab

The participation of women in Panchayati Raj Institutions (PRIs) in Punjab represents a significant advancement in grassroots democracy and gender-inclusive governance. The constitutional mandate under the Constitution (Seventy-third Amendment) Act, 1992, particularly Article 243D, provided the legal foundation for women's political participation by reserving not less than one-third of seats and chairperson posts in Panchayats. Punjab has further strengthened this constitutional objective by providing 50 percent reservation for women in Panchayati Raj Institutions through amendments to its State Panchayati Raj legislation. This legislative initiative has substantially increased women's representation in local governance and has enabled them to participate actively in decision-making concerning rural development, public welfare, and social justice.²⁵ It comes from State Panchayati Raj Acts enacted by individual States after the constitutional minimum of one-third reservation was introduced under Article 243D by the 73rd Constitutional Amendment Act, 1992. The Constitution itself mandates "not less than one-third" (33.33%) reservation for women, but it permits States to provide a higher percentage. Many States exercised this power by amending their Panchayati Raj laws to provide 50% reservation. In Punjab, the principal legislation governing Panchayati Raj Institutions is the Punjab Panchayati Raj Act, 1994. Subsequently, the Punjab Panchayati Raj (Amendment) Act, 2017 enhanced the reservation for women in Panchayati Raj Institutions to 50 percent, thereby going beyond the constitutional minimum of one-third prescribed under Article 243D.²⁶

Historically, Punjab has been characterized by a predominantly patriarchal social structure where women's participation in political and public affairs remained limited despite their

²³ Niraja Gopal Jayal, "Engendering Local Democracy: The Impact of Constitutional Reservations," 62 *Social Action* 241 (2012).

²⁴ Bina Agarwal, "Gender and Green Governance: The Political Economy of Women's Presence Within and Beyond Community Forestry," 46 *Oxford Development Studies* 148 (2018).

²⁵ Gurdeep Singh, *Panchayati Raj in Punjab: Emerging Issues and Challenges* 145 (Unistar Books, Chandigarh, 2020).

²⁶ Ministry of Panchayati Raj, *State Panchayati Raj Acts/Rules/Regulations* (Government of India, Updated 2024).

significant contribution to agriculture and rural livelihoods. Traditional social norms, unequal access to education, property ownership, and financial resources often restricted women's involvement in governance. The constitutional reservation policy has challenged these structural barriers by providing women with guaranteed political representation and opportunities to exercise leadership at the village level. Consequently, thousands of women have entered Panchayati Raj Institutions as elected members and Sarpanches, thereby transforming the political landscape of rural Punjab.²⁷

Women representatives in Punjab have made noteworthy contributions in improving the delivery of public services and promoting community development. They have actively participated in implementing government schemes relating to sanitation, drinking water supply, rural healthcare, education, nutrition, women and child welfare, and poverty alleviation. Several studies indicate that women-led Gram Panchayats in Punjab have demonstrated greater sensitivity towards issues affecting women, children, senior citizens, and marginalized communities. Their leadership has also contributed to the promotion of self-help groups, women's entrepreneurship, environmental conservation, and awareness programmes concerning health and education.²⁸

Judicial Approach on Constitutional Provisions for Women's Participation in Panchayati Raj Administration

The Indian judiciary has played a significant role in strengthening democratic decentralization and ensuring the effective implementation of constitutional provisions relating to Panchayati Raj Institutions. Although the Constitution provides the legal framework for reservation and democratic participation, judicial interpretation has clarified the scope of constitutional provisions, protected the autonomy of local self-government institutions, and upheld the constitutional validity of affirmative action for women. The Supreme Court and various High Courts have consistently emphasized that Panchayati Raj Institutions are not merely administrative bodies but constitutional institutions intended to deepen democracy at the grassroots level.

In *Sahebrao S/o Kishanrao Shirsat v. State of Maharashtra*, Bombay High Court, decided on 13 February 2026. This is one of the most significant recent judgments concerning reservation in Panchayati Raj Institutions. The petition challenged the constitutional validity of the

²⁷ Surinder Kaur, *Women and Local Self-Government in Punjab* 89 (ABS Publications, Jalandhar, 2019).

²⁸ Paramjit S. Judge, "Women's Political Participation in Punjab Panchayats: Challenges of Grassroots Democracy," 61 *Indian Journal of Public Administration* 417 (2015).

Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025, particularly Rule XII, which treated the 2025 elections as the "first election" for the purpose of rotation of reserved constituencies. The petitioners argued that the Rules violated Articles 243D, 243E and 243K of the Constitution by disturbing the established rotational cycle of reservations, including reservation for women. The Bombay High Court extensively analysed the constitutional framework governing Panchayati Raj Institutions and reiterated that Article 243D mandates reservation for women as an indispensable component of democratic decentralisation. The Court emphasized that reservation policies must conform to constitutional principles of fairness, continuity, and equality and that arbitrary alteration of the rotation system would defeat the constitutional objective of equitable representation. The judgment is important because it reaffirmed that women's reservation under Article 243D cannot be implemented arbitrarily but must follow constitutional requirements governing rotation and electoral fairness.²⁹ In *Vikesh Zinta & Others v. State of Himachal Pradesh*, Himachal Pradesh High Court (2025) The Himachal Pradesh High Court quashed a State Government notification authorising Deputy Commissioners to modify the Panchayat reservation roster under special circumstances. The Court held that reservation of seats in Panchayati Raj Institutions must strictly comply with Article 243D of the Constitution and the provisions of the Himachal Pradesh Panchayati Raj Act. The Court observed that executive authorities cannot exercise unfettered discretion in altering reservation rosters because reservation for Scheduled Castes, Scheduled Tribes, and women is constitutionally regulated and must be determined through the prescribed statutory mechanism. The decision reinforces constitutional safeguards protecting women's reserved seats from arbitrary executive action.³⁰

Contemporary Challenges

Several contemporary challenges continue to affect women's effective participation in Panchayati Raj administration: First, patriarchal social structures continue to influence electoral politics and governance. Cultural norms often discourage women from independently exercising political authority. Secondly, inadequate financial powers limit the effectiveness of Panchayats in implementing developmental programmes. Without meaningful fiscal decentralization, constitutional empowerment remains incomplete. Thirdly, bureaucratic interference frequently reduces institutional autonomy. Administrative officials often dominate decision-making processes, thereby diminishing the authority of elected representatives.

²⁹ 2026:BHC-AS:7747-DB (Bom HC).

³⁰ CWPIIL No. 15 of 2026.

Fourthly, digital governance has created new challenges because many rural women lack adequate technological literacy necessary for contemporary administrative processes. Finally, political parties continue to provide limited organizational support and leadership opportunities to women beyond constitutionally reserved positions. Long-term political empowerment therefore requires broader reforms extending beyond constitutional reservation.³¹

Women's Reservation Act, 2023

The Women's Reservation Act, 2023, officially known as the Nari Shakti Vandan Adhiniyam, 2023, was enacted as the Constitution (One Hundred and Sixth Amendment) Act, 2023. It represents a significant constitutional measure aimed at increasing women's political representation in India. The Act provides for reservation of not less than one-third of the total seats to be filled by direct election in the Lok Sabha and the Legislative Assemblies of the States, including the Legislative Assembly of the National Capital Territory of Delhi. It also provides that approximately one-third of the seats reserved for Scheduled Castes and Scheduled Tribes in these legislative bodies shall be reserved for women. The amendment introduced Articles 330A and 332A and provisions relating to the implementation and duration of the reservation under Article 334A. The Act is particularly significant from the perspective of women's political empowerment and gender equality, as it seeks to address the historical underrepresentation of women in legislative decision-making. By constitutionally guaranteeing one-third representation, it aims to provide women with greater opportunities to participate in law-making, public policy and governance. However, it is important to distinguish this legislation from Panchayati Raj reservation: the 2023 Act concerns Parliament and State/Delhi Legislative Assemblies, whereas women's reservation in Panchayati Raj Institutions is primarily governed by Article 243D of the Constitution and respective State Panchayati Raj laws.

Conclusion

The constitutional recognition of Panchayati Raj Institutions through the Constitution (Seventy-third Amendment) Act, 1992, represents one of the most transformative developments in the democratic history of independent India. By incorporating Part IX into the Constitution and introducing Article 243D, the framers of the Amendment fundamentally restructured local governance and created unprecedented opportunities for women's

³¹ Nupur Tiwari, "Women Representatives in Panchayati Raj Institutions: Challenges and Prospects," 55 *Indian Journal of Public Administration* 372 (2019).

participation in democratic administration. The constitutional reservation of seats and chairperson offices for women has significantly altered the composition of local self-government institutions. The constitutional promise of substantive equality remains only partially fulfilled. Structural inequalities, patriarchal social norms, proxy representation, inadequate education, bureaucratic interference, financial dependence, and insufficient institutional support continue to impede effective political participation.

