

**Application of two child norm for contesting or holding office in panchayati raj institutions in Fifth Scheduled Areas States of Rajasthan, Madhya Pradesh and Gujarat: A study of its impact on women**

(Study sponsored by Govt. of India, Ministry of Panchayati Raj)

***Research Report***

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## ***Preface***

*The study of "Application of two child norm for contesting or holding office in panchayati raj institutions in Fifth Scheduled Areas States of Rajasthan, Madhya Pradesh and Gujarat: A study of its impact on women" was sponsored by the Government of India, Ministry of Panchayati Raj during 2008-09. The Institute of Social Development wish to express its gratitude to the Ministry for the financial support it extended to conduct the study.*

*The study was a highly challenging task for more than one reason: (a) the three states adopted the two child norm at different points of time; (b) the systematic record of disqualifications of PRI members in sampled states is neither maintained nor made available; (c) widespread ignorance about provisions of the two-child norm across regions and groups; and (d) the information sought/received from state and district authorities under Right to Information also could not satisfactorily meet the requirements of the study. The reliance was, therefore, placed to a great extent on the present and past PRI members, officials of the state departments of panchayati raj and supporting NGOs for the information about application and violation of the norm as also about PRI members disqualified or facing disqualification.*

*The collection of data for the study was facilitated greatly by the willing cooperation of PRI members of panchayati raj institutions of the sampled districts, blocks/ talukas and villages in the selected states. We are highly thankful to each of them. Equally important for the study was the help and cooperation especially in organising orientation programmes for PRI members extended by the supporting organisations and their representatives from the respective states having long experience of working in the field of rural development and panchayati raj. These were: Shri Ashwini Paliwal from Aastha Sansthan, Udaipur, Shri Tapan Bhattacharya from Adivasi Sevashram Trust, Indore and Shri Rajesh Bhat, from Matrusruti Trust/ Western India Forum for Panchayati Raj, Ahmedabad. We sincerely acknowledge their support and wish to extend each of them our heartiest thanks*

*The report is divided into nine chapters: Chapters 1 and 2 provide statement of the problem, objectives and methodology followed. Profile of the sampled areas and respondents is provided in Chapter 3. The main findings emerging from the study are presented in next five chapters. Chapter 9 is devoted to present the summary of findings, conclusions and suggestions. References are given in the end of the report. To make the report useful for readers, several annexures are added: The annexure 1 deals with the subject matter of the two child norm, its them. Next annexure contains different study tools*

*used in the study for data collection. Besides, two annexures are added-one that supported the two child*

*provisions and implications which served as a basis for assessing the awareness level of the present PRI members and organising orientation programme for norm and the other that provides grounds for its withdrawal. These are: Supreme Court Judgment of 2003 upholding two child norm and grounds for withdrawal of two child norm in Himachal Pradesh. The annexure five covers case studies of PRI members affected by disqualification.*

*The research team for the study was comprised of Dr. Meenakshi Vijai, Shri Himmat Singh Chundawat, Shri Hamendra Singh Saranghdevot and Shri Prem Singh. The members of the research team had to work in tribal areas and under difficult circumstances and faced variety of problems during field work. We deeply appreciate their role and wish to extend each one of them our heartiest thanks.*

*Besides, many others have contributed a great deal during the course of this study. We specially thank Shri Laxminarayan for computer analysis of data and Shri Hemant Singh Jhala and Ms Roma Jain for typing out the report.*

*In the end, we are thankful to all those who have helped us in numerous ways in carrying out the study and bringing out this report*

*(T.M. Dak)  
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## *Contents*

<i>Preface</i>	<b>i</b>
<i>Contents</i>	<b>ii</b>
<i>List of Tables</i>	<b>iii</b>
<b>I. Introduction</b>	<b>1</b>
<b>II. Methodology</b>	<b>10</b>
<b>III. Sample Profile</b>	<b>19</b>
<b>IV. Application of Two Child Norm in PRIs I</b>	<b>32</b>
<b>V. Application of Two Child Norm in PRIs II: A Gender Perspective</b>	<b>51</b>
<b>VI. Orientation in Two Child Norm and Its Impact on Awareness</b>	<b>56</b>
<b>VII. Attitudes and Perceptions about Two Child Norm</b>	<b>64</b>
<b>VIII. Factors Associated with Awareness and Application of Two Child Norm</b>	<b>73</b>
<b>IX. Summary, Conclusions and Suggestions</b>	<b>90</b>
<b>References</b>	<b>100</b>
<b>Annexures</b>	
<b>1. Two-child norm in India: relevant provisions</b>	<b>102</b>
<b>2. Study Tools:</b>	<b>106</b>
<b>(a) Interview Schedule I</b>	
<b>(b) Interview Schedule II</b>	
<b>(c) Interview Schedule III</b>	
<b>(d) Case Study Guide</b>	
<b>3. Supreme Court Judgment of 2003 upholding two-child norm</b>	<b>119</b>
<b>4. Grounds for withdrawal of two-child norm in Himachal Pradesh</b>	<b>123</b>
<b>5. Case Studies</b>	<b>129</b>

## *List of Tables*

Table 2.1:	Sample of PRI units and their representatives
Table 2.2:	Distribution of PRI units and their representatives by states, districts, blocks and villages
Table 2.3:	Information sought/ received under RTI disqualification of PRI members in study area
Table 2.4:	Distribution of PRI members affected by disqualification and their spouses/family member
Table 3.1:	Profile of Sampled States, Districts and Blocks/ Talukas
Table 3.2:	Profile of Sampled Villages
Table 3.3:	Socioeconomic profile of respondents
Table 3.4:	Respondents' profile as per membership period, gender and PR level
Table 4.1:	Panchayati-raj institutions in India and sampled states
Table 4.2:	Respondents' level of awareness about provisions of two-child norm
Table 4.3:	Mean scores of respondents' awareness and gaps about two-child norm as per state, membership period, PRI level and urban proximity
Table 4.4:	Use of family planning by respondents to prevent child birth
Table 4.5:	Respondents reporting violation of two child norm and action against them
Table 4.6:	Steps initiated to ensure application of two child norm
Table 4.7:	Measures to prevent child birth, violation of two child norm and steps to ensure application of the norm as per membership period, PR level and urban proximity
Table 4.8:	Socioeconomic profile of PRI member affected by disqualification
Table 4.9:	Response of PRI members affected by disqualification to the two child norm
Table 5.1:	Measures PRI members use to prevent child birth by gender
Table 5.2:	Respondents' level of awareness about two child norm by gender
Table 5.3:	Respondents reporting violation of two child norm and action against them
Table 5.4:	Steps initiated by respondents to ensure application of two child norm
Table 6.1:	Mean awareness score of PRI members about provisions of two child norm as per state
Table 6.2:	Mean awareness score of PRI members about provisions of two child norm as per PRI level
Table 6.3:	Mean awareness score of PRI members about provisions of two child norm as per gender
Table 6.4:	Mean awareness score of PRI members about provisions of two child norm as per urban proximity
Table 7.1:	Use of family planning by PRI members to prevent child birth
Table 7.2:	Perception of two-child norm as anti women
Table 7.3:	Respondents' perception of two-child norm as discriminatory in its application
Table 7.4:	Respondents' perception of impact of two-child norm on society, economy and polity
Table 7.5:	Respondents' view about exclusion of women from application of two-child norm

Table 7.6:	Respondents' attitudes towards two-child norm as per Membership period, gender, PRI level and urban proximity
Table 8.1 (a):	Awareness level of PRI members about provision of two child norm as per age
Table 8.1 (b):	Awareness level of PRI members about provision of two child norm as per education
Table 8.1 (c):	Awareness level of PRI members about provision of two child norm as per highest family education
Table 8.1 (d):	Awareness level of PRI members about provision of two child norm as per family type
Table 8.1 (e):	Awareness level of PRI members about provision of two child norm as per decision making role of women
Table 8.1 (f):	Awareness level of PRI members about provision of two child norm as per number of children
Table 8.1 (g):	Awareness level of PRI members about provision of two child norm as per caste status
Table 8.1 (h):	Awareness level of PRI members about provision of two child norm as per main family occupation
Table 8.1 (i):	Awareness level of PRI members about provision of two child norm as per income category
Table 8.2:	Application and violation of two child norm and its impact as per age
Table 8.3:	Application and violation of two child norm and its impact as per education
Table 8.4:	Application and violation of two child norm and its impact as per highest family education
Table 8.5:	Application and violation of two child norm and its impact as per family type
Table 8.6:	Application and violation of two child norm and its impact as per total number of children
Table 8.7:	Application and violation of two child norm and its impact as per involvement of women in decision making **
Table 8.8:	Application and violation of two child norm and its impact as per caste category
Table 8.9:	Application and violation of two child norm and its impact as per main family occupation
Table 8.10:	Application and violation of two child norm and its impact as per income category
Table 8.11:	Summary of association of selected socioeconomic factors with aspects of application and violation of two-child norm

## CHAPTER I

# INTRODUCTION

The 73<sup>rd</sup> Constitutional Amendment resulted in constitutionally mandated 2, 32, 332 village panchayats, 6000 intermediate panchayats and 534 zilla panchayats with a representative base of 27, 75, 858 members of village panchayats, 1, 44, 491 members of intermediate panchayats, and 15067 members of zilla panchayats (India Panchayat Raj Report 2001, NIRD) The far reaching implications of this phenomenon may be gauged further from the fact that over half of these members belonged to traditionally marginalised and disadvantaged sections of society comprising of women (one-thirds of the total) , and SCs, STs, and OBCs (as per their proportion of the population (Jha 2005)

Panchayati Raj has in India passed through three main phases: The first phase was marked by conformation of panchayati members with bureaucrats which prevented the system to take roots. The second phase began with the Ashok Mehta Committee report recommending revitalization of panchayati raj and reduction of the role of bureaucrats in rural governance. The 73<sup>rd</sup> Constitutional Amendment represents a third phase empowered PRIs, with autonomy and resources and made them “institutions” rather than “units” of self government (Patnaik 2005 a). It emerged as a powerful instrument for mobilization of women and removal of gender imbalance in lower level units of self governance through constitutionally guaranteed representation of women in PRIs.

The beginning of the decade of 1990s was marked by two major developments: (a) The 73<sup>rd</sup> constitutional amendment reserving one-thirds of seats in PRIs for SCs, STs and Women, and (b) evolution of the concept of two-child norm for elected representatives as a response of state governments to population figures of 1991 census. The history of two-child norm begins with setting up of a Committee on Population in 1992 under the chairmanship of K. Karunakaran, which recommended legislation in parliament prohibiting persons with more than two children from holding any elected post from the panchayats to the parliament in future.

While the Karunakaran committee recommended the legislation for all those holding elected posts from the panchayats to the parliament, it was made applicable only to the PRI representatives. However, the step is viewed discriminatory. The general view is that the law should be made applicable to MLAs and MPs also. The introduction of two-child norm in PRIs almost simultaneously with the guaranteed entry of SCs, STs and women in these institutions through 73<sup>rd</sup> constitutional amendment tended to link political aspirations and legally prescribed fertility choice.

The National Population Policy (NPP), 2000 was drafted in the light of the 1994 International Conference for Population and Development. However, most states adopted the two-child norm even before NPP 2000. The National Population Policy 2000 also does not envisage the application of the two-child norm; rather, it lays stress on improvement in the quality of life and family planning services. The central government tried to resolve the problem of population stabilization through reproductive rights and introduced the programme of Reproductive Child Health (RCH). The National Population Policy 2000 has laid emphasis on socio-demographic goals and held, besides ‘baby



boom', high infant mortality rates, poor access to health services, low age of marriage, and early child bearing as causes of high population growth. In its judgment of 30.07.2003, Supreme Court included in family welfare, family planning also. In the context of Article 21 and 25 (fundamental rights and individual liberty), Supreme Court observed: "complacency in controlling population in the name of democracy is too heavy a price to pay, allowing the nation to drift towards disaster".

The introduction of the two-child norm is based on the assumption that its adoption by elected representatives, who are viewed as models, will inspire and encourage other people to follow their example in family composition. The attempt is thus seen as a step towards redefining the role of panchayati raj in population growth. It is often argued that two-child norm, if made applicable on about 35 lakh elected representatives of panchayat raj institutions, is likely to avert about 70 lakh births if each one on being married gives births to two children in 5 years span (Patnaik, 2005). The success of applying the two-child norm through PRIs further assumes that the law can make people to have small families thereby aspire for leadership positions and that the fertility decision to be made by aspiring candidates is independent of the sex of the children and that contraceptive methods and health services are equally available and affordable to ensure survival of children among all sections.

**Coverage of two child norm:** The Indian states which have adopted the two-child norm included Rajasthan, Madhya Pradesh, Himachal Pradesh, Haryana, Andhra Pradesh, Chhatisgarh, and Orissa. Rajasthan was first to introduce two-child norm in panchayats and municipalities. Rajasthan state was followed by Andhra Pradesh and Haryana introducing two-child norm in 1993. The state of Gujarat has introduced the two-child norm in 2006. The Orissa state introduced two-child norm for Zila Parishad in 1993 while for village and block level panchayats in 1994. Himachal Pradesh and Madhya Pradesh adopted the two-child norm in the year 2000. Himachal Pradesh adopted the two-child norm simultaneously with Madhya Pradesh but implemented it from a later date. The state of Chhatisgarh, which was created out of Madhya Pradesh, inherited two-child norm from Madhya Pradesh in November 2000.

The application of two child norm has received some set back owing to reconsideration by some states which had earlier adopted the norm. Madhya Pradesh has withdrawn the provision in 2005. Besides, Himachal Pradesh which enforced the provision of two-child norm from June 8, 2001, has also withdrawn the norm through a cabinet decision of 16.2.2005. In the golden jubilee year of Panchayat Raj, the Government of Rajasthan is also planning to remove the two child norm for people's representatives in Panchayati Raj institutions (Times of India, 21.05.2009) The bill seeking imposition of 2- child norm on MPs, pending in parliament for over a decade, was also withdrawn by the Union Ministry of Health and Family Welfare (Times of India, November 24, 2004).

In Rajasthan the two-child norm was introduced under Section 19(1) of Rajasthan Panchayati Raj Act, 1994 and a cutoff date of its application was specified as November 27, 1995. The provision was made applicable for members of PRIs, municipal bodies and government employees for promotion. The provision was implemented through district and block development panchayat offices.

In Madhya Pradesh, the provision of two-child norm was made under Section 36(D) of Madhya Pradesh Panchayati Raj and Gram Swaraj Act, 1993 and the cutoff date for its

application was prescribed as January 26, 2001. The provision was made applicable to members of PRIs, local bodies, mandis and cooperatives. The District Collectors was made responsible for implementing the provision. The provision as existed in MADHYA PRADESH Panchayati Raj and Gram Swaraj Act, 1993, section 36, sub-section 1 (D) was withdrawn vide Gazette notification No. 420 dated September 1, 2006.

Among the three sampled states, Gujarat was the last to introduce the provision of two-child norm under Gujarat Panchayats Act, 1993 under Section 30(1) (L). The cut off date for implementation was 4.08.2006. The provision was made applicable for the members of PRIs, Municipalities and local bodies.

**Process of implementation:** The two-child norm was formulated for aspirants to elected posts in panchayati raj institutions. Accordingly, a person having more than two living children born after specified date is not eligible for entry or continuance in panchayats. However, having more than two children does not attract disqualification on the date of coming into effect of the law introducing disqualification or up to the end of one year thereof if an additional child is not born thereafter.

The Process to disqualify a person begins only with the receipt of the complaint about the violation of the norm. In Madhya Pradesh the action to disqualify can be initiated by the complaint authority on his own. In Orissa, the complaint authority can initiate action on its own if violation of the norm is alleged at gram panchayat level. The complaint authorities in Andhra Pradesh and Orissa (PS & ZP) are Judicial Officers, while in other states they are executive officers.

The two-child norm in different states do not follow uniform pattern with regard to twins/triplets etc. In Rajasthan twins / triplets are considered as one unit and stillbirths are not counted as births. In Madhya Pradesh, the district collector is authorized to use his / her discretionary powers to take a decision in case of twins / triplets etc. In Andhra Pradesh, the Act is silent on twins / triplets and stillbirths. The Supreme Court considers twins / triplets as abnormal cases and holds that the law can not be applied on abnormal cases.

Under the two-child norm, a child given away for adoption is counted for disqualification in all states. The Supreme Court observed that “merely because the couple has parted with one child by giving away in adoption, the disqualification does not come to an end”.

The two-child norm introduced by states is intended not only for members of PRIs but also for urban local bodies, cooperatives and agricultural market committees.

**Incentives / Disincentives:** The states which adopted the two child norm at one stage or the other sought population control and stabilisation through incentives and disincentives such as enhancing minimum age of marriage, education about enacted legislation, preventing people with more than two children from contesting elections to PRIs or to hold office in panchayats, making the norm as minimum criteria for availing government facilities, denial of free education to the third child etc (Visaria, *et al* 2002). These states include Rajasthan, Madhya Pradesh, Haryana, Gujarat, Andhra Pradesh, Orissa and Himachal Pradesh.

The two-child norm was made applicable not only for contesting elections for or holding office in PRIs but also for entry and promotions of employees in public services. Two-

child norm is applicable also for the eligibility of persons to avail benefits of government welfare programmes and services.

Andhra Pradesh has introduced a series of incentives and disincentives. At the community level, performance in RCH and rates of couple protection will determine the construction of school buildings, public works and funding for rural development programmes. Performance in RCH is also to be made the criterion for full coverage under programmes like TRYSEM, DWCRA, Weaker Section Housing Scheme and Low Cost Sanitation Scheme. Allotment of surplus agricultural land, housing sites, as well as benefits under IRDP, SC Action Plan, and BC Action Plan are to be given in preference to acceptors of terminal methods of contraception. Educational concessions, subsidies and promotions as well as government jobs are to be restricted to those who accept the small family norm. Interestingly, a lottery with an award of Rs. 10,000 is to be given to three couples to be selected from every district on the basis of a lucky dip. The eligible include three couples per district with two girl children adopting permanent methods of family planning, three couples per district with one child adopting permanent methods of family planning and three couples per district with two or less children adopting vasectomy. The population policies of Uttar Pradesh, Rajasthan, and Madhya Pradesh also carry many of these features. All of them debar women with more than two children from contesting elections to the panchayati raj institutions. The Uttar Pradesh population policy also disqualifies persons married before the legal age of marriage from government jobs, as if children are responsible for child marriages. Further, 10 per cent of financial assistance to panchayats is to be based on family planning performance. Indeed, the assessment of the performance of medical officers and other health workers is linked to performance in the RCH programme. (Mohan Rao, 2003)

### **Implications of two child norm**

The experience from different parts of the country revealed that the application of two-child norm led to a large number of disqualifications or removal of PRI members, use of evasive techniques, and increased litigation, and suffering of the weaker sections and women. The cases of disqualification reported since election in 2000 in Rajasthan showed a total of 808 disqualifications of which 63% (508) were for violation of two-child norm. In Madhya Pradesh, total 2122 disqualifications were reported of which 54% (1140) were for violation of the two-child norm. Among those disqualified for violation of the two child norm in Rajasthan, the highest number was of panchayat members (390) followed by Sarpanches (96). The corresponding figures for Madhya Pradesh were 857 and 270. Visaria *et al* (2006) also reached more or less a similar conclusion in their study of Rajasthan and Madhya Pradesh.

In their analysis of data from five states, Visaria *et al* (2006) further noted that women form 41% of the respondents while their share in the panchayat membership is little over a one third; SCs, STs and OBCs form 80% of total respondents. Most respondents were from the age group of 21-49 years. In its study of 262 respondents from 21 districts in five states including Rajasthan and Madhya Pradesh during 2001-2002, Mahila Chetana Manch, an NGO from Madhya Pradesh noted 78% of those disqualified belonged to SCs/ STs/ OBCs; nearly half of them had annual income of less than Rs. 20000; 5% of disqualified persons belonged to age group 21-39, that defeated the very purpose of reducing the age from 26 years to 21 years for encouraging younger generation to participate in the PRIs elections (Buch, 2005a; 2005b; Patnaik, 2005a).

The group most adversely affected by the norm was that of women of active reproductive age group; it exempts older persons who have completed their families irrespective of number of the children. Rejecting the contention that the two-child norm would hurt women most as they are forced to bear a child if their husbands wanted to do so and thereby face disqualification, Supreme Court observed: “we do not think that with the awareness that is arising in Indian women folk, they are so helpless as to be compelled to bear a third child, even through they do not wish to do so”.

Besides, the two-child norm adversely affects entry and continuation of those very sections who entered in PRIs through reservation mandated by 73<sup>rd</sup> constitutional amendment. Thus, the measure introduced to ‘population control’ served to nullify the gains of the amendment. The studies have also shown that among those who were disqualified, young, males, poor and dalits (SCs, STs and OBCs) are far more in numbers than their counterparts. Besides, women were also disqualified in larger number in most states including Rajasthan and Madhya Pradesh.

The official circles, however, expressed disagreement with such an observation and argue that the norm is applicable to PRI aspirants of all castes, classes and gender and, therefore, is “bias-free”. The introduction of two-child norm in PRIs almost simultaneously with the guaranteed entry of SCs, STs and women in these institutions through 73<sup>rd</sup> constitutional amendment tended to link political aspirations and legally prescribed fertility choice.

The above observations are supported by the fact that 88 percent of SC and ST members of Panchayats were elected from reserved seats and majority of such members could not be re-elected when their seats were de-reserved in the next elections. The policy of reservation has motivated 43 percent of women representatives to contest their first election but withdrawal of reservation dissuaded 34 percent of them from reelection (Tiwari 2009)

Sharing the widely held view, then Lok Sabha speaker, Shri Somnath Chatterjee while delivering his Ninth J.R.D. Tata Memorial Oration on “Towards Population Stabilisation: Role of Good Governance” observed: “In view of the laws enacted by some states linking the two-child norm with the right to contest elections to the panchayati raj institutions, the majority of the population of these states are in effect deprived of their right to contest elections. Of the largest number of cases of disqualifications from contesting elections with reference to this law, women formed 41 percent of those disqualified, Dalits, Adivasis, and the OBCs (Other Backward Classes) formed an overwhelming 80 percent of those disqualified”.

Several cases disqualifications of members of panchayati raj institutions for violating two-child norm were initiated only after nominations were filed or elections were held. It is only when many were subsequently disqualified, provision became evident. But most of those who have already entered the panchayat raj institutions through the process of elections remained unaffected, for cases filed against them are prolonged in courts and stay orders are somehow secured that allowed such members to complete their tenure.

Regarding adverse effects of the norm on women members. Patnaik (2005a), based on a Bhopal study, contends: “...about 40 percent of all candidates were involved in legal

*processes and 50% of them belonged to scheduled castes and 38% to backward castes women only. In Orissa, 55% and in Andhra, 48% of the cases constituted women only... There were enough evidence that women were getting discouraged in view of long drawn court cases, enquiries, and mental trauma resulting from the dilemma between continuing in the elected post and a simultaneous desire for a son and a large family... This state of situation defeats the very intent of the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments that attempt to facilitate and encourage entry of women across class and caste into panchayats and urban bodies"*

The experience of the functioning of panchayati raj and the evidence relating to the application of two-children norm amply suggest the use of several techniques to evade disqualifications or to get elected or to continue to hold office in panchayati raj institutions: (a) avoid registration of many cases of child births; (b) those who register the birth rarely provide evidence of actual date of birth; (c) the manipulation of the date of birth due to wide prevalence of home deliveries; (d) denial of paternity of the third child, (e) shifting of spouse temporarily or going for remarriage, and (f) if disqualified, action is contested by providing false sterilization certificate (Patnaik 2005a; Visaria et al 2006). Besides, the husbands for retaining their elected seats in PRIs tended to resort to such measures as abandonment of wife, denial of having fathered the child, desertion of pregnant wife, and abortion particularly in cases where foetus is of a girl though incidence of desertion of the wife, and giving away the child in adoption are sporadic. Moreover, people file wrong affidavits stating that they have only two or less children but in fact they have more (Visaria et al, 2006).

Studies have thrown light on the question whether the disqualifications of PRI members are all due to the violation of two-child norm? Data showed that this has not been the case. However, in majority of the cases of disqualifications of PRI members, violation of the two-child norm was the main cause: their share was 54% in Madhya Pradesh, 68% in Chhattisgarh, 63% in Rajasthan and 87% in Haryana.

There are, however, many others who despite violation of the two-child norm were not disqualified mainly because of the use of methods and techniques to evade disqualification rather than meeting the conditionality of the law about family size and without moving away from strong son preference. One important area of concern was the desertion of women. Other areas of concern noted in the interviews and case studies were: (i) hospital admission for delivery under wrong name, neglect and death of female infant; (ii) cases of desertion and bigamy; (iii) cases of pre-natal sex determination and induced abortion of female foetus whereas having a son was seen as far outweighing than the benefits of being a panchayat representative; (iv) seeking abortion at advance stage of wife's pregnancy; (v) children given away in adoption; (vi) allegations of infidelity, denial of paternity of the third child; and (vii) women exposed to violence from their opponents which included physical and psychological violence followed by complaints of violation of the two-child norm. (Buch, 2005)

**Public Response:** The two child norm is viewed as violative of human rights and against the policy of informed responsible choice for family size. The restrictive provision is leading to malpractices like desertion of women, sex selection test, female foeticide and neglect of girl child. It will particularly discourage young women and disadvantaged sections from entering the Panchayats (TFPR, RGF 1997)

The National Population Policy 2000 does not envisage the application of 2-child norm; rather it lays stress on improvement in the quality of life and family planning services. The central government decided to deal with the problem of population stabilisation from the standpoint of reproductive rights and health and introduced the programme of reproductive child health (RCH). Seeking imposition of 2- child norm on members of elected bodies from parliament to panchayat in accordance with the above policy approach, the bill, pending in parliament for over a decade, was withdrawn in recognition of the same right (Times of India, November 24, 2004).

A memorandum, 36 prominent individuals from representative organisations submitted to the Union Minister, laid stress on the point that the two-child norm was inconsistent with the NPP 2000 and adversely affected women, Dalits and weaker sections of society without serving the purported intent of achieving population stabilisation and urged him to move Supreme Court for review of its judgment of July 20, 2003.

In a memorandum submitted to the Prime Minister, 15 leading organisations from Haryana, Andhra Pradesh, Rajasthan, Chhattisgarh, Madhya Pradesh, and Orissa (including center for Women's Development Studies (CWDS), the All India Democratic Women's Association, the Delhi Science Forum, the Jan Swasthya Abhiyan, the National Federation of Indian Women and the Medico Friends Circle), pointed out that the full burden of population control has been placed on women and the fundamental rights of women and children, especially girls, have been violated.

**Intervention by courts:** Andhra Pradesh High Court examined three petitions submitted before it against Section 19(3) of the Panchayati Raj Act, 1994 which disqualifies persons having more than 2 children from holding post in PRIs and ruled that the Section 19(3) of the said Act neither violates the principle of equality nor citizen's right in matter of procreation.

The Haryana High Court forwarded to the Supreme Court two separate writ petitions challenging the constitutional validity of section 1-15(1) of Haryana Panchayati Raj Act, 1994, which disqualifies persons with more than 2 children from contesting PRI elections. Over 200 similar petitions were also pending before the Supreme Court for decision.

The Supreme Court delivered two judgments on the question of disqualification of a person to contest panchayat election for having more than two children. The first was Javed and others v/s state of Haryana and others (2003 SSC 396) and the second was Rameshwar Singh and others v/s state of Haryana and others. In the first case, the Court held: "The disqualification contained in the Act is neither arbitrary nor discriminatory..... Disqualification seeks to achieve socio-economic welfare, and health care of the masses and is consistent with national population policy... Disqualification on the right to contest an election by having more than 2 living children does not contravene any fundamental right". The second case where Section 175(1) (q) and Section 171(1) of Haryana Panchayati Raj Act, 1994 was challenged as being violative of Article 25 and 26 of the constitution, the Supreme Court held that "Said condition is not arbitrary and disqualification is based on intelligible differentia having rational relation to the objects sought to be achieved".

The three-Judge bench of the Supreme Court Bhan and Arun Kumar while commenting on the disqualifying clause of Haryana Panchayati Raj Act, 1993, observed: “Disqualification on the right to contest an election for having more than two-children does not contravene any fundamental right, nor does it cross the limits of reasonability. Rather, it is a disqualification conceptually devised in the national interest”.

The Bench also rejected the contention that the provision was discriminatory as it did not apply to other states. The Bench held that if such a submission were accepted, it would violate the autonomy given to the Center and the States within their respective fields under the constitutional scheme. Citing previous judgments of the Supreme Court, it observed that the implementation of a policy decision in a phased manner was suggestive of neither arbitrariness nor discrimination (Lalit Narayan Mishra Institute of Economic Development and Social Change, Patna etc V/S the state of Bihar and Orissa, 1998).

About the argument that the provision of two-child norm interferes with the freedom of religion and hence violative of Article 25 of the constitution. The judges held that it may be permissible for Muslims to enter into four marriages with four women and for anyone, whether a Muslim or belonging to any other community or religion, to procreate as many children as he likes, but no religion in India dictates or mandates as an obligation to enter into bigamy or polygamy or to have children more than one. “If anyone chooses to have more living children than two, he is free to do so under the law as it stands now but then he should pay a little price and that is of depriving himself from holding an office in panchayat in the State of Haryana. There is nothing illegal about it and certainly no unconstitutionality”, the three-judge Bench noted.

Thus, the application of two-child norm in a patriarchal social framework has tended to weaken the position of women rather than empowering them as envisaged in 73<sup>rd</sup> Constitutional Amendment. The mechanisms used by male members to evade disqualification on account of violation of two-child norm also bring sufferings for women in several ways. Failure to comply with the two- child norm deprives people also from government facilities and free education of third or subsequent children. The norm has weakened the position of weaker sections also specially SCs and STs. The systematic studies of the effects of two- child norm on women in Scheduled Areas are rarely undertaken across caste, class, gender and region with the focus on three states which introduced two child norms at one point of time or the other. In fact the subject of two child norm and its implications did not receive attention it deserves in the wake of excitement generated by 73rd constitutional amendment providing one third reservation for SCs, STs and women. In addition, earlier multi-state studies on the subject were based on a very small sample quite inadequate to draw inferences about the whole gamut of the multi dimensional problem. Lack of relevant data was also reported in almost all studies undertaken on the subject. (Buch 2005, Patnaik 2005a, Visaria *et al*, 2006). The comparative studies of the problem are all the more conspicuous by their absence. This study was, therefore, designed to meet these research gaps to a certain extent.

## **Objectives of the study**

The study was designed to meet the following specific objectives:

1. To study the profile of men and women contesting and holding offices in PRIs in selected states.

2. To find out the incidence of violation of two child norm by men and women contesting and holding office in PRIs in selected states.
3. To examine the cases of men and women facing/ faced action for violating two-child norm in selected states.
4. To identify the process of disqualifications initiated against PRI members for violating two-child norm, grounds used/ being used against men and women and their effects on women panchayat members and non-members in selected states.
5. To study the awareness and perceptions of men and women contesting and holding office in PRIs in selected states about the application of two-child norm.
6. To orient men and women contesting and holding office in gram panchayats about two child norm and its application, and consequences of its violation.

For carrying out the study on the above lines, reliance was placed mainly on the information made available by present as well as past PRI members partly due to non availability of relevant data with the official agencies. The study covered PRI members disqualified and facing disqualification and spouses or family members of such members. The secondary data about the sampled states, wherever available were also used. Based on existing awareness level about the two child norm, orientation programme was organised and the improvement made by the PRI members assessed. In addition the problems were studied in the context of selective socioeconomic factors known to influence human behaviour.



## CHAPTER II

# METHODOLOGY

The present study is exploratory in nature and based mainly on primary data gathered from elected members of panchayati raj institutions, both present and past, including those disqualified or facing disqualifications on account of violation of two-child norm.

### Locale:

The study was carried out in the Scheduled Areas of the states of Rajasthan, Madhya Pradesh and Gujarat. These are the states where two child norm was made applicable at one point of time or the other.

### Districts/ Zila Parishads/ Zila Panchayats:

All the districts covered by Scheduled Areas in each selected states are listed and arranged according to concentration of tribal population in descending order. From the lists, two districts with relatively highest concentration of tribals were randomly selected for the purpose. The district level panchayati raj bodies functioning in the sampled districts were included in the study (Table 2.1).

### Blocks/ Panchayat samities/ Talukas/ Janpad Panchayats:

One block/ tehsil/ taluka from each selected district with relatively highest concentration of tribal population was selected for the study and block/ tehsil/ taluka level panchayati raj body functioning there was included in the sample.

### Gram Panchayats:

Four gram panchayats from each sampled block/tehsil/taluka - two near the block/tehsil/taluka headquarters (within 15 kms distance) and two distantly located (beyond 25 kms distance) were randomly selected.

**Table 2.1**  
**Sample of PRI units and their representatives**

S. No.	Description	State-wise sample			Total
		Rajasthan	Madhya Pradesh	Gujarat	
(a)	<b>PRI Units</b>				
1	<b>District Panchayats</b>	Udaipur Dungarpur	Dhar Khargone	Surat The Dangs	<b>6</b>
2.	<b>Block / Taluka/ Janpad Panchayats</b>	Kherwara Sagwara	Nalchha Bhagwanpura	Mandvi Ahwa	<b>6</b>
3	<b>Gram Panchayats</b>	Barothi Brahmanan	Nalchha	Badtal	<b>24</b>

S. No.	Description	State-wise sample			Total
		Rajasthan	Madhya Pradesh	Gujarat	
		Asariwara	Lunhera	Gangapur	
		Masaron ki Ovri	Bhadkya	Isar	
		Khandi Ovri	Aamkho	Devgarh	
		Garajhoom Ji	Bhagvanpura	Padil Khadi	
		Samaliya	Dewada	Pimpri	
		Bhasor	Pipaljhopa	Singana	
		Kokapur	Banher	Pandava	
<hr/>					
(b)	<b>PRI members:</b>				
(i)	<b>Present</b>				
	a) Distt. Panchayat members	64	34	45	<b>143</b>
	b) Block / Taluka / Janpad Panchayat members	54	37	44	<b>135</b>
	c) Village Panchayat members	84	109	100	<b>293</b>
	<b>Sub Total</b>	<b>202</b>	<b>180</b>	<b>189</b>	<b>571</b>
(ii)	<b>PRI members: Past</b>				
	a) Distt. Panchayat members	34	16	20	<b>70</b>
	b) Block Panchayat members	28	18	23	<b>69</b>
	c) Village Panchayat members	42	44	44	<b>130</b>
	<b>Sub Total</b>	<b>104</b>	<b>78</b>	<b>87</b>	<b>269</b>
	<b>Grant Total</b>	<b>306</b>	<b>258</b>	<b>276</b>	<b>840</b>

## The Respondents

The information for the study was obtained from three main categories of respondents:

- (1) Elected members of PRIs who continued to hold panchayat posts in present as well last term of the panchayats.
- (2) Elected members of PRIs, present and past, whose continuation on panchayat posts was challenged and who were subsequently disqualified or facing disqualifications.
- (3) Spouses or family members of the elected PRI members who were disqualified or facing disqualifications.

Besides, the problem was studied from the point of view of complainants also.

### PRI members holding office: present and past:

The details of PRI members holding panchayat posts and remain unaffected by disqualifications during present and past panchayat terms are provided in Table 2.1. It is

assumed that holding of panchayat posts covers an act of contesting panchayati raj post as well for one can come to occupy panchayat post without contesting panchayat election.

As can be seen, the sample for the study covered six district level panchayats- two from each states, six block/ Janpad/ taluka panchayats-one from each district, and 24 gram panchayats-four from each block/ Janpad/ taluka panchayat. In all 840 PRI members were covered by the study- 571 present and 269 past members. The further distribution of present members indicated 143 from district level panchayats, 135 from block, taluka level panchayats and 293 from village level panchayats. The respective numbers of past members were: 70, 69 and 130. The highest number of respondents both present and past were from Rajasthan.

From each sampled panchayati raj unit, all the members presently holding office and available at the time of data collection were included in the study. Likewise, past members of each such units were also included in the study depending upon their availability at the time of data collection. The details of the respondents as per panchayati raj unit are shown in Table 2.2

**Table 2.2**  
**Distribution of PRI units and their representatives by states, districts, blocks and villages**

Distribution of PRI units and their representatives by States, districts, blocks and villages										
S. No.	States	Districts	Blocks / Talukas	PRI Units	Present PRI Members	Past PRI Members	Total PRI Members			
1	Rajasthan	Udaipur	Kherwara	Barothi Brahmanan (GP)	10	8	18			
				Asariwara (GP)	10	3	13			
				Masaron ki Ovri (GP)	10	4	14			
				Khandi Ovri (GP))	13	4	17			
				Kherwara (PS)	29	15	44			
				Udaipur (ZP)	38	20	58			
				District Total				110	54	164
	Dungarpur	Sagwara								
				Gara jhoom Ji (GP)	12	6	18			
				Samaliya (GP)	12	6	18			
				Bhasor (GP)	9	6	15			
				Kokapur (GP)	8	5	13			
				Sagwara (PS)	25	13	38			
				Dungarpur (ZP)	26	14	40			
				District Total	92	50	142			
				State Total	202	104	306			
2	Madhya Pradesh	Dhar	Nalchha	Nalchha (GP)	17	6	23			
				Lunhera (Gp)	10	6	16			
				Bhadkya (GP)	12	5	17			
				Aamkho (GP)	8	5	13			
				Nalchha (JP)	18	10	28			
				Dhar (ZP)	13	9	22			
				District Total				78	41	119
	Khargone	Bhagvanpura								
				Bhagvanpura (GP)	11	5	16			
				Dewada (GP)	21	7	28			
				Pipaljhopa (GP)	19	5	24			

S. No.	States	Districts	Blocks / Talukas	PRI Units	Present PRI Members	Past PRI Members	Total PRI Members
				Banher (GP)	11	5	16
				Bhagwanpura (JP)	19	8	27
				Khargone (ZP)	21	7	28
				<b>District Total</b>	<b>102</b>	<b>37</b>	<b>139</b>
				<b>State Total</b>	<b>180</b>	<b>78</b>	<b>258</b>
<b>3</b>	<b>Gujarat</b>	<b>Surat</b>	Mandvi	Badtal (GP)	17	6	23
				Gangapur (GP)	14	7	21
				Isar (GP)	20	4	24
				Devgarh (GP)	15	4	19
				Mandvi (TP)	21	12	33
				Surat (ZP)	28	10	38
				<b>District Total</b>	<b>115</b>	<b>43</b>	<b>158</b>
		<b>Dang</b>	The Dangs	Padil Khadi (GP)	8	7	15
				Pimpri (GP)	10	7	17
				Singana (GP)	8	5	13
				Pandava (GP)	8	4	12
				The Dangs (Ahwa) (TP)	23	11	34
				Dang (ZP)	17	10	27
				<b>District Total</b>	<b>74</b>	<b>44</b>	<b>118</b>
				<b>State Total</b>	<b>189</b>	<b>87</b>	<b>276</b>
			<b>Grand Total</b>		<b>571</b>	<b>269</b>	<b>840</b>

Index: GP = Gram Panchayat; PS/ JP / TP = Panchayat Samiti / Janpad Panchayat / Taluka Panchayat; ZP = Zila Parishad / Zila Panchayat

The distribution of sampled PRI units and elected representatives by state, district, block and villages, as shown in Table 2.2, the highest number of present PRI members was drawn from Surat district in Gujarat (115) followed by Udaipur in Rajasthan (110). The past PRI members drawn from Udaipur was highest (54) followed by Dungarpur (50) among all the districts. When PRI members holding panchayat posts now or in the past are taken into account, Udaipur district is on the top with 164 members followed by Surat with 158, the next highest number.

Besides the PRI members presently holding panchayat posts or held such posts in the past covered by this study, which appear adequate, those affected by disqualifications are also covered under the study. However, their number remained grossly inadequate for several reasons: (a) near absence of such cases in PRI units covered by the sample, (b) non-availability of state level data on the subject; and (c) non-response or delay in providing relevant information even under Right to Information (RTI). The responses of the competent authorities, who were approached for obtaining information about disqualification of PRI members of the sampled units are summarised in Table 2.3.

*RTI: Evasive techniques used prevent supply of information sought:* The commissioner, Dep't of Panchayat, and Rural Development Govt of Madhya Pradesh was approached 18.6.2009 to provide District-wise information about PRI members disqualified and

facing disqualification in the state under two-child norm. But instead furnishing requisite information about disqualifications of PRI members during the period the relevant law remained effective, it was stated that the law has since been withdrawn.

The Development Commissioner, Govt of Gujarat was approached on 19.6.09 to furnish relevant information about violation of the two-child norm and consequent disqualification of PRI members in the state. In his reply it was stated that they information on the subject are available with concerned talukas/districts and the same can be obtained by making separate request.

**Table 2.3**  
**Information sought/ received under RTI about disqualification**  
**of PRI members in study area\***

S. No.	State/ District	Authorites approached/ supplied information	Date of request	Whether reply received	Information received about members	
					Disqualified	Facing disqualification
<b>1</b>	<b>Rajasthan</b>					
(a)	State	Secretary, Deptt. of PR	21.4.2009	YES	2001 Election: YES 2005 Election: YES	Nil Inf. Nil Inf.
(b)	Dungarpur	Chief Executive Officer, Z.P.,	29.7.2008 18.2.2009	YES --	Nil Inf. --	Nil Inf. --
(c)	Udaipur	Addl.Chief Executive Officer Z.P.	16.4.2009	YES	2005 Election: YES 2000 Election: No	No No
<b>2</b>	<b>Madhya Pradesh</b>					
(a)	State	Commissioner, Deptt of Panchayat and Rural Dev.	5.6.2009 16.7.2009	YES on No	2000 Election: No 2005 Election: No No	No No No
(b)	Khargone	Chief Executive Officer Zila Panchayat	16.3.2009 8.4.2009	YES YES	YES YES	No YES
(c)	Dhar	Chief Executive Officer, ZP	9.3.2009 27.5.2009	YES YES	NIL YES	No No
<b>3</b>	<b>Gujarat</b>					
(a)	State	Development Commissioner	19.6.2009	YES	No; asked to apply to each taluka/districts separately	NA
(b)	Surat	Public Information Officer, surat	2.7.2009	No	NA	NA
(c)	The Dangs	Public Information Officer, Ahwa, Dang	2.7.2009	No	NA	NA

*\*The role of RTI in securing relevant information is enutralized by using evasive techniques by the concerned officers.*

Besides PRI members, both present as well as, other categories of respondents were also studied to have their perspectives of the problem, These are PRI members affected by disqualifications, disqualified as well as those facing disqualification, and those associated with such members particularly spouses/family members and complainants. The details of these groups from whom data relating to the problem were obtained are summarised in Table 2.4.

As complete list of PRI members disqualified or facing disqualification was not made available, a representative sample could not be drawn for the study. The reliance was therefore placed on different sources to identify PRI members disqualified or facing disqualification which included RTI, representatives of supporting NGOs and PRI

members themselves. These efforts were made by the members of the research team in all the sampled states/study areas. This has helped us in identifying in all 34 cases of disqualifications of PRI members from the sampled states, besides, 17 cases of those facing disqualifications. The details of these are provided in Table 2.4.

**Table 2.4**  
**Distribution of PRI members affected by disqualification and their spouses/family member**

S.No	Description	Rajasthan	M.P.	Gujarat	Total
<b>1</b>	<b>PRI members</b>				
(a)	Disqualified	13	17	4	34
(b)	Facing disqualification	7	10	NA	17
<b>2</b>	<b>Spouses/family member</b>	15	20	4	39
<b>3</b>	<b>Complainants</b>	18	2	3	23

As can be seen, 51 PRI members affected by the process of disqualifications were identified from different sources including RTI. Of these, a majority was disqualified and 17 of them were issued show cause notices for violating the two child norm. Cases of both, disqualifications and those facing disqualification, were more from Madhya Pradesh than from Rajasthan. The cases from Gujarat were lowest. The state differences in this connection were due mainly to the involvement of the state department of Panchayati Raj in Madhya Pradesh which sought information on the subject from each PRI unit and the information it received indicating the extent of violation of the two child norm. This was followed by issuance of show cause notices and subsequent disqualifications of some of them.

**Case studies:** In addition some cases of disqualifications of PRI members were identified from different states for in-depth study. Among such cases seven were from Rajasthan to from Madhya Pradesh and three from Gujarat. Such case studies are presented in Annexure 5:

#### **Spouses/ family members:**

While the views of PRI members disqualified or facing disqualifications are important, their spouses and family members do not remain unaffected. Such persons were also included in the study to understand their reactions about the actions initiated against their spouses/family members on account of violation of the two child norm and consequent disqualification. In all 28 such persons were included in the study and their views obtained on the subjects.

#### **Study Tools**

In order to do justice to the comprehensive nature of the study and to meet the objectives, four types of study tools were developed, pretested and employed for data collection:

1. Interview Schedule I (for PRI members)
2. Interview Schedule II (for spouses/family members of the PRI member affected by disqualification)

3. Interview Schedule III (for persons filing complaints about the violation of two child norm by PRI members)
4. Case Study Guide (for the PRI members disqualified/facing disqualification for violation of the norm).

The part III of the interview schedule I covers questions on “awareness about two-child norm, its provisions and implications” intended to assess the awareness level of PRI members. A check list containing same set of questions was again administered among present PRI members to ascertain level of improvement after orienting them on the subject. For this purpose, 30 specific items of information were selected covering the whole subject of two-child (Annexure I) and each item was assigned 1 score point. The maximum score that one can secure is 30. Based on the actual scores obtained, the respondents were grouped into five level of information: 0-5 (very low), 6-10 (low), 11-15 (moderate), 16-20 (high) and 21 & above (very high).

### **Data collection**

As the sample area was spread in three different states, the fieldwork was carried out in stages during August 2008 – February 2009. The members of three levels of panchayati-raj institutions were personally interviewed with the help of interview schedule I. The purpose of the study was clearly explained and it was ensured that the feelings of the PRI members are not hurt. In this connection, the help of persons associated with local NGOs working in the area of rural development and panchayati-raj and having rapport with people was taken.

**Phases in the study:** The data collection work for the study was undertaken in three main phases:

- i) **Preparatory phase** during which earlier studies were reviewed, study tools were developed, pre-tested and modified and printed; members of research team were; selected and trained and sample districts, blocks/tehsils/talukas and gram panchayats, both nearby and distantly located, were drawn.
- ii) **Data collection** phase during which members of research team were sent to different locations. Owing to spread of sample in three states, contacts and rapport were established and data were collected in different stages, Pre orientation assessment of awareness level about two-child norm was also made alongwith data collection phase.
- iii) **Respondents' orientation phase** during which present PRI members were acquainted about different aspects of two-child norm through the use of talks, group discussions and write up. Local language was used to convey main attributes of the two child norm as applicable /was applicable in respective states. This was followed by administration of check list to assess the post-orientation level of awareness of present PRI members about the two child norm and improvements made therein.

Data obtained have helped us in analyzing the awareness and perceptions of members holding office in PRI institutions as also those disqualified or facing disqualifications. The study has taken into account also the experiences and opinions of PRI members about

two-child norm, violation thereof, and consequences. The case studies were also conducted of those who were disqualified or facing disqualification for violating the norm.

Data obtained from PRI members, both present and past, were edited coded and fed into the computer for tabulation and analysis. Statistical techniques such as two way tables, percentages, mean values, chi square test and t-test were employed to analyze data and to draw comparisons and inferences. For this purpose, changes in mean score were converted into percentages wherever considered proper.

### **Operationalisation of Terms:**

**Panchayati raj institutions:** A three tier system of self-governing institutions of elected representatives as created at village, block/ taluka/ janpad and district levels empowered with autonomy and resources with constitutionally mandated reservations for SCs, STs, OBCs, and women under the Constitution (Seventy Third Amendment) Act 1992 which came into effect on 24.4.1993.

**Two Child Norm:** A provision of the state panchayati raj Act accordingly to which a person having more than two living children after the date specified in the relevant state Act is not eligible for entry or continuance in panchayati raj institutions, the specified date being November 27, 1995 in Rajasthan, January 26, 2001 in Madhya Pradesh and August 4, 2006 in Gujarat. Having more than two children does not attract disqualification on the date of coming into effect the law introducing this qualification or upto the end of year thereof if an additional child not born thereafter.

**Membership level:** Three levels of membership of PRIs were considered in the study: members of gram panchayat; member of block/taluka/janpad panchayat, and members of district level panchayat.

**PRI Membership period:** For the purpose of the study, two types of membership period of the respondents were taken into account: Present members ie presently holding panchayat posts: past members ie. members who held panchayat post in the previous panchayat tenure.

**Age:** From the point of view of the study, three main age groups of the respondents were identified: upto 30 year; 31-50 years and 51 years and above.

**Education:** Five main educational levels of the respondents were identified; illiterate, primary educated; secondary pass, higher education (UG and above) and trained. Adjoining groups were merged wherever considered necessary for analysis of data.

**Family Type:** Two broad types of family structure were identified: joint family and nuclear family.

**Marital Status:** The respondents were grouped into four main categories based on marital status: married, unmarried, widow/widower and deserted/divorced.



**Number of children:** As the study relates to a law based on the number of children couple has, the respondents were grouped into four categories: no child; upto 2 children; 3-4 children and 5 and more children.

**Highest Family education:** The highest family education was conceptualised into three levels: upto primary; secondary; and higher education/trained.

**Caste Status:** Four main divisions of caste were conceptualised for the study: General, Scheduled Castes, (SCs). Scheduled Tribes (STs) and Other Backward Classes (OBCs).

**Main family occupation:** Seven main occupations were identified: agriculture, labour, service, shop/ trade; industry/ handcraft; workshop and others.

**Income category:** Two broad income groups were identified for the purpose of the study: Below the Poverty Line (BPL) and non- BPL.

**Urban Proximity:** Two broad levels of urban proximity based on the distance from nearest urban centres were conceptualised: High (within 15 kms of the urban centres and Low (25 kms or beyond of urban centres).

### **Limitations:**

The most serious limitations of the present study were the non-availability of state level data of PRI members who were disqualified for violating two child norms or facing disqualifications. Owing to the lack of systematic database, the information about PRI members disqualified or facing disqualification was not made available. In fact, no Government department maintains such a systematic list disaggregated by caste, gender and region. This is attributed to the fact that two-child norm was not treated as a programme and hence they do not generate and maintain record (Visaria *et al* 2006)

Besides, the norm was made applicable in three states at different points of time i.e. 1995, 2001 and 2005 as also non availability of information about cases formally instituted against violation of two-child norm in the study area. The problem gets further compounded by failure of the administration to take action against those who though violated the norm but did not face disqualification.

The information about the use of evasive techniques to avert disqualifications such as getting wives aborted, undergoing pre-natal sex determination test and resultant abortion of female foetus is of sensitive nature which could not be obtained easily in view of reluctance of the respondents and hence the number of respondents using such techniques remained small.

As the concerned government departments could not provide a complete list of disqualified PRIs members, a representative sample could not be drawn. In absence of a defined universe for the study, we had to rely on the information made available by the village influentials, local officials, PRI members and NGOs having some information about PRI members who violated the two-child norm and were disqualified or facing disqualifications, In absence of systematic database, the adverse effects on SCs/STs, OBCs and women also could not be systematically assessed Even the information sought on the subject under RTI also could not help much in overcoming such limitations.

## CHAPTER III

# SAMPLE PROFILE

### Area Profile

**States:** The study was carried out in Rajasthan, Madhya Pradesh and Gujarat with six districts six blocks/ talukas and 24 villages. Area profile of the sampled states, districts and blocks/ talukas is provided in table 3.1.

As can be seen, among the three states, Madhya Pradesh is more populous than others but house-holds size is smaller in Gujarat than in other sampled states. Likewise, urbanization is also comparatively higher in Gujarat followed by Madhya Pradesh. The three states differ also in their share of Scheduled Castes (SCs) and Scheduled Tribes (STs) in the state population. While Rajasthan has greater concentration of SCs, concentration of tribal population is more in Madhya Pradesh. With regard to sex ratio, the three states do not differ markedly. However, sex ratio for SCs and STs differed from state to state: SC sex ratio higher in Madhya Pradesh closely followed by Gujarat. The literacy rate was found highest in Gujarat followed by Madhya Pradesh. With regard to work participation rates, states ranged between 42 and 43 percent.

**Districts:** Among the six sampled districts, Surat is most populated with about 50 lakhs people followed by Udaipur with over 26 lakhs people. The Dangs is the least populated district with nearly 1.87 lakhs population. The population of remaining districts ranged between 11 and 17 lakhs. The house-hold size of all the six districts ranged between 5 and 6. It is striking to note that the districts differ greatly in urbanization which ranged between 0 for the Dangs to 60% for Surat. The urbanization of the remaining districts ranged between 15% and 19%.

Being part of Scheduled Areas, the share of STs in district population is much higher than all other caste groups i.e. the highest being in the Dangs (94%) followed by Dungarpur (65.1%) and Dhar (54%). Conversely, the representation of SCs in total district population remained below 6% in all the districts except in Khargone district where they constitute 11% of the total district population. The sex ratio among the six sampled district, was highest for Dungarpur at 1022 followed by the Dangs at 987; the lowest was for Surat at mere 835. In remaining districts, sex ratio ranged between 949 and 971. It is gratifying to note that the sex ratio for STs in all the districts remained higher than that overall sex ratio.

The sampled districts differed greatly also in terms of overall literacy rates, the highest being 75 for Surat and the lowest being 49 for Dungarpur. The literacy rate for the remaining districts ranged between 52 and 63. No marked differences were noticed among districts with respect to work participation rates which varied between 42 and 50. It is interesting to note that two districts with highest concentration of tribal population had higher work participation rates; these were the Dangs and Dungarpur.

**Blocks/Talukas:** Among six sampled blocks/talukas, three have population above 2 lakhs, the highest being 4.52 lakhs in Nalchha in Dhar district (MADHYA PRADESH)

and the remaining blocks/talukas had a population below 2 lakhs, the lowest being in Bhagvanpura of Khargone district. The household size in Bhagvanpura also remains highest at 7 while it ranged between 5 and 6 in other blocks/talukas. Glaring inequalities between sampled blocks/talukas are evident with respect to scale of their urbanization. While three blocks/talukas are totally rural, namely, Bhagvanpura, the Dangs and Mandvi, the urbanization of the remaining three blocks/talukas, namely, Kherwara, Sagwara and Nalchha, ranged from mere 5.5% (Kherwara) to 35.2% (Nalchha).

The scheduled area status of the sampled blocks/talukas is reflected also in respective share of tribals in their total population. While four of the sampled blocks/talukas had over three-fourths of their population as tribals (ie The Dangs, Bhagvanpura, Mandvi and Kherwara), Sagwara and Nalchha had ST population of 54.5% and 35% respectively.

**Table 3.1**  
**Profile of Sampled States, Districts and Blocks/ Talukas**

S. No.	Description States	Total Population {in lakhs}	Household Size	Urban Population (%)	SC Population (%)	ST Population (%)	Sex Ratio	Sex Ratio (SCs)	Sex Ratio (STs)	Literacy Rate (%) Total	Work Participation Rate (%)	Non Workers (%)
<b>a)</b>	<b>States</b>											
1	Rajasthan	565.07	6.0	23.40	17.2	12.6	921	913	944	60.4	42.1	58
2	Madhya Pradesh	603.48	6.0	26.50	15	20	919	905	975	64	43	57
3	Gujarat	506.71	5.0	37.40	7	15	920	925	974	69	42	58
<b>(b)</b>	<b>Districts</b>											
1	Udaipur	26.33	5.0	18.60	6.0	47.9	971	951	985	59	42	58
2	Dungarpur	11.08	6.0	7.30	4.2	65.1	1022	992	1028	49	48.0	52.0
3	Dhar	17.40	6.0	16.60	6.0	54.0	955	953	981	52	47	53
4	Khargone	15.30	6.0	15.40	11.0	35.0	949	941	976	63	46	54
5	The Dangs	1.87	5.0	0.00	0.0	94.0	987	985	995	60	50	50
6	Surat	49.95	5.0	60.00	3.0	28.0	835	946	989	75	44	56
<b>(c)</b>	<b>Blocks / Talukas</b>											
1	Kherwara	2.69	6.0	5.50	4.2	75.3	998	979	1005	57	43	57.2
2	Sagwara	2.87	5.0	13.10	5.5	54.5	1048	1008	1042	52	43	56.5
3	Nalchha	4.32	6.0	35.20	9.0	35.0	902	NA	NA	61	41	59
4	Bhagvanpura	1.49	7.0	0.00	3.0	82.0	984	NA	NA	37	47	53
5	The Dangs	1.87	5.0	0.00	0.0	94.0	987	985	995	60	50	50
6	Mandvi	1.86	5.0	0.00	3.0	76.0	983	943	1002	59	54	46

*Source: Downloaded from website: [www.censusindiaonline.com](http://www.censusindiaonline.com)*

The overall sex ratio of the sampled blocks/talukas was generally found very high ie 983 or above except that of Nalchha with sex ratio of 902. The sex ratio among tribals was found still higher so much so that half of them had sex ratio over 1000.

As regards literacy rate is concerned, all the blocks/talukas had literacy rates ranging between 52 and 60 except Bhagwanpura which had literacy rate of only 37%. The blocks/talukas differed greatly also with respect to work participation rates which ranged between 41 and 54. The highest work participation rate was noticed among those blocks/talukas which had relatively higher concentration of tribal population.

**Village Profile:** As indicated earlier, four villages from each of the sampled blocks/talukas were selected for the study. Thus, 8 villages from each state for a total of 24 villages formed the lowest unit of the present study from which PRI members were selected. The population and development profile of these villages as per state is shown in Table 3.2

**Rajasthan villages:** The geographical area, number of households and population composition of 8 villages of Rajasthan, as shown in Table 3.2 (a), present a contrasting picture. The smallest village is Garajhoomji with only 235 hectares land area, 183 households and a population of 988. In contrast, Masaron ki Ovri, though second largest in land area, has highest number of household (647) as well as population (3679). In land area, Bhasor is largest. Of 8 villages, 3 have a population of over 2000 while the population of 4 others ranged between 1000 and 2000. Except two, all the villages are tribal dominated with very low representation of scheduled castes. Samaliya and Kokapur in Dungarpur district are villages relatively with very low concentration of tribals.

The overall sex ratio of the sampled villages ranged between 974 to 1184. The sex ratio is favourable to women in all the villages except two. Comparatively, the sex-ratio among Scheduled Tribes was found higher than that of scheduled castes in most of the sampled villages. Except in two villages, the sex ratio among tribals was found highly favourable to women (over 1000 in each case).

The villages vary greatly with respect to educational facilities also. While all villages have atleast one primary school and with one exception, middle schools also, only four villages have secondary/senior secondary schools. While four villages have 3 or more such institutions, others house upto two such institutions.

The villages are poorly equipped with the health facilities. While each of the five villages have some health centre or sub –centre, the remaining three have no such facilities and none of the villages have maternity or family welfare centre. While all the villages have handpumps, tap water is available only in two villages; other sources such as wells, tube wells are available in many villages.

Of the eight villages, five have post or telegraph office, and six have telephone connections. Bus service is also available in most of the villages. It is only in two villages that banking or credit facility is available. It is gratifying that all the villages are connected with electricity.

**Table 3.2**  
**Profile of Sampled Villages**

<b>A) RAJASTHAN STATE</b>								
<b>Description</b>	<b>Udaipur (Kherwara)</b>				<b>Dungarpur (Sagwara)</b>			
	<b>Masaron Ki Ovri</b>	<b>Barothi Brahman</b>	<b>Asariwad a</b>	<b>Khandi Ovri</b>	<b>Garajhoo nji</b>	<b>Samaliya</b>	<b>Bhasor</b>	<b>Kokapur</b>
<b>Area details</b>								
Area of village (in hect)	886	811	386	860	235	703	1,139	660
Households (Nos.)	647	289	294	431	183	381	562	323
<b>Population (2001)</b>								

Total	3,679	1,730	1,747	2,576	988	1,924	2,927	1,627
Scheduled castes (%)	3.67	1.91	0	2.72	50	8.57	7.82	15.06
Scheduled tribes (%)	94.65	86.76	100	95.92	69.43	11.43	41.54	14.94
Sex Ratio	1047	974	992	1051	1133	1100	1184	1039
SC Sex Ratio	875	1538	0	1059	1000	1090	1181	929
ST Sex Ratio	1058	970	992	1064	1117	1000	1093	1077
Schools/Colleges (Nos.)	5	2	2	2	1	3	5	4
<b>Medical facilities (Nos.)</b>								
Hospitals / dispensary	1	1	0	1	0	0	3	2
Maternity /family welfare centre (Nos.)	0	0	0	0	0	0	0	0
<b>Drinking Water</b>								
Tap water	N	N	Y	N	N	N	Y	N
Hand pump	Y	Y	Y	Y	Y	Y	Y	Y
Other Sources	Y	Y	Y	N	N	Y	Y	Y
<b>Communication</b>								
Post/telegraph facilities	Y	N	N	N	Y	Y	Y	Y
Telephone connections (Nos.)	2	1	0	0	0	30	30	NI
Bus services	NI	NI	Y	Y	NI	Y	Y	Y
Banking/ Credit facilities (Nos)	0	0	0	0	1	1	0	0
Power Supplies	Y	Y	Y	Y	Y	Y	Y	Y

#### B) MADHYA PRADESH

Description	Khargone (Bhagvanpura)				Dhar (Nalchha)			
	Bhagvanpura	Dewada	Pipalhanpa	Banher	Bhadkya	Lunhera	Nalchha	Aam Kho
<b>Area details</b>								
Area of village (in hect)	2,328	432	1,150	697	400	472	1,403	742
Households (Nos.)	978	114	513	547	152	229	965	115
<b>Population (2001)</b>								
Total	6,188	727	3,178	2,884	864	1,470	5,616	827
Scheduled castes (%)	5.72	2.48	3.27	11.74	0	1.36	11.04	0
Scheduled tribes (%)	72.07	92.98	72.75	31.31	100	87.21	17.82	100
Sex Ratio	1014	981	904	949	1014	1022	952	937
SC Sex Ratio	1034	1000	962	889	1500	925	0	0
ST Sex Ratio	1035	994	920	1007	1014	1019	963	937
Schools/Colleges (Nos.)	4	1	3	2	1	2	13	1

\* Index: Y= Yes ; N = No; NI = No information available

#### B) MADHYA PRADESH

Description	Khargone				Dhar			
	Bhagvanpura	Dewada	Pipalhanpa	Banher	Bhadkya	Lunhera	Nalchha	Aam Kho
<b>Medical facilities (Nos.)</b>								
Hospitals / dispensary	4	0	1	1	1	1	4	0
Maternity /FAMILY welfare centre (Nos.)	1	0	0	0	0	0	0	0

<b>B) MADHYA PRADESH</b>								
Description	Khargone				Dhar			
	Bhagvanpura	Dewada	Pipaljhana	Banher	Bhadkya	Lunhera	Nalchha	Aam Kho
<b>Drinking Water</b>								
Tap water	Y	NI	Y	Y	NI	Y	Y	NI
Hand pump	Y	NI	Y	Y	Y	Y	Y	Y
Other Sources	Y	NI	Y	NI	Y	NI	Y	Y
<b>Communication</b>								
Post/telegraph facilities	Y	N	Y	Y	N	Y	Y	N
Telephone connections (Nos.)	30	1	25	5	0	8	150	0
Bus services	Y	Y	Y	Y	NI	Y	Y	NI
Banking/ Credit facilities (Nos)	1	0	3	1	0	0	3	0
Power Supplies	Y	Y	Y	Y	Y	Y	Y	Y
<b>C) GUJARAT</b>								
Description	Surat (Mandvi)				The Dangs (Ahwa)			
	Isar	Badtal	Gangpur (Dadhvada)	Devgarh	Padalkhadi (Lvchali)	Pimpri	Singana	Pandya (Chaukiya)
<b>Area details</b>								
Area of village (in hect)	486.19	414.82	488.43	579.64	804.6	327	268.1	994
Households (Nos.)	394	314	310	476	145	207	122	135
<b>Population (2001)</b>								
Total	1,766	1,623	1,714	2,287	860	1,692	704	718
Scheduled castes (%)	0	0						
Scheduled tribes (%)	100	100	96.67	90.8		94.33	97.16	
Sex Ratio	956	1099	1151	865	933	806	978	969
SC Sex Ratio	0	0	1000	667	0	800	600	0
ST Sex Ratio	956	1009	1158	868	932	769	977	946
Schools/Colleges (Nos.)	3	3	3	4	1	5	3	1
<b>Medical facilities (Nos.)</b>								
Hospitals / dispensary	1	0	1	1	0	1	1	2
Maternity /FAMILY welfare centre (Nos.)	0	0	1	1	0	1	1	1
<b>Drinking Water</b>								
Tap water	N	N	N	Y	N	Y	Y	Y
Hand pump	Y	Y	Y	Y	Y	Y	Y	Y
Other Sources	Y	Y	Y	Y	N	Y	Y	Y
<b>Communication</b>								
Post/telegraph facilities	Y	Y	N	Y	Y	Y	Y	Y
Telephone connections (Nos.)	0	1	0	0	0	1	0	0
Bus services	Y	Y	Y	Y	Y	Y	Y	Y
Banking/ Credit facilities (Nos)	2	1	2	3	0	2	1	0
Power Supplies	Y	Y	Y	Y	Y	Y	Y	Y

**Madhya Pradesh villages:** The sampled villages in M.P, when compared with that of Rajasthan, are larger in area. Of the eight villages, two have an area over 1000 hectares each and one has more than 2000 hectares. The number of households also ranged between 114 and 978. While four villages have households over 500 each, remaining

have households in the range of 114 to 229. The size of population also varies accordingly. While Bhagvanpura and Nalchha, which are block headquarters also, have population over 5000 each, three each have population below 1000. Except one, all the villages are tribal dominated with negligible presence of scheduled castes.

In three villages, over all sex ratio was highly favourable to women (over 1000) and in other villages also, it ranged between 904 and 981. Comparatively, sex ratio among tribals is far more favourable to women than the overall sex ratio.

Each village has atleast one educational institutions. While all have one or more primary schools and six of them middle schools, three have secondary/senior secondary schools. Six of the eight villages have health centre or dispensary, only 2 villages have maternity or family welfare centre. Installation of hand pumps has now become universal phenomenon; tap water is also available in half of the sampled villages. This is in addition to other sources of drinking water.

While most villages have communication facilities like post or telegraphic office, telephone connection and bus service, two villages have no such facilities. Likewise, half of the sampled villages have one or the other kind of banking and credit facilities, the remaining villages have no such facilities. As regards power supply is concerned, each village is electrified.

**Gujarat villages:** Among the three sampled states, Gujarat is viewed relatively more developed. This being the case, profile of the sampled villages should also reflect such differences. It may be seen that the variation between sampled villages is not so striking. All villages have geographical area of less than 1000 hectares each and number of households also varied only between 122 and 476. Three villages have households less than 150 each. Three of these villages have households less than 150 each. The population of the villages also ranged between 704 and 2287. Three of these villages have population below 1000 each. All the villages are tribal dominated and there is no member of SCs in half of the sampled villages.

The sex ratio is higher than 1000 in two villages, and ranged between 900-1000 in another four villages. In remaining two villages, the sex ratio was found below 900. The findings hold good also for scheduled tribe population as well.

Educationally also, the sampled villages are relatively better-equipped: except two, all villages house three or more educational institutions and half of them have secondary or senior secondary schools. Likewise, except two villages, all have health centre or dispensary and five villages have maternity/family welfare centre. As regards provision of drinking water is concerned, all the villages have hand pumps; half of the villages have tap water facility and other sources are available in all the villages.

As regards communication facilities are concerned, all the villages with a single exception have post office and the bus service connects each of these villages. The banking and credit facility is also available in all the villages except two. Each villages is also connected with power and electricity.

### **Respondents' Profile**

Having discussed area profile of the sampled districts, blocks/talukas and villages, the profile of the PRI members who continued to hold panchayat posts unchallenged and

remain unaffected by disqualification is being discussed here with the help of data in Table 3.3. The details of other categories of respondents are provided in chapter 4.

As indicated in chapter 2, respondents are overwhelmingly the members of present panchayati raj institutions and this holds good for all the states. Besides, most of the respondents are panchayat members (54.52%) and the rest of the respondents are more or less evenly divided into the members of block/taluka level panchayats and district panchayats. Similar distribution prevails in all the three states as well.

Age-wise distribution suggests concentration of middle aged respondents in the total as well as state-wise samples. In the total sample, there are more older members than younger ones. Gender-wise, over two-thirds members (68.81%) are males. The representation of females in PRIs was found more in Rajasthan than other states. This is more or less in accordance with the constitutional provision.

Education wise, no marked improvement is evident with respect to representation of educated persons in political institutions. While one in every 6 was illiterate, one-thirds are primary educated and almost equal number were secondary-passed. One can derive some satisfaction in the finding that one in every six has acquired higher education or professional training. State-wise, PRI members from Gujarat have acquired more education than those of other two-states, where a little less than half are secondary-passed and over one-fifth have acquired higher education/training (Table 3.3).

**Table 3.3**  
**Socioeconomic profile of respondents (N=840)**

S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
<b>1</b>	<b>Age</b>								
(i)	Upto 30 years	50	16.34	23	8.91	29	10.51	102	12.14
(ii)	31-50 years	195	63.73	165	63.95	218	78.99	578	68.81
(iii)	51 years & above	61	19.93	70	27.13	29	10.51	160	19.05
<b>2</b>	<b>Sex</b>								
(i)	Males	201	65.69	181	70.16	196	71.01	578	68.81
(ii)	Females	105	34.31	77	29.84	80	28.99	262	31.19
<b>3</b>	<b>Education</b>								
(i)	Illiterate	37	12.09	99	38.37	4	1.45	140	16.67
(ii)	Primary	120	39.22	84	32.56	80	28.99	284	33.81
(iii)	Secondary	99	32.35	42	16.28	135	48.91	276	32.86
(iv)	Higher Education	42	13.73	31	12.02	49	17.75	122	14.52
(v)	Trained	8	2.61	2	0.78	8	2.90	18	2.14
<b>4</b>	<b>Family type</b>								
(i)	Joint	212	69.28	129	50.00	197	71.38	538	64.05
(ii)	Nuclear	94	30.72	129	50.00	79	28.62	302	35.95
<b>5</b>	<b>Marital Status</b>								
(i)	Married	300	98.04	231	89.53	265	96.01	796	94.76
(ii)	Unmarried	4	1.31	26	10.08	8	2.90	38	4.52
(iii)	Widow/Widowed	1	0.33	1	0.39	3	1.09	5	0.60



S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
(iv)	Deserted/Divorced	1	0.33	0	0.00	0	0.00	1	0.12
<b>6</b>	<b>Age at marriage</b>								
(i)	Up to 18 years	80	26.14	65	25.19	33	11.96	178	21.19
(ii)	19-24 years	209	68.30	171	66.28	229	82.97	609	72.50
(iii)	25 years & above	17	5.56	22	8.53	14	5.07	53	6.31
<b>7</b>	<b>Number of children</b>								
(i)	No child	7	2.29	0	0.00	0	0.00	7	0.83
(ii)	Up to 2	16	5.23	9	3.49	14	5.07	39	4.64
(iii)	3-4	91	29.74	41	15.89	125	45.29	257	30.60
(iv)	5 & above	192	62.75	208	80.62	137	49.64	537	63.93
<b>8</b>	<b>Highest family education</b>								
(i)	Up to Primary	58	18.95	122	47.29	37	13.41	217	25.83
(ii)	Up to Secondary	117	38.24	73	28.29	115	41.67	305	36.31
(iii)	Higher Education	131	42.81	63	24.42	124	44.93	318	37.86
<b>9</b>	<b>Caste</b>								
(i)	General	48	15.69	11	4.26	18	6.52	77	9.17
(ii)	Scheduled Castes	36	11.76	28	10.85	27	9.78	91	10.83
(iii)	Schedule Tribes	199	65.03	191	74.03	230	83.33	620	73.81
(iv)	Other Backward Classes	23	7.52	28	10.85	1	0.36	52	6.19
<b>10</b>	<b>Main family occupation</b>								
(i)	Agriculture	234	76.47	195	75.58	244	88.41	673	80.12
(ii)	Labour	33	10.78	43	16.67	9	3.26	85	10.12
(iii)	Service	14	4.58	11	4.26	12	4.35	37	4.40
(iv)	Shop/Trade	19	6.21	7	2.71	10	3.62	36	4.29
(v)	Industry/handicraft	4	1.31	0	0.00	1	0.36	5	0.60
(vi)	Workshop	2	0.65	1	0.39	0	0.00	3	0.36
(vii)	Others	0	0.00	1	0.39	0	0.00	1	0.12
<b>11</b>	<b>Income Category</b>								
(i)	Below Poverty Line (BPL)	130	42.48	87	33.72	132	47.83	349	41.55
(ii)	Non- BPL	176	57.52	171	66.28	144	52.17	491	58.45
<b>12</b>	<b>Agriculture Land</b>								
(i)	No land	15	4.90	47	18.22	13	4.71	75	8.93
(ii)	Upto 2 bighas	81	26.47	54	20.93	76	27.54	211	25.12
(iii)	2.1-5.0 bighas	84	27.45	57	22.09	60	21.74	201	23.93
(iv)	5.1-10.0 bighas	82	26.80	44	17.05	75	27.17	201	23.93
(v)	10.1 bighas & above	44	14.38	56	21.71	52	18.84	152	18.10
<b>Total</b>		<b>306</b>	<b>100.00</b>	<b>258</b>	<b>100.00</b>	<b>276</b>	<b>100.00</b>	<b>840</b>	<b>100.00</b>

Data regarding family type showed that traditional joint family pattern still remained unchanged. This is evident from the fact that a little less than two-thirds of the PRI members belonged to joint family. Among the states, a far more PRI members from Rajasthan and Gujarat than Madhya Pradesh belonged to joint families. Further, almost all the respondents with a few exceptions were married; it is about one in every 20 that members are unmarried, widowed or deserted/divorced.

It is encouraging to note fewer incidence of child marriages; overwhelmingly, PRI members married between 19 to 24 years of their age and this holds good for all the states. However, the proportion of PRI members getting married during childhood was more in Rajasthan and Madhya Pradesh..

When level of education is examined in terms of highest family education, results were encouraging: the proportion of cases in which highest family education was found to be graduation & above was highest (37.86%). In another 36.31% cases, the highest family education was found to be secondary-pass. Here also, Gujarat has an edge followed by Rajasthan.

As the study pertains to the scheduled areas states, concentration of members from scheduled tribes in PRIs is as expected. A little less than three-fourths of the PRIs were members of scheduled tribes. More or less the same holds true for individual states also. Members from scheduled castes formed next largest group among sampled respondents.

Overwhelmingly, PRI members practice agriculture as their main family occupation and over three-fourths in all states belonged to the same occupational class. This is followed by labour as main occupation pursued only by about one-tenth of the respondents. The sampled states differ greatly in this respect as a very small proportion in Gujarat practice labour as an occupation.

Broadly, two classes or categories were conceptualized for identifying economic status of PRI members: non-BPL and BPL (Below Poverty Line). A little less than three-fifths (58.45%) of the PRI members belonged to non-BPL category whose share among PRI members is highest in Madhya Pradesh.

Associated with the occupational distribution is the land holding pattern. It may be seen that only one in every 12 respondents had no land. Those who possess land are more or less equally distributed in different landholding size categories. This suggests poor representation of large holders among PRI members.

The number of children born to a couple is of great relevance for the study of two child norm. It is surprising to note that almost all the respondents, with some exceptions (below 5 %) had 3 or more children each. Over three-fifths of them each had 5 or more children. Same holds true of all the sampled states. Considering overwhelming proportion of PRI members belonging to the age group of 31 or above and relatively long duration of their marriage of over 11 years, the results do not appear surprising.

**Involvement of women in decision making:** The continuation or otherwise of the patriarchal framework of society and the authority of male was judged from the decision making power women enjoy in the family. It is generally believed that women in patriarchal society like India have no say in decision making in matters of reproduction or on whether or not to bear children. Data showed that husbands in overwhelming cases take decisions about women and in half of the cases women are required to seek permission whenever they go out. Under the circumstances, the disqualification of women members for violating the two-child norm is viewed as punishment for no fault of theirs and the law of two-child norm as anti-women.

#### **Respondents profile as per membership period, Gender and PR level**

The foregoing section deals with the profile of all the 840 respondents - 571 present and 269 past members. A probe was made also to find out if the profiles of the respondents

differ as per the period they held panchayat post, gender and panchayat level. The results in this regard are provided in Table 3.4

**Table 3.4**  
**Respondents' profile as per membership period, gender and PR level (N=840)**

S. No.	Description	Percent distribution as per						
		Period		Gender		PR Level		
		Present (N=571)	Past (N=269)	Males (N=578)	Females (N=262)	Panchayat (N=458)	Block Panchayat (N=189)	District Panchayat (N=193)
<b>1</b>	<b>Age</b>							
(i)	Upto 30 years	14.01	8.18	9.52	17.94	16.38	6.88	7.25
(ii)	31-50 years	69.35	67.66	67.82	70.99	67.25	73.02	68.39
(iii)	51 years & above	16.64	24.16	22.66	11.07	16.38	20.11	24.35
<b>2</b>	<b>Sex</b>							
(i)	Males	66.55	73.61	100.00	0.00	69.87	68.78	66.32
(ii)	Females	33.45	26.39	0.00	100.00	30.13	31.22	33.68
<b>3</b>	<b>Education</b>							
(i)	Illiterate	16.99	15.99	12.46	25.95	24.89	7.41	6.22
(ii)	Primary	32.57	36.43	35.64	29.77	40.39	26.98	24.87
(iii)	Secondary	32.75	33.09	33.91	30.53	24.02	43.39	43.52
(iv)	Higher Education	15.94	11.52	15.57	12.21	8.08	20.11	24.35
(v)	Trained	1.75	2.97	2.42	1.53	2.62	2.12	1.04
<b>4</b>	<b>Family type</b>							
(i)	Joint	65.85	60.22	64.01	64.12	65.28	53.44	71.50
(ii)	Nuclear	34.15	39.78	35.99	35.88	34.72	46.56	28.50
<b>5</b>	<b>Marital Status</b>							
(i)	Married	94.05	96.28	94.46	95.42	94.76	95.24	94.30
(ii)	Unmarried	5.08	3.35	4.84	3.82	4.59	3.70	5.18
(iii)	Widow/Widowed	0.70	0.37	0.52	0.76	0.66	1.06	0.00
(iv)	Deserted/Divorced	0.18	0.00	0.17	0.00	0.00	0.00	0.52
<b>6</b>	<b>Number of children</b>							
(i)	No child	1.23	0.00	0.52	1.53	0.87	0.53	1.04
(ii)	Upto 2	5.78	2.23	5.36	3.05	3.49	2.65	9.33
(iii)	3-4	31.52	28.62	26.82	38.93	29.26	29.10	35.23
(iv)	5 & above	61.47	69.14	67.30	56.49	66.38	67.72	54.40
<b>7</b>	<b>Highest Family education</b>							
(i)	Upto Primary	23.82	30.11	26.30	24.81	36.90	18.52	6.74
(ii)	Upto Secondary	39.05	30.48	34.95	39.31	36.68	33.33	38.34
(iii)	Higher Education	37.13	39.41	38.75	35.88	26.42	48.15	54.92
<b>8</b>	<b>Caste</b>							
(i)	General	9.81	7.81	9.86	7.63	7.21	8.99	13.99
(ii)	Scheduled Castes	11.91	8.55	9.86	12.98	9.17	11.11	14.51
(iii)	Schedule Tribes	71.45	78.81	74.74	71.76	79.04	71.96	63.21
(iv)	Other Backward Classes	6.83	4.83	5.54	7.63	4.59	7.94	8.29
<b>9</b>	<b>Main family occupation</b>							

S. No.	Description	Percent distribution as per						
		Period		Gender		PR Level		
		Present (N=571)	Past (N=269)	Males (N=578)	Females (N=262)	Panchayat (N=458)	Block Panchayat (N=189)	District Panchayat (N=193)
(i)	Agriculture	79.86	80.67	83.56	72.52	77.07	87.30	80.31
(ii)	Labour	9.98	10.41	9.52	11.45	13.97	4.76	6.22
(iii)	Service	4.20	4.83	2.77	8.02	4.80	4.23	3.63
(iv)	Shop/Trade	4.55	3.72	3.46	6.11	3.71	2.12	7.77
(v)	Industry/handicraft	0.88	0.00	0.52	0.76	0.22	0.53	1.55
(vi)	Workshop	0.35	0.37	0.17	0.76	0.22	1.06	0.00
(vii)	Others	0.18	0.00	0.00	0.38	0.00	0.00	0.52
<b>10</b>	<b>Income Category</b>							
(i)	Below Poverty Line (BPL)	41.68	41.26	41.70	41.22	47.60	45.50	23.32
(ii)	Non- BPL	58.32	58.74	58.30	58.78	52.40	54.50	76.68
<b>11</b>	<b>Agriculture Land</b>							
(i)	No land	10.51	5.58	8.65	9.54	12.23	3.70	6.22
(ii)	Upto 2 bighas	25.04	25.28	23.70	28.24	27.73	28.04	16.06
(iii)	2.1-5.0 bighas	25.57	20.45	21.63	29.01	25.11	29.63	15.54
(iv)	5.1-10.0 bighas	20.67	30.86	26.30	18.70	22.49	23.28	27.98
(v)	10.1 bighas & above	18.21	17.84	19.72	14.50	12.45	15.34	34.20
<b>12</b>	<b>Involvement of women in decision making</b>							
(i)	Simply provide information	10.68	39.03	21.63	15.65	19.43	14.81	25.39
(ii)	Seek opinion of women by family members	34.50	27.14	32.18	32.06	31.66	30.69	34.72
(iii)	Allow women to participate in decision making	50.79	33.46	43.08	50.00	47.16	49.21	36.79
(iv)	None of the above	4.03	0.37	3.11	2.29	1.75	5.29	3.11
<b>13</b>	<b>Person taking decision about women family members</b>							
(i)	Women herself	18.74	13.38	15.74	19.85	17.25	19.58	13.99
(ii)	Husband	69.88	78.07	74.05	69.08	72.49	66.14	78.76
(iii)	Mother-in-law	4.20	2.23	2.77	5.34	4.15	2.12	3.63
(iv)	Father-in-law	6.30	5.95	6.40	5.73	5.46	11.11	3.11
(v)	Husband's brother	0.18	0.00	0.17	0.00	0.00	0.53	0.00
(vi)	Any other	0.70	0.37	0.87	0.00	0.66	0.53	0.52
<b>14</b>	<b>Frequency with which women seek permission to go out</b>							
(i)	Frequently	46.23	59.48	50.17	51.15	56.33	52.38	34.72
(ii)	Occasionally	48.51	36.43	45.16	43.51	40.39	42.86	56.48
(iii)	Not at all	5.25	4.09	4.67	5.34	3.28	4.76	8.81

**Present and past members:** As is evident, present PRI members are relatively younger in age. Put differently, present members comprise more of younger persons and less of older ones. Besides, the representation of women among present members is far higher than among the past members and to that extent representation of males dropped.

However, no marked difference was noted among the compared groups about highest family education. The caste-wise distribution indicated increased proportion of members

from SCs and OBCs but that of STs declined. But, the distribution of two groups among different occupational and income categories did not register any major change.

It is interesting to note that the role of husbands in taking decisions about women has declined among present members while that of women themselves showed an increase. Likewise, less women now seek permission to go out than before. This is indicative of increased power and status of women

**Gender Differentials:** How far male members differ from women with respect to their background information. Data in Table 3.4 showed lower age of women members than that of male counterparts but males are relatively better educated. While no marked difference between two sexes was evident with regard to family type and marital status, more woman members got married in younger age than male counterparts.

With regard to higher number of children, there were more males than females while most male and female members belonged to STs, more women than men are members of SCs and OBCs. Occupation wise, both male and female members are concentrated among those pursuing agriculture, but there are more males than females in this vocation.

With regard to the decision making about women, husband was named overwhelmingly by both males and females but comparatively more males than females hold such a view. Among those who consider women themselves as decision makers, there were more women than men.

**Respondents as per PRI levels:** Whether or not members of different tiers of panchayats reflect differences in their socioeconomic profile? Data presented in this regard in Table 3.4 provide the answer in affirmative.

As can be seen, the members of upper level panchayats are relatively older than those of gram panchayats; conversely more members of gram panchayats are of younger age. However, gender does not affect much the representation of members in different tiers. As expected, members of higher level panchayats are more educated than their lower counterparts. While family type and marital status did not affect the representation of members in different tiers, more members from gram panchayats marry at lower age i.e. 18 or below than their counterparts. Put differently, members of higher level tiers got married relatively at a higher age but more of them have fewer children as compared to their counterparts. In other words, more of lower level panchayats have five children or above each. The highest family education was higher more among members of upper level panchayats when compared to members of lower level panchayats. The caste-wise composition suggests higher proportion of tribals among members of lower panchayats, while more of SCs and OBCs among upper level panchayats. The respondents from non-BPL category were found more among upper level panchayats than that among lower levels. Likewise, women frequently seek permission to go out more among members of lower level panchayats than those of their counterparts.

### **Summing up:**

Among the sampled states, concentration of tribal population is higher in Madhya Pradesh followed by Gujarat. Gujarat has an edge over other states with respect to urbanization and literacy rate. The sex ratio is almost equal in all the states. The variation

noticed amongst districts is reflected also in six sampled blocks/talukas as well. Half of the six blocks/talukas are totally rural and in remaining, urbanization varies from 5.5% for Kherwara (Udaipur district) to 35.2% for Nalchha (Dhar District). The ST population of the sampled blocks ranged between 35% for Nalchha to 94% for the Dangs. In terms of sex ratio also, Nalchha has only 902 as against 1008 for Sagwara. The 24 villages- 8 from each districts- vary greatly in village area, households and population. The composition of population suggests concentration of tribals in most villages and sex ratio favourable to women in half of the total villages.

The study covers 840 PRI members- 571 present and 269 past. Of the 571 present PRI members, 293 are panchayat members, 135 are block / taluka panchayat members and 143 district panchayat members. In the study sample, women formed 31.19% of the total, the highest being in Rajasthan at 34.31%.

There is a concentration of middle aged members in the age group of 31 to 50 (68.81 %). About one thirds of PRI members are primary educated and almost equal number have acquired secondary level education. Members of Scheduled Tribes in PRIs constitute about three fourths of the total respondents (73.81%) with highest concentration in Gujarat. Overwhelmingly (80.12%), PRI members come from households where agriculture is practised and 58.45% PRI members were from non-BPL category. The decision about women in overwhelming cases (72.5%) is taken by their husbands.

## CHAPTER 4

### APPLICATION OF TWO CHILD NORM IN PRIs: I

For the purpose of Panchayati Raj administration, the country is divided into different districts or district panchayats, each district or districts panchayat into blocks/talukas or block/taluka panchayats and each such block/taluka panchayat into villages or village panchayats. The country is divided into 627 districts and 576 district level panchayats, 6527 blocks/talukas and 6302 block/taluka panchayats\* and 2, 49,448 gram panchayats. Five states/UTs have no district level panchayats; nine have no block/taluka level panchayats and one has no panchayat.

Among three sampled states, Madhya Pradesh has the highest number of all the three levels of panchayati raj institutions with 48 districts level panchayats, 313 block level panchayats and 23023 gram panchayats\*\*. Rajasthan has next highest number of district level panchayats (32) and block level panchayats (237). However in terms of gram panchayats, Gujarat state with 14003 gram panchayats has an edge over Rajasthan which has only 9234 gram panchayats. The distribution of district level, block/taluka level and village level panchayats in sample states is shown in Table 4.1.

**Table 4.1**  
**Panchayati-raj institutions in India and sampled states**

S. No.	Panchayati-raj Unit	India	Rajasthan	Madhya Pradesh	Gujarat
1	District Panchayats	576	32	48	26
2	Block/taluka Panchayats	6,527	237	313	224
3	Village Panchayats	2,49,448	9,234	23,023	14,003

#### Policy of two child norm in sampled states

The optimism generated by the 73<sup>rd</sup> Constitutional Amendment received some setback by the policy of the two child norm introduced in states of Rajasthan, Madhya Pradesh and Gujarat with the intent to achieve the goal of population stabilisation. The norm was introduced through inserting specific section to this effect in state panchayati raj acts by prescribing a cut of date for application of the norm. As per the two-child norm, a person having more than two living children after the specified date is not eligible for entry or continuance in panchayat, the specified date being Nov.27, 1995 for Rajasthan, January. 26, 2001 for Madhya Pradesh and August 4, 2006 for Gujarat. Having more than two children does not attract disqualification on the date of coming into effect of the law introducing this disqualification or up to the end of one year thereof if additional child not born thereafter. Thus, the norm is applicable only to persons of the active reproductive age group and exempts older persons who have completed their families.

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\* Based on the report generated by National Panchayat Directory; National Informatics Centre, printed 09-05-2009.

\*\* The number of Gram Panchayats in the country to now exlimated to be around 2,52,000.

In Rajasthan, Section 19 (1) was introduced in Rajasthan Panchayati Raj Act, 1994 which debars and disqualifies a person to contest election and to become member of PRIs if he / she has more than two living children, one of whom was born on or after November 27, 1995. The qualifications for contesting election to the panchayats are prescribed under Section 19 (1) of the Rajasthan Panchayati Raj Act, 1994. Accordingly, a person is deemed to be disqualified to contest election or to hold the post after election in case a third child is born after 27.11.1995 (nine months after enacting the Act). If any child was born between the date of commencement of the Act i.e. 23.4.1994 and 27.11.1995, such person shall not be disqualified. Any number of children born out of subsequent single delivery shall be deemed to be one entity. However, conduct of an enquiry through a prescribed procedure and providing the affected person an opportunity is necessary before issuance of the orders of removal. Pending the decisions on the case, the member shall be entitled to act as if he / she were not disqualified.

A similar process was followed in other states as well. In Madhya Pradesh, Section 36 (D) was introduced in Madhya Pradesh Panchayati Raj and Gram Swaraj Act, 1993. While the relevant section was introduced after the panchayat elections were held in the year 2000, the law was made effective only from January 26, 2001 and therefore the process of disqualification of PRI members began only thereafter. The two-child norm, which is governed by Madhya Pradesh Panchayati Raj and Gram Swaraj Act, 1993, became operative from January 26, 2001. As the main victim of this rule were women and poor and realizing that women have little or no say the choice regarding number of children and as the poor have virtually no access to reproductive health care, the provision of two-child norm as existed in M. P. Panchayati raj and Gram Swaraj Act, 1993, Section 36 Sub Section (1) (D) was withdrawn vide notification in M. P. Gazette (Extra Ordinary) No. 420 dated September 1, 2006.

Gujarat was the last state to introduce the two-child norm in 2006 under Gujarat Panchayats Act, 1993. In Gujarat, section 18 (i) (m) was introduced in Gujarat Panchayats Act 1993 for the disqualification of a person who has more than two children; provided that a person having more than two children on the date of commencement the Gujarat Local Authority Laws (Amendment) Act 2005..... shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase; provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification under this clause.”

#### **State Response to two child norm:**

As per the two-child norm, a person having more than two living children after the specified date is not eligible for entry or continuance in panchayat, the specified date being Nov.27, 1995 for Rajasthan, January. 26, 2001 for Madhya Pradesh and August 4, 2006 for Gujarat. Having more than two children does not attract disqualification on the date of coming into effect of the law introducing this qualification or up to the end of one year if additional child not born thereafter. Thus, the norm is applicable only to persons of the active reproductive age group and exempts older persons who have completed their families.

Thus, the role of panchayati raj in national development in general and reduction in population growth in particular is being redefined. It is often argued that two-child norm, if made applicable on the elected representatives of panchayat raj, has a great potential to



contain population growth. Of about 35 lakh elected representatives in local self government institutions, about 10 lakhs are women. Considering the massive number of elected representatives and assuming that each representative, if married, gives birth to two children in five years span, the likelihood of averting about 70 lakh births appears highly convincing (Patnaik, 2005a). The assumption underlying this government-enforced norm is that its adoption by elected leaders would make them role models and others will feel encouraged to follow their example, that people including poor will aspire for leadership position and to fulfill the same they may opt for the two child norm.

Conceding the arguments in favour of adoption of two-child norm by the elected representatives, 7 out of 28 states have decided to make a departure from center's stated approach and decided to achieve the goal through incentives and disincentives such as enhancing minimum age of marriage, education about enacted legislation, debarring persons with more than two children from contesting elections to PRIs or to hold office in panchayats, making the norm as minimum criteria for availing government facilities, denial of free education to the third child etc.

**Violation of the norm and disqualification:** The application of the two child norm in different states and its adverse consequences suggest large number of cases of disqualification or removal of PRI members, use of evasive techniques, increased litigation, and adverse effects on weaker sections in general and women in particular. The fieldwork reports suggest that several elected representatives had violated the norm. The cases of disqualification reported since election in 2000 in Rajasthan showed a total of 808 disqualifications of which 63% (508) were for violation of the two-child norm. A total of 2122 disqualifications were reported in Madhya Pradesh of which 54% (1140) were for violation of the two child norm. Among those disqualified for violation of the two child norm in Rajasthan, the highest number was of panchayat members (390) followed by Sapanches (96). The corresponding figures for Madhya Pradesh were 857 and 270. (Buch 2005; Visaria *et al*, 2006.).

From data obtained from respective state governments, Visaria *et al* (2006) concluded that in Rajasthan, a total of 548 out of 1,28,907 PRI members were disqualified, the highest being 421 members of panchayats followed by 60 sarpanches, 37 upsarpanches and 28 panchayat samiti members. In Madhya Pradesh, a total of 862 PRIs members out of 4,17,015 were disqualified during the period. Among these, the highest were panchayat members i.e.604, followed by 210 sarpanches. The analysis of data from five states showed that women form 41% of the respondents while their share in the panchayat membership is little over a one-thirds. SCs, STs and OBCs form 80% of total respondents. Most respondents were from the age group of 21-49 years.

A study carried out by 'Mahila Chetana Manch, an NGO, with 262 respondents from 21 districts in five states including Rajasthan and Madhya Pradesh during 2001-2002 made following observations: 54% of the disqualified candidates were either illiterate or had primary education; 16% were educated upto middle level, 27% were higher secondary and 3% were graduates. 78% of disqualified candidates belonged to SCs/ STs/ OBCs which are socially weaker sections of population; nearly half the respondents had annual income of less than Rs. 20,000; 30% affected the persons were having annual income less than Rs.11, 000/- per annum; 5% of the disqualified persons belonged to the age group 21-39.

### **Evidence from the sample area:**

The foregoing analysis of the policy of two child norm, its implementation and consequences offered us a justification to probe into awareness about the law, its application and violation, disqualifications of PRI members and their composition, measures followed to seek its compliance or to prevent disqualifications, view PRI members hold about the law and the like.

The problem is being examined here from the prospective of both, members who continue to hold panchayat posts and those who were disqualified or facing disqualifications. The rationale for such a distinction lies in the fact that holding of panchayat posts by the former was not challenged despite violation of the norm by many but the continuation on the panchayati post by the later was challenged culminating in the disqualification of some and their removal from the panchayati post or in facing disqualification process.

Accordingly, this chapter is divided into two board sections: the first sections deals with PRI members who continued to hold panchayat post during the terms they were elected.. Second section deals with PRI members, present or past, whose continuation on the panchayati posts was challenged and who are either disqualified or are facing disqualifications on account of violation of the two child norm.

To gain insight into the problem twelve case studies of PRI members who were disqualified from all the sampled states are also carried out (Annexure 5) and lessons drawn. The results thus obtained are discussed in two separate sections in the following pages.

### **PRI members holding panchayat posts:**

This section deals with the results relating to application and violation of the two child norm by PRI members, both past and present, who continued to hold panchayat posts. The result obtained in this regards are discussed Tables 4.2 through 4.7.

### **Awareness about the norm**

During data collection phase, an assessment of respondents' knowledge about various state-specific provisions of two-child norm was made. The assessment was made out of the maximum obtainable scores of 30. Overall as well as state specific assessment is depicted in Table 4.2

**Table 4.2**  
**Respondents' level of awareness about provisions of two-child norm (N=840)**

S. No.	Awareness score	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
(i)	Upto 5	17	5.56	7	2.71	4	1.45	28	3.33
(ii)	6 to 10	82	26.80	118	45.74	177	64.13	377	44.88
(iii)	11 to 15	148	48.37	119	46.12	91	32.97	358	42.62
(iv)	16 to 20	59	19.28	14	5.43	4	1.45	77	9.17
(v)	21 & above	0	0.00	0	0.00	0	0.00	0	0.00

As is evident, a slightly less than half of the respondents were poorly informed with scores 10 or below. Over two-fifths of the respondents with their score range of 11 to 15 were found moderately aware. Relatively higher level of awareness with scores 16 and above was restricted only to 9.17% of the respondents.

The state-wise distribution suggests that more of Gujarat respondents than their counterparts were concentrated in low awareness categories. The awareness score of a little less than two-thirds of Gujarat respondents was up to 10 only as against less than half of the Madhya Pradesh respondents and one-thirds of Rajasthan respondents. The reverse is true in case of those securing 11 or more scores: The Rajasthan respondents were found more aware than those of other states which is due mainly to relatively longer period of application of the norm and its delayed implementation in Gujarat.

With a maximum obtainable score of 30, the overall mean score was found to be only 10.89 indicative of very low level of awareness. Among the three groups, Rajasthan, respondents with mean scores of 11.99, have highest level of awareness about the two-child norm; the corresponding values for Madhya Pradesh and Gujarat were found to be 10.81 and 9.75. It implies that a long way has to go before PRI members acquire reasonable level of knowledge and understanding about the subject.

Thus, there exists a vast gap in the level of awareness which needs to be bridged through exposure to relevant information. While it is not possible to bridge the entire gap noted in the level of awareness about the two-child norm, attempt may be made to enhance the present level of awareness.

#### **Awareness as per state, membership period, PRI level and urban proximity:**

In order to gauge fully the ground reality, the awareness level of PRI members and the gap to be bridged was assessed in terms of states, the PRI level at which they hold office, membership period and urban proximity, the information and awareness gaps were accordingly identified (Table 4.3).

**Table 4.3**  
**Mean scores of respondents' awareness and gaps about two-child norm as per state, membership period, PRI level and urban proximity (N=840)**

S. No.	Category	Maximum obtainable scores	Scores actually obtained	Information gap
1	<b>State</b>			
	i) Rajasthan (N= 306)	30.00	11.99	18.01
	ii) Madhya Pradesh (N= 258)	30.00	10.81	19.19
	iii) Gujarat (N= 276)	30.00	9.75	20.25
2	<b>Membership Period</b>			
	i) Present	30.00	10.96	19.04
	ii) Past	30.00	10.74	19.26
3	<b>PRI level</b>			
	i) Panchayat	30.00	10.57	19.43
	ii) Block / Taluka	30.00	10.22	19.78
	iii) District	30.00	12.32	17.68
4	<b>Urban Proximity</b>			
	i) High	30.00	11.14	18.86
	ii) Low	30.00	10.34	19.66
	<b>Over all mean scores</b>	<b>30.00</b>	<b>10.89</b>	<b>19.11</b>

From the look at Table 4.3, the information level as shown in mean awareness scores was found generally low among all groups. Comparatively, those from Rajasthan, district level panchayats and those with high urban proximity are more aware than their counterparts. Conversely, awareness gap was found more marked in case of members with low urban proximity, gram panchayat members, and Gujarat respondents. The results do not appear unexpected: Gujarat introduced the norm only in 2006; females and those with low urban proximity had low exposure and low education. Same holds true of the members of lower levels of PRI institutions. Data also point towards wide gap in the information to be bridged by some exposure. The gap noticed was widest among Gujarat respondents (mean difference: 20.25); these are followed by those with low urban proximity and members of block and village level panchayats.

### **Application and violation of the norm:**

**Compliance of the law and family planning:** To restrict family size and to prevent birth of the third or higher order child, PRI members are encouraged to use family planning measures including abortion. Those who wish to contest panchayat elections or to retain panchayat post held by them, restricting family size is used as a measure also. The way and the extent to which PRI members resorted to family planning to restrict child birth has been analysed in Table 4.4

**Table 4.4**  
**Use of family planning by respondents to prevent child birth (N=840)**

S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
1	Respondents having 3 or more children at the time of contesting election	115	49.36	140	76.09	118	48.36	373	56.43
2	Respondents reporting birth of child after election	16	6.87	9	4.89	47	19.26	72	10.89
3	Respondents adopting family planning	180	58.82	146	56.59	136	49.28	462	55.00
4	Stage when family planning used								
	a) When desired no of children born	80	44.44	69	47.26	94	69.12	243	52.60
	b) When boys and girls born in desired ratio	100	55.56	77	52.74	42	30.88	219	47.40
5	Respondents reporting abortion in the family	29	9.48	2	0.78	63	22.83	94	11.19
6	Endorsed use of family planning by PRI members	193	63.07	146	56.59	131	47.46	470	55.95

At the time of contesting panchayat election, 56.43 % of the respondents already had three or more children and a little over one-thirds had two or less children each. More of Madhya Pradesh than of other states had three or more children each. When asked whether any child was born after contesting election, only 8.57 % have answered in affirmative. Among these more from Gujarat than those from other states reported so.

In order to prevent birth of the third or higher order child, many aspirants of positions in panchayat opt for family planning measures and restrain themselves from violating the two-child norm. It was therefore probed if PRI members themselves have adopted family planning measures. The responses in Table 4.4 showed over half of them restored to

family planning. This holds more or less good for all states. This being the case, it is relevant to ask about the stage when family planning was practised. Data showed that the measure was used when desired number of children was already born (52.60 %) and that too in desired combination of boys and girls (47.40 %). Evidently, PRI members did not seem to have compromised on the total number of children or son preference which is more in Rajasthan and Madhya Pradesh than in Gujarat. Comparatively, fewer respondents opt for abortion as a measure of family planning. This is borne out from the fact that only 11.91 % of all the respondents reportedly used abortion in their family. Such incidences are far more in Gujarat than in other states.

**Violation of the norm:** The central purpose of the study was to assess the extent of violation of the two-child norm prescribed for PRI members and resultant behavior. Data in this connection are shown in Table 4.5

**Table 4.5**  
**Respondents reporting violation of two child norm and action against them (N=840)**

Respondents Reporting violation of two child norm and action against them (N=840)									
S. No.	Description	States						Total (N=840)	
		Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)			
		No.	%	No.	%	No.	%	No.	%
1	Number reporting violation of norm	40	13.07	11	4.26	77	27.90	128	15.24
2	Number reporting action against violating norm	40	13.07	11	4.26	0	0.00	51	6.07
3	Methods respondents favored to evade disqualifications								
*	Giving the child in adoption or putting him/her under cover	10	3.27	31	12.02	1	0.36	42	5.00
*	Getting DNA test conducted	31	10.13	4	1.55	41	14.86	76	9.05
*	Declaring one self simply a care taker of the child	15	4.90	32	12.40	0	0.00	47	5.60
*	Procuring false birth certificate/getting date of birth changed	26	8.50	3	1.16	1	0.36	30	3.57

As can be seen, 15.24 % of all the respondents endorsed having violated the two-child norm, more of Gujarat, followed by Rajasthan. Of these, 42.19 % cases of violation of the norm attracted some action mainly in the form of preventing them from contesting panchayat elections (23.44 %) and initiation of the process of removal from the panchayat post they held (11.72 %), or their removal from the post (4.69 %).

Many of those who endorsed having violated the norm appear to be willing to evade disqualification through resorting to use of one or the other kind of evasive techniques. When probed into the choice of such techniques, four of them were preferred by about one-fourth or more of the respondents: pretending to be simply a caretaker of the child (36.72 %); getting DNA test conducted (33.59 %), giving the child in adoption or putting the child under cover (32.81 %) and procuring false birth certificate (23.44 %). The three states differ greatly in this respect: while getting DNA test conducted was favored more popular in Gujarat, giving the child in adoption and pretending to be a caretaker were preferred in Madhya Pradesh. In Rajasthan, procuring false birth certificate and getting DNA test conducted were favored more.

**Ensuring application of the norm:** While some PRI members tended to violate the two-child norm, there are others also, especially the opponents, who try to ensure compliance

of the norm especially by filing complaints against the violation. The presence of such opponents in rural areas acts as deterrent to the violation of the norm and compels PRI members to take steps that prevent their disqualification. Data in Table 4.6 throw light on these and similar other aspects.

**Table 4.6**  
**Steps initiated to ensure application of two child norm (N=840)**

Steps initiated to ensure application of two child norm (N=840)									
S. No.	Description	States						Total (N=840)	
		Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)			
		No.	%	No.	%	No.	%	No.	%
1	Respondents filing compliant of violation	44	14.38	3	1.16	25	44.68	72	8.57
2	Respondents expecting fall in violation greatly	116	37.91	48	18.60	68	24.64	232	27.62
3	Steps PRI members initiated to prevent disqualification if third child to born is male								
(i)	Withdraw from contesting election	60	19.61	145	56.20	15	5.43	220	26.19
(ii)	Resigned from PRI post	11	3.59	13	5.04	12	4.35	36	4.29
4	PRI level at which more members were disqualified								
(i)	Panchayat	149	48.69	158	61.24	68	24.64	375	44.64
(ii)	Block/Taluka panchayat	53	17.32	63	24.42	59	21.38	175	20.83
(iii)	District Panchayat	23	7.52	22	8.53	22	7.97	67	7.98

As can be seen, 8.57 % of the respondents have reportedly filed complaints against PRI members violating the two-child norm and such complaints were filed far more in Gujarat than in other states, the minimum being in Madhya Pradesh. It is generally believed that action against violation is not initiated automatically; a complaint has to be filed for the purpose. But this has not been the case everywhere. In Madhya Pradesh, Government itself has asked for compiling the list of PRI members violating the two-child norm and issuing show cause notices to those who have allegedly violated the norm and removed some of them subsequently from the panchayat posts, of found guilty.

When probed how far filing of complaints against violation of the norm would bring down such incidence, 27.62 % believed a fall in such cases greatly. Not only this, fear of filing of complaints appears to have exerted a positive impact and PRI members themselves took steps in line with provisions of the law: about one-fourths have withdrawn themselves from contesting panchayat elections and a small proportion (4.29 %) even resigned from the panchayat post held by them especially in cases where birth of a male child is expected.

Despite the above, some PRI members were disqualified for their failure to take preventive measures resulting in the violation of the norm. However, the effect of disqualifications on PRI members holding positions in different levels of panchayats has not been uniform. The studies into the problem in different parts of the country showed far more disqualifications of panchayat members compared to those of block/ taluka level panchayats and district level panchayats. Our data in Table 4.6 also lent further support to this finding and 44.64 % of all the respondents named gram panchayats whose members were disqualified in far greater number than those of higher level panchayats. Same holds good for all the individual states as well.

### Differentials as per membership period, PRI level and urban proximity:

Having discussed the state-wise variation in the application and violation of the two-child norm, an attempt is being made here to examine the nature and extent of the problem with respect to period of membership of PRIs, level of PRIs and proximity to urban centers. Data in this respect are summarised in Table 4.7

**Number of children and measures to prevent child birth:** The whole issue of the two-child norm revolves around number of children PRI members have at the time of their entry into power positions and prevention of the birth of third child to evade disqualification for contesting election or holding panchayat post. It is interesting to note that among those having three or more children there were more of the present than past members, more of higher level of panchayati-raj institutions than those of lower bodies and more of those having close proximity to urban centers than those residing distantly. The situation appears to be slightly different with regard to birth of the child after panchayati-raj elections. While the above findings hold good also for PRI level and urban proximity, more past panchayat members than the present ones reported child birth after elections.

Regarding the question of adopting family planning measures to avert child birth, more of the district level panchayats and those having close urban links reported use of family planning, but no marked difference was observed among present and past PRI members. Resorting to abortion to prevent child birth was found quite uncommon as only a small proportion of the respondents opted for it. Among such respondents, those with high urban proximity outnumber others but membership period did not make any difference. Besides, more of block / taluka level panchayat members than their counterparts opted for abortion.

**Table 4.7**  
**Measures to prevent child birth, violation of two child norm and steps to ensure application of the norm as per membership period, PR level and urban proximity (N=840)**

S. No.	Description	Percent distribution as per						
		Period		PR Level		Urban Proximity		
		Present	Past	Panchayat	Block Panchayat	District Panchayat	Near	Distant
<b>A</b>	<b>Measures to prevent child birth</b>							
1	Respondents having 3 or more children at the time of election	47.46	37.92	42.79	44.44	48.19	47.68	37.07
2	Respondents reporting birth of child after election	6.83	12.27	6.55	6.88	15.03	10.15	5.02
3	Respondents adopting family planning	54.47	56.13	49.56	52.38	70.47	58.52	47.1
4	Stage when family planning used							
a)	When desired no of children born	48.87	60.26	52.86	37.37	62.50	52.65	51.64
b)	When boys and girls born in desired ratio	51.13	39.74	47.14	62.63	37.50	47.35	48.36
5	Respondents reporting abortion in the family	11.56	10.41	9.17	17.46	9.84	12.74	7.72
6	Endorsed use of family planning by PRI members	52.01	64.31	52.62	51.85	67.88	58.35	50.58

<b>B Violation of two child norm and steps to ensure application of the norm</b>								
1	Number reporting violation of norm	12.61	20.82	18.12	11.64	11.92	16.18	13.13
2	Number reporting action against violating norm	37.50	42.86	38.55	72.73	13.04	45.74	23.53
3	Methods respondents favored to evade disqualifications							
a)	Giving the child in adoption or putting him/her under cover	40.28	23.21	22.89	100.00	4.35	36.17	23.53
b)	Getting DNA test conducted	52.78	8.93	0.00	0.00	0.00	65.96	5.88
c)	Declaring one self simply a care taker of the child	48.61	21.43	0.00	0.00	0.00	40.43	26.47
d)	Procuring false birth certificate/getting date of birth changed	20.83	26.79	0.00	0.00	0.00	22.34	26.47
<b>C Ensuring application of the norm</b>								
1	Respondent filing compliant of violation	8.93	7.81	6.99	7.94	60.00	9.98	5.41
2	Respondents expecting fall in violation greatly	28.72	25.28	28.38	17.46	35.75	30.64	20.85
3	Steps PRI members initiated to prevent disqualification if third child to born is male							
	(i) Withdraw from contesting election	23.47	31.97	23.80	20.63	37.31	27.19	23.94
	(ii) Resigned from PRI post	4.90	2.97	0.00	0.00	0.00	4.82	3.09
4	PRI level at which more members were disqualified							
	(i) Panchayat	44.66	44.61	46.07	37.57	48.19	44.06	45.95
	(ii) Block/Taluka panchayat	21.02	20.45	20.52	32.80	9.84	22.55	16.99
	(iii) District Panchayat	8.58	6.69	6.11	11.64	8.81	8.61	6.56

A closely linked aspect is concerned with the use of family planning measures by PRI members both, to serve as role model as also to prevent birth of the third child if that amounts disqualification. When probed if the respondents are aware about use of family planning by PRI members, nearly 56 % answered in affirmative, more so by past members, upper PRI level and those residing in urban proximity. This suggests that the two-child norm has drawn attention of panchayat leadership towards increasing population and the need for family planning to put it under check.

**Application and violation of two-child norm:** Despite the use of preventive measures like family planning, there are PRI members who have violated the two-child norm. Among these, some are disqualified to contest panchayat election or to hold panchayat posts while others are not, either because no complaint was filed against them or people were afraid of doing so owing to their strong power position.

Data showed that only 15.24 % of all the respondents endorsed having violated the two-child norm, more by past members, by members of gram panchayats and those residing in proximity of urban centers. When it comes to the question of initiating action against PRI members for violating the two-child norm, more of past members and those living in urban proximity had to face action. Among three PRI levels, it is the block / taluka level where greater proportions of PRI members violating the norm have faced action.

Experience of the application of two-child norm in different states showed that PRI members violating the norm have resorted to several unfair means to circumvent the law



and to evade disqualification. When asked about preferred method to meet the objectives, getting DNA test conducted appeared as the most common measure followed by pretending to be simply a caretaker of the third child. Giving child in adoption or putting him / her under cover and procuring false birth certificate emerged as next in importance.

**Ensuring application of the norm:** With the inclusion of the provisions for two-child norm in the relevant state Act, attempts to seek compliance also began to surface. Among, these, two types of measures were frequently used: (a) filing of the complaint of the violation so that case against the defaulter can be initiated and eventually he / she be disqualified, and (b) the PRI member himself / herself initiates such steps which will prevent his / her disqualification such as withdrawal from contesting elections or tendering of resignation from the panchayat post he / she holds: while about one-fourths to one-thirds of the PRI members resorted to such measures, these were made use of more by past members, those from district level panchayats and having urban proximity.

Despite measures to ensure compliance of the law, PRI members were disqualified about which respondents are aware of; most hold that more at panchayat level than at higher PRI levels are disqualified from their post. When this observation was analyzed in terms of period of membership and urban proximity, no marked differences were noted except that more from block / taluka panchayats and with urban proximity subscribed to such a view.

### **PRI Members Disqualified/Facing Disqualification.**

We have examined in the preceding section the question of application and violation of the two child norm from the perspectives of PRI members who continued to hold panchayat posts without interruption and challenge. We have made an attempt in this section to examine the problem from the standpoint of those whose continuation on the elected posts was challenged on account of the violation of the two-child norm and in the process some of them were disqualified and removed from the panchayat post held by them without completing the term.

The problem of disqualification affects directly or indirectly atleast three groups of people: (i) PRI members themselves who are disqualified or facing disqualification, (ii) the spouses or family members of those disqualified or facing disqualifications, and (iii) members of the community who wish to use the two-child norm as a tool to settle scores through filing complaints of the violation of the norm by the opponents and to get the concerned PRI members removed from the panchayat post held by them. This section focuses on each of these groups, their views and experiences in relation to the violation of the two child norm and consequent disqualifications.

**Process of disqualification:** It is generally believed that the process of disqualification of a PRI member begins only after the receipt of complaint by the authorities about the violation of the two-child norm. While this had been a widely used practice as reported by research studies (Buch 2005, Visaria et al 2006), exceptions are also noted. For example, the Director, Directorate of Panchayats and Samaj Sewa, Govt. of Madhya Pradesh, Bhopal, vide his letter no. Panch.-6 / 2002 / 466 dated 7.08.2002 directed all the District Collectors, Chief Executive Officers of District / Janpad Panchayats and Deputy Directors of the departments posted at district levels to conduct an enquiry and submit the list of PRI members falling under their jurisdiction who have more than two living children on

or after January 26, 2001. In turn, the District Collectors directed the Chief Executive Officers at Janpad Panchayat levels to collect the relevant information and submit the same.

The relevant panchayat-wise information was obtained with total number of children and the date of the birth of the third child, if any. In this process, several PRI members submitted in writing the birth of third child with date. This has served as the basis for issuing show cause notices to those who informed about the birth of third child after the stipulated date of 26.01.2001. If the affected member in his reply accepts the birth of the third child or higher order child in his reply/submission, he / she is declared ineligible to hold panchayat post and the concerned District Collector (Panchayats) issues the order to this effect with a copy to CEO of the concerned District Panchayat, CEO of the Janpad Panchayat, Secretary of the concerned Panchayat and the concerned PRI member.

Accordingly, the District Collector, Khargone, vide his letter No. 396 / Panch. 1/ 2003 dated 2.6.2003 directed Chief Executive Officers to obtain information and submit the same which the later compiled and submitted vide his letter No. 1645 / P.N. / 03 dated 30.6.2003.

**Members affected by disqualification:** As indicted in chapter 2, in all 51 PRI members who are either disqualified (66.67%) or facing disqualifications (33.33%) in the study area were identified and studied. Of the total, 31 were ward panch, 13 were up-sarpanch, 5 were sarpanch and 2 were members of block/taluka level panchayats. Out of 34 PRI members who were disqualified, 13 were from Rajasthan, 17 were from Madhya Pradesh and 4 were from Gujarat.

Studies of the two child norm in different states also showed that no janpad panchayat and zila panchayat presidents were disqualified in Madhya Pradesh (Visaria et al 2006). However, Buch (2005) in her study of six districts of Madhya Pradesh recorded disqualifications of only 11 Janpad panchayat members and 2 zila panchayat members during 2000-04. For Rajasthan, the respective numbers were only 17 and 5. Visaria *et al* (2006) also reported only 20 janpad panchayat members disqualified at state level while in Rajasthan, the corresponding number was only 28.

**A profile of members affected by disqualifications:** Of the 51 affected PRI members, 34 were already disqualified while 17 were facing disqualification. As is evident from Table 4.8, these are overwhelmingly of middle aged (88.24%) and males (84.31%). It is surprising that a little less than one-fourth (23.53%) are still illiterate, a little less than one-thirds were primary-pass; four out of every ten acquired secondary education and only one out of every 25 is a graduate or above.

**Table 4.8**  
**Socioeconomic profile of PRI member affected by disqualification (N=51)**

Sr. No	Description	Disqualified	Facing Disqualification	Total	
				No.	%
1	<b>Age</b>				
	upto 30	5	1	6	11.76
	31-50	29	16	45	88.24
	51 & above	0	0	0	0
2	<b>Sex</b>				
	Males	29	14	43	84.31

	Females	5	3	8	15.69
3	<b>Education</b>				
	Illiterate	7	5	12	23.53
	Primary	13	3	16	31.37
	Secondary	12	9	21	39.62
	High/Trained	2	0	2	3.92
4	<b>Caste</b>				
	General	7	3	10	19.61
	SC	3	3	6	11.76
	ST	15	7	22	43.14
	OBC	1	4	13	25.49
5	<b>Main Occupation</b>				
	Agriculture	21	12	33	64.71
	Labour	10	3	13	25.49
	Service	1	1	2	3.92
	Others	2	1	3	5.88
6	<b>Income class</b>				
	BPL	18	10	28	54.90
	Non-BPL	16	7	23	45.10

Occupation-wise, about two-thirds of affected PRI members pursue agriculture and one-fourths earn living through wage labour. Further, over two-fifths (43.14%) belonged to scheduled tribes, followed by those from OBCs (25.44%). Only one out of every 10 is a scheduled caste member. Income-wise, a majority (54.90%) belonged to BPL category.

**Response to the law:** The views held by affected PRI members about the two child norm, its application, violation and consequences are summarised in Table 4.9.

What view PRI members affected by disqualifications hold about the caste, class and gender affected most by the two child norm? About two-fifths (39.22%) hold that Dalits are more affected than others whereas about three-fifths (59.71%) believed that more males than females are affected by the two-child norm.

**Table 4.9**  
**Response of PRI members affected by disqualification to the two child norm. (N=51)**

Sr. No	Description	Disqualified	Facing Disqualification	Total	
				No.	%
1	<b>Number of Children</b>				
	2	1	2	3	5.88
	3	16	5	21	41.18
	4	5	5	10	19.61
	5+	12	5	17	33.33
2	<b>Endorsed adoption of FP</b>	11	4	15	29.41
3	<b>Endorsed Family planning by PRI members encouraged others</b>	15	8	23	45.10
4	<b>Norm helping in controlling population</b>				
	Very much	11	15	26	50.98
	Some	15	1	16	31.37
5	<b>Endorsed violation of the norm</b>	22	12	34	66.67
6	<b>Castes prevented from election most</b>				
	General	0	2	2	3.92
	SC	3	2	5	9.80
	ST	26	11	37	72.55

	OBC	5	2	7	13.73
7	<b>Dalits affected more or less than other castes</b>				
	No answer	0	1	1	1.96
	More	17	3	20	39.22
	Less	12	11	23	45.10
	Equal	5	2	7	13.73
8	<b>Gender Disqualified more</b>				
	Males	18	12	30	59.71
	Female	4	0	4	7.84
	Equal	12	5	17	33.33
9	<b>Viewed norm as anti-women</b>	5	1	6	11.76
10	<b>Viewed norm as discriminatory</b>	29	16	45	88.24
11	<b>Helped in controlling population</b>				
	Very much	11	15	26	50.98
	Some	15	1	16	31.37
12	<b>Endorsed adverse effects on society</b>	13	2	15	39.41
13	<b>Endorsed adverse effects on PR/RD</b>	25	6	31	60.78
14	<b>Norm encouraged female foeticides</b>	8	6	14	27.45
15	<b>Favoured exclusion of women with only disabled son</b>	22	10	32	62.75

It was further probed as to which caste group members were prevented more from contesting panchayat elections for violation of the two child norm; scheduled tribes were mentioned by 72.55% of the affected PRI members. When probed if the law was against women, affected PRI members overwhelmingly (88.20%) denied. But in equal proportion, they also viewed the law discriminatory as MLAs and MPs are kept out of its purview.

When asked about PRI members serving as the role model for others, over two-fifths (45.10%) endorsed the view that family planning measures used by them tended to encourage others to follow them. Despite, overwhelmingly affected members considered the two child norm helpful in controlling population. On the question about the adoption of family planning measures by affected PRI members themselves, only three out of every ten answered in affirmative.

This suggests that non-adoption of family planning by most PRI members is directly related to the number of children born. When probed if they had violated the two child norm, two-thirds of them endorsed it. The status of violation of the two child norm can be gauged also from the fact that with an exception of three, all have endorsed having three or more children each; one-thirds of the total had five or more children each.

The views of the affected PRI members are also sought about the way society is affected by the two child norm. The responses revealed that whereas about two-fifths endorsed adverse effects of the law on society, over three-fifths (60.78%) reported similar effects on panchayati raj and rural development. The increase in female foeticide was also reported by over one-fourths (27.45%) of the affected members. Over three-fifths (62.75%) of the affected PRI members favoured exclusion of women with-only disabled son from the application of the two-child norm.

### **Effect on Spouses and family members**

The experience of implementation of the two-child norm in different states brought to our notice its widespread violation and sufferings on the part of the people especially family

members associated with PRI members affected by the disqualifications. An effort was therefore made to examine the problem of violation of the two-child norm and its consequences from the perspectives of family members and especially the spouses of the affected PRI members.

A total of 34 cases of disqualifications were identified – 13 from Rajasthan, 17 from Madhya Pradesh and 4 from Gujarat. Besides, 17 PRI members facing disqualifications are also located -7 from Rajasthan and 10 from Madhya Pradesh. In an attempt to examine the impact of PRI members disqualified or facing disqualification on their spouses and family, 39 spouses or family members were interviewed– 15 from Rajasthan, 20 from Madhya Pradesh and 4 from Gujarat. Of these, 12 were males who were mainly husbands and 27 were females, mainly wives of the PRI members. Of these, over four-fifths were middle aged and over two thirds were illiterate. A majority of them (61.24%) belonged to joint families. Over two-fifths (46.15%) of them were members of Scheduled Tribes and the remaining were more or less equally distributed among general category, SCs and OBCs. Occupation-wise, about half of them hail from families pursuing agriculture as the main occupation. Over one-fourth pursue wage labour whereas over 15% earn living through shop/trading.

It is interesting to note that about one-thirds of the spouses/family members endorsed birth of the third child after panchayat elections and the violation of the two-child norm by the concerned PRI members. It appears family members and especially women in general do not take the birth of the third child seriously; rather, they feel happy if the new born is male. Though women constitute over two-thirds of those affected by the disqualifications, surprisingly slightly less than three-fourths (71.80%) of them did not perceive the norm as anti-women.

However, all of them with a few exceptions considered the norm discriminatory as MLAs and MPs are excluded from the purview of the law. Likewise, over three-fifths denied any misuse of the law by people. However, a majority endorsed adverse effects of the norm on rural development programmes as the affected person fails to pay full attention to it rural development.

Likewise, whereas two-thirds of the spouses/family members (66.67%) expressed their ignorance about increased female foeticide due to the norm, one among every four answered in affirmative. When asked about the positive impact, over three-fifths (61.54%) hold that the norm has succeeded in attracting the peoples' attention towards increasing population. A little less than half of the respondents also felt that the norm has encouraged people to adopt birth control measures. About one-fifths also cited increased importance of small family norm and one among every eight considered women empowerment as a consequence of the two-child norm.

### **Complaints and complainants**

The incidence of violation of two-child norm is far greater in number than are reported and processed for disqualifying concerned PRI members. It is generally argued that the process of disqualification can be initiated only after filing of complaint of the violation of two-child norm and this has made it a handy tool for settling personal scores and harassing opponents. This has enhanced caste and class conflicts in the countryside. While few complaints are filed against the members of higher castes and richer classes, a

far greater number of complaints were reportedly filed against scheduled castes, scheduled tribes and other backward classes. An attempt was therefore made to identify complainants bringing the incidence of the violation of the norm to the notice of authorities and to obtain their views and the background of their action.

During the study, 23 persons were located who have filed complaints against PRI members for violating the two-child norm--16 from Rajasthan 4 from Madhya Pradesh and 3 from Gujarat. Of these, 10 were reportedly associated, in some form at some stage, with PRI members. While 20 of them were males, three were females. They were all literates- 11 primary-pass, 9 educated up to secondary level and two acquired higher education. Caste-wise, half of them were members of Scheduled Tribes, 9 were OBCs and 3 SCs; 6 of them were pursuing agriculture, 4 in service and the rest pursuing other occupations.

Almost all except one were aware about the two child norm; two-thirds of them hold that the family planning by PRI members contributed greatly in controlling population and all endorsed its positive impact on others. Regarding the incidence of violation of the norm, all with one exception answered in affirmative but over two-thirds (69.56%) believed that defaulters often go scot-free.

In response to a question about reasons underlying their filing of the complaint regarding violation of the norm, about two-thirds did so because the PRI members were from opposition group / party, 3 out of 23 did so because of instigation by others and remaining did so for the sake compliance of the law or personal enmity. When asked if they would continue to file similar complaints in future also, all answered in affirmative and feel confident that this will bring down the incidence of violation of the two-child norm.

### **Case studies: Some Inferences**

To obtain insight into the problem of violation of the two child norm and consequent disqualification, 12 cases of disqualified PRI members from all the states were identified for in-depth interviews and study.

The points which emerged from the case studies tended to reinforce most of the findings of the present study. The broad findings of these case studies are organised into eight sub-groups and presented in the following pages.

The reading of case studies provides us some insight into various dimensions of two-child norm, its nature and magnitude, its causes and consequences, and views and perceptions about the subject and the like.

#### **(a) Awareness about the law**

1. The lack of awareness about the two-child norm was widespread; many came to know about it while contesting panchayat elections; some became aware after elected to the panchayat post and while others came to know about it when complaint was filed against violation of the norm or on receipt of the show cause notice.
2. Many PRI members attributed their ignorance of the law for the violation of the norm.
3. PRI Members become aware about the norm from different sources: while filing nomination papers; while facing complaint against violation of the norm; disqualification and

removal of panchayat members here and there; through books on the subject and newspaper coverage of the action against defaulters.

### **(b) Application and violation of the law**

1. Many of those disqualified endorsed having violated the two child norm.
2. Many were reportedly elected despite violation of the law but now there is a checking at the time of filing nomination from to contest panchayat election.
3. Some felt sorry for their removal from panchayat post even after the withdrawal of the law especially in Madhya Pradesh.
4. Many find the two child norm discriminatory as it spared more responsible and more powerful MLAs and MPs and government officials from the application of the norm.
5. Some PRI members tend to commit criminal act to retain positions of power in PRIs.
6. Cases of voluntary disclosure of violation of the two child norm and consequent resignation from panchayat post are also noted.

### **(c) Disqualification and its process**

1. More members of village panchayats than those of block/ taluka panchayats and district panchayats were disqualified.
2. Simultaneous disqualification of sarpanch, up - sarpanch and a panchayat member was also reported and in all three cases, the birth of third or subsequent child took place while holding panchayat post.
3. In some cases of disqualifications, appeals were made against such decisions. In some cases, stay orders were obtained and member succeeded to continue on the panchayat post, while in others, appeals made against disqualifications were rejected.
4. In cases, where the decision to remove from panchayat post was reversed by higher court, the failure to base the decision of the removal on verifiable written or oral evidence was responsible.
5. Inquiries after birth of the third child, long drawn court cases and expenditures incurred on attending courts to participate in proceeding act as disincentives for both, PRI members violating the norm as well as those filing the complaint.

### **(d) Complaints and complainants**

1. The process of disqualification began after filing of complaints about the violation of the two child norm or furnishing information on demand about the number of children born. The complaints were usually filed by opposing comps to settle old scores or to take average.
2. Contrary to the general belief, complaints about the violation of the norm were made even by one's own caste and community members.
3. Complaints were filed also by such panchayat members who themselves have violated the two child norm.
4. In many cases, persons from apposite comps/parties are held responsible for filing of complaint against them and their disqualification.
5. Birth certificates and ration cards are frequently used in support of allegations of violation of the two child norm.
6. Cognizance was also taken of entry of incorrect date of birth in school admission form which led to disqualification of PRI member from panchayat post.

### **(e) Health and Population**

1. In certain cases, the two child norm was violated under compulsions which included failure of TT operation, abortion being illegal and poor health of the wives making it impossible to get them aborted.
2. Failure of family planning programme was also held responsible for violation of the two child norm and subsequent disqualification. The failure of the T.T. operation in preventing further pregnancy led to the birth of the third or higher order child resulted in the disqualification of the panchayat members.
3. Some find the law helpful in controlling population but only if it is applied universally.

### **(f) Groups affected by the norm**

1. The removal of PRI members from the panchayat posts affected family members adversely and psychologically.
2. Some hold that women are deeply affected by the law as they have to lose panchayat post even due to the birth of unwanted child.
3. Dalits are believed to be more seriously affected by the norm owing mainly to their low education and inaccessibility to health facilities to prevent birth
4. More members of village panchayats than those of block/ taluka panchayats and district panchayats were disqualified.
5. Some see contradiction in state policy as on one hand programmes for protecting the girl child like "save the girl child" are promoted and on the other, female panchayat member is punished for the birth of the girl child.

### **(g) Perception about the law**

1. Some opined that the law should have been passed after debate and consequent amendments.
2. Some PRI members endorsed misuse of the law to take average and to settle old scores.
3. Many favored withdrawal of the law due to its adverse impact and misuse.
4. Some were removed from panchayat posts without getting opportunity to present their views and without making them available certified copies of the documents used to disqualify them.
5. Some see contradiction and double standard in the application of law: the politicians and bureaucrats are preaching something which themselves are not practicing.
6. Panchayat members were disqualified even on failure to produce evidence of the withdrawal of the two child norm and of the fact that the child was born after such withdrawal.

### **(h) Socio-cultural dimensions**

1. The widely prevalent son obsession forced many couples to give birth to subsequent child and thereby violate the norm.
2. On becoming aware about the law and on expecting a third child especially son some have at their own tendered resignation from the panchayat post.
3. Religion and personal laws are also invoked to prevent disqualifications, in some cases of violation of the two child norm. A Muslim member of panchayat viewed it a question of faith and practice which the two child norm does not permit.



### **Summing up:**

The members of PRIs face disqualification for contesting election or holding office in case third child is born after two living children and after the stipulated date and is alive. It is only in 8.57 % cases that the birth of the third child has reportedly taken place after elections. About 56 percent members acknowledged the use of family planning measures and over three-fifths (62.38%) opined that this has encouraged others to follow.

Based on 30 selected items of information about the two-child norm, overall awareness level was measured which found to be only 36.30 % thus leaving an information gap of 63.70 % to be bridged by training and other methods. The highest gap was noted among Gujarat respondents. Over half of the PRI members (57.38%) are aware about the violation of two-child norm. Of these, a little less than two-fifths (38.93%) acknowledged that despite violation of the norm, no action was taken. To ensure compliance of the norm, only 8.57 % of the PRI members have ever filed the complaint against PRI members for violating the norm.

Data showed that only 15.24 % of the respondents reported violation of the two-child norm. However, only in a little over one-fourths of such cases, complaints were reportedly filed. Among measures preferred to evade disqualifications for violating the norm, getting DNA test conducted was mentioned by about three-fifths of the PRI members followed by pretending to be simply a caretaker (36.72%), giving child in adoption (32.81%) and procuring false birth certificate (23.44%).

The study of member affected by disqualifications showed that only a few have adopted family planning; most had over 4 or more children each and endorsed having violated the two child norm. Overwhelmingly, they do not subscribe the view that the norm is anti-women but hold that it is discriminatory. The adverse effects of the norm on panchayati raj and rural development were endorsed by a substantial majority.

Of the 34 spouses or family members of those affected by disqualifications, one-thirds endorsed the birth of the third child after panchayat elections and violation of the two-child norm by panchayat members. Overwhelmingly, they do not view the norm as anti-women but consider it discriminatory. The adverse effects of the norm on panchayati raj were endorsed by a majority and acknowledged its role in attracting people's attention towards population problem.

Of the 23 complainants, most were males, literates and educated, and members of STs and OBCs. Most endorsed widespread violation of the two child norm and feel that defaulters go scot-free. The main reason attributed for filing complaints was that defaulters belonged to the opposition group/party. Most subscribe positive impact of the norm on controlling population.

## CHAPTER 5

### **APPLICATION OF TWO CHILD NORM IN PRIs II: A GENDER PERSPECTIVE**

The main focus of the preceding chapter was to provide an overall view of the two child norm and its application, its violation, consequences thereof and attitudes and perceptions of PRI members about it. But as per requirements of the present study, the problem is to be examined from the perspectives of gender as well for several reasons (TOI, 2009b): recently, Government has decided to reserve 50 % of seat in gram panchayats for women. This will effected through moving a bill to amend the Article 243(D) of the Constitution of India for enhancing the reservation for women in all tires in panchayat raj. From one-third to at least 50%. The Government has already enacted a legislation providing 50% of reservation to women in PRIs. Most women members were lowly educated and ill-informed about the provisions of two child norm and are apathetic towards electoral processes. In many cases, they were pressurised by their family members or husbands to contest elections. They had realized the implications of the provisions when cases of their disqualification were initiated after elections were held based mainly on the complaints filed by opposing candidates and they were subsequently disqualified. Based on the study carried out by Mahila Chetna Month, Bhopal, Patnaik (2005a) noted: about 40% of all candidates were involved in legal processes and 50% of them belonged to SCs and 38% to backward castes women only. In Orissa, 55% and in Andhra, 48% of the cases of disqualifications constituted of women only. Thus, women in large number were found to be more marginalized by the legislation. There was enough evidence that women were getting discouraged in view of long drawn court cases, enquires and had to undergo mental trauma resulting from the dilemma between continuing in the elected post and simultaneous desire for a son and a large family.” Besides, the husband, if he happens to be panchayat member, tended to resort to anti-women measures to evade disqualification for violating the two child norm (Visaria *et al* 2006).

The Task Force on Panchayati Raj, set up by the Rajiv Gandhi Foundation (1997), has rejected restrictive provisions like the law of ‘two child norm’ as violative of human rights. In a memorandum to the Prime Minister, the Task Force said that ‘such a law is against the policy of informed responsible choice for family size and violates human right’. Quoting the research on the subject, it said that restrictive provision is leading to malpractices like desertion of women, sex selective test, female foeticide and neglect of girl child. It will particularly discourage young women and disadvantaged sections from entering the panchayats.

In several cases, disqualifications of members of panchayati raj institutions on this ground were initiated after nominations were filed or elections were held and mostly opposing candidates made complaints to this effect. Quite a good number of members, more so women members, were lowly educated and ill-informed about the provisions, have apathy towards electoral processes but were persuaded by their family members and relations to contest elections. It is only when some of them were subsequently disqualified that the

implications of the provision are realised. However, it hardly affects those who have already entered the panchayat raj institutions through the process of elections, for cases filed against them are prolonged in courts and stay orders are somehow secured by affected persons that allowed such members to complete their tenure. Regarding adverse effects of the norm on women members, Patnaik (2005a), based on Bhopal study, contends:

*"The study also reveals that about 40 percent of all candidates were involved in legal processes and 50% of them belonged to scheduled castes and 38% to backward castes women only. In Orissa, 55% and in Andhra, 48% of the cases constituted women only. Thus, women in large numbers were found to be more marginalised by this legislation. There was enough evidence that women were getting discouraged in view of long drawn court cases, enquiries, and undergo mental trauma resulting from the dilemma between continuing in the elected post and a simultaneous desire for a son and a large family. In the end, this stage of situation defeats the very intent of the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments that attempt to facilitate and encourage entry of women across class and caste into panchayats and urban bodies"*

It is in this context that the problem of the two child norm is being examined have in relation to gender. For this purpose, four main areas were selected to attempt gender-specific analysis: measures to prevent child birth, awareness about two child norm, violation of the norm and resultant action and steps to ensure compliance of the norm.

### Measures to prevent child birth:

Of the total sample of 840, males comprise 69.64% and females 31.19%. To be able to contest panchayat election and to continue to hold panchayat post, PRI members having already two living children have to ensure that the third child is not born. For this purpose, PRI members tended to resort to use measures that are likely to prevent the birth of the third child. The gender-wise information about the number of children and use of measures to prevent child birth is provided in Table 5.1

**Table 5.1**  
**Measures PRI members use to prevent child birth by gender (N=840)**

S. No.	Description	Gender			
		Male		Female	
		Number	Percent	Number	Percent
1	Respondents having 3 or more children at the time of election	264	45.67	109	41.6
2	Respondents reporting birth of child after election	49	8.48	23	8.78
3	Respondents adopting family planning	313	54.15	149	56.87
4	Stage when family planning used				
	(i) When desired no of children born	160	51.12	82	55.03
	(ii) When boys and girls born in desired ratio	153	48.88	67	44.97
5	Respondents reporting abortion in the family	58	10.03	36	13.74
6	Endorsed use of family planning by PRI members	329	56.92	141	53.82

From a look at Table 5.1, over two-fifths (41.60%) of women panchayat members had 3 or more children at the time of their election as against 45.67% of male members. Almost in equal proportion, both sexes have reported birth of the child after panchayat elections. A majority of the PRI members from birth sexes resorted to birth control measures but

more of women members did so than the male counterparts. These results hold good also with respect to adopting birth control measures at a stage when birth of the desired number of children was already taken place. Among PRI members who adopted family planning when boys and girls were born in the desired ratio, there were more males than females. Among those resorting to abortion for preventing child birth, females outnumber males. When asked if fellow panchayat members have also opted family planning, majority answered in affirmative but this was endorsed more by males than by females.

### **Awareness about Two Child Norm:**

Owing to low level of education and relatively poor exposure to political processes, women members are believed to be virtually ignorant about most provisions of the two child norm and therefore they are hardly in a position to understand the implications of violation of the norm. In order to assess as to what extent such an assumption holds true, awareness level of both male and female PRI members was measured by taking into account 30 items of information relevant to the subject of two child norm. The correct answer to each such item was assigned score 1. Thus, a PRI member who is fully aware about two child norm can obtain a maximum of 30 scores. But in reality, this is quite unlikely. The actual scores obtained by male and female panchayat members out of the total obtainable scores of 30 are shown in Table 5.2.

**Table 5.2**  
**Respondents' level of awareness about two child norm by gender (N= 840)**

S. No.	Awareness score	Males		Females		Total	
		Number	Percent	Number	Percent	Number	Percent
(i)	Upto 5	16	2.77	12	4.58	<b>28</b>	<b>3.33</b>
(ii)	6 to 10	253	43.77	124	47.33	<b>377</b>	<b>44.88</b>
(iii)	11 to 15	255	44.12	103	39.31	<b>358</b>	<b>42.62</b>
(iv)	16 to 20	54	9.34	23	8.78	<b>77</b>	<b>9.17</b>
(v)	21 and above	0	0.00	0	0.00	<b>0</b>	<b>0.00</b>
<b>Total</b>		<b>578</b>	<b>100.00</b>	<b>262</b>	<b>100.00</b>	<b>840</b>	<b>100.00</b>

As is evident, 53.46% of male PRI members have obtained 11 or more scores of awareness as against 48.09% of female members. Conversely, more female members than male counterparts are represented in low awareness categories. The mean awareness scores of two groups also provided evidence of gender differentials: mean scores of males were 10.98 as against 10.70 of females. Put differently, female panchayat members have greater information gap (19.30) as compared to that of male members (19.02) which is to be bridged through training or other means.

### **Violation of the norm and resultant action:**

As indicated earlier, 15.24% of PRI members have reportedly violated the two-child norm in the sense that either they contested panchayat election or got elected despite the violation of the two child norm. Among these, males outnumber females with respective percentage of 16.96 and 11.45 (Table 5.3). Thus, women constitute 23.44% of the total number of respondents of who reported violation of the two child norm.

**Table 5.3**  
**Respondents reporting violation of two child norm and action against them as per gender**  
**(N=840)**

S. No.	Description	Gender			
		Male		Female	
		Number	Percent	Number	Percent
1	Number reporting violation of norm	98	16.96	30	11.45
2	Number reporting action against violating norm	38	38.78	13	43.33
3	Methods respondents favored to evade disqualifications				
(i)	Giving the child in adoption or putting him/her under cover	29	29.59	13	43.33
(ii)	Getting DNA test conducted	53	54.08	3	10.00
(iii)	Declaring one self simply a care taker of the child	28	28.57	19	63.33
(iv)	Procuring false birth certificate/getting date of birth changed	19	19.39	11	36.67

It does not imply that all those who violated the norm are prevented from contesting panchayat elections or removed from the post they held in PRIs. It is quite likely that many of the violations have gone unreported, complaints against such violations were not field or action was not initiated or the defaulting member was not removed from his/ her post. It was, therefore, asked if any action was initiated for the violation of the norm. In response, only 39.84% of those who reportedly violated the norm have faced some action in the form of preventing from contesting panchayat election or getting the process of their removal from the post initiated.

However, the fact that these members continue to hold their panchayat posts implies that the action taken against them did not reach its logical end or that some sort of evasive techniques were used by members to prevent disqualification.

When asked which techniques were favored to prevent disqualification, seven techniques were listed, each favored by over one-tenth of the respondents. Among these, four were favored each by more than one-fifth of the defaulting members. Gender-wise variation shows that majority of males favored getting DNA test conducted, that of females favored pretending to be caretaker of the child or showing the child of someone else. Giving the child in adoption or putting him/ her under cover were endorsed more by females than by male members. Same holds good for procuring false birth certificate or getting date of birth of the child changed.

### **Ensuring compliance of the norm:**

Another aspect which is associated with the application of the two-child norm relates to the role of PRI members in ensuring compliance of the norm. These included, besides others, filing of complaint against the violation, withdrawing from contesting panchayat elections, tendering resignation from the post and the like. Gender-wise data in this connection are shown in Table 5.4

**Table 5.4**  
**Steps initiated by respondents to ensure application of two child norm as per gender N=840)**

S. No.	Description	Gender			
		Male		Female	
		Number	Percent	Number	Percent
1	Respondent filing complaint of violation	47	8.13	25	9.54
2	Respondents expecting fall in violation greatly due to complaints	157	27.16	75	28.63

3	Steps PRI members initiated to prevent disqualification if third child to be born is male				
(i)	Withdraw from contesting election	159	27.51	61	23.28
(ii)	Resigned from PRI post	21	3.63	15	5.73
4	PRI level at which more members were disqualified				
(i)	Panchayat	255	44.12	120	45.80
(ii)	Block/Taluka panchayat	120	20.76	55	20.99
(iii)	District Panchayat	56	9.69	11	4.20

From a look at Table 5.4, one in every 12 respondents reportedly filed complaint against PRI members violating the norm. It is interesting to note that among these, more of women members than their male counterparts did file the complaint though difference between two sexes was not marked. When asked about the impact of such an action, over one-fourth expected a great fall in the incidence of violation and this holds more or less good for both sexes.

A related question was also asked as to the steps fellow PRI members have themselves taken to prevent violation and resulting disqualification. The results indicated two main steps, namely, withdrawal from contesting election and resignation from the post held. The first step of PRI members was widely endorsed both by males as well as females but only a negligible proportion listed second option. It is generally difficult to resign from a post of power once secured through election.

The views of the respondents were also ascertained about the PRI level at which relatively more members were disqualified. Over two-fifths of all the respondents listed panchayat members followed by members of block/ taluka panchayats and district panchayats. The finding holds good also for two sexes who do not manifest any marked differences in this regard.

### **Summing up:**

Among those having more than 3 children each, there are more males than females. Female members outnumber males in opting abortion to prevent child birth. More males than females are aware about the two-child norm. Males have edge over females in awareness level. Thus, female PRI members have greater information gap (19.30) than their male counterparts (19.02). As will be seen later, males retained their edge over females in awareness level during post-orientation phase, but later have registered greater improvement than the former. Male members outnumber females in violating the two-child norm.

## ORIENTATION IN TWO CHILD NORM AND ITS IMPACT ON AWARENESS

The child birth and especially birth of a male baby is highly valued in India especially in rural areas. Very seldom people compromise on the question of child birth. Besides, small family norm as promoted by National Population policy has not yet taken roots. The status of woman in the family enhances correspondingly with the number of children, and especially males, she bears. Admire such a mind set, adherence to two-child norm to secure position of power in political institutions can hardly be expected. It does not imply that people do not cherish the goal of securing and retaining the positions of power. With the 73<sup>rd</sup> constitutional amendment and consequent political mobilization, people from all walks of life are increasingly aspiring for positions of power in political institutions and in the process learn to strike a balance between social and political goals. While bearing more and male children, PRI members continue to contest panchayat elections and to hold office keeping violation of the two child norm under curtain to evade disqualification. Though studies have brought to notice use of several methods by PRI members to evade disqualifications (Buch 2005; Visaria *et al* 2006), quite often, PRIs members charged of violating the norm pretend ignorance about it and if powerful, economically, politically or otherwise, tend to intimidate those trying to file complaint against violation.

Compliance of law depends greatly on the amount of information people have about it. Many of those who were disqualified on account of violation of the two-child norm argue that they were not aware about it. The officials however maintain that ignorance of law is not an excuse and hold that the persons contesting elections or holding office in PRIs rather pretend ignorance and use evasive techniques when faced with the process of disqualification. In this connection, Government stand is clear: PRI members are expected to be aware of the provision of the two-child norm and different clauses of the state Panchayati Raj Act. The level of awareness about the two-child norm among PRI members varies greatly. Some denied having any knowledge about the two-child norm whereas others have incomplete information. The state also considered it necessary to provide such knowledge to the PRIs members. Visaria *et al* (2006) cited an example of incomplete knowledge about the norm and quoted an ex-ward punch from Rajasthan:

*“I knew very well that only those who have two or less children could fight elections and I was eligible. But I never knew that even after becoming panch one can be removed from the position if she / he has the third child. This is what happened with me. She (daughter) arrived and I was removed”.*

The authors further noted that many contestants, as officials cite, file wrong affidavit(s) stating that they have only two or less children when in fact they have more. Signing the nomination form requires a declaration that none of the provisions of the Panchayati Raj Act are being violated. If some person with more than two children files a nomination form and signing it, that itself becomes a criminal offence.

## **Need of Orientation:**

Given the low education, poor outside exposure and low level of participation in political institutions, the pretext of ignorance about the law is somewhat justified. Despite the saying “ignorance is no excuse”, the PRI members, many of whom have never held in the past political post, are required to be oriented about functioning of panchayati raj including provisions of the two-child norm. The introduction of three tier system of panchayati raj and especially one-thirds reservation in PRIs for women, SCs, STs and OBCs following 73rd constitutional amendment necessitated the need for training of panchayat representatives. Therefore, a series of nationwide training programmes were organised in the past for orienting PRI members in the structure and functions of panchayati raj. However, the two-child norm did not receive needed attention in such training exposures resulting in the lack of awareness about it.

The experience of the implementation of two child norm in different states indicated that many PRI members, who violated the norm or are prevented from contesting panchayat elections or faced disqualification on account of violating the norm or are removed from the panchayat post, advanced the argument that they were not aware about the norm. To a certain measure, such an argument appears valid in view of the fact that out of about 30 lakhs elected PRI members in the country, many are illiterate, literate and new-literate women, SCs, SCs and other marginalized groups, a sizeable proportion of which are first or second generation entrants to PRIs who lack in different degrees understanding and skills of the art of governance and awareness about structure, functions and process of panchayati raj, for illiteracy and low education act as strong impediments. Many of them entered into politics simply because of provisions of reservation.

It is this type of audience which needs to be imparted orientation to ensure knowledge and understanding not only about the structure, functions and process of panchayati raj and the rights and obligations of the members but about eligibility to contest elections and to hold office in PRIs. An elaborate network of training programmes from national level to local level was evolved to train members of PRIs. The emphasis in such trainings was placed on capacity building of PRI members and promoting among them participation in decision making. The training modules were developed with focus on rural and social development, gender equality, reproductive health, child care, education, micro credit, communication, welfare schemes, resources mobilization and the like. However, general and comprehensive orientation and training programmes organised so far could not pay much attention to specific subjects like the two-child norm. Such specific subjects call for specialized training invariably of short duration while general and comprehensive training programmes are usually of long duration and offer broader view of all the main aspects of the job. The subject of two-child norm is specific area to be covered during a short duration training invariably taking place near the work place of the persons that require training exposure.

## **Training Phases**

Quite often, training intervention is attempted atleast in three main phases: (i) pre-training; (ii) training, and (iii) post-training. Of these, first phase is quite crucial requiring relatively long time in selecting strategies, identifying training gaps and needs, selecting training content or subject matter, methods and techniques to communicated, training team and physical arrangements needed to impart training.



During training phase, information is provided by using selected methods and techniques and feedback is obtained. In post-training phase, training imparted or requisite knowledge and skills communicated is evaluated and gaps, if remained, are bridged through follow up.

The primary goal of all training intervention is the improvement in behavior of the persons exposed i.e. knowledge, understanding, skills, attitudes, confidence etc (Linton and Pareek, 1990). The programme of orientation of PRI members in the two-child norm also involves these three main phases.

**Identification of Training Needs:** The training needs of the present PRI members were identified through (1) collection of pre-training information on the two child norm through Interview Schedule I administered among PRI members that contained a separate section covering a set of questions on different aspects i.e. provisions, application, implications consequences, groups affected, legal intervention, incentives and disincentives, etc (ii) interviews and discussions held with the respondents during first phase of data collection, (iii) discussions with representatives of supporting NGOs associated with rural development and panchayati raj in sampled states and districts, and (iv) case studies conducted by research team as also studies carried out by scholars and appeared in national journals and reports etc.

Along with the above, all the information on the subject of two child norm based on state panchayati raj Acts, reports, journals, websites, debates in parliament, court judgments and discussions with scholars, were compiled and organised (Annexure I). This served as the base in the light of which information possessed by a PRI member was matched, compared and gaps, if any, were identified.

To measure the information gap, 30 components of all the available information on the subject were identified and included in section III of the Interview Schedule I in the form of objective/closed questions. Each component was assigned 1 score for a total of 30. The correct answer was assigned score 1 while incorrect answer 0. If a respondent gives correct answer to all the 30 components, he/she can expect a maximum of 30 scores. But in practice, actual scores obtained by a person remain below 30 and to that extent he/she is having information gap or lack of awareness which needs to be bridged by orientation or exposure to training. The training content was thus identified to be imparted to PRIs members.

As indicated in Tables 4.2 and 4.3, respondents taken together scored only 10.89 out of maximum obtainable scores of 30 which is indicative of a very poor level of awareness about the two-child norm. State-wise data showed that the awareness level of Rajasthan respondents was found highest at 11.99 followed by Madhya Pradesh and Gujarat respondents with respective mean scores of 10.81 and 9.75.

Besides, members of the district level panchayats and those with urban proximity are more aware than their counterparts. Conversely, awareness gap was found more marked in case of members with low urban proximity, gram panchayat members, and Gujarat respondents. The results do not appear unexpected: Gujarat introduced the norm only in 2006; females and those with low urban proximity had low exposure and low education. Same holds true in case of lower levels of PRI institutions.

Data also point towards wide gap in the information to be bridged by some exposure. The gap noticed was widest among Gujarat respondents (mean difference: 20.25); these are followed by those with low urban proximity and members of block and village level panchayats. It was also noted that the information gap was more marked among female members than the males.(See Table 5.2)

**Orientation Phase:** During pre- orientation phase, level of awareness about the two-child norm was assessed for both, present PRI members and past PRI members. However, during orientation phase, only present PRI members were involved. It was done mainly to ensure their availability and preparedness for exposure. It was decided to provide them only one day exposure in such a way that disrupts their routine work least. To this end, previous or next day of the scheduled meeting of PRIs were selected for orienting members. In cases where scheduled meetings of lower tiers, especially panchayats, did not last long, the orientation was provided on the day of meeting itself. The intimation to this effect was conveyed in advance. The help of sarpanch or chairperson of the panchayat body was also sought in ensuring that PRI members participate in the event. Before start of the scheduled meeting or after meeting, members were approached to ensure their presence during orientation programme.

In each state, a prominent NGO with long experience of working in panchayati raj and rural development were identified and sought from them logistic and technical support in organizing and conducting orientation programme for PRI members. Prolonged discussions were held with each of them to develop and finalise common approach to orientation including subject matter. The subject matter on two-child to be covered was discussed and finalised and the copy of the same was made available to each supporting organization so that same content with specific state details are covered during orientation. During orientation, lecture-cum- discussion, question-answer session and presentation by participating members were mainly used as methods and techniques.

The orientation programme in each state was undertaken only after the completion of data collection phase. It was organised at places where largest number of PRI members are available or can be assembled with ease. Care was taken to ensure that the orientation programme is organised in small groups and nearest to location/ meetings of PRIs members. For members of district level panchayats, orientation was conducted at the headquarters of district panchayats. Likewise, block / taluka level orientation was conducted in the office of block/taluka headquarters. The orientation of members of nearby panchayat members were also held at respective blocks/talukas headquarters. The, panchayat level orientation was conducted by combining members of two or more panchayats and holding orientation either at block/talukas headquarters or at panchayat headquarters depending upon the availability of space.

As orientation was to be conducted more or less simultaneously in all the sampled areas and within a specified period, help of the experienced master trainers in the field of panchayati raj was sought from supporting organisations with a request to assist research team in conducting orientation programme. In our case, Aastha Sansthan from Udaipur with centres in districts of Banswara and Dungarpur, Adivasi Seva Trust, Indore with its centres in Khargone, Dhar, Jhabua and Indore, and Matrusmriti Trust / Western India Forum for Panchayati Raj. Ahmedabad with its close linkages in Surat and the Dangs responded favourably to our request and have extended active logistic and technical support.

The success of orientation programme depends on the extent to which PRI members are made aware of the provisions of two-child norm and their implications for different population groups. This task was facilitated greatly by involvement of trainers drawn locally who speak local dialect.

In order to ensure that the PRI members become conversant with the provisions of the two child norm and its consequences, observations of PRI members on different aspects of the subject were recorded at the time of data collection. These included besides others, problems they themselves or other fellow members experienced during application of The two-child norm as also their views and attitudes about the relevance or otherwise of the norm. These observations were also integrated into orientation programme conducted to impart knowledge and understanding about the subject.

### **Training Manual:**

A brief manual containing different aspects of the two child norm was prepared in advance to be used as text material for conducting orientation programme for the present PRI members (Annexure I). Material was collected also during the meetings held with representatives of supporting organisations, discussions with experts on the subject and interviews with respondents. In this connection, help was received from Shri G. S. Narwani, former Director of Panchayati Raj, Govt of Rajasthan, and Shri P. N. Vaishnav, former Secretary of Panchayati Raj, Govt of Gujarat.

Besides the use of manual for making PRI members aware about two-child norm, a combination of methods and techniques were employed to organise orientation programme which included (i) lectures or talks by facilitators, (ii) question-answers sessions/discussions, (iii) presentation of observations by participating PRI members, (iv) blackboard (v) oral feedback, and (vi) assessment of knowledge gain through the use of check list containing same questions on which responses were obtained during data collection phase. The question-answer method was extensively used to assess and improve the level of knowledge and understanding about the subject.

### **Training Support:**

The improvement in knowledge and understanding about the given subject is an important human development task which can be effectively completed, besides others, by active involvement of grassroots organisations with insight into ground realities working in the specialized field of panchayati raj for quite a long time and whose contribution is widely acknowledged. For our purpose, we have identified one such organisation in each of the three states. These were: (1) Aastha Sansthan, Udaipur, (2) Matrusmriti Trust/ Western India Forum for Panchayati Raj, Ahmedabad, (3) Adivasi Sewashram Trust, Indore. These organisations have agreed to provide needed logistic and technical support to the research team especially in organizing orientation programme for PRI members in their respective states. Besides three representatives of these organisations, namely, Shri Ashwini Paliwal (Udaipur), Shri Rajesh Bhat (Ahmedabad) and Shri Tapan Bhattacharya (Indore), Sh G.S.Narwani, Former, Director, Panchayati Raj Govt of Rajasthan and Professor Akash Acharya, Surat were also involved in consultations regarding the two child norm as applicable to different states.

## Evaluation of impact of orientation

Evaluation, as a process of assessment of learning occurred and changes taken place, was carried out in two stages: (i) pre-orientation evaluation, (ii) post-orientation evaluation. The existing level of knowledge and understanding of PRI members about the two child norm was ascertained during data collection phase from September 2008-February 2009 with the help of Interview Schedule I.

The existing level of knowledge and understanding was matched with state specific information about different aspects of the two-child and gaps were identified to be bridged during orientation programme conducted subsequently. The improvement or otherwise in the level of knowledge and understanding about the two child norm was ascertained at the end of orientation programme conducted subsequently. For the purpose, the help of check list was taken that contained same questions and covering same aspects about which base line information was collected. This has helped us in assessing the extent to which gaps identified during data collection phase were bridged as a result of participation in the orientation programme. The responses thus received from PRI members were compared with the results of pre-orientation assessment which has offered us a measure of change and improvement in the knowledge and understanding of PRI members about the two-child norm at two periods of time.

**Pre and post orientation comparison:** The experience showed that the training offered to people resulted in changes in their knowledge, understanding, skills, attitudes and overall behavior. It, however, depends upon the nature, quality, duration, methodology, training environment and host of other factors. How far orientation programme in the two-child norm proved helpful in improving the knowledge and understanding of present PRI members has been attempted here.

The pre-orientation level of awareness with respect to all the 571 present members of PRI members was assessed. However, only 443 of these members constituting 77.58 % have participated in the orientation and post-orientation assessment programme.

The results of the assessment at two points of time and changes occurred therein are presented in Tables 6.1 through 6.4.

**Step was comparison:** The results of awareness level of present respondents from three states at two points of time are shown in Table 6.1.

**Table 6.1**  
**Mean awareness score of PRI members about provisions of**  
**two child norm as per state (N=571)**

S. No.	State	Awareness level	df	Mean	S.D.	t-value
(i)	Rajasthan	Before orientation (N=202)	339	11.86	3.60	17.39**
		After orientation (N=139)		18.37	3.25	
		<i>Difference</i>		6.51		
(ii)	Madhya Pradesh	Before orientation (N=180)	351	10.87	3.06	27.05**
		After orientation (N=173)		18.90	2.50	
		<i>Difference</i>		8.03		
(iii)	Gujarat	Before orientation (N=189)	318	10.10	2.59	15.00**
		After orientation (N=131)		15.21	3.25	
		<i>Difference</i>		5.11		

From a look at Table 6.1, we find that the overall awareness level which stood at 36.30% (mean scores = 10.89) shot up to 64.47 % (Mean scores= 19.34) thereby registered a sharp gain of 77.59 %. The state-wise data indicated that Madhya Pradesh respondents, who were almost at par with their counterparts from Rajasthan, made highest improvement (73.87%) and the lowest improvement was made by Gujarat respondents (50.59%). The values of t-test indicated highly significant improvement in awareness level of all the three groups as a result of orientation programme.

**Improvement by PRI level:** The improvement in the level of awareness was assessed in relation to panchayati raj level also. The results are shown in Table 6.2.

**Table 6.2**  
**Mean awareness score of PRI members about provisions of**  
**two child norm as per PRI level (N=571)**

S. No.	PRI level	Awareness level	df	Mean	S.D.	t-value
(i)	Panchayat	Before orientation (N=293)	543	10.58	3.24	22.41**
		After orientation (N=252)		17.19	3.59	
		<i>Difference</i>		6.61		
(ii)	Block/taluka	Before orientation (N=135)	227	10.13	3.00	18.18**
		After orientation (N=94)		17.13	2.77	
		<i>Difference</i>		7.00		
(iii)	District	Before orientation (N=143)	238	12.54	2.78	18.66**
		After orientation (N=97)		19.32	2.75	
		<i>Difference</i>		6.78		

As can be seen, though the members of district level panchayats are relatively more aware than their counterparts at both points of time, members of block / taluka panchayats have made greater gains (69.10%) than others, the corresponding gains made by district panchayats and village panchayats were 54.07% and 62.48%. Despite, the gains made by all the three groups in their level of awareness were found highly significant as revealed by t-test.

**Gender and Improvement:** The impact of orientation programme on the respondents' awareness about the two children was assessed in relation to gender also (Table 6.3).

**Table 6.3**  
**Mean awareness score of PRI members about provisions of**  
**two child norm as per gender (N=571)**

S. No.	Gender	Awareness level	df	Mean	S.D.	t-value
(i)	Male	Before orientation (N=380)	675	11.05	3.20	26.30**
		After orientation (N=297)		17.66	3.28	
		<i>Difference</i>		6.61		
(ii)	Female	Before orientation (N=191)	335	10.79	3.22	18.16**
		After orientation (N=146)		17.61	3.56	
		<i>Difference</i>		6.82		

Data in Table 6.3 showed that males were more aware than females about the two child norm during pre-orientation as well as post-orientation phase. However, females made greater gain in their awareness level when compared to that made by males; the respective gains were 63.21% and 59.82%. Despite, the increase registered in the awareness level by both the groups was found highly significant as revealed by t-test.

**Improvement by urban proximity:** Table 6.4 provides data relating to pre and post orientation awareness level and the increase registered there in as per nearness to urban centers.

**Table 6.4**  
**Mean awareness score of PRI members about provisions of**  
**two child norm as per urban proximity (N=571)**

S. No.	Urban proximity	Awareness level	df	Mean	S.D.	t-value
(i)	Near	Before orientation (N=430)	757	11.33	3.20	28.22**
		After orientation (N=329)		18.05	3.29	
		<i>Difference</i>		6.72		
(ii)	Distant	Before orientation (N=141)	253	9.87	2.97	16.45**
		After orientation (N=114)		16.46	3.34	
		<i>Difference</i>		6.59		

It is evident that respondents with high urban proximity were found more aware than their counterparts at both points of time. The t-test indicated that the increase in awareness level registered by both the groups was highly significant which is suggestive of the efficacy of orientation programme.

### Summing Up:

The pre-orientation survey of information status about two child norm brought to our notice a wide information gap and lack of awareness about several important aspects of the problem under study. The orientation programme was therefore directed to bridge this gap in which different methods and techniques were used and support organisations with long experiences of the field were involved. At the end of orientation programme, an assessment of the gain in knowledge and understanding about the two-child norm was made.

As a result of orientation, the overall awareness level which stood at 36.30 % shot up to 64.47 %. The greater increase in awareness level was registered by Madhya Pradesh respondents, members of higher level of PRIs, those with high urban proximity and females. The increase in awareness of all the compared groups was found highly significant indicating the efficacy of the orientation programme.

## CHAPTER 7

# ATTITUDES AND PERCEPTIONS ABOUT TWO CHILD NORM

The two child norm as an instrument of population control has remained, since its inception, a highly controversial subject. The social pressure against the norm was so high that the states like Himachal Pradesh and Madhya Pradesh had to retrace their steps on grounds of protecting the interests of disadvantaged groups including women, scheduled castes, scheduled tribes and OBCs. In Rajasthan also, Zila Pramukhs and Pradhans, the Chairpersons of district and block panchayats had been vociferously demanding the removal of the norm and the state panchayati raj and rural development minister of Rajasthan viewed the law as 'nuisance' and is seriously thinking to amend the law (Times of India, 21.05.2009; 19.08.2009). Under these circumstances, it was considered relevant to find out the attitudes and perceptions of PRI members themselves.

This chapter revolves around such question: what view PRI members hold about their being projected as role models to popularize family planning? Do panchayat members consider the norm as anti-women? Whether it is viewed discriminatory since members of legislatures and parliament were kept out of its purview? What impact do they perceive of the two child norm on society, polity, and economy? The responses obtained of these and similar other questions are summarized in Tables 7.1 through 7.5

### **Panchayat members as role model:**

The Panchayat members are expected to act as role model in spreading the message of population control by virtue of their intimate contacts with the rural people and holding of positions of power in panchayati raj institutions. This is subjected to the condition that PRI members themselves first adopt family planning measures. As per data in Table 7.1, over half of the respondents (55.95%) endorsed use of family planning measures by PRI members, more in Rajasthan than in other states. When asked if adoption of family planning by PRI members had encouraged other people to follow them, over three-fifths (62.38%) answered in affirmative. Such a view was held more by the respondents from Rajasthan than by their counterparts from other states.

**Table 7.1**  
**Use of family planning by PRI members to prevent child birth (N=840)**

S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
1	Aware about use of family planning by PRI members	193	63.07	146	56.59	131	47.46	470	55.95
2	Endorsed family planning used by PRI members encouraging others to follow	234	76.47	164	63.57	126	45.65	524	62.38
3	Endorsed use of family planning by PRI members helpful in population control								

(i) Very much	153	50.00	52	20.16	97	35.14	302	35.95
(ii) Some what	125	40.85	175	67.83	166	60.14	466	55.48

When PRI members use family planning, it is expected to result in controlling population to some degree. Data in Table 7.1 throw light on such likelihood as well. Over one-thirds (35.95%) endorsed the view that the adoption of family planning by PRI members contributed greatly in controlling population.

### The norm as anti-women:

The evidence appearing from different states about the consequences of the two child norm on women led people to think that it is anti-women and to argue in favour of its withdrawal. The view PRI members hold about the two child norm in relation to women is summarized in Table 7.2.

**Table 7.2**  
**Perception of two-child norm as anti women (N=840)**

S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
1	Viewed two-child norm as anti-women	60	19.61	59	22.87	20	7.25	139	16.55
2	Grounds on which two-child norm is viewed as anti-women								
(i)	It nullifiers constitutional provisions of one-thirds reservation for women	8	13.33	17	28.81	6	30.00	31	22.30
(ii)	Women have no role in deciding about number and time of children	31	51.67	19	32.20	10	50.00	60	43.17
(iii)	Husbands use anti-women methods to evade disqualification such as								
	a) Deserting pregnant wife	9	15.00	14	23.73	2	10.00	25	17.99
	b) Refusing paternity of child	10	16.67	5	8.47	2	10.00	17	12.23

As is evident, only one among every six respondents (16.55%) holds the view that the two child norm is anti-women. Put differently, PRI members overwhelmingly did not subscribe such a view. Those who viewed it anti-women, there were more from Madhya Pradesh than from other states. The negative view about the norm among Madhya Pradesh respondents appears to do something with the withdrawal of the two child norm from that state.

When probed why the norm is viewed against women, PRI members have advanced three main grounds: (a) woman is penalised for the birth of third or higher order child whose decision was not her own but was that of her husband (43.17%); (b) the norm negates the provision of one third of reservation provided to women under Constitution (22.03%), and (c) it encourages husband to use measures to evade disqualification that harm women. While several anti-women measures are reportedly used by male members of panchayats to secure his elected posts or to evade disqualification, some measures are reportedly more common in use: (i) refusing paternity of child (30.22%), (ii) forcing women to abort to prevent the birth of third child especially if she is a girl (20.14%) (iii) forcing women to resign from panchayat post if the unborn child is male (13.67%) to prevent disqualification, and (iv) deserting pregnant wife or sending her away (12.23%).



## Discriminatory application

While the Karunakaran Committee recommended the legislation for to all the elected representatives from parliament to panchayats, in practice the norm was made applicable only to the representatives of panchayati raj institutions. It is this reason why the norm is quite often viewed as discriminatory in nature. It was, therefore, considered proper to ask PRI members whether or not they also hold similar views? Data in this connection are provided in table 7.3.

**Table 7.3**  
**Respondents' perception of two-child norm as discriminatory in its application (N=840)**

S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
1	Viewed application of two-child norm as discriminatory and favored uniform application to MLAs / MPs.	278	90.85	208	80.62	237	85.87	723	86.07
2	It does not make difference in view of small number of MLAs/ MPs	38	12.42	35	13.57	31	11.23	104	12.38
3	Population control will be more effective if initiative comes from central/state leadership	55	17.97	21	8.14	17	6.16	93	11.07

As is clear, PRI members overwhelmingly (86.07%) characterized the norm as discriminatory as it applies only to the panchayat representatives with exclusion of the members of state legislatures (MLA's) and parliament (MPs). However, some PRI members do not feel much worried about it thinking that the number of MLAs and MPs are so small that their inclusion or exclusion will hardly make any dent on population problem. But at the same time, some feel that the initiative, if taken by state and central leadership, is likely to have greater impact on the people when compared to local panchayat leaders. Besides, local leaders owing to their low education, poor socioeconomic status and less following are hardly in a position to serve as role models for others. One in every 8 or 9 respondents has subscribed this view.

## Impact on society, economy and polity

Experience showed that the influence of the two child norm is not restricted to the representation of disadvantaged sections in panchayati raj bodies. Its far reaching implications for society, economy and polity are widely recognized. An attempt was, therefore, made in this study to assess the impact of the norm from the perspectives of PRI members. The results in this connection are summarized in Table 7.4

**Table 7.4**  
**Respondents' perception of impact of two-child norm on society, economy and polity (N=840)**

S. No.	Description	Raj. (N=306)		MADHYA PRADESH (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
1.(a)	Perceived negative influence of two-child norm on society	142	46.41	30	11.63	118	42.75	290	34.52
(b)	Nature of adverse effect of two-child norm								

(i)	Encourage wrong methods to evade disqualification	67	47.18	8	26.67	27	22.88	102	35.17
(ii)	Acts as political instrument against opponents	48	33.80	7	23.33	11	9.32	66	22.76
(iii)	Eliminated community cohesion	18	12.68	2	6.67	1	0.85	21	7.24
(iv)	Caste and class based animity	16	11.27	2	6.67	19	16.10	37	12.76
(v)	Tool to blackmail	5	3.52	4	13.33	5	4.24	14	4.83
(vi)	Forced persons to waste time and money to evade disqualification	11	7.75	4	13.33	14	11.86	29	10.00
(vii)	PRI attention diverted from development	9	6.34	0	0.00	1	0.85	10	3.45
(viii)	Weaker sections become easy victims while rich / powerful find easy escape	51	35.92	3	10.00	7	5.93	61	21.03
2 (a)	<b>Endorsed adverse impact on panchayati raj</b>	149	48.69	27	10.47	142	51.45	318	37.86
(b)	<b>Nature of adverse effects Positive impact of two child norm on society</b>								
(i)	Forced members to waste time in evade disqualification	77	51.68	6	22.22	55	38.73	138	43.40
(ii)	The resulting mental tension obstructs panchayat functioning	61	40.94	14	51.85	21	14.79	96	30.19
(iii)	Affected person feels unable to pay attention to expected tasks	59	39.60	6	22.22	18	12.68	83	26.10
(i)	Attracted attention towards increasing population	102	33.33	33	12.79	127	46.01	262	31.19
(ii)	Highlighted importance of small families	50	16.34	63	24.42	45	16.30	158	18.81
(iii)	Encouraged people to adopt family planning	43	14.05	70	27.13	39	14.13	152	18.10
(iv)	Effective in women empowerment	29	9.48	24	9.30	28	10.14	81	9.64
(v)	Health improvement among women especially rural women	23	7.52	54	20.93	28	10.14	105	12.50
(vi)	Improvement in socioeconomic conditions of rural people	60	19.61	15	5.81	9	3.26	84	10.00

As can be seen, over one-thirds (34.52%) of the respondents acknowledged negative impact of the two child norm on society. Such a view is shared more by those from Rajasthan and Gujarat as compared to Madhya Pradesh. When asked to elaborate, over one-fifths to one-thirds of the respondents listed three main consequences: (i) it has encouraged members to use unlawful methods to evade disqualification (35.17%), (ii) it acted as a political instrument used against political opponents (22.76%), and (iii) members of weaker sections become easy victim while those from rich and powerful sections could find easy escape (21.03%).

There are other consequences of the norm but which were not widely shared. Of somewhat lesser significance among these are: intensification of caste and class enmity and waste of time and money to retain panchayat post or to evade disqualification.

### Effects on Panchayati Raj & Rural development

**Adverse Consequences:** Over one-thirds of the respondents (37.86%) have acknowledged negative effect of the two child norm on the functioning of panchayati raj and rural development. The view is shared more by those from Gujarat and Rajasthan

than their counterparts from Madhya Pradesh. While further elaborating, over two-fifths of the respondents (43.40%) listed wastage of time and money by PRI members to evade their disqualification for violating the norm. This is followed by obstruction in the functioning of panchayats. The above state-wise differences were noted also about the mental tension resulting from the fear of being removed from the panchayat post (30.19%). Over one-fourths (26.10%) also listed inability of the affected members to pay attention to perform his/her expected role. These findings hold good more for Madhya Pradesh and Rajasthan than for Gujarat.

**Positive contribution:** While the two child norm was widely criticized for its adverse social, economic and political impact, respondents have acknowledged some of its positive contribution as well. Among many positive effects of the norm listed by the respondents, three are more widely shared: (i) the norm has drawn attention of the society towards the problem of increasing population and the need to contain it (31.19%), (ii) it highlighted the importance of small family norm (18.81%), and (iii) it encouraged people to adopt family planning measures to achieve population control (18.10%). The state-wise analysis did not show any marked difference except that more of Gujarat respondents than their counterparts endorsed increased attention population problem is getting now.

**Protection of women from adverse effects:** A widespread concern is being expressed to protect certain categories of women from the ill effects of the two child norm. Some have argued to exclude those tribal groups whose population is on the decline. Similar argument has been advanced in favour of women having no son or and having only one disabled son. A far more respondents from Madhya Pradesh than other states hold such a view.. When asked about categories of women to be excluded from the application of the norm, a slightly less than half of the respondents (47.98%) listed women having only one disabled son. Over one-fourths (26.43%) listed women having all the daughters irrespective of their number. This view is endorsed more by respondents from Gujarat and Rajasthan than those from Madhya Pradesh. The exclusion of women with many daughters but only one son was also favored by over one-fifth of the respondents (21.07%). More from Gujarat and Madhya Pradesh shared this view as compared to those from Rajasthan.

**Table 7.5**  
**Respondents' view about exclusion of women from application of two-child norm (N=840)**

S. No.	Category of woment	Rajasthan (N=306)		Madhya Pradesh (N=258)		Gujarat (N=276)		Total (N=840)	
		No.	%	No.	%	No.	%	No.	%
(1)	Those having all the daughters	89	29.08	30	11.63	103	37.32	222	26.43
(2)	Those having many daughters but only one son	44	14.38	59	22.87	74	26.81	177	21.07
(3)	Those having only one disabled son	142	46.41	167	64.73	94	34.06	403	47.98

#### **Differentials as per membership period, gender, PRI level & urban proximity:**

Having discussed state-wise variation in attitudes and perceptions, it was considered relevant to look into differences as per membership period, gender, PRI level and urban proximity. Relevant data are summarized in Table 7.6.

**Present and Past members:** A comparison between two groups showed that while more past members than present ones acknowledged the use of family planning by PRI members and its positive effects on others, highly favorable impact of family planning on population control was endorsed more by present members.

Besides, more present members than past viewed the norm anti-women and against the policy of one third reservation for women in PRI's. However, more of past members than the present ones hold that women are penalised for giving birth to the third child while she has no say in such matters. Likewise, the alleged discriminatory application of the norm was endorsed more by past than by present members.

It is interesting to note that more of past members than the present ones endorsed adverse effects of the two child norm on both, society as also on panchayati raj and rural development. The findings hold good also for some positive effects of the norm i.e. highlighting the importance of small family and encouraging people to adopt family planning. However, more of the present than past members endorsed the impact in the form of drawing attention of the people towards problem of increasing population.

Regarding exclusion of women from the application of the norm, more of the past members favored women with only disabled son but slightly more of the present members listed women with all daughters.

**Gender differentials:** According to data in Table 7.6, more males than females endorsed use of family planning by PRI members and its favourable effect on other people. However, more females than males believed positive impact of family planning by PRI members on population control.

While the two sexes do not markedly differ with respect to their perception of the two child norm being anti- women and discriminatory, more females than males found the norm against reservation policy. When asked about the adverse effects of the two child norm, slightly more female respondents than males find it harmful for the society as well as for panchayat raj and rural development. This may be explained by greater sufferings by women than men due to the two child norm.

As regards positive effects of the norm are concerned, highest proportion of both the sexes listed drawing of people's attention towards population problem. Besides, while more women pointed towards importance of small family norm, more males acknowledged its contribution in encouraging people to adopt family planning. Regarding exclusion of women from the application of the two child norm, majority of males favored women with only disabled son but more of women than men listed those with all daughters.

**Table 7.6**  
**Respondents' attitudes towards two-child norm as per Membership period, gender, PRI level, and urban proximity (N=840)**

S. No.	Description	Percent distribution of respondents as per								
		Period		Gender		Panchayat (N=458)	PR Level		Urban proximity	
		Present (N=571)	Past (N=269)	Males (N=578)	Females (N=262)		Block Panchayat (N=189)	District Panchayat (N=193)	Near (N=581)	Distant (N=259)
<b>I</b>	<b>PRI Members as role model</b>									
(i)	Endorsed use of family planning planning by PRIs members	52.01	64.31	56.92	53.82	52.62	51.85	67.88	58.35	50.58
(ii)	PRI members using family planning encouraged others to follow	59.72	68.03	63.84	59.16	59.61	52.91	78.24	63.68	59.46
(iii)	Endorsed family planning by PRIs members greatly helped in population control	37.83	31.97	34.78	38.55	35.81	32.8	39.38	38.04	31.27
<b>II</b>	<b>Perceptions of two child norm as anti women</b>									
(i)	Viewed two child norm as anti women	18.21	13.01	16.61	16.41	17.25	14.29	17.1	14.8	20.46
(ii)	Acts against one-thirds reservation provision for women	26.92	8.57	19.79	27.91	27.85	18.52	12.12	23.26	20.75
(iii)	It panelizes women for giving birth to third child even when she plays no role in deciding about it	40.38	51.43	43.75	41.86	37.97	74.07	30.3	39.53	49.06
(iv)	Viewed two child norm discriminatory in its application	84.06	90.33	86.33	85.5	83.41	91.53	87.05	86.57	84.94
<b>III</b>	<b>Adverse impact on society</b>									
(i)	Endorsed adverse effect on society	33.27	37.17	33.22	37.4	27.29	41.8	44.56	36.83	29.34
(ii)	Endorsed adverse effect on panchayati raj and rural development	35.2	43.49	37.02	39.69	31.22	44.44	47.15	39.93	33.2
<b>III</b>	<b>Endorsed positive impact on Society</b>									
(i)	Attracted attention towards increasing population	32.75	27.88	31.14	31.3	31.66	38.1	23.32	25.06	35.22
(ii)	Highlighted importance of small family	17.34	21.93	17.47	21.76	17.03	14.29	27.46	17.73	21.24
(iii)	Encouraged people to adopt family planning	16.46	21.56	19.9	14.12	17.69	14.81	22.28	19.79	14.29
<b>IV</b>	<b>Favored exclusion of women</b>									
(a)	Having only disabled son	45.18	53.9	51.21	40.84	46.51	56.08	43.52	50.6	42.08
(b)	Having all daughters	27.15	24.91	24.74	30.15	30.13	15.87	27.98	22.2	35.91

**PRI Level:** The present study has probed also into the question as to how far PRI members consider themselves as role models for others with respect to adoption of population control measures. Data in Table 7.6 indicated that the members of district panchayats in far greater proportion acknowledged themselves being role models. What is interesting is that more members of gram panchayats than those of block/ taluka panchayats have endorsed such a view. These findings hold good for all the three indicators used, namely, use of family planning, encouraging others to use family planning, and helping greatly in population control.

In almost small and equal proportion, members of all PRI levels perceived the two child norm as anti-women but slightly more of panchayat level members than their counterparts considered it against the reservation policy. In contrast, about three-fourths of the members of block/ taluka panchayats viewed it as an instrument to penalise women for giving birth to the third child even she plays virtually no role in such a decision. Likewise, overwhelmingly, the members of all levels of PRIs considered the norm as discriminatory in its application and among these more of block/ taluka level panchayat members subscribed to such a view.

The perception of PRI members about the impact of two child norm was also obtained. As data showed, more of district level panchayat members than their counterparts viewed it harmful for both society as well as for panchayati raj and rural development. When asked about the positive impact of the two child norm, respondents listed its three main contributions: (i) drawing people's attention towards the problem of increasing population, (ii) highlighting the importance of small family norm, and (iii) encouraging people to adopt family planning. While more of gram panchayats and block/ taluka panchayats endorsed the first view, no marked differences were noted among members of different PRIs with regards to its contribution in remaining two areas.

As regards exclusion of certain categories of women from the application of two child norm is concerned, a considerable proportion of women, more so from block/ taluka panchayats, favored exclusion of women with only disabled son. This is followed by the women with all daughters as endorsed more by members of gram panchayats and district panchayats.

**Urban proximity:** Do the respondents differ in their attitudes and perceptions as per urban proximity? Data obtained on this aspect are shown in Table 7.6 As is evident, more of the respondents residing in urban proximity viewed themselves being the role models for others in matter of population control and this holds good for all the three measures considered here. These included use of family planning by PRI members, users encouraging others to follow and while doing so, helping greatly in containing population.

When asked if the norm is anti-women, more with low urban proximity viewed it so but slightly more with high urban proximity considered it against the policy of reservation as mandated by 73<sup>rd</sup> constitutional amendment. This holds good also for viewing the norm discriminatory in character.

When probed into the impact of the two child norm, adverse effects on society as also on panchayati raj and rural development were endorsed more by the members with high urban proximity than their counterparts. While acknowledging the positive effects on

society, more with low urban proximity listed drawing of people's attention towards the problem of increasing population and popularizing the value of small family norm as its main contributions. However, its role in encouraging adoption of family planning was endorsed more by those with high urban proximity.

Examining the role of urban proximity in exclusion of women from application of the norm, it was noted that over half of those with high urban proximity favored women with only disabled son. In contrast, more with low urban proximity favored women with all daughters to be excluded from the purview of the norm.

### **Summing up:**

Over one-thirds of the respondents, and more from Rajasthan and Madhya Pradesh, acknowledged adverse effects of the two-child norm on society, which includes encouraging members to use wrong methods to remain in power (35.17%); using it as a political weapon against opponents (22.76%) and members from weaker sections becoming easy victims (21.03).

The norm proved to be a blessing in disguise as 2 to 3 respondents out of every 10 hold that it has served to attract people's attention towards population problem, highlighted the value of small family norm and motivated people to use family planning.

The use of family planning by PRI members and its positive effects on others was endorsed by a majority of the respondents. PRI members in general did not view the two-child norm as anti-women. A little less than half of the respondents favored exclusion of women with only one disabled son from the application of the norm. Overwhelmingly, respondents viewed the norm discriminatory as it excludes MLAs and MPs from its application. One out of every nine holds that population control can be better achieved if initiative comes from state and central leadership.

## CHAPTER 8

# FACTORS ASSOCIATED WITH AWARENESS AND APPLICATION OF THE TWO CHILD NORM

An attempt was made in chapter 6 to draw a comparison between pre-orientation and post-orientation levels of respondents' awareness about the two child norm. This was done primarily to assess the impact orientation programmes have made on the awareness level of respondents. But it is quite likely that the improvement observed in the awareness level is due atleast in part to the operation of factors, others than orientation programme, which are known to influence human behavior but which do not manifest in the improved awareness level. To examine such a possibility, nine socioeconomic factors are held constant, the approach often referred to as "all other things being equal". This has helped us in eliminating the effects of such factors, if any, and in knowing if the respondents' increased awareness about the two child norm was due to their exposure to orientation programme on subject.

Likewise, marked difference among respondents with regard to application or violation of the two child norm was observed in Chapters 4 and 5. The variation among respondents in this respect in all probability may be influenced in part by the known socioeconomic factors. To examine such a possibility, association of selected socioeconomic factors with compliance or violation of the two child norm was assessed.

This chapter therefore is devoted to examine the association of selected socioeconomic factors with changes in awareness due to orientation programme as also with compliance or violation of the two child norm.

### Awareness about two child norm

The awareness level of the respondents about the two child norm was assessed on the basis of maximum obtainable score of 30. The overall as well as group-specific awareness scores are shown in Table 8.1(a) through 8.1(i).

As was indicated in Tables 4.2 and 4.3, the overall mean awareness score of the respondents was found to be only 10.89 out of the total obtainable score of 30 which is indicative of quite a low level of awareness about the two child norm. When results were analysed with respect to specific sub-groups, some were found relatively better informed than others. Besides, different groups varied greatly in the improvement they have made in their awareness level as a result of their participation in orientation programme on the two-child norm. The factor-wise awareness level and changes therein owing to orientation programme as measured in terms of mean awareness scores are discussed below:

**Age:** The age-wise scores (Table 8.1 (a)) indicated higher awareness (mean score = 11.22) amongst respondents of highest age group of 51 years and above whereas the remaining two age groups were more or less equal in terms of their awareness about the two child norm. It can be further seen that the respondents of all the age groups have



registered substantial increase in their awareness level but interestingly, highest increase was registered by youngest respondents of 30 years or below (mean score =7.05). The t-test results indicated that the improvement made by each age group was highly significant.

**Table 8.1 (a)**  
**Awareness level of PRI members about provision of two child norm as per age (N=840)**

S. No.	Age	Awareness level	df	Mean	S.D.	t-value
(i)	Upto 30 years	Before orientation (N=80)	138	10.93	3.48	12.04**
		After orientation (N=60)		17.98	3.39	
		<i>Difference</i>		7.05		
(ii)	31-50 years	Before orientation (N=396)	698	10.91	3.14	26.69**
		After orientation (N=304)		17.57	3.37	
		<i>Difference</i>		6.66		
(iii)	51 years & above	Before orientation (N=95)	172	11.22	3.24	12.73**
		After orientation (N=79)		17.65	3.38	
		<i>Difference</i>		6.43		

**Education:** Among different educational groups, the respondents with higher education had highest level of awareness (mean score=11.33) about the two-child norm during pre-orientation stage, the lowest being amongst those acquired some professional training and illiterates (Table 8.1 (b)). Those who acquired higher education retained their edge over other groups during post-orientation assessment also and it is this group which gained most from orientation programme as manifested in positive difference (mean score=7.35) made over pre-orientation level. It is closely followed by illiterate respondents (mean score=7.20). The lowest gain was made by secondary educated respondents (mean score=6.06). The t-values suggest that the gain made by all groups over pre-orientation level was highly significant.

**Table 8.1 (b)**  
**Awareness level of PRI members about provision of two child norm as per education (N=840)**

S. No.	Education	Awareness level	df	Mean	S.D.	t-value
(i)	Illiterate	Before orientation (N=97)	180	10.64	3.12	15.61**
		After orientation (N=85)		17.84	3.09	
		<i>Difference</i>		7.20		
(ii)	Primary	Before orientation (N=186)	329	11.22	3.33	18.44**
		After orientation (N=145)		17.82	3.15	
		<i>Difference</i>		6.60		
(iii)	Secondary	Before orientation (N=187)	318	10.76	3.08	15.77**
		After orientation (N=133)		16.82	3.59	
		<i>Difference</i>		6.06		
(iv)	Higher Education	Before orientation (N=91)	161	11.33	3.25	14.00**
		After orientation (N=72)		18.68	3.39	
		<i>Difference</i>		7.35		
(v)	Trained	Before orientation (N=10)	16	9.80	2.89	4.73**
		After orientation (N=8)		16.63	3.16	
		<i>Difference</i>		6.83		

**Highest family education:** The impact of respondents education on awareness level observed earlier was further reinforced by results of highest family education (Table 8.1 (c)). Here also, the highest awareness level was noticed among those whose highest family education was graduation and above (mean score = 11.20). However, the other groups did not differ markedly. Similar results were obtained when post orientation

awareness level and gain made in it was assessed. The respondents from families with graduation and above as highest family education retained their edge over others in their post orientation awareness score (mean score=18.16) as also in the gain they have made (mean score=6.96) over post-orientation awareness. The t-values indicated that the gains made by different groups in their awareness level were highly significant.

**Table 8.1 (c)**  
**Awareness level of PRI members about provision of two child norm as per highest family education (N=840)**

S. No.	Highest family education	Awareness level	df	Mean	S.D.	t-value
(i)	Primary	Before orientation (N=136)	260	10.84	3.38	16.68**
		After orientation (N=126)		17.54	3.12	
		<i>Difference</i>		6.70		
(ii)	Secondary	Before orientation (N=223)	383	10.82	3.16	18.22**
		After orientation (N=162)		17.22	3.57	
		<i>Difference</i>		6.40		
(iii)	Higher education/trained	Before orientation (N=212)	365	11.20	3.13	20.39**
		After orientation (N=155)		18.16	3.30	
		<i>Difference</i>		6.96		

**Family Type:** The membership of joint family provides greater opportunity of interaction and sharing of information about different aspects of life. This assumption finds support from data in (Table 8.1 (d)). It is evident that the respondents belonging to joint family are more aware than their counterparts from nuclear family as manifested in their respective mean scores of awareness. While more or less similar results were obtained during post-orientation assessment, the greater increase was made by respondents from nuclear family when compared with corresponding increase registered by those from joint family and this is despite members of joint family retained their edge . The t-test results showed that the improvement made by both the groups in their awareness was highly significant.

**Table 8.1 (d)**  
**Awareness level of PRI members about provision of two child norm as per family type (N=840)**

S. No.	Factors	Awareness level	df	Mean	S.D.	t-value
	<b>Family Type</b>					
(i)	Joint	Before orientation (N=376)	670	11.18	3.21	25.07**
		After orientation (N=296)		17.71	3.46	
		<i>Difference</i>		6.53		
(ii)	Nuclear	Before orientation (N=195)	340	10.54	3.16	20.02**
		After orientation (N=147)		17.50	3.20	
		<i>Difference</i>		6.96		

**Women's role in decision making:** Depending upon the role women play in decision making in the family, respondents are divided into four groups. The awareness level was found highest (mean score=11.15) among respondents in whose families, only opinion of women rather than their participation in decision making is sought (Table 8.1 (e)). But orientation programme has made some difference in the relative position of different groups. The post orientation awareness score was found highest (mean score=18.75) among those where women are simply informed about the family decision and it is this very groups which made highest gain (mean score=7.73). The lowest post orientation awareness score and gain therein were obtained by those where women are allowed

participation in decision making. The t-values indicated highly significant positive differences made by all groups owing to orientation programme.

**Table 8.1 (e)**  
**Awareness level of PRI members about provision of two child norm as per decision making role of women (N=840)**

S. No.	Decision making role	Awareness level	df	Mean	S.D.	t-value
(i)	Simply provide information	Before orientation (N=61)	103	11.02	3.70	11.56**
		After orientation (N=44)		18.75	3.13	
		<i>Difference</i>		7.73		
(ii)	Seek opinion of women by family members	Before orientation (N=197)	362	11.15	3.06	21.82**
		After orientation (N=167)		18.36	3.21	
		<i>Difference</i>		7.21		
(iii)	Allow women to participate in decision making	Before orientation (N=290)	498	10.84	3.19	19.82**
		After orientation (N=210)		16.78	3.39	
		<i>Difference</i>		5.94		
(iv)	None of the above	Before orientation (N=23)	43	10.83	3.10	8.33**
		After orientation (N=22)		18.23	2.86	
		<i>Difference</i>		7.40		

**Number of children:** As can be seen in Table 8.1(f), childless members of PRIs were found relatively more aware than those with varying number of children and they have retained their edge over others even after orientation programme. It is this group which made highest improvement in their awareness about two child norm as a result of orientation programme. The t-test indicated significant difference made by all the groups under consideration in their awareness level.

**Table 8.1 (f)**  
**Awareness level of PRI members about provision of two child norm as per number of children (N=840)**

S. No.	Number of children	Awareness level	df	Mean	S.D.	t-value
(i)	No Child	Before orientation (N=7)	9	11.43	3.11	4.82**
		After orientation (N=4)		18.75	1.92	
		<i>Difference</i>		7.32		
(ii)	Upto 2 children	Before orientation (N=33)	58	10.76	2.91	7.52**
		After orientation (N=27)		17.37	3.73	
		<i>Difference</i>		6.61		
(iii)	3-4 children	Before orientation (N=180)	302	11.20	3.24	24.77**
		After orientation (N=124)		17.32	.58	
		<i>Difference</i>		6.12		
(iv)	5 & above	Before orientation (N=351)	637	10.85	3.21	27.01**
		After orientation (N=288)		17.79	3.25	
		<i>Difference</i>		6.94		

**Caste status:** Examining pre and post orientation awareness level in terms of caste categories Table 8.1 (g), we find that the scheduled caste respondents had highest awareness level during pre orientation phase (mean score=11.79), followed by general category (mean=11.18). However, during post-orientation phase, OBC respondents have scored highest (mean score=19.27) and it was this very group which made highest gain in their awareness about the two child norm (mean score=8.53). The gain made by different caste groups was highly significant as evident from t-values.

**Table 8.1 (g)**  
**Awareness level of PRI members about provision of**  
**two child norm as per caste status (N=840)**

S. No.	Caste status	Awareness level	df	Mean	S.D.	t-value
(i)	General	Before orientation (N=56)	95	11.18	3.45	8.83**
		After orientation (N=41)		17.56	3.56	
		<i>Difference</i>		6.38		
(ii)	Scheduled Castes	Before orientation (N=68)	119	11.79	2.75	13.01**
		After orientation (N=53)		18.25	2.68	
		<i>Difference</i>		6.46		
(iii)	Schedule Tribes	Before orientation (N=408)	722	10.82	3.16	26.27**
		After orientation (N=316)		17.38	3.46	
		<i>Difference</i>		6.56		
(iv)	Other Backward Classes	Before orientation (N=39)	70	10.74	3.82	11.13**
		After orientation (N=33)		19.27	2.65	
		<i>Difference</i>		8.53		

**Main family occupation:** Among the five occupational groups, those engaged in handicraft/ industry had highest pre- orientation awareness level (mean score=12.80) followed by shopkeepers/ traders (mean score=11.65). On assessing awareness level during post-orientation phase, these groups have retained their edge over others Table 8.1 (h),. However, the gains made by service class was highest (mean difference= 7.51) followed by wage-earner, (mean difference=7.45). The lowest gain in the awareness level was recorded by agriculturists (mean difference=6.52). Despite, all occupational groups have made significant gain in their awareness level as a result of orientation programme as evident by t-values.

**Table 8.1 (h)**  
**Awareness level of PRI members about provision of two child**  
**norm as per main family occupation (N=840)**

S. No.	Main Family Occupation	Awareness level	df	Mean	S.D.	t-value
(i)	Agriculture	Before orientation (N=456)	805	10.96	3.26	27.07**
		After orientation (N=351)		17.48	3.49	
		<i>Difference</i>		6.52		
(ii)	Labour	Before orientation (N=57)	105	10.35	3.11	12.86**
		After orientation (N=50)		17.80	2.88	
		<i>Difference</i>		7.45		
(iii)	Service	Before orientation (N=24)	40	10.88	2.93	7.51**
		After orientation (N=18)		18.39	3.40	
		<i>Difference</i>		7.51		
(iv)	Shop/Trade	Before orientation (N=26)	42	11.65	2.09	11.54**
		After orientation (N=18)		18.94	2.04	
		<i>Difference</i>		7.29		
(v)	Industry/handicraft	Before orientation (N=5)	8	12.80	2.93	4.77**
		After orientation (N=5)		20.00	1.67	
		<i>Difference</i>		7.20		

**Income-category:** The respondents were divided into BPL and Non-BPL categories. Among these two, non-BPL respondents had higher information level during pre-orientation phase with mean score of 11.34 as against 10.44 of their counterpart. Even after orientation, non-BPL respondents not only retained their edge but registered relatively greater gain in their awareness level (mean difference of 6.78 as against 6.54) Table 8.1 (i). The t-test values indicated significant improvement in the awareness level over the period.

**Table 8.1 (i)**  
**Awareness level of PRI members about provision of**  
**two child norm as per income category (N=840)**

S. No.	Income Category	Awareness level	df	Mean	S.D.	t-value
(i)	BPL	Before orientation (N=238)	427	10.44	3.20	20.38**
		After orientation (N=191)		17.01	3.41	
		<i>Difference</i>		6.57		
(ii)	Non-BPL	Before orientation (N=333)	583	11.34	3.16	25.19**
		After orientation (N=252)		18.12	3.27	
		<i>Difference</i>		6.78		

### **Factors affecting application and violation of two child norm:**

Having examined the role of selected socioeconomic factors in respondents' awareness level and improvement therein, it is considered relevant to probe into the association of such factors with various aspects of application and violation of the two child norm. For this purpose, sixteen components falling under six board categories were selected: These were: (1) measure to prevent child birth ((a) abortion, and (b) other family planning measures), (2) violation of the norm, (3) viewing the norm against women ((i) using anti-women measure, and (ii) female foeticide), (4) causing negative consequences ((i) on society, and (ii) on panchayati raj and rural development), (5) exerting positive impact on society ((i) drawing attention towards increasing population,(ii) importance of small family, (iii) adoption of family planning measures, (iv) women empowerment, (v) health improvement and (vi) socioeconomic improvement), and (6)exclusion of women from the application of norm ((i) women with all daughters, (ii) women with only one son, (iii) women with only disabled son). The results of the association of each selected socioeconomic factor with different aspects of application and violation of the two child norm are presented in Tables 8.2 through 8.10

**Age:** Data in Table 8.2 provide information about the association of age with different aspects of application and violation of the two child norm. As can be seen, the association of age with four aspects was found significant; these are: violation of the norm, norm encouraging female foeticide, its negative effects on society as also on panchayati raj and rural development. Besides, age was found inversely related to abortion, viewing norm as anti-women, its role in women empowerment, health improvement and exclusion of women with all daughters from its application but the association was not found significant. Likewise, its association with the role of the norm in promoting small family norm, adoption of family planning and exclusion of women with only one son from the application of the norm was also not found significant.

**Table 8.2**  
**Application and violation of two child norm and its impact as per age (N=840)**

S. No.	Description	Up to 30 (N=102)	31-50 (N=578)	31 & Above (N=160)	Total (N=840)	$\chi^2$
1.0	<b>Use of family planning</b>					
1.1	Respondents using family planning to prevent child birth	49 (48.04)	330 (57.09)	83 (51.88)	462 (55.00)	3.65
1.2	Respondents reporting abortion	11 (22.45)	69 (20.91)	14 (16.87)	94 (20.35)	0.82
2.0	<b>Respondents reporting violation of two-child norm</b>	21 (20.59)	95 (16.44)	12 (7.50)	128 (15.24)	10.32**
3.0	<b>Effects on women</b>					
3.1	Viewed two child-norm as anti women	20 (19.61)	94 (16.26)	25 (15.63)	139 (16.55)	0.82
3.2	It encouraged female foeticide	27 (26.47)	136 (23.53)	68 (42.50)	231 (27.50)	22.68**
4.0	<b>Adverse impact</b>					
4.1	Respondents reporting negative impact on society	34 (33.33)	232 (40.14)	24 (15.00)	290 (34.52)	35.10**
4.2	Respondents reporting adverse effect on rural development and panchayati raj	37 (36.27)	236 (40.83)	45 (28.13)	318 (37.86)	8.72*
5.0	<b>Perceived positive impact on society</b>					
(i)	Attracted attention towards increasing population	29 (28.43)	186 (32.18)	47 (29.38)	262 (31.19)	0.87
(ii)	Highlighted importance of small families	12 (11.76)	112 (19.38)	34 (21.25)	158 (18.81)	4.06
(iii)	Encouraged people to adopt family planning	13 (12.75)	103 (17.82)	36 (22.50)	152 (18.10)	4.09
(iv)	Effective in women empowerment	15 (14.71)	55 (9.52)	11 (6.88)	81 (9.64)	4.42
(v)	Health improvement among women especially rural women	14 (13.73)	74 (12.80)	17 (10.63)	105 (12.50)	0.70
(vi)	Improvement in socioeconomic conditions of rural people	16 (15.69)	53 (9.17)	15 (9.38)	84 (10.00)	4.18
6.0	<b>Respondents favoring exclusion of women from its application</b>					
(i)	Those having all the daughters	37 (36.27)	146 (25.26)	39 (24.38)	222 (26.43)	5.84
(ii)	Those having many daughters but only one son	14 (13.73)	126 (21.80)	37 (23.13)	177 (21.07)	3.90
(iii)	Those having only one disabled son	42 (41.18)	286 (49.48)	75 (46.88)	403 (47.98)	2.49

\* Multiple responses were allowed

(The figures in brackets denote percentages)

\* Significant at .05 level

\*\* Significant at .01 level

**Education:** The relationship of respondents' education with application and violation of the two child norm is being examined with the help of data in Table 8.3.

**Table 8.3**  
**Application and violation of two child norm and its impact as per education (N=840)**

S. No.	Description	Illiterate (N=140)	Primary (N=284)	Secondary (N=276)	Higher Education (N=122)	Trained (N=18)	Total (N=840)	$\chi^2$
1.0	<b>Use of family planning</b>							
1.1	Respondents using family planning to prevent child birth	52 (37.14)	159 (55.99)	171 (61.96)	72 (59.02)	8 (44.44)	462 (55.00)	25.15**

1.2	Respondents reporting abortion	3 (5.77)	33 (20.75)	42 (24.56)	13 (18.06)	3 (37.50)	94 (20.35)	10.39*
2.0	<b>Respondents reporting violation of two-child norm</b>	6 (4.29)	56 (19.72)	48 (17.39)	13 (10.66)	5 (27.78)	128 (15.24)	22.58**
3.0	<b>Effects on women</b>							
3.1	Viewed two child-norm as anti women	26 (18.57)	58 (20.42)	37 (13.41)	18 (14.75)	0 (0.00)	139 (16.55)	9.33
3.2	It encouraged female foeticide	50 (35.71)	78 (27.46)	58 (21.01)	42 (34.43)	3 (16.67)	231 (27.50)	14.56**
4.0	<b>Adverse impact</b>							
4.1	Respondents reporting negative impact on society	24 (17.14)	98 (34.51)	120 (43.48)	43 (35.25)	5 (27.78)	290 (34.52)	28.89**
4.2	Respondents reporting adverse effect on rural development and panchayati raj	24 (17.14)	117 (41.20)	134 (48.55)	41 (33.61)	2 (11.11)	318 (37.86)	46.71**
5.0	<b>Perceived positive impact on society</b>							
(i)	Attracted attention towards increasing population	26 (18.57)	75 (26.41)	105 (38.04)	46 (37.70)	10 (55.56)	262 (31.19)	26.84**
(ii)	Highlighted importance of small families	31 (22.14)	58 (20.42)	45 (16.30)	19 (15.57)	5 (27.78)	158 (18.81)	4.42
(iii)	Encouraged people to adopt family planning	36 (25.71)	48 (16.90)	43 (15.58)	24 (19.67)	1 (5.56)	152 (18.10)	9.05
(iv)	Effective in women empowerment	10 (7.14)	19 (6.69)	36 (13.04)	14 (11.48)	2 (11.11)	81 (9.64)	8.02
(v)	Health improvement among women especially rural women	27 (19.29)	37 (13.03)	25 (9.06)	16 (13.11)	0 (0.00)	105 (12.50)	11.57*
(vi)	Improvement in socioeconomic conditions of rural people	9 (6.43)	38 (13.38)	25 (9.06)	10 (8.20)	2 (11.11)	84 (10.00)	6.33
6.0	<b>Respondents favouring exclusion of women from its application</b>							
(i)	Those having all the daughters	27 (19.29)	78 (27.46)	78 (28.26)	32 (26.23)	7 (38.89)	222 (26.43)	5.75
(ii)	Those having many daughters but only one son	35 (25.00)	41 (14.44)	75 (27.17)	22 (18.03)	4 (22.22)	177 (21.07)	15.69**
(iii)	Those having only one disabled son	75 (53.57)	147 (51.76)	110 (39.86)	64 (52.46)	7 (38.89)	403 (47.98)	12.26*

\* Multiple responses were allowed

(The figures in brackets denote percentages)

\* Significant at .05 level

\*\* Significant at .01 level

As may be noted, the factor of education was found significantly related to 10 out of 16 aspects of the problem. These are: use of family planning, abortion, violation of the norm encouraging female foeticide, negative effects of the norm on both, society as well as panchayati raj and rural development, on drawing attention towards population problem and health improvement, and exclusion of women with many daughters but only one son and those with only one disabled son. With regard to the association with remaining aspects, either there was no firm trend emerging or the relationship was non-significant.

**Highest family education:** The association of highest family education with application and violation of the two child norm is being examined with the help of data in Table 8.4.

**Table 8.4**  
**Application and violation of two child norm and its impact as per highest family education (N=840)**

S. No.	Description	Primary (N=217)	Secondary (N=305)	Higher education/trained (N=318)	Total (N=840)	$\chi^2$
1.0	<b>Use of family planning</b>					
1.1	Respondents using family planning to prevent child birth	105 (48.39)	191 (62.62)	166 (52.20)	462 (55.00)	12.00**
1.2	Respondents reporting abortion	21 (20.00)	41 (21.47)	32 (19.28)	94 (20.35)	0.27
2.0	<b>Respondents reporting violation of two-child norm</b>	40 (18.43)	49 (16.07)	39 (12.26)	128 (15.24)	4.05
3.0	<b>Effects on women</b>					
3.1	Viewed two child-norm as anti women	47 (21.66)	52 (17.05)	40 (12.58)	139 (16.55)	7.79*
3.2	It encouraged female foeticide	52 (23.96)	94 (30.82)	85 (26.73)	231 (27.50)	3.14
4.0	<b>Adverse impact</b>					
4.1	Respondents reporting negative impact on society	54 (24.88)	123 (40.33)	113 (35.53)	290 (34.52)	13.61**
4.2	Respondents reporting adverse effect on rural development and panchayati raj	58 (26.73)	124 (40.66)	136 (42.77)	318 (37.86)	15.70**
5.0	<b>Perceived positive impact on society</b>					
(i)	Attracted attention towards increasing population	32 (14.75)	101 (33.11)	129 (40.57)	262 (31.19)	40.89**
(ii)	Highlighted importance of small families	60 (27.65)	56 (18.36)	42 (13.21)	158 (18.81)	17.68**
(iii)	Encouraged people to adopt family planning	48 (22.12)	46 (15.08)	58 (18.24)	152 (18.10)	4.24
(iv)	Effective in women empowerment	14 (6.45)	27 (8.85)	40 (12.58)	81 (9.64)	5.90
(v)	Health improvement among women especially rural women	28 (12.90)	38 (12.46)	39 (12.26)	105 (12.50)	0.05
(vi)	Improvement in socioeconomic conditions of rural people	23 (10.60)	38 (12.46)	23 (7.23)	84 (10.00)	4.84
6.0	<b>Respondents favoring exclusion of women from its application</b>					
(i)	Those having all the daughters	40 (18.43)	107 (35.08)	75 (23.58)	222 (26.43)	20.20**
(ii)	Those having many daughters but only one son	43 (19.82)	63 (20.66)	71 (22.33)	177 (21.07)	0.54
(iii)	Those having only one disabled son	121 (55.76)	126 (41.31)	156 (49.06)	403 (47.98)	10.84**

\* Multiple responses were allowed

(The figures in brackets denote percentages)

\* Significant at .05 level

\*\* Significant at .01 level

As can be seen, the highest family education is significant significantly associated with half of the total 16 aspects of the problem of the two child norm: these are: use of family planning, perception of the norm as anti-women, perception of negative impact of the norm on society as well as on panchayati-raj and rural development, inviting people's attention towards population problem as also in highlighting the importance of small family, and exclusion from its fold women with all daughters and with only one disabled



son. The relationship of highest family education with other aspects was not found significant

**Family type:** Data relating to the association of family type with application and violation of the norm are presented in Table 8.5.

**Table 8.5**  
**Application and violation of two child norm and its impact as per family type (N=840)**

S. No.	Description	Joint (N=538)	Nuclear (N=302)	Total (N=840)	$\chi^2$
1.0	<b>Use of family planning</b>				
1.1	Respondents using family planning to prevent child birth	301 (55.95)	161 (53.31)	462 (55.00)	0.54
1.2	Respondents reporting abortion	59 (19.60)	35 (21.74)	94 (20.35)	0.30
2.0	<b>Respondents reporting violation of two-child norm</b>	103 (19.14)	25 (8.28)	128 (15.24)	17.68**
3.0	<b>Effects on women</b>				
3.1	Viewed two child-norm as anti women	78 (14.50)	61 (20.20)	139 (16.55)	4.55*
3.2	It encouraged female foeticide	141 (26.21)	90 (29.80)	231 (27.50)	1.25
4.0	<b>Adverse impact</b>				
4.1	Respondents reporting negative impact on society	191 (35.50)	99 (32.78)	290 (34.52)	0.63
4.2	Respondents reporting adverse effect on rural development and panchayati raj	207 (38.48)	111 (36.75)	318 (37.86)	0.24
5.0	<b>Perceived positive impact on society</b>				
(i)	Attracted attention towards increasing population	176 (32.71)	86 (28.48)	262 (31.19)	1.62
(ii)	Highlighted importance of small families	104 (19.33)	54 (17.88)	158 (18.81)	0.27
(iii)	Encouraged people to adopt family planning	87 (16.17)	65 (21.52)	152 (18.10)	3.74
(iv)	Effective in women empowerment	48 (8.92)	33 (10.93)	81 (9.64)	0.89
(v)	Health improvement among women especially rural women	57 (10.59)	48 (15.89)	105 (12.50)	4.97*
(vi)	Improvement in socioeconomic conditions of rural people	60 (11.15)	24 (7.95)	84 (10.00)	2.21
6.0	<b>Respondents favouring exclusion of women from its application</b>				
(i)	Those having all the daughters	159 (29.55)	63 (20.86)	222 (26.43)	7.52**
(ii)	Those having many daughters but only one son	122 (22.68)	55 (18.21)	177 (21.07)	2.32
(iii)	Those having only one disabled son	228 (42.38)	175 (57.95)	403 (47.98)	18.78**

\* Multiple responses were allowed  
(The figures in brackets denote percentages)

\* Significant at .05 level  
\*\* Significant at .01 level

As is evident, family type was found significantly associated with five of the total sixteen aspects of the problem under consideration. These are; violation of the norm, viewing the norm as anti-women, its positive impact on health improvement, and exclusion of women

with all daughter and those with only one disabled son. The remaining aspects of the problem are also affected either favourably or unfavorably by family type but the relationship was not found significant.

**Number of children:** The whole issue of the two-child norm rests on the question of promoting small family and population stabilisation. A relevant aspect therefore was whether or not number of children has influenced application and violation of the norm? Data obtained on this question are summarised in Table 8.6.

**Table 8.6**  
**Application and violation of two child norm and its impact**  
**as per total number of children (N=840)**

S. No.	Description	No child (N=7)	Upto 2 (N=39)	3-4 (N=257)	5 & above (N=537)	Total (N=840)	x <sup>2</sup>
1.0	<b>Use of family planning</b>						
1.1	Respondents using family planning to prevent child birth	5 (71.43)	24 (61.54)	161 (62.65)	272 (50.65)	462 (55.00)	11.61**
1.2	Respondents reporting abortion	0 (0.00)	2 (8.33)	41 (25.47)	51 (18.75)	94 (20.35)	6.45
2.0	<b>Respondents reporting violation of two-child norm</b>	1 (14.29)	6 (15.38)	32 (12.45)	89 (16.57)	128 (15.24)	2.29
3.0	<b>Effects on women</b>						
3.1	Viewed two child-norm as anti women	2 (28.57)	7 (17.95)	48 (18.68)	82 (15.27)	139 (16.55)	2.27
3.2	It encouraged female foeticide	1 (14.29)	12 (30.77)	76 (29.57)	142 (26.44)	231 (27.50)	1.68
4.0	<b>Adverse impact</b>						
4.1	Respondents reporting negative impact on society	5 (71.43)	18 (46.15)	104 (40.47)	163 (30.35)	290 (34.52)	14.70**
4.2	Respondents reporting adverse effect on rural development and panchayati raj	5 (71.43)	18 (46.15)	129 (50.19)	166 (30.91)	318 (37.86)	32.13**
5.0	<b>Perceived positive impact on society</b>						
(i)	Attracted attention towards increasing population	4 (57.14)	8 (20.51)	84 (32.68)	166 (30.91)	262 (31.19)	4.56
(ii)	Highlighted importance of small families	0 (0.00)	6 (15.38)	55 (21.40)	97 (18.06)	158 (18.81)	3.25
(iii)	Encouraged people to adopt family planning	1 (14.29)	4 (10.26)	43 (16.73)	104 (19.37)	152 (18.10)	2.59
(iv)	Effective in women empowerment	0 (0.00)	8 (20.51)	30 (11.67)	43 (8.01)	81 (9.64)	8.90*
(v)	Health improvement among women especially rural women	1 (14.29)	7 (17.95)	31 (12.06)	66 (12.29)	105 (12.50)	1.15
(vi)	Improvement in socioeconomic conditions of rural people	1 (14.29)	3 (7.69)	21 (8.17)	59 (10.99)	84 (10.00)	1.91
6.0	<b>Respondents favoring exclusion of women from its application</b>						
(i)	Those having all the daughters	5 (71.43)	13 (33.33)	79 (30.74)	125 (23.28)	222 (26.43)	13.44**
(ii)	Those having many daughters but only one son	0 (0.00)	7 (17.95)	48 (18.68)	122 (22.72)	177 (21.07)	3.86
(iii)	Those having only one disabled son	2 (28.57)	16 (41.03)	120 (46.69)	265 (49.35)	403 (47.98)	2.39

\* Multiple responses were allowed  
(The figures in brackets denote percentages)

\* Significant at .05 level  
\* Significant at .01 level

A look at the Table 8.6 reveals that the number of children was found significantly associated with only five aspects of the problem which are: use of family planning; perception of its negative impact on society as well as on panchayati-raj and rural development, viewing the norm as a method of a women empowerment and exclusion of women with all daughters from application of the norm. In other respects, the association was not found significant.

**Women in decision making:** Application and compliance of the two-child norm depend greatly on the role women members are allowed to play in decision making in the family. We have earlier seen that over 45 % of the respondents endorsed active participation of women in family decisions. The extent to which this fact is reflected in different aspects of application and violation of the two-child norm is shown in Table 8.7

**Table 8.7**  
**Application and violation of two child norm and its impact as per**  
**involvement of women in decision making (N=840)**

S. No.	Description	SPI (N=166)	SO (N=270)	AWP (N=380)	None (N=24)	Total (N=840)	x <sup>2</sup>
1.0	<b>Use of family planning</b>						
1.1	Respondents using family planning to prevent child birth	108 (65.06)	167 (61.85)	172 (45.26)	15 (62.50)	462 (55.00)	27.01**
1.2	Respondents reporting abortion	10 (9.26)	32 (19.16)	49 (28.49)	3 (20.00)	94 (20.35)	15.37**
2.0	<b>Respondents reporting violation of two-child norm</b>	39 (23.49)	35 (12.96)	51 (13.42)	3 (12.50)	128 (15.24)	10.95*
3.0	<b>Effects on women</b>						
3.1	Viewed two child-norm as anti women	19 (11.45)	44 (16.30)	75 (19.74)	1 (4.17)	139 (16.55)	8.60*
3.2	It encouraged female foeticide	68 (40.96)	67 (24.81)	91 (23.95)	5 (20.83)	231 (27.50)	19.01**
4.0	<b>Adverse impact</b>						
4.1	Respondents reporting negative impact on society	60 (36.14)	91 (33.70)	132 (34.74)	7 (29.17)	290 (34.52)	0.59
4.2	Respondents reporting adverse effect on rural development and panchayati raj	78 (46.99)	88 (32.59)	144 (37.89)	8 (33.33)	318 (37.86)	9.27*
5.0	<b>Perceived positive impact on society</b>						
(i)	Attracted attention towards increasing population	24 (14.46)	89 (32.96)	141 (37.11)	8 (33.33)	262 (31.19)	28.30**
(ii)	Highlighted importance of small families	45 (27.11)	43 (15.93)	66 (17.37)	4 (16.67)	158 (18.81)	9.55*
(iii)	Encouraged people to adopt family planning	42 (25.30)	28 (10.37)	76 (20.00)	6 (25.00)	152 (18.10)	18.39**
(iv)	Effective in women empowerment	20 (12.05)	27 (10.00)	33 (8.68)	1 (4.17)	81 (9.64)	2.37
(v)	Health improvement among women especially rural women	12 (7.23)	42 (15.56)	50 (13.16)	1 (4.17)	105 (12.50)	8.20*
(vi)	Improvement in socioeconomic conditions of rural people	17 (10.24)	35 (12.96)	31 (8.16)	1 (4.17)	84 (10.00)	4.98
6.0	<b>Respondents favouring exclusion of women from its application</b>						
(i)	Those having all the daughters	43 (25.90)	75 (27.78)	97 (25.53)	7 (29.17)	222 (26.43)	0.53

(ii)	Those having many daughters but only one son	42 (25.30)	38 (14.07)	94 (24.74)	3 (12.50)	177 (21.07)	13.86**
(iii)	Those having only one disabled boy	76 (45.78)	136 (50.37)	177 (46.58)	14 (58.33)	403 (47.98)	2.27

\* Multiple responses were allowed

(The figures in brackets denote percentages)

\* Significant at .05 level

\* Significant at .01 level

\* **Index:** SPI = Simply provide information; SO= Seeking Opinion; AWP = Active Women Participation

As is evident, this factor has emerged slightly more important than even education and found significantly associated with 11 of the sixteen aspects of the problem. These are: use of family planning, resorting to abortion, violation of the norm, perceiving the norm as anti-women, encouraging female foeticide, adverse effects on panchayati-raj and rural development, positive effects such aspect as drawing attention towards increasing population, highlighting importance of small family encouraging family planning, and health improvement and exclusion of women with only one son from the application of the norm. With regard to other aspects, the relationship of women's decision making role was not found significant

**Caste category:** In most discourses on the subject, dalits and tribals were listed among those who were most adversely affected by the application of the two-child norm. Such a possibility was examined with the help of data shown in Table 8.8.

**Table 8.8**  
**Application and violation of two child norm and its impact as per caste category (N=840)**

S. No.	Description	General (N=77)	Schedule caste (N=91)	Schedule tribe (N=620)	OBC (N=52)	Total (N=840)	x <sup>2</sup>
1.0	<b>Use of family planning</b>						
1.1	Respondents using family planning to prevent child birth	44 (57.14)	63 (69.23)	323 (52.10)	32 (61.54)	462 (55.00)	10.60*
1.2	Respondents reporting abortion	9 (20.45)	19 (30.16)	65 (20.12)	1 (3.13)	94 (20.35)	9.61*
2.0	<b>Respondents reporting violation of two-child norm</b>	18 (23.38)	11 (12.09)	94 (15.16)	5 (9.62)	128 (15.24)	5.92
3.0	<b>Effects on women</b>						
3.1	Viewed two child-norm as anti women	13 (16.88)	11 (12.09)	110 (17.74)	5 (9.62)	139 (16.55)	3.77
3.2	It encouraged female foeticide	22 (28.57)	22 (24.18)	168 (27.10)	19 (36.54)	231 (27.50)	2.73
4.0	<b>Adverse impact</b>						
4.1	Respondents reporting negative impact on society	27 (35.06)	44 (48.35)	203 (32.74)	16 (30.77)	290 (34.52)	8.90*
4.2	Respondents reporting adverse effect on rural development and panchayati raj	35 (45.45)	40 (43.96)	228 (36.77)	15 (28.85)	318 (37.86)	5.43
5.0	<b>Perceived positive impact on society</b>						
(i)	Attracted attention towards increasing population	30 (38.96)	21 (23.08)	198 (31.94)	13 (25.00)	262 (31.19)	6.05
(ii)	Highlighted importance of small families	19 (24.68)	27 (29.67)	102 (16.45)	10 (19.23)	158 (18.81)	11.03*
(iii)	Encouraged people to adopt family planning	10 (12.99)	10 (10.99)	125 (20.16)	7 (13.46)	152 (18.10)	7.00
(iv)	Effective in women empowerment	5 (6.49)	8 (8.79)	63 (10.16)	5 (9.62)	81 (9.64)	1.14

(v)	Health improvement among women especially rural women	7 (9.09)	16 (17.58)	73 (11.77)	9 (17.31)	105 (12.50)	4.36
(vi)	Improvement in socioeconomic conditions of rural people	10 (12.99)	10 (10.90)	57 (9.19)	7 (13.46)	84 (10.00)	2.00
<b>6.0 Respondents favoring exclusion of women from its application</b>							
(i)	Those having all the daughters	23 (29.87)	18 (19.78)	170 (27.42)	11 (21.15)	222 (26.43)	3.59
(ii)	Those having many daughters but only one son	18 (23.38)	23 (25.27)	127 (20.48)	9 (17.31)	177 (21.07)	1.78
(iii)	Those having only one disabled son	30 (38.96)	43 (47.25)	300 (48.39)	30 (57.69)	403 (47.98)	4.54

\* Multiple responses were allowed

\* Significant at .05 level

(The figures in brackets denote percentages)

It may be seen, caste category has significantly influenced only four of the total sixteen aspects of application and violation of the norm. These are: use of family planning, getting abortion, negative impact on society, and highlighting the importance of small family. The remaining aspects of the problem are also affected by caste status but the association was not found significant.

**Main family occupation:** Data relating to association between main family occupation and application and violation of the two-child norm are shown in Table 8.9.

**Table 8.9**  
**Application and violation of two child norm and its impact**  
**as per main family occupation (N=840)**

S. No.	Description	Agriculture (N=673)	Labour (N=85)	Service (N=37)	Shop/ Trade (N=36)	Industry/ Handicraft (N=5)	Workshop (N=3)	Others (N=1)	Total (N=840)	x <sup>2</sup>
1.0	<b>Use of family planning</b>									
1.1	Respondents using family planning to prevent child birth	377 (56.02)	44 (51.76)	13 (35.14)	24 (66.67)	2 (40.00)	2 (0.24)	0 (0.00)	462 (55.00)	15.98*
1.2	Respondents reporting abortion	77 (20.42)	9 (20.45)	2 (15.38)	5 (20.83)	0 (0.00)	1 (0.22)	0 (0.00)	94 (20.35)	1.80
2.0	<b>Respondents reporting violation of two-child norm</b>	111 (16.49)	5 (5.88)	6 (16.22)	4 (11.11)	1 (20.00)	1 (0.12)	0 (0.00)	128 (15.24)	8.97
3.0	<b>Effects on women</b>									
3.1	Viewed two child-norm as anti women	118 (17.53)	12 (14.12)	3 (8.11)	4 (11.11)	0 (0.00)	2 (0.24)	0 (0.00)	139 (16.55)	10.16
3.2	It encouraged female foeticide	191 (28.38)	17 (20.00)	12 (32.43)	6 (16.67)	3 (60.00)	1 (0.12)	1 (20.00)	231 (27.50)	8.08
4.0	<b>Adverse impact</b>									
4.1	Respondents reporting negative impact on society	248 (36.85)	22 (25.88)	4 (10.81)	14 (38.89)	0 (0.00)	2 (0.24)	0 (0.00)	290 (34.52)	18.46**
4.2	Respondents reporting adverse effect on rural development and panchayati raj	275 (40.86)	22 (25.88)	5 (13.51)	15 (41.67)	0 (0.00)	1 (0.12)	0 (0.00)	318 (37.86)	20.99**
5.0	<b>Perceived positive impact on society</b>									
(i)	Attracted attention towards increasing population	215 (31.95)	18 (21.18)	17 (45.95)	11 (30.56)	1 (20.00)	0 (0.00)	0 (0.00)	262 (31.19)	12.01
(ii)	Highlighted importance of small families	118 (17.53)	18 (21.18)	8 (21.62)	12 (33.33)	2 (40.00)	0 (0.00)	0 (0.00)	158 (18.81)	8.33
(iii)	Encouraged people to adopt family planning	121 (17.98)	15 (17.65)	8 (21.62)	5 (13.89)	3 (60.00)	0 (0.00)	0 (0.00)	152 (18.10)	2.72
(iv)	Effective in women empowerment	64 (9.51)	10 (11.76)	0 (0.00)	4 (11.11)	1 (20.00)	1 (0.12)	1 (20.00)	81 (9.64)	16.41*

S. No.	Description	Agriculture (N=673)	Labour (N=85)	Service (N=37)	Shop/Trade (N=36)	Industry/Handicraft (N=5)	Workshop (N=3)	Others (N=1)	Total (N=840)	$\chi^2$
1.0	<b>Use of family planning</b>									
(v)	Health improvement among women especially rural women	85 (12.63)	15 (17.65)	3 (8.11)	1 (2.78)	1 (20.00)	0 (0.00)	0 (0.00)	105 (12.50)	7.17
(vi)	Improvement in socioeconomic conditions of rural people	68 (10.10)	7 (8.24)	2 (5.41)	5 (13.89)	0 (0.00)	2 (0.24)	0 (0.00)	84 (10.00)	13.15*
6.0	<b>Respondents favouring exclusion of women from its application</b>									
(i)	Those having all the daughters	174 (25.85)	29 (34.12)	8 (21.62)	10 (27.78)	1 (20.00)	0 (0.00)	0 (0.00)	222 (26.43)	6.42
(ii)	Those having many daughters but only one son	145 (21.55)	20 (23.53)	3 (8.11)	7 (19.44)	0 (0.00)	2 (0.24)	0 (0.00)	177 (21.07)	9.55
(iii)	Those having only one disabled son	326 (48.44)	34 (40.00)	23 (62.16)	15 (41.67)	3 (60.00)	1 (0.12)	1 (20.00)	403 (47.98)	8.68

\* Multiple responses were allowed

(The figures in brackets denote percentages)

\* Significant at .05 level

\*\* Significant at .01 level

As can be seen, main family occupation was found significantly associated with five aspects of application and violation of the norm ie use of family planning, negative impact on society as well as on panchayati-raj and rural development, women empowerment and improvement in socioeconomic conditions. The association of main family occupation with other aspects of the problem was not found significant.

**Income category:** Those who oppose two-child norm often argue that the poor and the weak become victims of the norm and the rich and powerful go scot-free. Data in Table 8.10 throw light on the issue whether economic standing or income category plays any role in the application and violation of the norm.

**Table 8.10**  
**Application and violation of two child norm and its impact as per income category (N=840)**

S. No.	Description	BPL (N=349)	Non-BPL (N=491)	Total (N=840)	$\chi^2$
1.0	<b>Use of family planning</b>				
1.1	Respondents using family planning to prevent child birth	194 (55.59)	268 (54.58)	462 (85.00)	0.08
1.2	Respondents reporting abortion	62 (31.96)	32 (11.94)	94 (20.35)	27.83**
2.0	<b>Respondents reporting violation of two-child norm</b>	64 (18.34)	64 (13.03)	128 (15.24)	4.44*
3.0	<b>Effects on women</b>				
3.1	Viewed two child-norm as anti women	57 (16.33)	82 (16.70)	139 (16.55)	0.02
3.2	It encouraged female foeticide	76 (21.78)	155 (31.57)	231 (27.50)	9.81**
4.0	<b>Adverse impact</b>				
4.1	Respondents reporting negative impact on society	131 (37.54)	159 (32.38)	290 (34.52)	2.40
4.2	Respondents reporting adverse effect on rural development and panchayati raj	142 (40.69)	176 (35.85)	318 (37.86)	2.03
5.0	<b>Perceived positive impact on society</b>				

(i)	Attracted attention towards increasing population	102 (29.23)	160 (32.59)	262 (31.19)	1.07
(ii)	Highlighted importance of small families	77 (22.06)	81 (16.50)	158 (18.81)	4.14*
(iii)	Encouraged people to adopt family planning	55 (15.76)	97 (19.76)	152 (18.10)	2.20
(iv)	Effective in women empowerment	27 (7.74)	54 (11.00)	81 (9.64)	2.49
(v)	Health improvement among women especially rural women	34 (9.74)	71 (14.46)	105 (12.50)	4.15*
(vi)	Improvement in socioeconomic conditions of rural people	35 (10.03)	49 (9.98)	84 (10.00)	0.00
<b>6.0 Respondents favoring exclusion of women from its application</b>					
(i)	Those having all the daughters	100 (28.65)	122 (24.85)	222 (26.43)	1.52
(ii)	Those having many daughters but only one son	64 (18.34)	113 (23.01)	177 (21.07)	2.68
(iii)	Those having only one disabled son	159 (45.56)	244 (49.69)	403 (47.98)	1.40

\* Multiple responses were allowed

(The figures in brackets denote percentages)

\* Significant at .05 level

\* Significant at .01 level

A look at the Table reveals that income category was found significantly associated with only five of the total sixteen aspects considered here. These are: resorting to abortion, violation of the norm, encouraging female foeticide, highlighting importance of small family and health improvement. Other aspects are not significantly affected by income category.

### Relative importance of socioeconomic factors

Having discussed the association of each socioeconomic factor with the problem under study, a relevant question arises as to which of these factors are more important than others in explaining the variation among respondents' behavior regarding the problem under study. The answer to this question lies in the relative number of aspects of the problem out of the total 16 which found significantly associated with each socioeconomic factor considered here. The summary of such an association is depicted in Table 8.11.

**Table 8.11**  
**Summary of association of selected socioeconomic factors with aspects of application and violation of two-child norm (N=840)**

S. No.	Number of aspects with which associated	Number of factors found significantly associated with	Factors found significantly associated
1	10+	2	(i) Respondents' Education (ii) Women's role in Decision making
2	7-9	1	(i) Highest family education
3	4-6	6	(i) Age (ii) Family type (iii) Number of children (iv) Main family occupation (v) Income class (vi) Caste category

An important inference that we can draw from data in Table 8.11 is that the socioeconomic factors considered here vary greatly in their influence on the problem being studied. While some factors were found significantly associated with 10 or more aspects of the problem, others were associated only with 4 to 6 aspects. Of the nine factors, two were found significantly associated with 10 or more aspects; these were: women's role in decision making and respondents' education. These are followed by highest family education affecting significantly 8 aspects of the problem. The remaining six socioeconomic factors were found significantly related with only 4 or 5 aspects of the problem. It is surprising to note that among the nine socioeconomic factors considered here, role of age and caste was found weakest.

**Summing up:**

The association of nine selected socioeconomic factors with improvement in awareness about two child norm as also with sixteen selected aspects of application and violation of two child norm was worked out. The significant and highest improvement in awareness level was made by respondents from OBCs followed by those allowing women little or no role in decision making and those earning livelihood through service.

Women's role in family decision making was significantly associated with 11 out of 16 aspects of the problem. This is closely followed by respondents' education and highest family education each affecting significantly 10 and 8 aspects respectively.



## CHAPTER 9

# SUMMARY, CONCLUSIONS AND SUGGESTIONS

### Introduction

The study of “Application of two child norm for contesting or holding office in panchayati raj institutions in Fifth Scheduled Areas States of Rajasthan, Madhya Pradesh and Gujarat: A study of its impact on women.”, was carried out in three states which adopted the two-child norm at one point of time or the other. It was sponsored by the Govt of India, Ministry of Panchayat Raj during 2008-09. The study was carried out mainly to meet six-fold objectives: (i) to study the profile of men and women contesting and holding offices in PRIs in selected states; (ii) to find out the incidence of violation of two child norm by men and women contesting and holding office in PRIs in selected states; (iii) to examine the cases of men and women facing/ faced action for violating two-child norm in selected states; (iv) to identify the process of disqualifications initiated against PRI members for violating two-child norm, grounds used/ being used against men and women and their effects on women panchayat members and non-members in selected states; (v) to study the awareness and perceptions of men and women contesting and holding office in PRIs in selected states about the application of two-child norm, and (vi) to orient men and women contesting and holding office in gram panchayats about two child norm and its application and consequences of its violation.

### Methodology

**Locale:** The study was carried out in scheduled areas of Rajasthan, Madhya Pradesh and Gujarat. Data were collected from six scheduled areas districts with concentration of tribal population. These were: Dungarpur and Udaipur from Rajasthan, Dhar and Khargone from Madhya Pradesh and the Dangs and Surat from Gujarat. From each selected districts, one block/ tehsil/ taluka, and from each such units, four gram panchayats- two near the block/district headquarters and two distantly located-were randomly selected for a total of 24.

The blocks/talukas selected for the study were: Kherwara (Udaipur) and Sagwara (Dungarpur) from Rajasthan, Nalchha (Dhar) and Bhagvanpura (Khargone) from Madhya Pradesh, and Mandvi (Surat) and The Dang (Ahwa) from Gujarat.

**Respondents:** All the present members from three tiers of PRIs available at the time of data collection were covered under the study. Besides, PRI members of previous panchayats were also included in the study depending upon their availability during data collection phase. To gain insight into the problem, PRI members who were disqualified or are facing disqualification and spouses/ family members of the affected members were also interviewed.

**Study tools:** Four sets of interview schedules/questionnaires were developed and used: (a) for PRI members (present and past); (b) for the spouses/family members affected by disqualification of PRI members, (c) for the complainants, if any, and (d) case study

guide. Data were analysed with the help of computer. Percentages, mean values, chi-square and t-test were mainly used for analyzing data and drawing inferences.

## **Main Findings:**

### **1.0 Area Profile:**

- 1.1 **States and districts:** Among the sampled states, concentration of tribal population is higher in Madhya Pradesh followed by Gujarat. Gujarat has an edge over other states with respect to urbanization and literacy rate. The sex ratio is almost equal in all the states. The sampled districts also vary greatly with respect to urbanization and SC and ST population. The concentration of STs in total district population varied from 28% in Surat to 94% in the Dangs. The sex ratio varied between 835 for Surat to 1022 for Dungarpur. Likewise, literacy rate is highest at 75% for Surat and the lowest at 48.6% for Dungarpur.
- 1.2 **Blocks/Talukas:** The variation noticed amongst districts is reflected also in six sampled blocks/talukas as well. Half of the six blocks/talukas are totally rural and in remaining urbanization varies from 5.5% for Kherwara (Udaipur district) to 35.2% for Nalchha (Dhar District). The ST population of the sampled blocks ranged between 35% for Nalchha to 94% for the Dangs. In terms of sex ratio also, Nalchha has only 902 as against 1008 for Sagwara. A comparison of sex ratio revealed consistently higher sex ratio among STs than other groups. The literacy rate varies from 37 for Nalchha to 60 for the Dangs.
- 1.3 **Villages:** The 24 villages- 8 from each districts- vary greatly in geographical area, households and population. The composition of population suggests concentration of tribals in most villages and sex ratio favourable to women in half of the total villages. Comparatively, tribal population has higher sex ratio as compared to general or scheduled caste population.

### **2.0 Respondents**

#### ***(a) Members unaffected by disqualifications***

- 2.1 **Coverage:** Since 2000-2001, two elections to the panchayati raj institutions were held in all the three sampled states. Therefore, PRI members presently holding posts in PRIs (present members) and those who were members during previous tenure of such institutions (Past members) were covered under the study. A total of 840 PRI members were covered under the study: 306 from Rajasthan, 258 from Madhya Pradesh and 276 from Gujarat. Of these, 571 (73.21%) were present members and 269 (26.79%) were past members; the share of Rajasthan among past members was highest and that of Gujarat lowest.
- 2.2 **Tiers:** Corresponding to overall distribution of PRIs in the country into three levels of PRIs, a majority in the sample consisted of members of gram panchayats (54.52%) and those from block/taluka level and district level panchayats are more or less equally distributed. This holds more or less good also for all the individual states.

- 2.3 **Gender:** Against the mandatory requirement of one third of the total seats in PRIs for women, their actual representation at the national level remained only 26.6% during 2001. In the study sample, women formed 31.19% of the total, the highest being in Rajasthan at 34.31%.

***(b) Members affected by disqualifications***

- 2.4 A total of 51 PRI members affected by disqualification- 34 disqualified and 17 facing disqualification-are identified. Over of these, 31 were ward panches 13 were up-sarpanches, 5 were sarpanches and 2 were members of block/taluka level panchayats
- 2.5 The study covered 39 spouses/family members of those disqualified or facing disqualifications: 15 from Rajasthan, 20 from Madhya Pradesh and 4 from Gujarat.
- 2.6 Besides, 23 complainants who filed complaints against PRI members for violating the two child norm in three states were also interviewed.

**3.0 Socioeconomic Profile:**

***(a) Members unaffected by disqualifications***

- 3.1 There is a concentration of middle aged members in the age group of 31 to 50 (68.81%) followed by old age members of 51 and above.
- 3.2 About one third of PRI members are primary educated and almost equal numbers have acquired secondary level education. Those with higher education are more from Gujarat than from other states.
- 3.3 Members of Scheduled Tribes in PRIs constitute about three fourths of the total respondents (73.81%) with highest concentration in Gujarat. The remaining caste groups are more or less evenly distributed.
- 3.4 Overwhelmingly (80.12%), PRI members come from households where agriculture is practised as a main occupation.
- 3.5 58.45% PRI members were from non-BPL category; 9 out of every 10 members had land and are more or less equally divided among different land size classes and this holds good for all the states.
- 3.6 **Women's Status:** The decision about women in overwhelming cases (72.5%) is taken by their husbands indicating continued hold of patriarchal system of society.

***(a) Members affected by disqualifications***

- 3.7 PRI members affected by disqualifications-disqualified and facing disqualifications- totaling 51 are largely males and are of middle aged, illiterates or lowly educated.

- 3.8 They earn living through agriculture or wage labour, over two-thirds of which are either STs or OBCs and majority belongs to BPL category.

### **Application and Violation of Two Child Norm:**

#### ***(a) Members unaffected by disqualifications***

### **4.0 Child Birth and Birth Control:**

- 4.1 The members of PRIs face disqualification for contesting election or holding office in case third child is born after the stipulated date and is alive. It is only in 8.57 % cases that the birth of the third child has reportedly taken place.
- 4.2 PRI members, if adopt family planning themselves, tend to serve as role model for others. But about 56 percent acknowledged the use of family planning measures and over three-fifths (62.38%) opined that this has encouraged others to follow. The norm helped also in checking population to a great extent as endorsed by over one-thirds of the respondents

### **5.0 Awareness about Provisions of Two-Child Norm:**

- 5.1 Based on 30 selected items of information on different aspects of the two-child norm, overall awareness was measured and found to be only 36.30 % thus leaving an information gap of 63.70 % to be bridged by training and other methods. The highest gap was noted among Gujarat respondents.
- 5.2 Among different groups of respondents, those from Rajasthan, male members, members of district level panchayats and those with urban proximity are more aware as compared to their counterparts.

### **6.0 Orientation Programme in Two Child Norm and its Impact**

- 6.1 As a result of orientation, the overall awareness level which stood at 36.30 % shot up to 64.47%.
- 6.2 The greater increase in awareness level was registered by Madhya Pradesh respondents, members of higher level of PRIs, those with high urban proximity and females. The increase in the level of awareness was significant in all these cases.

### **7.0 Knowledge about Violation of Norm:**

- 7.1 Over half of the PRI members (57.38%) are aware about the violation of two-child norm
- 7.2 Of these, a little less than two-fifths (38.93%) acknowledged that despite violation of the norm, persons were neither prevented from contesting elections, nor process to remove them was initiated, nor they were disqualified to hold the post.

### **8.0 Ensuring Compliance of the Law:**

- 8.1 To ensure compliance of the norm, only 8.57 % of the PRI members have reportedly filed the complaint against PRI members for violating the norm

resulting in withdrawing from contesting elections or resigning from the panchayat post.

- 8.2 If the third child to be born is a male, some PRI members preferred to withdraw themselves from contesting elections (26.19%) or to resign from panchayat post, if held by them (4.29%).

### **9.0 Violation of the Norm by Respondents:**

- 9.1 Data showed that only 15.24 % of the respondents reported violation of the two-child norm.
- 9.2 However, only in a little over one-fourths of such cases, complaints were filed against violations

### **10.0 Measures to Evade Disqualification:**

- 10.1 When enquired as to which measures found favour amongst members violating the norm for evading disqualifications, getting DNA test conducted was mentioned by about three-fifths of the PRI members violating the norm followed by pretending themselves simply to be a caretaker (36.72%), giving the child in adoption (32.81%) and procuring false birth certificate (23.44%).

### **11.0 Gender Perspective**

- 11.1 Among those having more than 3 children each, there are more males than females.
- 11.2 Female members outnumber males in opting abortion as measure to prevent child birth.
- 11.3 More males than females are aware about the two-child norm.
- 11.4 Males have edge over females in awareness level. Thus, female PRI members have greater information gap (10.98) than their male counterparts (10.70).
- 11.5 While males retained their edge over females in awareness level during post-orientation phase, later have registered greater improvement than the former as a result of orientation programme.
- 11.6 Male members outnumber females in violating the two-child norm.

### **12.0 Impact on Society and Polity**

- 12.1 **Adverse effects on society and polity:** Over one-thirds of the respondents, and more from Rajasthan and Madhya Pradesh, acknowledged adverse effects of the two-child norm on society.
- 12.2 It encouraged members to use wrong methods to remain in power (35.17%); the norm was put into use as a political weapon against opponents (22.76%) and members from weaker sections became easy victims (21.03%).

- 12.3 **Positive contribution:** The norm proved to be a blessing in disguise as 2 to 3 respondents out of every 10 hold that it has served to attract peoples attention towards population problem, highlighted the value of small family norm and motivated people to use family planning.

### 13.0 Attitudes and Perceptions

- 13.1 **Panchayat members as role-model:** The use of family planning by PRI members and its positive effects on others was endorsed by a majority of the respondents.
- 13.2 **Norm Viewed as anti-women:** PRI members in general did not view the two-child norm as anti-women but those who viewed it so there were more from Madhya Pradesh than from other states.
- 13.3 **Exclusion of women from application:** A little less than half of the respondents favored exclusion of women with only one disabled son
- 13.4 **Discriminatory nature:** Overwhelmingly, respondents viewed the norm discriminatory as it excludes MLAs and MPs from its application. One out of every nine holds that population control can be better achieved if initiative comes from state and central leadership.

### 14.0 Associated factors:

The association of nine selected socioeconomic factors with improvement in awareness about the two child norm as also with sixteen selected aspects of application and violation of the two child norm was worked out.

- 14.1 The significant and highest improvement in awareness level was made by respondents from OBCs followed by those allowing women little or no role in decision making and those earning livelihood through service.
- 14.2 Women's role in family decision making was significantly associated with 11 out of 16 aspects of application and violation of the two child norm.
- 14.3 This is closely followed by respondents' education and highest family education each affecting significantly 10 and 8 aspects respectively. The remaining factors were significantly associated only with 4 or 5 aspects of the problem.

#### *(b) Members affected by disqualifications*

- 15.1 Only a few have adopted family planning; most had over 4 or more children each and endorsed having violated the two child norm.
- 15.2 Overwhelmingly, affected members do not subscribe the view that the norm is anti-women but hold that it is discriminatory.
- 15.3 The adverse effects of the norm on panchayati raj and rural development were endorsed by a substantial majority.

- 16.1 *Spouses/family members:* Of the 34 spouses or family members of those affected by disqualifications, one-thirds endorsed the birth of the third child after panchayat elections and violation of the two-child norm by panchayat members.
- 16.2 Overwhelmingly, they do not view the norm as anti-women but consider it discriminatory.
- 16.3 The adverse effects of the norm on panchayati raj were endorsed by a majority and acknowledged its role in attracting people's attention towards population problem.
- 17.1 *Complainants:* Of the 23 complainants, most were males, literates and educated, and members of STs and OBCs.
- 17.2 Most endorsed widespread violation of the two child norm and feel that defaulters go scot-free.
- 17.3 The main reason attributed for filing complaints was that defaulters belonged to the opposition group/party.
- 17.4 Most subscribe positive impact of the norm on controlling population.

### **Conclusions:**

The inclusion of the two-child norm in the State Panchayati-raj acts as an eligible criteria for contesting and holding panchayat post was intended to reduce family size, contain population growth and bring about social development through involvement of several million panchayat members as role models. While there has been universal acceptance of the small family norm independent of gender, caste, class, power and religion, doubts are expressed about the efficacy of the norm in controlling population growth partly because various groups especially MLAs, and MPs, who wield influence and power, are excluded from the application of the norm. There is a little evidence to suggest that the residual groups can serve as role model in this regard and change population scenario drastically. Besides, those resorting to birth control measures tend to do it only after achieving desired number and sex composition of children.

While there are different approaches to achieve population stabilisation, the norm is being used mistakenly as a substitute for quality of health and family welfare services and their accessibility and affordability that are known to bring down fertility levels and infant morality rates. The low education and poor information level, which tended to make things worst and lead violation of the norm, need to be overcome sooner than later through formal as well as informal measures.

Though the violation of the norm is widespread if it is seen against values and interest, but most go scat-free. Therefore, it calls for recasting it in a way it motivates people to comply with rather than abusing it. Its misuse is needed to be checked and its anti-women image is to be dispelled by appropriate measures.

The women, who feel helpless in ensuring fewer births, need to be empowered and the issue needs to be linked to improved health care services and child survival rather than placing undue reliance on incentives and disincentives

The PRI members adversely effected by disqualification are mostly males of middle age having three or more children, illitrate or lowly educated, belonged to STs and OBCs and BPL category earning their living through agriculture and labour. A care therefore is needed to ensured that the norm no longer proves disadvantageous to weaker sections.

The non availability of records relating to the application and violation of the two child norm, which greatly hampers systematic and in-depth studies of the problem in different locales, proper monitoring of the compliance of the law needs to be overcome as early as possible.

### **Suggestions:**

From the findings presented above the question of achieving population goals through panchayati raj has become quite controversial; it no longer remains a population question alone; rather, it has acquired a sociocultural, economic and political significance. In view of the sensitivity associated with the two child norm and some states have already retraced their step despite a favourable view expressed by the apex court. Under the circumstances it is imperative that the adverse effects, of the norm an different population groups are neutralised. Following suggestions may serve some purpose in this regard.

1. Couples having all or most daughters would like to have next child to be a son and to meet this goal they would like to opt for pre-natal sex selection technologies. Keeping in view son preference and prevailing social values, such a genuine desire of the couples need to be facilitated rather taking a rigid view of the law.
2. In a male-dominated society, the women, even if they desire fewer births, feel helpless to act upon it. To facilitate women to gain control over their fertility, female employment and autonomy need to be promoted as a pre-requisite through education and skill development
3. The decline in fertility rates needs to be linked to women empowerment, poverty reduction, health care services and improvement in child survival.
4. The norm has limited application in the sense that it affects only the present generation rather than their children who may not necessarily opt for it. The programme of birth control, therefore, needs to be tailored to improvement in quality of life of the present as well as future generation.
5. The argument favoring of legislation for small family as a common good, which will ensure many women to have fewer births, needs to be seriously debated on the lines of the compulsory elementary education.
6. The role and relevance of incentives and disincentives in population control needs to be systematically studied and their relevance reexamined.
7. A wider debate and in-depth studies of the two-child norm in different locales are needed in the context of traditional values, patriarchal system, unequal gender relations and demeaning practices women are subjected to.



8. The suggestion to exclude certain groups of women from the application of the two-child norm needs to be seriously considered in view of the fact that they play little or no role in deciding about the next child and that PRI members tend to use anti-women measures to retain their post or to evade their disqualification on this account and that the sex composition is against social values.
9. The in-depth and systematic studies of the two-child norm are seriously hampered owing to the non-availability of relevant records. It should be made obligatory on the part of concerned state department to keep complete record of PRI members (a) having exceeded the norm but continuing as panchayat members, (b) are facing disqualification on this ground, and (c) are disqualified. Delay and virtual denial of relevant information sought under RTI need to be taken seriously.
10. The rationale underlying the two-child norm and provision of several incentives and disincentives is to motivate people, government officials and elected representatives to adopt small family norm. This being the case, there should be a periodical monitoring of all the concerned groups about the number of children each of their members have. This will greatly facilitate effective administration of incentives and disincentives.
11. In case where penalty goes against the values and people, it tends to get abused and loopholes are traced to get rid of it. The norm therefore needs to be reexamined in the light of people's needs, interests and values and modified wherever necessary to encourage its compliance.
12. The norm has great potential to be used and abused against women and opponents to settle scores. A care, therefore, needs to be taken against its misuse and evasion.
13. In view of very poor awareness about the provisions of the two-child norm, which in some cases led to its violation, special efforts need to be made to familiarize PRI members about its provisions especially in states where awareness was relatively low. This can be made part of their initial training and frequent and short duration orientation at different levels may be organised.
14. As PRI members in general viewed the norm discriminatory, the elected representatives and public servants at all levels should be brought under the purview of this norm. This will also help greatly in meeting the goal of small family on one hand and encourage more people to follow them by virtue of greater power and influence state and national level representatives enjoy.
15. Overwhelmingly, PRI members including women members themselves did not consider the norm as anti-women. Hence, there is a need to dispel and remove anti-women image of the two-child norm and while doing so, it should be ensured that women are not unduly suffer.
16. The issue needs networking in the light of following facts: (i) it has no relation with the roles expected of panchayat members, (ii) exclusion from its purview MPs, MLAs, and many other groups, (iii) large proportion of people already having small family, (iv) as per NFHS-II, 72% women with 2 children do not want more children, (vi) amidst strong son preference, two child norm will lead to sex-selective abortion,

(vii) denial of free education or subsidized food to third child is against the spirit of the constitution ensuring every child equal rights, and (viii) it violates individual right and freedom about number and sex of children.

17. The low level of education of PRI members appears to be responsible for larger number of children. Hence, concentrated efforts need to be made to promote knowledge and skills of PRI members about development goals and minimum educational qualification may be prescribed as eligibility criteria for contesting and holding panchayat office.
18. Over two-fifths of the PRI members are from BPL category having SC, ST and OBC background. If past experience is any guide, it should be ensured that these groups do not unduly suffer on account of application of the two child norm.
19. The husbands are reportedly taking decisions about women in most cases. It should be ensured that the two child norm is not misused against them either as PRI members themselves or as spouse of male panchayat members.
20. Through only one out of every 12 panchayat members reported the birth of third child after panchayat elections, the two child norm need to be made applicable with due regard to such circumstances as sex composition, health status etc of the existing children.
21. The majority of PRI member opted family planning and most of such members endorsed their action having been followed by others also. Such a finding calls for bringing more and more categories of people's representatives and public servants, wielding influence, under the purview of the two child norm
22. The programme of generating awareness about the two child norm should be directed towards females, groups with low urban exposure and members of lower levels of PRIs as these exhibited relatively a poor level of awareness.
23. There is a widespread belief among PRI members that many who violate the norm go scot-free. Therefore, undue reliance on filing of complaints of violation needs to be reduced and the use of other methods is to be encouraged which may include filing of affidavits, holding panchayats and local bodies responsible for compiling information and the like. Besides, incentives may be provided for filing complaints of the violation of the norm and disincentives for filing wrong complaints.
24. The use of evasive measures adversely affecting women by PRI members to remain in power should be seriously examined and stringent action may be taken against misuse of the provisions against women.
25. The misuse of the two child norm against opponents and PRI members from SCs, STs and OBCs should be strictly monitored and checked.
26. Significant improvement in the awareness about the two child norm among PRI members exposed to orientation points towards promotion of education among people using formal as well informal measures and organising periodical orientation programmes at different levels in each state.

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## **Annexure: 1**

### **Two-child norm in India: Relevant Provisions**

#### **History:**

The history of two-child norm begins with setting up of a Committee on Population by National Development Council in 1992 under the chairmanship of K. Karunakaran, which recommended legislation in parliament prohibiting persons with more than two children from holding any elected post from the panchayats to the parliament in future.

While the Karunakaran committee recommended the legislation for all those holding elected post from the panchayats to the parliament, it was made applicable only to the PRI representatives which it is viewed as discriminatory. The general view is that the law should be made applicable to MLAs and MPs also.

The introduction of two-child norm in PRIs almost simultaneously with the guaranteed entry of SCs, STs and women in these institutions through 73<sup>rd</sup> constitutional amendment tended to link political aspirations and legally prescribed fertility choice.

#### **National Population Policy:**

The National Population Policy (NPP), 2000 was drafted in the light of the 1994 International Conference for Population and Development. However, most states adopted the two-child norm even before NPP 2000.

In its judgment of 30.07.2003, Supreme Court included in family welfare, family planning also and observed: “complacency in controlling population in the name of democracy is too heavy a price to pay, allowing the nation to drift towards disaster”.

#### **Coverage:**

The introduction of two-child norm is based on the assumption that its adoption by elected representatives, who are viewed as models, will inspire and encourage other people to follow their example in family composition.

The success of applying the two-child norm through PRIs assumes that the law can make people to have small families thereby aspire for leadership positions, that the fertility decision to be made by aspiring candidates is independent of the sex of the children and that the contraceptive methods and health services are equally available and affordable to ensure survival of children among all sections.

Following the recommendations of Karunakaran Committee on Population, several states have adopted the two-child norm for the elected members of PRIs, urban local bodies, cooperatives and agricultural productive market committees.

The Indian states which adopted the two-child norm for panchayats included, Rajasthan, Madhya Pradesh, Himachal Pradesh, Haryana, Andhra Pradesh, Chhatisgarh, and Orissa. Rajasthan was first to introduce two-child norm in panchayats and municipalities. Rajasthan state was followed by Andhra Pradesh and Haryana which introduced two-child norm in 1993. The state of Gujarat has introduced the two-child norm in 2005

The Orissa state introduced two-child norm for Zila Parishad in 1993 while for village and block level panchayats in 1994. Himachal Pradesh and Madhya Pradesh adopted the two-child norm in the year 2000. Himachal Pradesh adopted the two-child norm simultaneously with Madhya Pradesh but implemented it from a later date. The state of Chhatisgarh which was created out of Madhya Pradesh inherited two-child norm from Madhya Pradesh in November 2000.

The application of two-child norm has received same setback owing to reconsideration by some states which earlier adopted the norm. Madhya Pradesh, has withdrawn the provision in 2005. Besides, Himachal Pradesh which enforced the provision of two-child norm from June 8, 2001, has also withdrawn the norm through a cabinet decision of 16.2.2005.

### **Two-Child Norm in Rajasthan:**

In Rajasthan the two-child norm was introduced under Section 19(1) of Rajasthan Panchayati Raj Act, 1994 and a cutoff date of its application was specified as November 27, 1995. The provision was made applicable for members of PRIs, municipal bodies and government employees of promotion. The provision was implemented through district and block development panchayat offices.

### **Two-Child Norm in Madhya Pradesh:**

In Madhya Pradesh, the provision of two-child norm was made under Section 36(D) of Madhya Pradesh Panchayati Raj and Gram Swaraj Act, 1993 and the cutoff date for its application was prescribed as January 26, 2001. The provision was made applicable to members of PRIs, local bodies, mandis and cooperatives. The district Collectorate was made responsible for implementing the provision. The Madhya Pradesh High Court wide its judgment of 17.05.2002, granted stay on the provision of M. P. Panchayati Raj and Gram Swaraj Act 1973. The provision was however withdrawn in 2005.

### **Two-Child Norm in Gujarat:**

Gujarat was the last state to introduce the provision of two-child norm under Gujarat Panchayats Act, 1993 under Section 30(1) (L). The cutoff date for implementation was 4.08.2005.

The provision was made applicable for the members of PRIs, Municipalities and local bodies.

### **Process of implementation:**

Two-child norm was introduced or aspirants to elected posts in panchayati raj institutions: Accordingly, a person having more than two children / living children born after specified date is not eligible for entry or continuance in panchayats. However, having more than two children does not attract disqualification on the date of coming into effect of the law introducing disqualification or up to the end of one year thereof if an additional child is not born thereafter.

The Process to disqualify a person begins only with the receipt of the complaint about the violation of the norm. In Madhya Pradesh the action to disqualify can be initiated by the complaint authority on his own. In Orissa, the complaint authority can initiate action on his own if violation of the norm is alleged at gram panchayat level. The complaint authorities in Andhra Pradesh and Orissa (PS & ZP) are Judicial Officers, while in other states they are executive officers.

The two-child norm in different states do not follow uniform pattern with regard to twins/ triplets etc. In Rajasthan twins / triplets are considered as one unit and in Rajasthan stillbirths are not counted as births. In Madhya Pradesh, the district collector is authorized to use his / her discretionary powers to take a decision in case of twins / triplets etc. In Andhra Pradesh, the Act is silent on twins / triplets and stillbirths.

The Supreme Court is silent on twins / triplets; it considered twins / triplets as abnormal cases and holds that the law can not be applied on abnormal cases.

Under the two-child norm, a child given away for adoption is counted for disqualification in all states. The Supreme Court observed that “merely because the couple has parted with one child by giving away in adoption, the disqualification does not come to an end”.

The two-child norm introduced by states is intended not only for members of PRIs but also for urban local bodies, cooperatives and agricultural market committees.

**Incentives / Disincentives:**

The states which adopted two-child norm sought population control and stabilisation through incentives and disincentives. The two-child norm has made applicable not only for contesting elections or holding office in PRIs but also for entry and promotions of employees in public services. Two-child norm is applicable also for the eligibility of persons to avail benefits of government welfare programmes and services. Andhra Pradesh, has introduced a series of incentives and disincentives.

**Groups affected by the norm:**

The most adversely affected group was that of women of active reproductive age group and exempted older persons who have completed their families irrespective of number of children. Regarding the contention that the two-child norm would hurt women most as they are forced to bear a child if their husbands wanted to do so and thereby face disqualification, Supreme Court observed: “we do not think that with the awareness that is arising in Indian women folk, they are so helpless as to be compelled to bear a third child, even though they do not wish to do so”.

Besides, it is also asserted that the two-child norm as introduced, adversely affects entry and continuation of those very sections who entered in PRIs through reservation mandated by 73<sup>rd</sup> constitutional amendment. Thus, the measure introduced to ‘population control’ served to nullify the gains of the amendment. The studies have also shown that among those who were disqualified, young, males, poor and dalits (SCs, STs and OBCs) are far more in numbers than their counterparts.

The official circles, however, disagree with such an observation and argue that the norm is applicable to PRI aspirants of all castes, classes and gender and, therefore, is “bias-free”. The introduction of two-child norm in PRIs almost simultaneously with the guaranteed entry of SCs, STs and women in these institutions through 73<sup>rd</sup> constitutional amendment tended to link political aspirations and legally prescribed fertility choice.

Sharing the widely held view, The Lok Sabha speaker, Shri Somnath Chatterjee observed: “In view of the laws enacted by some states linking the two-child norm with the right to contest elections to the panchayati raj institutions, the majority of the population of these states are in effect deprived of their right to contest elections. Of the largest number of cases of disqualifications from contesting elections with reference to this law, women formed 41 percent of those disqualified, Dalits, Adivasis, and the OBCs (Other Backward Classes) formed an overwhelming 80 percent of those disqualified”.

Studies have thrown light on the question whether the disqualifications of PRI members are all due to the violation of two-child norm? Data showed that this has not been the case. However, in majority of the cases of disqualifications of PRI members, violation of two-child norm was the main cause: their share was 54% in Madhya Pradesh, 68% in Chhattisgarh, 63% in Rajasthan and 87% in Haryana.

**Techniques used to evade disqualification:**

There are however, many others who despite violation of two-child norm were not disqualified mainly because of the use of methods by PRI members to evade disqualifications rather than meeting the conditionality of the law about family size and without moving away from strong son preference. One important area of concern was the desertion of women. Other areas of concern noted in the interviews and case studies were: (i) hospital admission for delivery under wrong name, neglect and death of female infant; (ii) cases of desertion and bigamy; (iii) cases of pre-natal sex determination and induced abortion of female foetus whereas having a son was seen as far outweighing the benefits of being a panchayat representative; (iv) seeking abortion at advance stage of wife’s pregnancy; (v) children given away for adoption; (vi) allegations of infidelity, denial of paternity of the third child; (vii) women exposed to violence from their opponents. This included physical and psychological violence and then followed by complaint of violation of two-child norm. (Buch, 2005)

### **Supreme Court Judgment:**

In view of its adverse consequences on SCs, STs and women, the two-child norm was challenged in different courts of law including Supreme Court. The Supreme Court delivered two judgments on the question of disqualification of a person to contest panchayat election for having more than two children. The first was Javed and others v/s state of Haryana and others (2003 SSC 396) and the second was Rameshwar Singh and others v/s state of Haryana and others.

In the first case, the Court held: “The disqualification contained in the Act is neither arbitrary nor discriminatory..... Disqualification seeks to achieve socio-economic welfare, and health care of the masses and is consistent with national population policy... Disqualification on the right to contest an election by having more than 2 living children does not contravene any fundamental right”.

The second case where Section 175(1) (q) and Section 171(1) of Haryana Panchayati Raj Act, 1994 was challenged as being violative of Article 25 and 26 of the constitution, the Supreme Court held that “Said condition is not arbitrary and disqualification is based on intelligible differentia having rational relation to the objects sought to be achieved”.

The three-Judge bench of the Supreme Court, consisted of Justices R. C. Lahoti, Ashok Bhan and Arun Kumar, while commenting on the disqualifying clause of Haryana Panchayati Raj Act, 1993, observed: “Disqualification on the right to contest an election for having more than two-children does not contravene any fundamental right, nor does it cross the limits of reasonability. Rather, it is a disqualification conceptually devised in the national interest”.

The Bench also rejected the contention that the provision was discriminatory as it did not apply to other states. The Bench held that if such a submission were accepted, it would violate the autonomy given to the Center and the States within their respective fields under the constitutional scheme.

About the argument that the provision of two-child norm interferes with the freedom of religion and hence violative of Article 25 of the constitution. The judges observed: “If anyone chooses to have more living children than two, he is free to do so under the law as it stands now but then he should pay a little price and that is of depriving himself from holding an office in panchayat in the State of Haryana. There is nothing illegal about it and certainly no unconstitutionality”.

### **High Courts and two-child norms:**

The wide spread concern expressed towards two-child norm as a coercive method of Population Control and Stabilisation, intervention of different courts across the country was sought. For example

- (a) The Haryana High Court forwarded to the Supreme Court two separate writ petitions challenging the constitutional validity of section 1-15(1) of Haryana Panchayati Raj Act, 1994, which disqualifies persons with more than 2 children from contesting PRI elections. Over 200 similar petitions were also pending before the Supreme Court for decision.
- (b) A writ petition filed by Ram Nivas on February 9, 2005 challenging constitutional validity of the section 19(L) of Rajasthan Panchayati Raj Act, 1994 disqualifying elected members of PRIs for having third child after 27-11-1995, which is still under consideration and decision.
- (c) Andhra Pradesh High Court examined three petitions submitted before it against Section 19(3) of the Panchayati Raj Act, 1994 which disqualifies persons having more than 2 children from holding post in PRIs and ruled that the Section 19(3) of the said Act neither violates the principle of equality nor citizen's right in matter of procreation.



## Annexure 2 (a)

**Research Project on application of Two-Child Norm for contesting or holding office in panchayati raj institutions in Fifth Scheduled Areas States of Rajasthan, Madhya Pradesh and Gujarat: A study of its impact on women.**

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3-2-1 ;g fu;e vkids jkT; esa fdl rkjh[k ls ykxw gqvk \ ¼mrjnkrrk ftl jkT; dk gks mlh jkT; dh lwpuk vafdr djs½

i) jktLFkku esa	29.11.1995	[ ]	26.1.2001	[ ]	26.1.2005
[ ]					
ii) e;/izns'k esa	29.11.1995	[ ]	26.1.2001	[ ]	26.1.2005
[ ]					
iii) xqtjkr esa	29.11.1995	[ ]	26.1.2001	[ ]	26.1.2005
					[ ]

3-2-2 D;k nks cPpks laca/kh fu;e vkids jkT; esa vHkh Hkh ykxw gS \

- i) jktLFkku esa                      %                      gk;                      ugha  
 ii) e;/izns'k esa                      %                      gk;                      ugha  
 iii) xqtjkr esa                      %                      gk;                      ugha &&&

3-3-1 fu/kkZfjr frfFk ls igys rhjk cPpk gksu ij D;k fdlh dks Hkh pquko yMus@in ij cus jgus ds v;ksX; ?kksf"kr fd;k tk ldrk gS \

- i) gk;                      ii) ugha                      iii) irk ugha &&&

3-3-2 iapk;r esa pqu fy, tkus ds ckn ;fn fdlh lnL; ds rhjk cPpk iSnk gks rks D;k fdlh dks Hkh v;ksX; ?kksf"kr fd;k tk ldrk gS \

- i) gk;                      ii) ugha                      iii) irk ugha &&&

3-3-3 nks cPpks laca/kh fu;e ds vUrZxr D;k nwljks dks xksn fn;k cPpk Hkh nks esa 'kkfey fd;k tk,xk \

- i) gk;                      ii) ugha                      iii) irk ugha &&&

3-3-4 nks cPpks laca/kh fu;e ds vUrZxr nks ;k vf/kd cPpksa ds ,d lkFk tUe ysus ds dkj.k D;k mUgsa ,d gh bdkbZ ekuk tk,xk \

i) gk; ii) ugha iii) irk ugha &&&

3-4-1 c vogsyuk djus ij ljiap@iap vkfn dks v;ksX; ?kksf"kr djus laca/kh izfd;k dSls izkjEHk dh tkrh gS\

- i) vf/kdkjh }kjk Lor% izfdz;k izkjEHk dh tkrh gS
- ii) fdlh iapk;r lnL; nkjk f'kdk;r izklr gksus ij
- iii) fdlh ukxfjd }kjk f'kdk;r izklr gksus ij gh izfdz;k izkjEHk gksrh gS
- iv) vU;

3-4-2 nks cPpks laca/kh fu;e ds vUrZxr f'kdk;r izklr gksus ij mldh tkWp fdlds nkjk dh tkrh gS \

- i) ftyk fodkl vf/kdkjh@ftyk dysDVj ii) [k.M@rkyqdk fodkl vf/kdkjh iii) vU;&&&

3-4-3 nks cPpks laca/kh fu;e ds mYya?ku dk irk pyus ij lquokbZ fdl Lrj ij dh tkrh gS \

- i) iapk;r Lrj ij ii) [k.M@rkyqdk Lrj ij
- iii) ftyk Lrj ij iv) jkT; Lrj ij &&&

3-5-1 nks cPpks laca/kh fu;e ds dkj.k vkids jkT; esa D;k fdlh iapk;r efgyk lnL; dks vius in ls gkFk /kksuk iMk \

- i) gk; ii) ugha iii) irk ugha &&&

3-5-2 nks cPpks laca/kh fu;e ds dkj.k viuk in NksMus okys iq#"kksa ,oa efgykvksa esa ls fdldh la[;k vf/kd gS \

- i) iq#"k vf/kd ii) efgyk;sa vf/kd iii) yxHkx cjkckj

3-5-3 iapk;r ds ftu lnL;ksa dks nks cPpks laca/kh fu;e ds dkj.k vius in ls gkFk /kksuk iMk muesa nfy efgyk o iq#"kksa dh la[;k vU;kss ls T;knk Fkh ,de Fkh ;k cjkckj Fkh \

- i) nwljks ls vf/kd ii) nwljks ls de iii) nwljks ds cjkckj &&&

3-5-4 D;k nks cPpks laca/kh fu;e dk mYya?ku djus okys lHkh dks nf.Mr fd;k x;k gS \

- i) gk; ii) ugha iii) irk ugha &&&

3-6 D;k nks cPpks laca/kh fu;e dk mYya?ku iztuu laca/kh LokLF; lsokvksa dh vuqiyC/krk ds dkj.k gqv k gS \

- i) gk; ii) ugha iii) irk ugha

3-7-1 D;k Hkkjr dh tula[;k uhfr iapk;rks ij ykxw nks cPpks laca/kh fu;e dh leFkZd gS \

- i) gk; ii) ugha iii) irk ugha]

3-7-2 mPpre U;k;ky; us nks cPpks laca/kh fu;e dsk jk"V<sup>a</sup>h; tula[;k uffr ds vuqdwy crk;k ;k izfrdwy \

- i) vuqdwy ii) izfrdwy iii) irk ugha

3-8-1 os nks dkSu ls U;k;ky; gS ftUgksaus nks cPpks laca/kh fu;e dks mfpr Bgjk;k gS \

- i) mPpre U;k;ky; ii) gfj;k.kk mPp U;k;ky;
- iii) vkU/kzizns'k mPp U;k;ky; iv) e/; izns'k mPp U;k;ky;

3-8-2 nks cPpks laca/kh fu;e ds fo#) fdl jkT; dssa laca/k esa mPpre U;k;ky; esa okn izLrqr fd;k Fkk \

- i) jktLFkku ii) e/; izns'k iii) gfj;k.kk iv) vkU/kzizns'k [ ]

3-8-3 mPpre U;k;ky; us nks cPpks laca/kh fu;e dh oS/kkfudrk ds laca/k esa fdl o"kZ esa viuk fuZ.k; fn;k \

- i) 2001 ii) 2002 iii) 2003 iii) 2004 iv) 2005 &&&

3-8-4 O;fDr }kjk pquko yMus ds vf/kdkj dks D;k mPpre U;k;ky; us ekSfyd vf/kdkj ekuk gS \

- i) gk; ii) ugha iii)irk ugha &&&

3-8-5 nks cPpks laca/kh fu;e dks D;k mPpre U;k;ky; us efgyk-fojks/kh ekuk gS \

- i) gk; ii) ugha iii)irk ugh a&&&

3-9-1 nks cPpks laca/kh fu;e ds mYya?ku djus ds dkj.k iapk;r InL; dks ftu lqfo/kkvksa ls oafpr fd;k tk ldrk gS muesa ls nks dk uke crkb;s\

i) jk'ku dh nqdku ls [kk]ku vkiwfrZ ii) rhljs cPps dh ljdkjh Ldwy esa fu'kqYd f'k{kk

- iii)fodkl dk;Z gsrq cSad \_k lqfo/kk iv) jk'ku dkMZ tkjh djuk

v) ljdkjh ukSdjh ij yxkuk

vi) flapkbZ ds fy, ikuh miyC/k djuk

vii) vU; &&&

3-9-2 nks cPpks laca/kh fu;e dk mYya?ku djus okyksa }kjk v;ksX; ?kksf"kr gksus ls cpus ds fy, viuk, tkus okys fdUgha nks mik;ksa dk uke crkb;s\

- i) ii)

#### **IV nks cPpks laca/kh fu;e dh vuqikyuk@mYya?ku**

4-1-1 D;k fdlh iapk;r InL; }kjk ifjokj fu;kstu djus dh vkidks tkudkj gS \

- i) gk; ii) ugha

4-1-2 D;k iapk;r InL;ksa }kjk ifjokj fu;kstu djus ls yksxksa dks ,slk djus dh izsj,kk feyh \

- i) gk; ii) ugha

4-1-3 iapk;r InL;ksa }kjk ifjokj fu;kstu djus ls D;k tula[k; o`h jksdus esa fdruh lgk;rk fey ldrh gS\

- i) cgqr dqN ii)dqN dqN iii) fcYdqy ugha

4-1-4 D;k vkus Hkh ifjokj fu;kstu ds rjhdks dksa viuk;k gS \

- i)gk; ii) ugha

4-1-5 ;fn gk; rks dc \

i) tc okafNr la[k; esa cPps iSnk gks x;s

ii)tc yMds rFkk yMfd;kW dk okafNr vuqikr esa tUe gks pqdk gks

4-1-6 D;k vkids ifjokj esa xHkZikr djok;k \

- i) gk; ii) ugha

4-1-7 ;fn gk; rks dc \

i)tc cPpks esa vf/kdrj yMfd;kW Fkh rFkk tkap ls Hkzw.k Hkh yMdh gh fudyhs

ii)tc okafNr la[k; o vuqikr esa cPpksa dk tUe gks pqdk gks

4-2 nks cPpks laca/kh fu;e ds mYya?ku djus ds D;k D;k ifj.kke gS \

- i) ii)
- iii) iv)

4-3-1 D;k iapk;r esa ,sls Hkh lnL; gS ftuds }kjk nks cPpks laca/kh fu;e dk mYya?ku gqvk gS ij fQj Hkh

- i) mUgss iapk;r pquko yMus ls ugh jksdk x;k
- ii) mUgss iapk;r dh lnL;rk ls oafpr djus dh dkjokbZ ugh dh x;h
- iii) mUgss vius in ls ugh gVk;k x;k

4-3-2 vkidh jk; esa ,slk u djus ds D;k dkj.k gks ldrs gS \

- i) 'kfDr IEiUurk ii) vkfFkZd IEiUurk iii) mPp tkfr dh lnL;rk
- iv) f'kdk;r ugh dh x;h v) fu;e dh tkudkj ugha vi) vU;

4-3-3 nks cPpks laca/kh fu;e ds mYya?ku djus okys dh D;k vkus Hkh dHkh f'kdk;r dh Fkh\

- i) gkj ii) ugha &&&

4-3-4 ;fn gkj] rks vki }kjk mldh f'kdk;r djus ds D;k dkj.k Fks

- i) fojks/kh ikVhZ xqV dk gksus ls ii) vU; tkfr oxZ dk Fkk
- iii) vkils }s"k j[krk Fkk iv) nwljks ds mdlkus ls
- v) jktuSfrd ykHk ds fy, vi) Hkz"Vkpj esa fyIr gksus ls

4-3-5 nks cPpks laca/kh fu;e ds mYya?ku dh f'kdk;r ds dkj.k D;k Hkfo"; esa ,sls mYya?ku de gks ldsaxs\

- i) cgqr dqN ii) dqN dqN iii) fcYdqy ugha

4-3-6 ,sls djus ls vkilh laca/k rukoiw.kZ gksus dh fdruh laHkkouk gS \

- i) cgqr dqN ii) dqN dqN iii) fcYdqy ugha

4-4-1 D;k vkus Hkh dHkh nks cPpks laca/kh fu;e dk mYya?ku fd;k gS \

- i) gkj ii) ugha &&&

4-4-2 ;fn gkj rks

- D;k vkidks pquko yMus ls jksdk x;k \ i) gkj ii) ugha
- D;k vkidks in ls gVkus dh dkjokbZ izkjEHk dh x;h \ i) gkj ii) ugha
- D;k vkidks vius in ls gVk fn;k x;k \ i) gkj ii) ugha

4.4.3 nks cPpks laca/kh fu;e dh vki }kjk mYya?ku dh fdlus f'kdk;r dh \

- i) fdlh us ugha ii) iapk;r lnL; }kjk iii) lkekU; ukxfjd }kjk

4.4.4 ftlus nks cPpks laca/kh fu;e ds vki }kjk mYya?ku dh f'kdk;r dh D;k og

- i) fojks/kh ikVhZ xqV dk Fkk ii) mPp tkfr dk Fkk iii) uhph tkfr dk Fkk
- iv) vkils }s"k j[krk Fkk v) nwljks ds mdlkus ls vi) vU;&&&

4.4.5 iapk;r pquko yMus ;k iapk;r in ij cus jgus gsrq vkus fdu nks mik;kasa dk lgjk fy;k gS \

- i) ii) &&&



5.3.1 vkidh jk; esa nks cPpks laca/kh fu;e dk lekt ij D;k dksbZ izfrdwy izHkko iMk gSS \

- i) gkj
- ii) ugha

5.3.2 ;fn gkj rks dSls

- i) xyr rjhdksa ds iz;ksx dks izksRIkgu feyk gS
- ii) fojksf/k;ksa ds fo#) jktuSfrd vL= ds #i esa iz;ksx djuk
- iii) lkeqnkf;d lkSgknZ leklr dj fn;k
- iv) tkfrxr rFkk oxZxr }s"k mRiUu djuk
- v) rhljs cPps dks vk/kkj cukdj yxsxks dks Cysdesy@rax djuk
- vi) vius cpko esa yxsxksa dks vuko';d le; o /ku cckZn djus ds fy, foo'k djuk
- vii) iapk;rh jkt laLFkkvks dk /;ku xzke fodkl ls gVks nsuk

viii) detksj oxksZ ds izfrfu/kh vkiuh ls fu;e dh yisV esa vk tkrs gS tcdh IEiUu 'kfDr'kkyh cp fudyrs gS &&&

5.4.1 nks cPpks laca/kh fu;e ds dkj.k D;k xzkeh.k fodkl dk;Zdiksa ij izfrdqy izHkko iMk gSS \

- i) gkj
- ii) ugha &&&

5.4.2 ;fn gkj] rks dSls

- i) fu;e ds mYya?ku ds dkj.k lkj le; v;ksX; ?kksf"kr gksus ls cpus esa yxk nsuk iMrk gS
- ii) fu;e ds mYya?ku ls mRiu ekuflr ruko ds dkj.k iapk;r dh dkjokbZ esa ck/kk
- iii) izHkkfor InL; xzkeh.k fodkl dk;Zdiksa esa /;ku yxk ikus esa vleFkZ
- iv) vU; &&&

5.5.1 D;k nks cPpks laca/kh fu;e dh vuqikyuk dj;s tkus ds dkj.k dU;k Hkzq.k gR;k dks c<kok feyk gS \

- i) gkj
- ii) ugha
- iii) irk ugha &&&

5.5.2 vkidh tkudkj esa D;k yMdksa ds vuqikr esa yMfd;ksa dh la[;k ?kV jgh gS \

- i) gkj
- ii) ugha
- iii) irk ugha &&&

5.6.1 nks cPpks laca/kh fu;e lekt ds fy, fdl izdkj mi;ksxh jgk gSS \

- i) c<rh tula[;k ds izfr yxsxks dk /;ku vkdf"kZr fd;k
- ii) lhfer ifjokj dh egrk mtkxj dh
- iii) ifjokj fu;kstu ds fy, yxsxks dks izsfjr fd;k
- iv) efgykvs ds l'kfDrdj.k esa izHkkoh
- v) xzkeh.k fo'ks"k dj efgykvs ds LokLF; esa lq/kkj
- vi) xzkeh.kksa dh lkekftd vkfFkZd n'kk esa lq/kkj
- vii) vU; &&&

5.6.2 nks cPpks laca/kh fu;e dk fdu fdu oxkZs ij vf/kd izfrdqy izHkko iMk \

- i) v;ksX; ?kksf"kr fd;s yxsxks esa vuqlwfr tkfr ds yxsx vf/kd izHkkfor gq, gS
- ii) v;ksX; ?kksf"kr fd;s yxsxks esa vuqlwfr tutkfr ds yxsx vf/kd izHkkfor gq, gS
- iii) v;ksX; ?kksf"kr fd;s yxsxks esa vU; fiNMh tkfr ds yxsx vf/kd izHkkfor gq, gS
- iv) larkuksRifr voLFkk okyh de mez dh efgyk;sa vf/kd izHkkfor gqbZ gS



v)vU;&&&

- 5.7 D;k fuEu izdkj dh efgykvks dks nks cPpks laca/kh fu;e ls NwV feyuh pkfg, \
- i) ftuds lHkh yMfd;kj gks ij yMdk u gks
  - ii) ftuds vusd yMfd;kj gks ij yMdk dsoy ,d gh gks
  - iii) ftuds dsoy ,d gh yMdk gks ij og fu'kDr gks &&&

vuqla/kkudrkZ dh fVli.kh

gLrk{kj

vuqla/kkudrkZ ds

## **Annexure 2(b)**

**Research Project on application of Two-Child Norm for contesting or holding office in panchayati raj institutions in Fifth Scheduled Areas States of Rajasthan, Madhya Pradesh and Gujarat: A study of its impact on women.**

**jktLFkku e/;izns'k ,oa xqtjkr jkT;kss ds vuqlwfpr {ks=ksa esa iapk;rh jkt laLFkkvksa esa pquko yMus o inkluhu jgus gsrq nks cPpksa laca/kh**

**fu;e ykxw fd;s tkus fo"k;d 'kks/k izk;kstuk % efgykvksa ij bls  
izHkkoks dk v/;;u**

## **Ik{kkRdkj vuqlwph II**

(nks cPpksa laca/kh fu;e ds mYya?ku ds vkjsih iapk;r lnL;ksa rFkk pqukoh  
mEehnokjs ds ifr@ifRu  
IEcU/kh ls lwpuk izklr djus gsrq)

### **ifjp;kRed**

1) uke-----firk@ifr dk uke-----  
--

2) jkT; % i) jktLFkku [ ] ii) e/; izns'k [ ] iii) xqtjkr [ ]

3) xkao@'kgj dk uke----- [k.M@rkyqdk----- ftyk-----  
-----

4) iapk;r lnL;@mEehnokj dk uke o in

5) vkidk iapk;r lnL;@mEehnokj ls D;k fj'rk gS \

i) ifRu [ ] ii) ifr [ ] iii) tsB@nsoj [ ] iv) tsBkuh@nsojkuh [ ] v) lkl [ ]

vi) cgw [ ] vii) HkkbZ [ ] viii) cgu [ ] ix) vU; [ ]

### **I izkfjEHkd tkudkj**

1.1 vk;q % i) 30 o"kZ rd [ ] ii) 31-50 o"kZ rd [ ] iii) 51 o"kZ ,oa  
vf/kd [ ]

1.2 fyax % i) iq:"k [ ] ii) efgyk [ ]

1.3 f'k{kk dk Lrj % i) fuj{kj [ ] ii) izkFkfed [ ] iii)ek;/fed [ ]  
iv) mPp f'k{kk [ ] v) izf'kf{kr [ ]

1.4 ifjokj dk izdkj % i) la;qDr [ ] ii) ,dkdh [ ] iii) vU; [ ]

1.5 oSokfgd fLFkfr % i) fookfgr [ ] ii) vfookfgr [ ] iii) fo/kok@fo/kqj  
[ ]

iv) ifjR;drk@rykd'kqnk [ ] v) vU; [ ]

1.6 tkfr % i) lkekU; [ ] ii) vuqlwfr tkfr [ ] iii)vuqlwfr tutkfr [ ]  
iv) vU; fiNMh tkfr [ ] v) vU; [ ]

1.7 ifjokj dk eq[; O;olk; % i) Ñf"k [ ] ii) etnwjh [ ]  
iii) ukSdj [ ] iv) nqdku@O;kikj [ ]  
v) m|ksx@nLrdkj [ ] vi)odZ'kkWi [ ]  
vii) vU; [ ]

### **II iapk;rh jkt pqukoksa esa IgHkkfxrk**

2.1.1 vki orZeku iapk;r ls fdl #i esa laEcaf/kr gS \

i) pqukoh mEehnokj ii) lnL; iii) inkf/kdkjh

2.1.2 Lrj i) iapk;r Lrj [ ] ii) [k.M@rkyqdk Lrj [ ] iii) ftyk Lrj [ ]

2.3.1 vkids ifjokj ds lnL; dk iapk;rh jkt laLFkvksa ls laca/k vkjf{kr lhV ls Fkk ;k  
vkukjf{kr lhV ls \

i) vkjf{kr lhV ls [ ] ii) vkukjf{kr lhV ls [ ]

### III nks cPpks laca/kh fu;e dk mYya?ku ,oa mlds izHkko

3.1 lanfHkZr ifjokfjd InL; ds orZeku iapk;rh jkt pqukoksa ds le; fdrus cPPsk Fks \  
i) yMds----- ii) yMfd;kW----- iii) dqy-----

3.2.1 D;k lanZfHkr ifjokfjd InL; ds orZeku pqukoksa ds ckn Hkh dksbZ cPPkk iSnk  
gqvk ftlls nks cPpks laca/kh fu;e dk mYya?ku gksrk gS\  
i) gk; ii) ugha

3.2.2 ;fn gk; rks mlds fo#) dh xbZ dkjokbZ dk fooj.k nss \  
i) dksbZ dkjokbZ ugha gqbZ  
ii) pquko yMus ds v;ksX; Bgjk;k x;k  
iii) in ij cus jgus ds v;ksX; Bgjkus dh izfd;k izkjEHk dh xbZ  
iv) in ij cus jgus ds v;ksX; Bgjk;k fn;k x;k  
v) vU;

3.3 lanZfHkr ifjokfjd InL; nkjk nks cPpks laca/kh fu;e ds mYya?ku ds dkj.k D;k mls  
fuEu lqfo/kkvksa ls oafpr fd;k x;k \  
i) ii) iii)

3.4.1 nks cPpks laca/kh fu;e ds mYya?ku ds laHkkfor ifj.kkeksa ls cpus ds fy,  
lanfHkZr ifjokfjd InL; nkjk viuk;s rfjdksa ls vki ij D;k izHkko iMk \  
**a) ;fn vki efgyk laca/kh gS rks**

i) ii) iii)

**b) ;fn vki iq#"k laca/kh gS rks**

i) ii) iii)

3.4.2 nks cPpks laca/kh fu;e ds mYya?ku ds nq"ifj.kkeksa ls cpus gsrq vkids ifjokj  
}kjk dkSu ls mik; djuk Bhd gksxk\  
i) iapk;r pquko esa Hkkx ysus ls cps

ii) ifjokj fu;kstu viuk;s  
iii) InL; inkf/kdkjh pqo fy, tkus ij R;kx i= ns ns  
iv) fLFkfr dk lkeuk djsa  
v) vU;

### V nks cPpksa laca/kh fu;e ds izfr –f"Vdks.k

4.1 D;k vki nks cPpks laca/kh fu;e dsk efgyk&fojks/kh ekurs gSS \  
i) gk; ii) ugha

4.2 ;fn gk; rks ,slk vki fdu fdu vk/kkjks ij ekurs gSSS \  
i) ,d frgkbZ lhVksa ij efgyk vkj{k.k dh lafo/kku iznr O;oLFkk dks nks cPpksa laca/kh  
fu;e us fujLr dj fn;k  
ii) dc vkSj fdrus cPpsa gksa blds fu.kZ; esa efgyk dh dksbZ Hkwfedk ugha  
iii) p;fur iq#"k@ifr viuk in cpk, j[kus ds fy, dbZ efgyk fojks/kh rjhdksa dk iz;ksx  
djrs gS ;Fkk% iv) nks ls vf/kd cPps gksus ij efgykvks dsk mfpr fpfdRlk  
lqfo/kkvksa ls oafpr djuk v) vU;

4.3 nks cPpks laca/kh fu;e dks dsoy iapk;rh jkt izfrfuf/k;ksa ij ykxw fd;k tkuk  
 i{kikriw.kZ gS ekuk tk jgk gSa] blds izfr vkidh D;k lksp gS \  
 i) ;g i{kikriw.kZ gS] lHkh ij ,d leku ykxw gksuk pkfg,  
 ii) fo/kku lHkk o yksd lHkk dh lnL; la[k;k cgqr de gS blfy, mUgSa bl  
 iii) fu;e dh ifjf/k ls ckgj j[kus ls Hkh dksbZ QdZ ugha iMrk  
 iv) jk"V<sup>a</sup>h; ,oa jkT; Lrjh; usr`Ro jkjk igy djus ls

tula[k&fu;a=.k vf/kd izHkkoh gksxk

4.4.1 vkidh jk; esa nks cPpks laca/kh fu;e dk D;k dksbZ nq#i;ksx gqv k gS \

i) gk; ii) ugha

4.4.2 ;fn gk; rks dSls

i) ii) iii)

4.5.1 nks cPpks laca/kh fu;e ds dkj.k D;k xzkeh.k fodkl dk;Zdzeska ij izfrdqy izHkko  
 iMk gSS \

i) gk; i) ugha

4.5.2 ;fn gk;] rks dSls

i) fu;e ds mYya?ku ds dkj.k v;ksX; ?kksf"kr gksus ls cpko dsa mik; tqVkus esa  
 lkjk le; yx tkrk gS ii) fu;e ds mYya?ku ls mRiUu ekufld ruko ds dkj.k

iapk;r dh dkjokbZ esa ck/kk

iii) izHkkfor lnL; xzkeh.k fodkl dk;Zdzeska esa /;ku yx ikus esa vleFkZ

iv) vU;

4.6.1 D;k nks cPpks laca/kh fu;e dh vuqikyuk dj;k;s tkus ds dkj.k dU;k Hkzq.k gR;k  
 dks c<kok feyk gS \

i) gk; ii) ugha iii) irk ugha

4.6.2 vkidh tkudkj esa D;k yMdksa ds vuqikr esa yMfd;ksa dh la[k;k ?kV jgh gS \

i) gk; ii) ugha iii) irk ugha [ ]

4.7 nks cPpks laca/kh fu;e ls D;k fuEu ifjoZruksa dks ykus esa lgk;rk feyrh gSS \

i) c<rh tula[k;k ds izfr yxsxks dk /;ku vkdf"kZr fd;k

ii) lhfer ifjokj dh egrk mtkxj dh

iii) ifjokj fu;kstu ds fy, yxsxkss izsfjr fd;k

iv) efgykvs ds l'kfDrdj.k esa izHkkoh

v) vU;

vuqla/kkudrkZ dh fVli.kh

vuqla/kkudrkZ ds

gLrk{kj

Annexure 2(c)

jktLFkku e/;izns'k ,oa xqtjkr jkT;kss ds vuqlwfpr {ks=ksa esa iapk;rh  
jkt laLFkkvksa esa pquko yMus o inklhu jgus gsrq nks cPpksa  
laca/kh fu;e ykxw fd;s tkus fo"k;d 'kks/k izk;kstuk % efgykvsak ij  
blds izHkkoks dk v/;;u

**Ik{kkRdkj vuqlwph III**

(nks cPpksa laca/kh fu;e ds mYya?ku dh f'kdk;r djus okyks gsrq)

**ifjp;kRed izkfEHkd tkudkj**

1) uke-----firk@ifr dk uke-----  
---

2) jkT;            % i) jktLFkku [ ]        ii) e/; izns'k [ ]        iii) xqtjkr [ ]

3) xkao@'kgj dk uke----- [k.M@rkyqdk----- ftyk-----  
-----

4.1) D;k vki iapk;rh jkt laLFkkvksa ds lnL; / inkf/kdkjh gS@jgs gS\ i)gkj [ ]  
ii)ugha [ ]

4.2) D;k vkids ifjokj dk dksbZ lnL; iapk;rksa esa lnL; / inkf/kdkjh gSa / jgk gSa \ i)gkj  
[ ] ii)ugha [ ]

5) vk;q        %        i) 30 o"kZ rd        [ ]        ii) 31-50 o"kZ rd        [ ]        iii) 51 o"kZ ,oa  
vf/kd [ ]

6) fyax        :        i) iq:"k        [ ]        ii) efgyk        [ ]

7) f'k{kk dk Lrj %        i) fuj{kj        [ ]        ii) izkFkfed        [ ]        iii)  
ek;/fed [ ]

8) tkfr        %        iv) mPp f'k{kk        [ ]        v) izf'kf{kr        [ ]  
i) lkekU;        [ ]        ii) vuqlwfpr tkfr        [ ]

iii) vuqlwfpr tutkfr [ ]        iv)vU; fiNMh tkfr [ ]        v) vU;        [ ]

9) ifjokj dk eq[; O;olk; % i) Nf"k        [ ]        ii) etnwjh        [ ]        iii) ukSdjh  
[ ]

iv) nqdku@O;kikj [ ]        v) m?kksx@nLrdkj [ ]        vi)  
odZ'kkWi        [ ]  
vii) vU;        [ ]

## II nks cPpkss laca/kh fu;e dh tkudkj

2.1 iapk;r InL;ksa ds laca/k esa nks cPpks laca/kh fu;e dh D;k vkids tkudkj gS \  
i) gkj [ ] ii) ugha [ ]

2.2 ;g fu;e vkids jkT; esa fdl rkjh[k ls ykxw gqvk \ (mrjnrk ftl jkT; dk gks mlh jkT; dh lwpuk vafdr djs)

2.3 fu/kkZfjr frfFk ls igys nks ls vf/kd cPps gkus ij D;k fdlh dks Hkh pquko yMus@  
in ij cus jgus ds v;ksX; ?kksf"kr fd;k tk ldrk gS \  
i) gkj [ ] ii) ugha [ ] iii) irk ugha [ ]

2.4 iapk;r esa pqu fy, tkus ds ckn ;fn fdlh InL; ds rhjk cPpk iSnk gks rks D;k fdlh  
dks Hkh v;ksX; ?kksf"kr fd;k tk ldrk gS \  
i) gkj [ ] ii) ugha [ ] iii) irk ugha [ ]

2.5 nks cPpks laca/kh fu;e ds vUrZxr D;k nwljks dks xksn fn;k cPpk Hkh nks esa  
'kkfey fd;k@tksMk tk,xk \  
i) gkj [ ] ii) ugha [ ] iii) irk ugha [ ]

2.6 nks cPpks laca/kh fu;e ds vUrZxr nks o rhu ,d lkFk tUesa cPpk dks D;k ,d gh  
bdkbZ ekuk tk,xk \  
i) gkj [ ] ii) ugha [ ] iii) irk ugha [ ]

## III nks cPpkss laca/kh fu;e dk mYya?ku ,oa jksdFkke

3.1.1 iapk;r InL;ksa nkjk nks cPpks laca/kh fu;e dh vuqikyuk ls tula[k o`f) jksdus  
esa lgk;rk feyrh gS \  
i) cgqr dqN [ ] ii) dqN [ ] iii) fcYdqy ugha [ ]

3.1.2 iapk;r InL;ksa }kjk Lo;a nks cPpks laca/kh fu;e viukus ls D;k nwljs yksxksa dks  
Hkh bls izsj,kk feyrh gS \  
i) gkj [ ] ii) ugha [ ]

3.2.1 D;k vkids {ks= esa iapk;r InL;ksa }kjk nks cPpks laca/kh fu;e dk mYya?ku  
gqvk gS \  
i) gkj [ ] ii) ugha [ ]

3.2.2 D;k nks cPpks laca/kh fu;e dk mYya?ku djus okys IHkh InL;ksa ds fo#)  
dkjokbZ dh xbZ gS \  
i) gkj [ ] ii) ugha [ ]

3.2.3 ;fn ugha rks blds D;k dkj.k gS \  
i) 'kfDr IEiUurk [ ] ii) vkfFkZd IEiUurk [ ] iii) mPp tkfr dh InL;rk [ ]  
iv) jktuSfrd laj{k.k [ ] v) fu;e dh tkudkj ughs gksuk [ ] vi) Hk; ds dkj.k f'kdk;r ugh dj  
ikuk [ ]  
vii) vU; [ ]

3.3.1 D;k vkus fdlh iapk;r InL; }kjk nks cPpks laca/kh fu;e ds mYya?ku dh f'kdk;r dh  
gS \  
i) gkj [ ] ii) ugha [ ]

3.3.2 ;fn gkj rks og fdl Lrj dh iapk;r dk InL; Fkk \

i) xzke Lrj [ ] ii) [k.M@rkyqdk Lrj [ ] iii) ftyk Lrj [ ]

3.3.3 ;fn gkj] rks mldk fooj.k nsa \

uke-----in -----iapk;rh laLFkk dk uke e; LFkku---  
-----

3.3.4 vkus ,slk D;ksa fd;k \

i) vkilh eueqVko ls / cnys dh Hkkouk ls [ ] ii) fojks/kh ikVhZ / xqV dk gksus ls [ ]

iii) nwljks ds mdlkus ls [ ] iv) jktuSfrd ykHk ds fy, [ ] v) dkuwu dh j{kk ds fy, [ ]

vi) Hkz"V gksus ds dkj.k [ ] vii) vU; tkfr / oxZ dk Fkk [ ] viii) vU; [ ]

3.4 vkidh f'kdk;r dk D;k ifj.kke gqvk \

i) mls pquko yMus ls jksdk fn;k \ [ ]

ii) mls vius in ls gVkus dh dkjokbZ izkjEHk dh x;h \ [ ]

iii) mls vius in ls gVk fn;k x;k \ [ ]

3.5.1 D;k vkus dHkh vdkj.k Hkh nks cPpks laca/kh fu;e ds mYya?ku dh f'kdk;r dh Fkh \

i) gkj [ ] ii) ugha [ ]

3.5.2 ;fn gkj, rks ,aslk djus ds D;k dkj.k Fks \

i) fojks/kh ikVhZ / xqV dk Fkk [ ] ii) fodkl fojks/kh gksus ls [ ] iii)

Hkz"Vkpj esa fyir gksus ls [ ]

iv) cnys dh Hkkouk ls [ ] v) vU; tkfr / oxZ dk Fkk [ ] vi) vU; [ ]

3.6 D;k Hkfo"; esa Hkh nks cPpks laca/kh fu;e ds mYya?ku dh f'kdk;r djus dh bPNk j[krs gS\

i) gkj [ ] ii) ugha [ ] iii) irk ugha [ ]

3.7.1 ,slh f'kdk;rks ls D;k Hkfo"; esa fu;e ds mYya?ku dh laHkkouk de gks tk;xh \

i) gkj [ ] ii) ugha [ ]

vuqla/kkudrkZ dh fVli.kh

vuqla/kkudrkZ ds

gLrk{kj

## Annexure 2 (d)

**jktLFkku e;/izns'k ,oa xqtjkr jkT;kss ds vuqlwfpr {ks=ksa esa iapk;rh jkt laLFkvvksa esa pquko yMus o inklhu jgus gsrq nks cPpksa laca/kh fu;e ykxw fd;s tkus fo"k;d 'kks/k izk;kstuk % efgykvsas ij bls izHkkoks dk v/;u**

## dsI LVMh xkbZM (Case Study Guide)

nks cPpksa laca/kh fu;e ds mYya?ku ds ifj.kke Hkksx jgs iapk;ra InL;ks  
gsrqq

uke-----

InL; / inkf/kdkjh-----

-----

xzke iapk;r-----

[k.M@rkyqdk iapk;r -----

-----

ftyk iapk;r-----

- 1 D;k vkidks nks cPpks laca/kh fu;e dh igys ls tkudkj Fkh / dc ls Fkh \
- 2 D;k vkus nks cPpks laca/kh fu;e dk mYya?ku fd;k gS vkSj fd;k gS rks dSls\ D;k igys Hkh mYya?ku fd;k gS\ pquko ds le; fdrus cPps Fks vc fdrus cPps gS\
- 3 os dkSu ls vk/kkj Fks ftuds dkj.k vkids fo#} bl fu;e ds mYyaaa?ku dh dkjokbZ izkjEHk dh x;h \ dc izkjEHk dh xbZ \ vc fLFkr D;k gS \
- 4 vkids fo#} ,slh dkjokbZ ls vki ij D;k izHkko iMk \ (pquko yMus ls jksd fn;k x;k / in ls gVkus dh dkjokbZ izkjEHk dh x;h @ in ls gVk fn;k x;k vkfn )
- 5 bl fu;e ds mYyaaa?ku dk vki ij yxk;k x;k vkjsi fdruk lgh gS vFkok fujk/kkj gS \ vkus vius i{k esa D;k dgk \
- 6 bl fu;e ds mYyaaa?ku ds laca/k esa vkids fo#} fdlus dc vkSj D;ksa f'kd;r dh Fkh
- 7 vkids fo#} mYyaaa?ku ds vkjsi ds ckjs esa vkids ifjokj tuska o ikVhZ xqV ds yksxks dk D;k dguk gS \
- 8 bl fu;e ds mYyaaa?ku ls mRiUu gksus okys ifj.kkeks ls cpus ds fy, vkus D;k fd;k dkSu dkSu ls mik; viuk;s vkSj os fdrus izHkkoh jgs \
- 9 bl fu;e ds mYyaaa?ku ds dkj.k vkidks fdu fdu lqfo/kkvks ls oafpr fd;k x;k vkSj ,slk djus ls vkids ifjokj ij D;k izHkko iMk \
- 10 bl fu;e ds nq#i;ksx ds ckjs esa vki D;k lksprs gS \ bl fu;e dks fujLr dj fn;k tk; ;k vU;ksa ij Hkh ykxw fd;k tk,\
- 11 bl fu;e dks D;k efgyk fojks/kh ekuk tkrk gSa \ efgykvks ij blds izHkkoksa ds ckjs esa vkids D;k fopkj gS\ bl fu;e ds dkj.k D;ksa efgykvksa dks iq#"ksak dh rkyuk esa T;knk uqdlku mBkuk iMk gS \
- 12 bl fu;e ds dkj.k vU;ksa fd rkyuk esa D;k nfy oxZ vf/kd izHkkfor gqvk gS \ ;fn ,slk gqvk gS rks mlds D;k dkj.k gS \



### **Annexure : 3**

#### **Supreme Court Judgment of 2003 upholding the two child norm\***

On July 30, 2003, a three-Judge Bench of the Supreme Court, comprising Justices R.C. Lahoti, Ashok Bhan and Arun Kumar, upheld a controversial legislation of the Haryana government that debarred people with more than two children from contesting panchayat elections and would disqualify elected members of gram panchayats,, panchayat samitis or Zila Parishads if found to have violated the two-child norm. Section 175 (1) (q) of the Haryana Panchayati Raj Act, 1994, lays down that no person who has two or more living children shall be a sarpanch or a panch of a gram panchayat or a member of a panchayat samiti or Zila Parishad or continue as such. Further, Section 177(1) specifies that if any member of a gram panchayat, panchayat samiti or Zila Parishad who has been elected and who was subject to any of the disqualifications mentioned in Section 175 shall be disqualified from continuing to be a member and his office shall become vacant.

There were more than 200 petitions, and the petitioners included people who had been disqualified under the Act.

The provision was challenged on five grounds. It was contended that: 1) It was arbitrary and hence violative of Article 14 of the Constitution; 2) The disqualification does not serve the purpose sought to be achieved by the legislation; 3) The provision was discriminatory; 4) It adversely affected the liberty of leading personal life (sic) in all its freedom and having as many children as one chooses to have and hence is violative of Article 21 of the Constitution and; 5) The provision interferes with the freedom of religion and hence violates Article 25 of the Constitution.

CLUBBING the first three submissions under Article 14, the Bench held that one of the objects sought to be achieved by the legislation was the popularisation of the family welfare/family planning programme and that the disqualification enacted by the provision sought to achieve the objective by creating a disincentive. This was consistent with the NPP, stated the order. It is of course another issue that the NPP, which the judgment quotes, was not in favour of using either incentives or disincentives to achieve the demographic goals. Striking down the plea that the provision did not serve the purpose of the Act, the Bench held that 243 G of the Constitution vested the legislature of a State with the authority to make laws endowing the gram panchayats with such powers and authority that may be necessary to enable them to function as units of self-governance. And Clause (b) of Article 243 G entrusted panchayats with powers to implement schemes for economic development and social justice, including those in relation to matters listed in the 11th Schedule, for example, family welfare and women and child development, it held. The Haryana P.R. Act, 1994, had enumerated the duties of the gram panchayat under Sub-section XIX of Section 21 as "Public and family welfare - implementation of family welfare programme", the court said.

The Bench held that family welfare included family planning and that the legislature had, in order that the Act could carry out its purpose and serve the constitutional mandate, made the provision of making a person having more than two children ineligible to contest for the post of panch or sarpanch. First, it is not clear how the Bench clubbed family welfare with family planning. While the former addresses a wider audience, the latter by definition confines itself to narrowing the size of the family, and that too beginning with rural India.

The Bench also rejected the contention that the provision was discriminatory as it did not apply to other States. The Bench held that if such a submission were accepted, it would violate the autonomy given to the Centre and the States within their respective fields under the constitutional scheme. Citing previous judgments of the Supreme Court, it observed that the implementation of a policy decision in a phased manner was suggestive of neither arbitrariness nor discrimination (*Lalit Narayan Mishra Institute of Economic Development and Social Change, Patna etc vs the State of Bihar and Ors, 1988*).

\* Adapted from T. K. Rajalakshmi (2003) Population Policy: Children as Disqualification, *Frontline* 30 (17) August 16-29, 2003

But, interestingly, the Bench strongly advocates the introduction of reforms at the grassroots level. Panchayats, it notes, are grassroots-level institutions of local self-governance. They have a wider base. "There is nothing wrong in the State of Haryana having chosen to subscribe to the national movement of population control by enacting a legislation which would go a long way in ameliorating health, social and economic conditions of rural population and thereby contribute to the development of the nation which in turn would benefit the entire citizenry," observes the Bench

The judgment includes a long quote from the NPP, 2000, the gist of which is that if elected leaders and opinion-makers demonstrate support with close involvement in the reproductive and child health programme, this would greatly influence the behaviour and response patterns of individuals and communities. But nowhere in the quote from the NPP, 2000, is there any suggestion that the NPP had advocated the two-child norm to be implemented at the grassroot-level institutions or at any other level of governance. In fact, the use of the new term Reproductive and Child Health - considered a paradigm shift - in the NPP only goes to show that family welfare had long ceased to be looked upon with the narrow lens of "family planning". Neither is population control a national movement as described in the order.

What is erroneous is the understanding that the provision for disqualification contained in the Haryana Act, which seeks to achieve socio-economic welfare and healthcare of the masses, is consistent with the NPP. The NPP itself has never identified baby boom as the reason for population growth. High infant mortality rates, high level of unmet needs owing to poor access to services, the low age of marriage still prevalent in several parts of the country and early childbearing were cited as some of the main reasons for the high population growth rate. The policy has always stressed socio-demographic goals and not just demographic goals.

The petitions that challenged Articles 21 (Protection of life and personal liberty) and 25 (Right to freedom of religion) were also struck down as constitutionally invalid by the Bench. The Judges held that the right to contest elections was not a fundamental right but one conferred by a statute. The disqualification was "conceptually devised in national interest", it was stated.

Going into the constitutional validity of the legislation with reference to both the Articles, the Bench held with reference to Article 21 that "the lofty ideals of social and economic justice, the advancement of the nation as a whole and the philosophy of distributive justice - economic, social and political - cannot be given a go by in the name of undue stress on fundamental rights and individual liberty."

But the achievement of these lofty ideals has been solely linked with the "burgeoning population" question. While there cannot be any disagreement with the Bench's views that undue stress on fundamental rights and individual liberty could affect the lofty ideals of social and economic justice, it is also important that there can be and there are other means of achieving such objectives. The order compares the global population scenario with that of India's and laments that "it is a matter of regret that though the Constitution is committed to social and economic justice for all, yet India has entered the new millennium with the largest number of illiterates in the world and the largest number of people below the poverty line".

Quoting a paper by a Reader in the University of Delhi, the Bench observed that population control assumed a central importance for providing social and economic justice to the people of India. It quoted another paper that said that population growth was responsible for impacting the per capita income, resulting in a shortfall of foodgrains in spite of the Green Revolution; hampered improvement on the

educational front; and caused the swelling of unemployment numbers (sic), creating a new class of pavement and slum-dwellers and leading to congestion in urban areas as a result of migration by the rural poor. "Complacency in controlling population in the name of democracy is too heavy a price to pay, allowing the nation to drift towards disaster," the Bench observed, and further stated that the facts and excerpts mentioned had highlighted the problem of population explosion as a national and global issue and provided a justification for priority in policy-oriented legislation wherever needed. It was futile to assume that the impugned legislation violated the right to life and liberty under Article 21, the Bench held.

On the contention that the legislation violated Article 25, the Bench held that the freedom (of conscience and free profession, practice and propagation of religion) was subject to public order, morality and health. It held that the Article itself permitted legislation in the interest of social welfare and reform, which are obviously part and parcel of public order, national morality and the collective health of the nation's people.

One of the contentions was that as four marriages were permissible under the Muslim law for the purpose of procreating, any restriction on this would be violative of the right to freedom of religion enshrined under this Article. Quoting certain previous judgments, including the famous *Shah Bano Constitution Bench* judgment (*Mohd Ahmed Khan vs Shah Bano Begum and Ors* (1985) 2 SCC 556), where it was held that where there would be a conflict between the personal and the statutory law, the latter shall prevail over the former, the Judges held that it may be permissible for Muslims to enter into four marriages with four women and for anyone, whether a Muslim or belonging to any other community or religion, to procreate as many children as he likes, but no religion in India dictates or mandates as an obligation to enter into bigamy or polygamy or to have children more than one. "If anyone chooses to have more living children than two, he is free to do so under the law as it stands now but then he should pay a little price and that is of depriving himself from holding an office in panchayat in the State of Haryana. There is nothing illegal about it and certainly no unconstitutionality," the three-Judge Bench noted.

It was also submitted that the disqualification would hurt women the most as they had no independence in Indian society and they helplessly bore a third child if their husbands wanted them to do so. This has been a major issue after several States introduced the two-child norm resulting in the disqualification of several women sarpanchs and panchayat members. Addressing this matter, the Bench noted: "A male who compels his wife to bear a third child would disqualify not only his wife but himself as well. We do not think that with the awareness that is arising in Indian women folk, they are so helpless as to be compelled to bear a third child, even though they do not wish to do so."

While it would be very desirable to have a situation as described by the Bench, unfortunately in India, it is not so. The reproductive rights of women are scarcely recognised, resulting in the gross neglect of women's health, beginning from the adolescent stage. However, the discrimination begins much earlier, in the pre-conception stage itself. The skewed sex ratios are but an indicator of the prevalent discrimination against the girl child and the Indian woman. A recent study by the Mahila Chetna Manch, a Bhopal-based organisation, on the implications and consequences of the two-child norm on panchayati raj institutions shows how many States have, at variance with the NPP, disallowed people from contesting panchayat elections and also disqualified elected members.

The exploratory study, commissioned by the Ministry of Health and Family Welfare and supported by the United Nations Population Fund (UNFPA), was conducted in Andhra Pradesh, Haryana, Madhya Pradesh, Orissa and Rajasthan. Although Rajasthan was the pioneer in introducing the two-child norm, it came to be implemented only in 1995. The norm became functional in the other four States too around the same time. According to some of the preliminary findings of the study, there were a relatively large number of disqualified women members from Haryana in the districts of Ambala, Mewat and Gurgaon. Similarly, a large number of disqualified members were found in the districts of Alwar and Ajmer in Rajasthan. Nirmala Buch, a former Chief Secretary to the Madhya Pradesh government and the director of the Mahila Chetna Manch, told *Frontline* that it was quite possible that in the future someone might be barred from contesting elections because he or she was five feet two inches tall. "Even that is not a democratic right," she said.

Commenting on the judgment, Brinda Karat, general secretary of the All India Democratic Women's Association (AIDWA), said that the judgment contradicted the Cairo declaration to which India was a signatory. The order was also contrary to the NPP charter, she said. Brinda Karat said that the judgment justified the extension of the economic and social inequalities in democratic processes. In prescribing disincentives to control population, the court's perception of the "national interest" appeared to be one that

ignored the interests of the majority who constituted the nation, she said. In a country son-preference was strong and where severe imbalances in sex ratios, including juvenile sex ratios, prevailed, the implementation of the judgment would result in the widening of these distortions, she said. The AIDWA has demanded that Parliament reiterate the basic premises enshrined in the Cairo declaration as well as NPP 2000 against coercion, disincentives and targets.

Inderjit Singh, secretary of the Haryana unit of the Communist Party of India (Marxist), said that his party had objected to the inclusion of this provision in the State Panchayati Raj Act as it went against the very spirit of decentralisation of power. It excluded several aspiring candidates from their right to get elected, he said. Another basic objection raised by both the CPI(M) and the AIDWA was that a woman would be disqualified for an act over which she hardly had any control. Women till date had no say in the size of the family, Inderjit Singh said. He argued that it was an established fact that the size of the family was directly proportional to its socio-economic status. He said that children were being declared illegitimate and even given away in adoption to escape disqualification - the social and economic consequences of which had to be borne by women and their children. "We say that such a norm be not applied at any level, panchayat or Parliament," he said. The State unit of the CPI(M) has demanded a review of the judgment.

The portents of such legislation are dangerous. Methods of coercion have never succeeded, whether by legislation or by other means. The demographic transition will come about but this does not seem to be the right way. It will only dissuade people from coming forward to contest elections. As Inderjit Singh remarked: "No one is going to have fewer children in order to contest elections. The good candidates will simply stay away."

## Annexure : 4

### Grounds for withdrawal of two-child norm\*

Enforcing a two-child norm, using coercion to lower fertility rates, imposing penalties and now banning people with more than two children from contesting Panchayat elections are unnecessary and unwarranted. Any policy or legislation that bans people with more than two children from contesting for elections is discriminatory, disempowering, and discouraging of democracy as under:

1. It negates the spirit of the 73rd Constitutional. Amendments by preventing women, younger people and those belonging to the weaker sections of society from participating in democratic elections. In many states the ban on people with more than two children from contesting Panchayat elections has emerged as the main reason for removal of elected members of Panchayats. Such a condition has no nexus with the duties and responsibilities of Panchayat members.
2. Imposing penalties is clearly biased against the poor, the non-literate and socially disadvantaged groups in society – the same groups that have historically faced discrimination and neglect and whom the 73rd Amendment seeks to include in the grass root democratic institutions of Panchayats and empower.
3. Women, whether, as elected representatives or their wives are severely affected due to the continuing lack of autonomy of women in taking fertility decisions. Further, given the strong son preference in our society, any enforcement of the two-child norm on Panchayat representatives will increase discrimination against the girl child and worsen the already declining child sex ratio. Studies have shown adoption of practices like deserting wives, neglected female children, sex selective abortions, denying paternity of children, adopted by elected representatives to avoid disqualification which are adverse to women.
4. Imposing penalties is unnecessary when most people, particularly women, even the poorest, and those living in rural areas and belonging to minority groups, want to have fewer children. According to the National Family Health Survey-2 of 1998-99 almost half (47 percent) of ever-married women consider two to be the ideal number of children and 72 percent women consider two or three to be ideal. The same survey also revealed that 72 percent with two living children and 86 percent of women with four or more children do not want to have any more children. Why then do women have more children than they would prefer to? The fact is that the state has failed to provide to a vast majority of women adequate access to safe and appropriate reproductive health service, improved services for child survival, and the freedom to make fertility choices.
5. Such state legislation is inconsistent with the National Population Policy 2000 (NPP 2000) that does not support or recommend any coercive actions or penalties. On the contrary, the NPP 2000 emphasizes the importance of empowering women for improved health and nutrition, promoting child health and survival, and meeting the unmet needs for family planning services – proven measures for achieving population stabilization proposed at the International Conference on Population and Development (ICPD 1995) and endorsed by India.
6. Banning persons with more than two children from contesting for Panchayat elections is likely to have an insignificant impact on population stabilization. According to projections, 75% of the projected increase in India's population of 392 million between 2001-2026 will occur due to the 'population momentum' (given the age structure with a large proportion of women in the reproductive age group).

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\* Source: A memorandum submitted by health activist and health groups from Himachal Pradesh to Shri Mani Shankar Aiyar, Union Minister of Panchayati-raj, requesting him to withdraw the ban on people with more than two children from contesting for panchayat elections. The same was appeared in *Medico Friend Circle Bulletin*, 311, Jun- July 2005

The impact therefore of banning people with more than two-children from contesting elections is likely to be insignificant as the remaining 25% of the population increase will be accounted for by those living longer and having more than two children – only a small proportion of whom would contest Panchayat elections.

7. Misconceptions of a population explosion, rather than ground truths and empirical evidence has been shaping public perceptions and influencing decisions. For instance, both the statements: (1) "... the fact remains that the rate of population growth has not moved one bit from the level of 33 per thousand reached in 1979" and (2) "The torrential increase in the population of the country is one of the major hindrances in the pace of India's socio-economic progress" are not correct. Fertility transition in India is well underway. Population growth rates continue to fall across India and in all states. Birth rates are steadily declining. Replacement level, or close to replacement level fertility, has been reached in Kerala, Tamil Nadu, Karnataka, Goa, Andhra Pradesh, Himachal Pradesh, Delhi and Punjab.

The memorandum provides detailed fact sheet about demographic changes in support of the arguments presented above under seven related areas:

**(1). Good News on the Population Front**

- Fertility transition in India is well underway. Birth rates have been falling – and continue to fall.
- India's annual population growth rate that was 2.14 percent between 1981-91 fell, for the first time, to below 2 percent (1.93 percent) between 1991-2001.
- There is all-round slowing down of the rate of population growth in all states.
- India's birth rate has fallen steadily from 45.5 in 1951 to 28.2 in 1991-2001.
- Total fertility has declined in all states since the early 1970s. Between 1992-93 and 1998-99, when the National Family Health Surveys I and II were conducted, India's Total Fertility Rate (TFR) declined by almost half a child.
- □Replacement level, or close to replacement level fertility, has been reached in Kerala, Tamil Nadu, Karnataka, Goa, Andhra Pradesh, Himachal Pradesh, Delhi and Punjab.
- It is true that the TFR is high in Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan. But even in these states, the TFR has been declining though not as fast. Between 1992-93 and 1998-99, for instance, TFR fell in Uttar Pradesh from 4.82 to 3.99, from 4 to 3.49 in Bihar, and from 3.90 to 3.31 in Madhya Pradesh.
- □According to NFHS-II for 1998-1999, there was no state where women in the age group 20-24 years gave more than 3 as the mean ideal number of children. Thus women's views are fast approaching the 'two-child' norm, although this may take a little longer in the states of Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan.

<b>Population Growth Trend from 1951-2001</b>				
<b>Years</b>	<b>Total Population (in crores)</b>	<b>Absolute Increase (in crores)</b>	<b>Decadal Growth Rate (%)</b>	<b>Average Annual Exponential Growth Rate (%)</b>
1901-51	23-26	13		
1951-61	36-44	8	21.6	1.96
1961-71	44-55	11	24.8	2.22
1971-81	55-68	13	24.6	2.2
1981-91	68-84	16	23.9	2.14
1991-2001	84-102	18	21.3	1.93

*Source: Census of India*

**2. Negative Impact of Imposing Two-Child Election Norms**

	<b>Disqualification on Account of Two-Child Norm (%)</b>	<b>Disqualification on all Other Grounds (%)</b>
Madhya Pradesh	54	46
Haryana	87	13

Rajasthan	63	37
Chhattisgarh	68	32

Source: Mahila Chetna Manch, Bhopal (Nirmala Buch 2005)

### ***Disqualified for Violation of this Norm after 2000 Elections***

	<b>Disqualification for Violation of the Norm After 2000 Elections (numbers)</b>
Andhra Pradesh	No data
Chhattisgarh	766
Haryana	1350
Madhya Pradesh	1140
Orissa	No data
Rajasthan	508
Total	3764

Source: Mahila Chetna Manch, Bhopal (Nirmala Buch 2005)

### ***3. Limited Impact of Two-Child Norm on India's Population Growth***

According to population projections by Dyson, Cassen and Visaria -

#### **For India**

- India's population will increase by 392 million – from 1021 to 1419 million during 2001-2026 a rise of 38 percent.
- The crude birth rate will decline appreciably (from 24.8 per 1000 population in 2001-6 to 16.1 by 2021-260 because of falling total fertility from 2.84 (over 2001-06) to 1.94 (by 2021-2026).
- The proportion of population aged 0-14 years is set to decline considerably. During 2001-26, it falls from 34.4 per cent to 23.2 percent.
- The absolute size of the population 0-14 years will also fall from about 353 to 329 million.

#### **For Major States**

- For the already relatively low TFR states – Andhra Pradesh, Karnataka, Kerala, Maharashtra, Orissa, Punjab, and West Bengal – projected growth during 2001-2026 is in the range of 20-30 per cent.
- Populations of former states of Bihar and Madhya Pradesh, and of Rajasthan are projected to rise by 45-50 per cent.
- The projected increase for Uttar Pradesh (former) between 2001-2026 is 55 per cent.
- Nearly a quarter of the total population increase of 392 million is projected to occur in Uttar Pradesh (former).
- 55 per cent of the total population growth between 2001-2026 is expected to happen in four states– Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan.

One way of finding out the degree to which future growth will be due to population momentum is to compare the present state-level populations for 2026 with those arising from projections in which the TFR drops immediately, that is by 2001-6 to 2.1, and remains there.

The results are presented in the following table. The main results are as follows:

- Roughly 75 per cent of the projected increase in population of 392 million between 2001-2026 will be due to population momentum.

- Population will increase even in the 8 states where the TFR has already fallen to near replacement levels due to the population momentum. These states are Andhra Pradesh, Karnataka, Kerala, Maharashtra, Orissa, Punjab, Tamil Nadu and West Bengal.

#### Analysis of Projected Population Growth during 2001-2026

S. No.	States	Projected Population 2026	Increase during 2001-2026	Projected Population 2026 (TFR=2.1)	Increase due to momentum
1	Andhra Pradesh	91.7	15.9	91.7	100
2	Assam	36.0	9.4	35.7	96
3	Bihar (Fmr)	166.2	56.4	143.6	60
4	Gujarat	68.1	17.5	67.8	98
5	Haryana	29.4	8.3	29.0	95
6	Karnataka	65.5	12.8	65.5	100
7	Kerala	38.4	6.6	38.4	100
8	Madhya Pradesh (Fmr)	117.9	36.8	105.9	67
9	Maharashtra	123.9	27.1	128.4	100
10	Orissa	45.5	8.7	46.5	100
11	Punjab	31.0	6.7	31.9	100
12	Rajasthan	83.3	26.9	75.3	70
13	Tamil Nadu	71.7	9.6	71.7	100
14	Uttar pradesh (Fmr)	271.0	96.5	223.3	50
15	West Bengal	104.3	24.1	104.2	100
	<b>All India</b>	<b>1419.2</b>	<b>392.2</b>		<b>75</b>

Source: Excerpted from Tim Dyson, 'India's Population - The Future', Table 5.7, page 96, in Tim Dyson, Robbert Cassen and Leela Visaria (ed). Twenty-first Century India: Population, Economy, Human Development and the Environment. Oxford University Press, New Delhi, 2004.

#### 4. Arguments against Penalties

- Imposing penalties makes little sense when people indeed want to have fewer children. Most people, even the poorest, even those living in rural areas and belonging to minority groups, want to have fewer children. For example, the National Family Health Survey-2 of 1998- 99 asked each woman the number of children she would like to have if she could start all over again. Almost half (47 percent) of ever-married women consider two to be the ideal number of children and 72 percent consider two or three to be ideal. The same survey also revealed that 72 percent with two living children and 86 percent of women with four or more children do not want to have any more children. People's knowledge of contraceptive methods is nearly universal. The real problem is that a vast majority of women lack adequate access to safe and appropriate reproductive health services and the freedom to make choices.
- Imposing penalties on those having more than two or three children has little moral or ethical justification. Penalties tend to be unfair and inequitable in terms of whom they affect in society. According to NFHS-2, The Total Fertility Rate among women in the reproductive age group 15-49 years is higher in rural areas (3.07) than in urban areas (2.27). The TFR is higher among Scheduled Caste and Scheduled Tribe communities than among the rest of the population. The TFR is higher among nonliterate women than among those who have been educated beyond Class X. Clearly, any measure that imposes penalties is clearly biased against the poor, the non-literate and socially disadvantaged groups in society – the same groups that have historically faced discrimination and neglect.
- Implementing any system of penalties can quickly get abused and reduced to tokenism. Moreover, in many instances, they can become impractical. People will tend to find many loopholes to get out of paying the penalty. What if a family were to give over two of the 'extra' children for adoption?
- Imposing penalties in many instances seems to go against the spirit of the Constitution that assures every child equal rights. For instance, to deny the third child either free education or even subsidized food seems utterly unjust and unfair.



- Finally, it is not true that politicians who support penalties and restrictions on family size acquire a positive image. This is not going to get votes. As the Indian electorate has signaled time and again, politicians get reelected only if they are genuinely pro-poor, not because they feel people should have fewer children. On the contrary, support for imposing penalties is likely to give them a bad image with serious negative consequences.

### **5. Arguments against China's One-Child Policy**

The main arguments against the Chinese experience are summed up below:

- Limiting the number of children a family can have is not necessary when almost all countries in the world (including Bangladesh and Indonesia) have been able to lower birth rates without limiting family size.
- There is little evidence to support the argument that limiting family size like in China yields quicker results. Kerala and China had similar fertility rates in 1979 when the one-child policy was introduced. Today, Kerala reports lower fertility rates than China. On the other hand, many other countries like Bangladesh have shown that it is possible to dramatically reduce fertility rates over a short period of time without having to limit family size.
- Enforcing a one-child policy may be possible in an authoritarian country like China. But enforcement of such a measure is likely to have disastrous political consequences in any democracy like India.
- Even in China, the one-child policy was accompanied by a broad and equitable expansion of social and economic opportunities for women – the proven way to reduce fertility rates.
- Imposing restrictions on family size will promote further discrimination against the girl child. In China, for instance, the sex ratio at birth is highly skewed in favour of boys and against girls. As against a ratio of 105 boys to 100 girls at birth that is reported by most countries, the sex ratio in China is as high as 112 boys to 100 girls – reflecting the serious consequences of son-preference and anti-female biases. It is now abundantly clear that given the ideology of son-preference in India, particularly marked in the high fertility areas of the country, a vigorous pursuit of even a two-child norm is an invitation to sex-selective female abortion.
- China's one-child policy has created several other problems. Adoptions, for instance, rose sharply from around 200,000 before the one-child policy was introduced to around 500,000 a year in 1987. A significantly higher proportion of girls are put up for adoption than boys. Abortion rates have also gone up considerably in China causing considerable damage to women's health.
- Finally, imposing restrictions on the number of children violates people's freedoms and individual rights. As Dr. Manmohan Singh writes: "A sensible approach to the regulation of fertility must respect the fundamental rights of parents to make informed choices about the number of children they wish to have and the types of spacing they would prefer in deciding about their family size." (Dr. Manmohan Singh, "Population, Poverty and Sustainable Development," February 3, 2003).

### **6. Economic Prosperity and Population Size: Common Misconceptions**

#### **(i) There is no automatic association between population size and economic well-being.**

China, the only country with a larger population than India, reports a per capita income that is almost 70 per cent higher than India's. Nepal and Malaysia have the same population – 24 million – and yet Malaysia's per capita income is more than six times higher than Nepal's. Zambia and Belgium have the same population size – 10 million. Yet, Zambia's per capita income is barely 3 per cent of Belgium's.

#### **(ii) The lack of any obvious association between population size and per capita is evident even within India.**

Andhra Pradesh (76 million) and Madhya Pradesh (80 million) reported similar levels of population in 2001. Yet, most recent estimates reveal that, in 1997-98, the per capita Net State Domestic Product in Madhya Pradesh was only Rs.8,114 – almost 30% lower than the per capita Net State Domestic Product (Rs. 10,590) in Andhra Pradesh. Karnataka and Rajasthan report similar levels of population– 53 million

and 56 million respectively in 2001. Yet in 1997-98, per capita Net State Domestic Product in Rajasthan was only Rs.9,356 – almost 20% lower than the per capita Net State Domestic Product (Rs. 11,693) in Karnataka.

***(iii) The association between population growth and economic growth is weak.***

Levels of per capita income in the ten most populous countries vary enormously from a low of PPP US\$ 780 in Nigeria to a high of PPP US\$ 35,060 in the USA. China and India, two of the world's most populous countries, grew at a much faster rate during the decade of the 1990s than the other eight countries with smaller populations. As a matter of fact, the Indian economy grew much more rapidly than most other countries with a lower fertility rate.

***(iv) The association between population growth and economic expansion is weak within India as well.***

Kerala, the state with the lowest growth rate of population between 1981-91 recorded the lowest growth rate. On the other hand, Rajasthan's Gross State Domestic product grew the fastest in the 1980s despite the State recording the highest rate of population growth as well. In Haryana, despite ranking second in terms of income expansion, the annual rate of population growth in the state was next only to Rajasthan. Data also reveal that, between 1991-2 and 1997-8, per capita income (State Domestic Product) grew by 7.6 per cent every year in Gujarat – a state with a population of 50 million in 2001. On the other hand, per capita income (State Domestic Product) grew by only 2.8 per cent in Punjab – a state with a population of only 24 million in 2001.

***(v) The belief that rapid fertility decline will solve the problems of poverty is misplaced.***

In 2000, Gujarat reported a birth rate of 25.2 per 1,000 population – similar to that of Orissa's 24.3. Still twice the proportion of population in Orissa lives below the poverty line than in Gujarat. Similarly, Kerala and Haryana report very similar proportions of population living below the poverty line – around 24-25 per cent. Yet Kerala's birth rate is 18 whereas it is 27 per 1,000 population in Haryana. Even states like Goa, Kerala and Tamil Nadu that have lowered fertility to replacement levels have not done away with problems of human poverty.

***7. Population Stabilization: Six Policy Lessons***

- (i) Enforcing a one-child norm like China did, or even a two-child norm, is impractical, unnecessary and undesirable. Neither does it result in quicker outcomes.
- (ii) Global experience points to the strong inter-connectedness between lowering fertility rates on the one hand and empowering women, reducing poverty and improving child survival on the other.
- (iii) Use of penalties, disincentives and coercion to achieve population stabilization is counter-productive.
- (iv) Improving access to high quality public health and reproductive health services is essential for lowering fertility.
- (v) Offering monetary incentives to acceptors of family planning, motivators or providers have often resulted in misuse, abuse and limited benefits. The success of the southern states within India in reducing fertility point to the importance of simultaneous actions along multiple fronts – quality health care services, education, women's empowerment, child survival and reducing human poverty.

## Annexure 5

### CASE STUDIES

#### Case No 1

After the introduction (23rd March 2005) and implementation (4th August 2005 or '06 ?) of two-child norm in Gujarat for PRIs and ULBs, the first case of disqualification in South Gujarat was registered (12th June 2008) in Vareli village panchayat (identity to be revealed?) of Palsana block in Surat. This case is probably unique in a sense that three people (*Sarpanch*, Deputy *Sarpanch* and a *Panchayat* Member) have been disqualified at a time because of the birth of a third child in each case while holding office.

Dineshbhai Makwana (Ex-*Sarpanch*) is 32 years old and owns a provision store in the village. He has studied up to 9th standard and belongs to a Scheduled caste. Dineshbhai lives in a nuclear family with a monthly income of around Rs.10,000. Alok Singh, 36, (Ex-Deputy *Sarpanch*) is a migrant from Bihar and has been living in Surat for past 15 years. He is a Rajput, has studied upto 9th standard and runs a provision store. He earns about 10,000 Rs. every month and lives in a joint family of about 10 people. Pravinbhai Rathod is 28 (Ex-*Panchayat* Member), a dalit, educated barely up to 6th standard, living in a nuclear family and working as a textile mill worker.

Dineshbhai wanted to become a *Sarpanch* for working on development activities in the village. He contested the election on a general seat in 2006, won by a good margin (305 vs. 160) and took charge of office in January 2007. Dineshbhai was not aware about the two-child norm either while filing the nomination to contest election or at the time of becoming the *Sarpanch*. He had two children (a son followed by a daughter) when he became *sarpanch*. After about 10 months a third child (a son) was born in September 2007. Alok Singh and Pravinbhai Rathod also had a third child after they were elected.

In April 2008, all three (*Sarpanch*, Deputy *Sarpanch* and Member) received a notice from the Taluka Development Officer (TDO) informing them that as they had three children, they faced disqualification according to Gujarat Panchayat Act 1993, Section 30 (m). All three were taken by surprise and soon the news spread in the village.

According to Dineshbhai

*I soon realized that this was done by my opponent from another political party who lost election against me. He had also managed to procure birth certificates of my all three children from Panchayat for using them as evidence. I approached local lawyers but they had no idea about this 'strange law' so I went to Ahmedabad to meet High Court lawyers. I got the advice that I had to surrender and the longest I could continue was for three months if I indulged into court battle that would cost about 2 lakhs. This was beyond my means so I decided to surrender and also advised the same to Deputy Sarpach and Member. People of the village were sympathetic and also were ready to collectively meet the Collector/DDO but I told them that that was of no use as this was the law. My opponent had been losing all elections for the past 15 years and since there was no other way to defeat me, he used this law and see, now he is Sarpach!*

All the three disqualified members of this panchayat had served the term for about one and a half years and had convened three *gramsabhs* during their tenure. They had worked towards constructing new roads, SGRY and Geet Govind gutter yojna etc. According to ex-Deputy *Sarpanch* Alok Singh

*I am from Bihar and I called there to inquire about such a law but found that there was no such law there. I fail to understand that on the one hand, government is promoting a girl child and on the other hand punishing me for the birth of a girl child! I was happy with my earlier daughters but can my parents be ever happy with the absence of a son? I had registered my name for family planning but my father scolded me as I only had daughters. I feel that in the good old days people had many children, sometimes even more than 10. Do you ever see such*

*a situation today? When situation is already improving than what is the point of having such a law? It is ironical that on the one hand abortion is punished and on the other, giving birth is also punished! What is all this?*

All of them also felt that it is discriminatory that the law is not applicable to more responsible people like MPs and MLAs. They also suggested that the problem is of lack of awareness as almost nobody knows about this. Even the TDO was unaware initially. They suggested keeping a notice on Panchayat's board. All three admitted that they wouldn't have gone for the third child if they had any clue about the law and its implications. Some lawyers had advised giving away the child to the brother's family through adoption but they didn't feel like doing that and they also came to know that even this won't work under the law. All of them also expressed the desire that the law should be abolished and they will again contest the election when that happens.

We also met the present Sarpach (Kantibhai Parmar) who dislodged Dineshbhai through a complaint. Kantibhai is 38 and has studied up to 8th standard. He lives in a joint family, owns a bike but has no idea about his monthly income. He said

*I came to know about the two-child norm through a book on the Panchayat Act that was lying in the panchayat office. I also read about a similar incident in Lavana village of Diyodar block and became aware of its application in reality. I procured the birth certificates of all three children of Sarpanch from the school/panchayat and approached the TDO. My wife, who works with the water department of the village panchayat was removed from her job because I had complained against 3 VP office bearers. Even the panchayat clerk was fired from his job as he gave me the birth certificates. Sarpach did all this before he was finally suspended. My wife and the clerk are still not re-instated.*

Kantibhai believes that this law is good for population control but should be applicable to all (he thinks that even ministers in Gujarat have to follow this and the law is applicable to them as well). He said that now onwards there will be checking before filing nominations and there will be an affidavit with TDO that the person would be suspended in case of arrival of a third child.

## **Case No 2**

Shri Munna Lal of Shri Hansu is from Meena community. He hails from Garna Kotara in Kherwara panchayat samiti of Udaipur District in Rajasthan. Shri Munna Lal contested panchayat elections in 2005 as ward panch and got elected.

At the time of election, Shri Munna Lal had two children -one boy and one girl. It so happened that his wife became pregnant in 2006. Being aware of the two child norm and its likely impact on his positions, he decided to get his wife aborted but as per advice of the doctors especially in view of very poor health of his wife, abortion could not take place and his wife had given birth to a male baby; thus increasing the number of living children to three, which is a sufficient cause for his removal from the panchayat post.

Party politics and political rivalry being rampant even in tribal areas, another villager Shri Chhattar Lal from opposition party filed a complaint in 2007 against Munna Lal about the violation of two child norm. This resulted in enquiry against Shri Munna Lal which he has established that he has actually violated the two child norm. He was therefore disqualified in January 2008 from holding the post of ward panch.

Shri Munna Lal felt sorry not for losing the panchayat post but because of double standard of Shri Chhattar Lal. The wife of Shri Chhattar Lal was elected to the post of ward panch during panchayat elections held in 2000. This was despite the fact that the couple had six children and amounts violation of the two child norm. But because to avoid animosity Shri Munna Lal did not think at all to file complaint against the wife of Chhattar Lal which allowed her to complete the full term. He also feels sorry that despite violation of the norm, the Government remained a silent spectator.

He feels that third child was born under compulsions and despite their desire to get his wife aborted. But Shri Chhattar Lal and his wife filed a case against him simply due to political rivalry.

### **Case No. 3**

Shri Mangi Lal, aged 48, belonged to Damor community and hails from Bhomatiwada village in Kherwara block of Udaipur district. He was educated up to primary level. He got married at an early age and his wife gave birth to four children in years 1989, 1992, 1994 and 1995 but the male child born in 1995 was died in 1990 and female child born in 1995 was also died in 1996. Thus, only two children– one boy and one girl survived. Besides, he has a sister who is earning her living through wage labour in Gujarat and left her two children with Mangi Lal who are living there for the last about seven years.

Mangi Lal is socially quite active and popular in his village and contesting elections since 1995. He was first elected as ward panch, then became upsarpanch in 2000 and lastly, he contested 2005 panchayat election and became sarpanch. Shri Sham Lal, belonging to opposition political party also contested panchayat election to become sarpanch but was defeated at the hands of MangiLal. He became furious and decided to avenge the defeat. As MangiLal is living with four children including two of his sisters', living in Gujarat about which many are unaware. ShamLal also thought that Mangilal has four children and without verifying, Shamlal filed a complaint in 2008. Stating that MangiLal has four children. ShamLal mobilized many villagers and got their signatures also on the application in which complaint against. MangiLal was made for violation of the two child norm. The case was processed and all relevant records were obtained including ration card. From their examination, it was proved that MangiLal has only two children and that two additional children were not of his own. Ration card also mentioned the names only of his own children and not of his sister's children. The case against him therefore was rejected and MangiLal was allowed to continue as Sarpanch.

### **Case No 4**

Navratan, a Rajput by caste, is the son of Shri Balu Singh, resident of Varnasa village in Dhar district of Madhya Pradesh. He was the sarpanch of the village. He already had three children and the fourth child was born on 12.6.2005. A complaint against him for violating the two child norm was filed by Shri Raju Singh S/O Shri Dharm Singh of the same village. The complaint was based on the birth certificate and the application Narration had submitted for getting ration card issued. It was stated that ever since the norm was made applicable w.e.f. 26.1.2001., Navratan has already more than two children including the one born on 12.6.2005. It was alleged that the fourth child was born after he was elected to the post of panchayat sarpanch.

He was issued a show cause notice on 5.1.2006 and reply was submitted on 21.2.2006. He denied having violated the norm stating that despite his wife was got operated on 5.3.1998 in Chaudhary Hospital, she became pregnant and as abortion was illegal, he failed to prevent the child birth through getting her wife aborted at that time.

He also pleaded that the provision relating to the two child norm was already withdrawn in Madhya Pradesh and hence it is no longer applicable to him. However, his plea was not accepted on the ground that he did not provide any evidence to substantiate it and that the child was born after the norm was made applicable on 26.1.2001. Hence, an order was issued to disqualify Navratan to hold the post of sarpanch under the Panchayati Raj and Gram Swaraj Adhiniyam 1993, Section 36 (3) by district Collector, Dhar, vide his letter no 185/2006 dated 23.5.2006.

### **Case No 5**

Shri Mangi Lal Gameti, hailing from Gura in Kotara block of Udaipur district in Rajasthan, was a ward panch. He is illiterate, and middle aged person belonging to a joint family. He was married at the age of 15 and got first child in 16 years of age. He earned his livelihood from wage labour. At the time of contesting panchayat election, he already had three children but his nomination was accepted and he was elected as ward panch. This made him proud. He began to feel superior and powerful than others. This feeling has taken him away from common villagers. He started drinking and in a drunken state, he started beating his wife as well. Despite complaints made about his behaviour, no improvement was visible.

Shri Mangi Lal had no knowledge of the two child norm. As a result, his wife gave birth to two more children. The school teacher informed him about the two child norm and cautioned him against having more children. The information spread amongst opposition congress camp also which made up their mind to make a complaint against the violation of the two child norm. Shri Hiralal, Shri Kishan Lal and Shri Suraj Mal, all from the same village and belonging to opposition camp approached the block development officer and informed him about the violation of the norm by Mangi Lal. But, this did not yield any result. Feeling annoyed they filed a complaint in the office of District Collector who, instituted an inquiry. From inquiry, it was clearly established when taking a note of clearing established that Shri Mangi Lal has actually violated the two child norm. He himself endorsed that he has actually violated the norm. After giving Mangi Lal an opportunity to present his case, he was removed from the post of ward panch.

Mangi Lal felt that the norm is irrelevant from the point of view of village people as most of them are illiterate and poor and there is no adequate health and medical facilities available in the villages. Under these circumstances, even if people are keen to restrict family, they are not able to do so. He strongly felt that the norm may be withdrawn. He does not endorse the view that the norm is anti-women but he feels that dalits suffered more than others from the law. He feels that the law should be applicable to all elected people including MLAs and MPs.

### **Case No 6**

Shri Bansilal, aged 40, belongs to general category and elected to panchayat as ward panch in 2005 panchayat election. He was educated up to middle standard and runs a glossary shop in his village Tarpal, block Gogunda in Udaipur district. As he is helpful and sociable, villagers encouraged him to file nomination from and contest 2005 panchayat elections. He had three children but he was not prevented from contesting panchayat election.

In only after one year of remaining as ward panch, the sarpanch informed him about the provision of the two child norm and chances of his removal on this ground. This has disturbed Bansilal. He was later asked to report to block headquarters and when he went there, block office informed him about the case being pursued against him on this ground. At the instance of District Collector, a case was filed against him and the proceedings against him continued for about three months. When it is established that he has violated the norm the orders were passed to remove him from the post of ward panch. He was summoned and was asked to put his signatures on the orders. The copy of the orders was sent to all concerned including ward panchayat. The sarpanch of the concerned panchayat passed on him the order about his disqualification from the panchayat post.

Bansilal feels sorry for the way; he was disqualified to hold panchayat post. He argued that if he has violated the two child norm, he should not have been allowed to contest elections and he should have been informed at the time of filing nomination papers that he is not eligible to contest panchayat elections. He also feels regretted for not providing him an opportunity to present his case. He feels strongly about the way PRI members are discriminated in the application of the two child norm and asserts that the law should be made applicable also on MLAs and MPs.

### **Case No 7**

Vipul Vahiya is 38, studied up to 11th standard and was serving as a member of *Mahuva Taluka Panchayat* which falls under scheduled area (tribal block). He depends on agriculture for income which is around Rs10,000 a month. Vipulbhai lives in *pacca* house, owns a two-wheeler and a *Maruti* car. He lives in a joint family and his father is an MLA. Vipulbhai also works as his father's PA after he resigned from Taluka panchayat because he had a third child.

Vipulbhai's first wife died of a heart attack in 1999 and he has one daughter through her. He remarried in 2002 and had one more daughter in 2004. Public service is in his family history and he also served in Zilla Panchayat for one term (2000-2005). Afterwards that seat was reserved for woman so he contested election in taluka panchayat. Vipulbhai was elected in 2005 on reserved tribal seat. When he filed an affidavit in 2005, there was no mention about two-child norm in it. Vipulbhai says

*I remember there was some discussion in Gandhinagar assembly at that time about two-child norm. I also remember that only 14 MLA could continue if the law was to be introduced for all*

*elected representatives. Beyond this I had no idea about the two-child norm when I became Taluka Panchayat member in 2005.*

*After assuming office, I did development related works like roads, water, electricity, solar energy for producing electricity and running water pump etc. I also managed to start four new health sub-centres including one in my village Bamania. After my resignation, the pace of development activities has slowed down and others don't have idea about grant management, rights and restrictions. Quite a bit of grant now remain unutilized.*

He further narrates

*My wife was expecting a baby and the due date was 29th May, 2007 given by the doctor. By now I knew the new law and I had already prepared my resignation. As soon as the child (son) was born, I tendered my resignation which was scrutinized by TDO and the post was declared vacant in September 2008. I resigned even before the child was registered. I could have continued as the complaint process takes months. Not that I didn't know the ways to circumvent this law. I could have disowned my first wife's child, I could have tempered with date of last child as I was in power but I don't believe in all that.*

However Vipulbhai doesn't agree with the logic of this two-child norm. He says

*The declaration that one has to sign while filing nomination has many clauses like no payment should be due, no police case should have been filed against the candidate etc. What if my phone bill is due?! What if I was caught by police for driving without helmet?! Are these legitimate reasons for preventing someone from contesting elections?*

*Why having more than two children should be considered as disqualification? One has to recognize the fact that ours is a male dominated society and everyone needs a son for line of succession, wealth etc. Women can't do everything, can she fight in army? Even if you don't agree with this, how can you say that only a person with two or less children will be good for public service? What is the logic in this? If some has a son as first child he may not have more children but that is just his luck. I think understanding of panchayati raj functioning is far more important for an elected representative than number of children.*

Talking about the possible implications of this norm, Vipulbhai says

*It is a reality that there is lot of corruption and holding public office is a source of substantial income for many. Someone can go to any extent for retaining position which can include killing of the child, sex selective abortion etc. and nothing may ever come to light as they hold position. This norm also disproportionately affects the young population as they are in reproductive age.*

Vipulbhai also expressed his views on population policy. According to him

*There are many countries in the world that promote more children through various schemes as their population is declining. This hasn't worked either. I believe that Mother Nature takes care of everything and the technology is also a great help. At the time of our independence our population was far less (35 crore) than what is today (more than a billion) but the rates of poverty, unemployment etc. were far more. Today we have better economic growth, education and health indicators despite the population growth. More and more people are using technology and living conditions have improved.*

*There is no pressure on land and still majority of the land remains unutilized. I consider that many fear psychosis like Global Warming, HIV/AIDS etc. are deliberately created. I have never seen anyone dying of HIV/AIDS in my block and I see scary posters everywhere on my village wall, on bus, in sub centres, PHC and hospitals.*

Vipulbhai believes that this law should be removed for all and it was a pity that the law was passed in state assembly without any debate and amendments according to him

## **Case No 8**

Mahaveer Singh Rawat, a middle aged person, is a son of Udai Singh and belongs to Rawat community, a backward community of Sarangpura in Bhindar block of Udaipur district in Rajasthan. He was active in politics since 1980 and become Sarpanch of the Sarangpura panchayat in panchayat election held in 2000. He was educated upto middle level and belonged to joint family. He had two wives. The first wife had three children and died. He then got remarried. He has two children from his second wife.

As he was active in politics, his opponents thought to use this opportunity against him and filed a complaint about violation of the two child norm. When inquired, he submitted all the facts before the concerned authorities. He did not try to conceal factual position. As a result, he was disqualified to continue as panchayat sarpanch. He filed an appeal against his disqualification case in the court where it was rejected. He then made another appeal in the Rajasthan High Court where also it was rejected. He was ultimately disqualified from the post of sarpanch vide departmental order no.3042 dated 23.08.2005.

Mahaveer Singh felt that both, himself and his wife were betrayed by the law. He questions as to why the law is made applicable to panchayat members only and spared MLAs and MPs? Then, he feels that he is not to blame if his first wife died and he cannot deprive his second wife of her right to become the mother who gave birth to only two children. If I fulfill this obligation why should I be disqualified? He argued that if first wife dies, the children born from her should not be taken in to account for the purpose of the two child norm.

## **Case No 9**

Ramesh Bairagi, a middle aged person, belongs to Lakadwas village in Girwa block of Udaipur District of Rajasthan. He was Upsarpanch in Panchayat Lakadwas. He is from general category, acquired higher education and pursuing agriculture. He is married and have three children - one boy and two girls. All the three children were born before the cut off date specified for the application of the two child norm. The youngest daughter was born on 28.03.1994.

Shri Har Lal, father of Shri Ramesh was illiterate, who used to perform several house hold tasks including child care especially when Rakesh was working out of the town. At the time of admission of the youngest daughter in local school, Shri Har Lal accompanied her and when asked about her date of birth, he inadvertently mentioned a date of the year 1996 instead of 1994. This was the starting point for his ouster. When Ramesh filed nomination papers, the date of birth of his youngest daughter was shown as 28.03.1994. He won the panchayat election and became up-sarpanch. The opposition members were in search of some excuse to remove him from panchayat post. Shri Varda of the same village had some idea about the incorrect entry of date of birth of his youngest daughter of Ramesh in school register. He got the date of birth confirmed from school admission register and made a complaint against Ramesh. The concerned official rebuked him for the delay and asked him why did he not mention it at the time of filing of nomination form by Ramesh, where date of birth of his daughter was correctly shown as 28.03.1994. Varda did not stop there, and filed a complaint in the office of the District Collector. A due not was taken of the complaint and the process of disqualification was initiated. The proceedings continued for about 18 months. The judgment was against Ramesh. To prevent his removal, Ramesh made an appeal in the Rajasthan High Court, Jaipur where also the ruling went against him. This ultimately led to his removal from the panchayat post.

## **Case No -10**

Gopal, son of Shri Kaluram Bhil, hails from Dehrisaray village in the district of Dhar, Madhya Pradesh. Gopal was the sarpanch of the village. Before his election to the post of sarpanch, he had two living children. But during his tenure as sarpanch, a third child was born on 23.1.2005. A complaint against Gopal for violating the two child norm was filed by Shri Darshan Bhil S/O Raju on 3.2.2005. The case was examined and the District Collector Dhar passed the order of his removal from the post of sarpanch.

He was issued a show cause notice on 4.6.2005 which he replied on 21.2.2006. Feeling unsatisfied with the reply, the District Collector removed Gopal from the post of sarpanch vide order of 13.3.2006. Gopal submitted an appeal in the higher court Indore against the above order of the District Collector. The upper court held that the earlier decision was not based on verifiable written or oral evidence such as entry in birth register, photo copies of the documents etc which were not supported by verbal evidence.



The upper Court, therefore held the decision of the District Collector Dhar of 13.3.2006 unconstitutional. He therefore accepted the appeal of Gopal on 23.8.2006.

He feels that the norm should be withdrawn as it affects Dalits most.

## Case No - 11

Shri Balchand, aged 50 hailing from village Barothi Brahman in Udaipur district of Rajasthan was educated up to middle standard. He was got married in the age of 19 years. Shri Balchand has been politically active for the last about two decades. He had 6 children - 2 boys and 4 girls; the eldest boy is 25 years old. Because of long political background and active worker of Bhartiya Janta Party, Shri Balchand decided to contest panchayat elections in 2005 and was elected to the post of sarpanch. Because of a shallow idea about the two child norm, he did not visualize any problem in contesting or holding panchayat post owing to number of his children.

During 2005 panchayat elections, Shri Balchand was apposed by Shri Sushil Ahari belonging to Congress Party. But Shri Balchand won the election and held the post of sarpanch. However, Shri Sushil Ahari could not tolerate the election of Shri Balchand and with the support he enjoys he filed a case against Shri Balchand for the violation of two child norm. It is when the case was filed against him for violation of the two child norm. Shri Balchand become fully aware about the law.

The case of violation of the child norm is presently in process and proceeding are Sushil Ahari to attend the proceedings of the case every then and now. Balchand questions about the application of the two child norm only on panchayat representatives and spared others including members of Parliament, State and many others. He strongly feels that applying the norm only on panchayat members will not help in controlling population. He laments that rural people are mostly lack awareness and face poverty conditions, all contributing to more child births.

Sushil Ahari also started feeling frustrated for delay in action against Balchand and repeated visits to the court to attend hearing in this case. He also feels tired of attending hearing in the court and laments that he will not file any such case in the future.

## Case No 12

Yunusbhai Gulambhai Khanji is 40 years old, has studied up to 9th standard and owns a footwear store in Kosamba. He earns about 4000 Rs. a month, has a motor cycle and lives in a joint family with 17 members. His father was a former *sarpanch* of *Kosamba* and hence public service is in the history of family. Therefore, Yunusbhai decided to become a member in Kosamba grampanchayat and got elected in January 2007 on a general seat. He contested election with four opponents and all four had lost their deposits. At the time of election, Yunusbhai had one daughter and one son. He had no idea about the two-child norm while filing his nomination.

After getting elected, Yunusbhai participated in development works of village like RCC roads, water plant, drainage lines etc. The current sarpanch (Raziya Patel) describes Yunusbhai as a "flying horse" who did everything at the speed of not a trotting but a flying horse ! On 15th November, 2007 Yunusbhai had a third child (daughter) at home and even at that time he had no idea about the two-child norm. Yunusbhai was suspended on 1st June 2009. He says

*The complainant (also from the same community) was part of our panel and she was insisting that we buy cement from her agency for all panchayat related development works. We always keep all tenders in front of gramsabha so we told her to participate in the process, to which she didn't agree. She also wanted that we use advertising boards to display advertisement of her cement agency for free and was not willing to pay the required amount. Although she had lost the election, she wanted that we co-opt her in the panel which somehow couldn't happen. All this agitated her and through her brother (who is an advocate and has close connections with Taluka and Zilla Panchayats as well as the collectorate) filed a complaint for two-child norm violation. TDO asked for an explanation and I didn't try to hide anything. I argued that while filing the nomination, I didn't violate the law. I also produced a 'fatwa' from our religious authorities that*

*prohibits family planning for us and argued that this is against personal law. Nonetheless, I was suspended. No one in the village was happy with this except the complainant.*

Yunusbhai further expresses his views about the two-child norm and says

*In our grampanchayat one person is getting elected uncontested since last 35 years and entire town is happy with his work. He has 9 children, does this matter in any way? The state government talks about protecting girl child, I participated in many 'save the girl child' campaigns and I got suspended after the birth of girl child at my home! Central government is focusing on youth and most victims of this norm are youth! Why is this norm not applicable to MPs, MLAs and government employees? I don't understand how government can preach something which they themselves are not practicing? Should the law not be applicable to people who make it in the first place? Such things divert our attention from development works and wastes a lot of time.*

Yunusbhai and some other members from minority community as well as the sarpanch feel that this law is targeted at Muslims. According to them

*We can't go for family planning as Islam doesn't allow us to do that. It is a question of right to believe and practice one's faith. Take the case of Sikhs, are they not protesting for retaining their turbans in France? We believe in holy Koran and we won't go for family planning operations even at the cost of our lives. A small elected post is nothing before our faith. This is a conspiracy to eliminate the entire community from local governance.*

During the discussion we also came across one more member who was facing disqualification. In fact, his third child was born; hospital registered it but soon died just within ten days (a case of Infant Mortality). Today, he only has two living children; he still is undergoing the trauma of death of an infant as well as that of facing disqualification.

Some of the members also suggested that disqualification in-between a term is not a practical idea. Even if the law is in place, people should be screened only at the time of filing nominations, not after that. Disqualification during a term, not only disrupts ongoing development works but also looks disgraceful.