

CONGRESS LEADER POINTS OUT 'GAP' IN HARYANA PANCHAYATI RAJ ACT

Relevant for: Indian Polity | Topic: Devolution of Powers & Finances up to Local Levels and Challenges therein - Panchayats & Municipalities

Karan Singh Dalal

Terming the provisions in the Haryana Panchayati Raj (Second Amendment) Act, 2020 as arbitrary and unconstitutional, senior Congress leader and former Haryana Minister Karan Singh Dalal has asked Governor Satyadev Narayan Arya to get the Act annulled.

In a letter to the Governor, Mr. Dalal pointed out that sub-Section 3 of Section 9 of the Act, which was notified by the State government on December 7, is "arbitrary, irrational, discriminatory and unconstitutional".

'Gender-biased attitude'

The amendment, he pointed out, would be capping the participation of women at 50% in the local bodies. "In such case, their political representation in the panchayati raj institutions (PRIs) cannot exceed more than 50% at any point of time, which is a clear case of gender-biased attitude against women," he wrote. The Act provides for 50% reservation for women in PRIs.

"It is very unfortunate that the right to contest for women has been restricted to 50% by the government by amending the Act. The amendment means that their right to contest in all the seats which are not reserved has been snatched away from them. With the passage of time, many States have increased the reservation to 50% as a result of which the representation of women had even reached about 55% in Uttarakhand as many women were elected from non-reserved seats too," he wrote.

Mr. Dalal said the amendments violate Article 243D of the Constitution. "The rationale behind the constitutional provision is to empower women and make the local governance institutions more inclusive and participatory. It facilitates more women at the grassroots democracy to participate in public life, but the present Haryana government has diminished the rationale behind the Constitutional provision," he wrote.

Mr. Dalal said, "The amendment in question is not reserving 50% seats for women — rather it is allocation of seats which only they can contest and by the said amendment their right to contest in more seats has been curtailed as the other 50% is stated to be reserved for other than women which is totally biased, irrational, unconstitutional."

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