Understanding Impact Assessment of Law: A Study with Reference to Constitution 73rd Amendment Act

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I. INTRODUCTION

India is among the few developing countries with a long and strong tradition of parliamentary democracy. The Constitution guarantees periodic elections, executive responsibility to the elected legislature, an independent judiciary, rule of law and certain fundamental rights of citizens. However, the commitment to democracy should not blind us to its many limitations. Indian democracy is highly centralized. Until 1990s (before the 73rd Amendment Act), it was not mandatory to elect office holders below the state level at district, sub-district, village or municipal levels. In other words, Indian democracy was a parliamentary system at the central and state levels with bureaucratic governance at the lower levels.[1] If the development process is made participatory and transparent, the democratic decentralization frame is very important. This process of democratic decentralization can help mobilize social capital i.e. interpersonal relations and community networks. It has the potential for nurturing the useful state-civil society synergies.[2]

The Constitution 73rd Amendment Act prescribed a uniform three tier system: district, block and village leveling the rural areas. The local self governance institutions were to have a uniform five year term and in the

event of dissolution, elections were to be held in six months. SC/ST reservation proportionate to the population and enactment by the states for the reservation of backward caste and one third reservation for women were introduced at all the levels. A state finance commission was to be appointed by every state government to decide revenue sharing. District planning committees in every district were to be constituted with two-thirds of the membership reserved for the gram panchayats. It was mandatory for all state governments to enact conformity legislation.

In this legal backdrop, the experiment of democratic decentralization was initiated in the most backward domain of India that is rural India or village India, which was defined by Ambedkar in Constituent Assembly as: 'What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism'.[3]

The main aim of the social scientists is to see how democratic process is refracted by the social system which includes not only the major institutions of the society such as those of religion and kinship but also such major social divisions based on class, caste, ethnicity, race and gender.[4]

If the whole process of democratic decentralization has to be perceived as a political shift, then the approach should be to understand the political system as a social system and the relationship between political system and other social system is given detailed and systematic attention. The political system here may be substituted to the legal system.

There are different approaches to understand the legal and political domain in association with social domain. The three approaches to the study of law can be differentiated according to Max Weber[5] as:

1. Internal perspective of law: this takes in to account the study of law in its own terms, as part of working of law itself, in order to contribute to the internal consistency of law by offering intellectual grounding to as well as practical training in the law. The development of legal scholarship or jurisprudence corresponds to this efficiency oriented body of knowledge.
2. Second, transcending the legal perspective of law, moral or philosophical perspectives of law are engaged in a normatively oriented quest to search for an ultimate justification of law on the basis of

a moral principle and to criticize existing conditions of law relative to the extent to which they meet this normative standard. The philosophy of law provides such evaluation — oriented models of thought about law.

3. Third, external perspectives of law engage in the theoretically driven empirical study of law to examine the characteristics of existing systems of law, including the state and development, the causes and effects, and the function and objectives of the institution and practices of law.

The third one that is the external perspective of law has been ignored by the scholars of law and society. The empirical frame that this domain requires discouraged the researchers to go for impact assessment studies. The present study is an attempt to understand the external perspective of law by involving in a empirical field based enquiry.

The number of empirical studies on opinions and attitudes with respect to legal judicial institutions has been constantly growing. Even if, on the whole, the mass of reliable and comparable opinion data now available worldwide is still relatively thin, in some countries the systematic measurement of both the internal and external legal culture has become a fully consolidated area of research. Legal culture consists basically of values, attitudes and opinions related to the legal system, and survey research represents a particularly effective operational tool to explore it.[6]

The present work is a humble attempt to understand the legal impact assessment of law taking into consideration the domain of socio-cultural, gender and political sphere. The present study is divided into various chapters taking into consideration the basic theoretical paradigm to understand the dynamics of decentralization, gender and legal frame.

II. IMPACT ASSESSMENT OF LAW: THEORETICAL FRAMES, APPROACHES AND UNDERSTANDING

The study of law and legal phenomena has not become a major focus for research within social science, despite historic links between social science and law. This may be understood by perceiving the orientation of legal scholarship in India which is moving away from empirical studies towards text based legal reasoning. Not only this, there is decline in interest among

the social scientists particularly social anthropology, sociology, and social policy to go

for an academic interaction with law.

Legal scholarship tends to be law oriented, conducted by lone researchers undertaking close textual analysis of legal material. This emphasis on doctrine and normative has directed the energy of legal academics towards influencing legal reasoning rather than evaluating or influencing policy and practice[7].

The question of the relation of law to social change is clearly a central issue in theory but in contemporary western societies (and in many other present day societies) this question has acquired a new from. Law has now come to be recognized as an agency of power; an instrument of government. Insofar as government is centralized in the state, law appears exclusively as the law of the state. In the lawyer's view and in the wider public view it has come to be seen as separate from the society it regulates. It has become possible to talk about law acting upon society, rather than law as an aspect of society. Thus law has come to be seen as an independent agency of social control and social direction. It appears autonomous within society. A modern legal system is understood as a distinct set of mechanisms of government employing rationally developed doctrine created, interpreted and applied by specialized state agencies[8].

In the law and social change literature most analysis has been concerned with one direction of influence: the effects of legal change on social change. That legal development reflects wider social development often seems too obvious to require discussion. For example, technological change is one important direct cause of legal change: the development of the internal combustion engine, the motor car and later of air transport produced vast areas of new or reshaped legal doctrine to regulate these new features of life with their attendant possibilities, risks and dangers. Yet, as current problems in adapting western law to cope with the revolutionary consequences of computer technology and the information revolution demonstrate, this process of adjustment is often difficult and delayed. In fact, as Ehrlish suggested and as some recent writers have again stressed, the way in which social developments are reflected in modern legislation or legal practices is just as problematic as the reverse direction of influence[9].

In addition, law can adapt to change in ways that may not be readily apparent on the face of legal doctrine. The Austrian Marxist just Karl

Renner tried to show this in a classic study of the relationship between legal concepts of property and contract and patterns of social change in the development of capitalism in western societies. Renner's argument is that law can adapt to changed social circumstances without necessarily changing its from or structure. Legal concepts can remain in the same from while fundamentally changing their social functions.[10]

But much other social research on law has directly reflected the concerns of legislators and the ambitions of social reformers confident of their ability to influence the content of new law. It is this factor above all that has led to a traditional emphasis in the sociology of law on questions of legal effectiveness (on the capacity of law to bring about change) rather than on questions of the genesis of legislation or of judge made law, which involve an exploration of the factors shaping law. And it is in the exploration of these questions of effectiveness that the sociology of law raises, in its most extreme from, the hypothesis of law's autonomy, actual or potential, from the cultural constraints and social bases that some of the nineteenth-century theorists stressed[11].

A legal impact study represents an attempt to ascertain how a particular law affects the conduct and attitudes of those individuals, groups or other relevant units located in jurisdictions where that law is in force. By its very nature such a study involves one essential comparison; the comparison between actual behaviour patterns in jurisdictions having the law in question and the behaviour patterns which would have existed in those same jurisdictions had the law in question never been enacted. Since this comparison is one which by definition cannot actually be made, the problem for the legal impact theorist is how to estimate best what the behaviour patterns would have been in a certain jurisdiction had the law in question ever existed there. The legislator or court seeking to determine the actual or probable effects of a law faces a similar problem[12].

There are three ways in which this comparison can be achieved. One is by comparing the same jurisdiction before and after the passage of the law in question and noting any behavioral changes which seem to have followed as a result of the passage of the law. The second is by comparing jurisdictions which have a particular law with those that do not and assuming that, if not for the law, behavior in the two sets of jurisdictions would have been the same. The third method is by combining the two approaches. This

involves examining behavior patterns in a particular set of jurisdictions both before and after they passed the law in question and comparing these patterns with those found over the same period of time in a set of jurisdictions not having the law in question[13]. These three prepositions are in consonance with the three types of the experimental design that is single group design (before and after), control group design and a mixture of both.

The examples from the legal impact assessment suggest to the fact that the social and legal variable are associated with one another. One study which serves our purpose well is the Kiyoshi Ikeda-Douglas Yamamura study of public housing on the island of Oahu, Hawaii. This three-year investigation sought, as a major goal, to discover the effects which different types of housing regulations have on mobility patterns among housing project families[14].

The importance of the legal impact studies may be understood by the comment of Robert L Rabin (1976) "The time seems ripe for extensive impact studies of tort law. Theoretical work has been done on the relationship between liability rules and private behavior, and best of all, the theories have not gone unquestioned. Empirical studies should be able to offer real insight into the effect of liability rules-whether such rules influence manufacturers' product and plant design, landlords' maintenance practices, doctors' counselling techniques, shopkeepers' security strategies, motorists' driving behavior, or innumerable other such decisions-including, of course, consumers' own patterns of self-protection"[15]. But he concludes with a caution that Social scientists will have to use an array of methodological techniques, such as interviewing, analysis of records, and participant observation[16].

Despite the climate of opinion emphasizing law's capacity to mould society, which has dominated much twentieth-century legal thought, some of those who have devoted careful study to the characteristics of modern law as an instrument of government have tended to see this capacity as severely limited. Of course, political preferences about what law should not do no doubt often colour perceptions of what it is practically possible for it to do. Conversely, 'the ethical limits of law often turn on

empirical considerations. Thus it is important that social scientist and legal scholars study law's empirical limits'[17].'

Modern studies of 'the limits of effective legal action' can be traced back to a seminal article with that title published early in this century by the American jurist Roscoe Pound. Pound attempts to lay down principles suggested by a consideration of basic characteristics of modern law. First, as a practical matter, law can, as he puts it, deal only with the outside, and not the inside of people and things. For many reasons, including problems of proof, law cannot attempt to control attitudes and beliefs but only observable behaviour. For Pound this is a practical basis of the distinction between law and morals-since the latter as a system of social control intrudes into areas of life and belief where the law dare not enter. Secondly, law as an instrument of government relies on some external agency to put its machinery in motion. Legal precepts do not enforce themselves. Law that cannot be enforced, or invoked by citizens, can hardly shape behaviour. Thirdly, there are interests and demands that it might be desirable for the law to recognize but that by their nature cannot be safeguarded or satisfied through law. This last point refers to limitations apparently arising from the idea, which Ehrlich suggested, that law as a special from of control is characterized by a relative clarity of its precepts. If, as in modern law, these precepts are to be enforced by state agencies and to provide authority for the actions of numerous officials at all levels of the state, a high degree of clarity is essential. So there are limitations on law which arise from the difficulty of ascertaining the facts on which law is to operate[18].

A particular modern manifestation of the tendency to see social life in legal categories is found in many examples of what have come to be called 'legal impact studies'. Their object is to assess the effects of particular legislation or judicial decisions on behaviour or attitudes[19]. If impact analysis is to be useful, it should be a tool for a richer understanding of how legal rules fit into the social and political system. Documenting the proposition that law has an impact, without linking the findings to behavioural patterns and institutional change, is a dead end. Impact studies provide important evidence of the effects (or lack of effects) of laws. But their findings usually need to be put in a much wider context if they are to contribute to general sociological understanding of law[20].

If law is to be effective it must be in the interests of those upon whom the law depends for its invocation or enforcement to set the legal machinery in motion. Law must provide incentives to ensure its own use. In many cases this will mean ensuring the availability of adequate and suitable remedies in the law for those whom it is designed to aid or protect; remedies

sufficiently attractive to motivate the victim of illegal practices to seek the aid of the legal system.[21]

Sociology of law has not developed adequately as an organized branch of learning in India. Among the sociologists in India, J.S. Gandhi is one who has devoted his

academic career to explorations in this area. He too comes to conclusion that 'one needs to look at Sociology of Law in India in processual, elemental terms, because no such discipline has been developed or has been evolved in India formally bearing this title as it has in the West'[22].

Veena Das, in her Trend Report on Sociology of Law in the ICSSR Survey of Research in Sociology and Social Anthropology concludes: 'The subject is in its infancy in India and there are no common issues that have been debated and discussed by sociologists of law working in India'[23].

Bina Agarwal's study of women's legal rights in landed property in five countries indicates the fact that prior to the 1950's, women of most south Asian communities had few and restricted inheritance rights in landed property. Noteworthy exceptions were communities practicing matrilineal and bilateral inheritance in India and Sri-Lanka. Today, legally in all five countries, most women have significantly greater inheritance rights in landed property than they did before. However, gender inequalities in laws persist and these inequalities vary across region.[24]

Etnographic information, although it is extremely fragmentary, consistently indicates that women in traditionally patrilineal communities of South Asia rarely realize the rights that contemporary laws have promised them. Hence the vast majority of women do not inherit landed property as daughters, most don't do so even as widows, and few women inherit in other capacities. To the women inherit, it is usually under very restricted conditions.[25]

Upendra Baxi, in the conclusion to his book 'Towards a Sociology of Indian Law': 'lamented the paucity of sociological research into legal processes and institutions'[26].

Marc Gallanter, in his excellent work 'Competing Equalities' in which he incisively discusses various aspects of the policy of compensatory discrimination(reservations) in India, laments on the dearth of verifiable facts based on empirical research on the real effect of this policy[27].

The constitution of Research Committee on 'Sociology of Law' by Indian Sociological Society is an important step to promote empirical research in the field of sociology of law. The line of research in the field of sociology of law does not seem to have flourished in India, a systematic research in the area of sociology of law is required. The degree of success in the implementation of laws and efficiency in the functioning of the legal system in India do not seem to have been studied systematically and adequately by the sociologists so far. Nor has the impact of social legislation been studies empirically[28].

There is a lack of studies as far as impact assessment of law in India. The present work is an attempt to understand the impact of law on various stakeholders' viz. gender, caste and class.

III. DETAILS OF THE FIELD

State of Uttar Pradesh has been taken as the universe of the study. Out of nearly 70 districts, ten districts of central Uttar Pradesh have been selected for the study. The ten districts are the combination of developed and underdeveloped districts. Among these ten districts, two districts; Kanpur Nagar and Lucknow are at the top among the districts of U.P on the scale of composite index of development. Both the districts are ranked first and second on this scale. This suggests to the fact that sample represent the developed frame of U.P. The other eight districts of U.P. which are included in the

sample are ranked 47th, 48th (Pilibhit and Unnao respectively) 56th, 57th and 58th (Rai Bareli, Kheri and Barabanki respectively) 62nd, 65th and 67th (Hardoi, Bahraich and Sitapur respectively), indicate towards the fact that the sample on the other hand taken in its fold the backward districts (in terms of composite development) of the state of U.P. These two frames of most developed and least developed districts shall provide a proper insight in understanding the impact of law with reference to the process of democratic decentralization[29]. The seven districts Hardoi, Barabanki, Lakhimpur Kheri, Bahraich, Unnao, Rae-Bareli and Sitapur are included in the list of Backward Region Grant Fund district list. The three districts Lucknow,

Kanpur and Pilibhit are not included in the list of BRGF beneficiary districts.[30]

The overall demographic details of the sample districts suggest the fact that the majority of the districts are below the average benchmark of the different development indicators. This frame will provide an opportunity to perceive the dynamics of decentralization in a different context.

IV. ASSESSING THE IMPACT OF LAW

The law is one of the many responses to social change. In certain respects it is the most important, since it represents the authority of the state, and its sanctioning power. The legal response to a given social or technological problem is therefore in itself a major social action which may aggravate a given problem-or alleviate and help to solve it. In any system there is an inevitable time lag between social change and legal response. In theory at least the problems are relatively more in democratic and pluralistic societies.[31]

The debate initiated in the Constituent Assembly regarding democratic decentralization was negatively conditioned by the remarks of Ambedkar and similarly the history and debate of representation of women in India is dependent on the male counterparts. The experimentation of Constitution 73rd Amendment Act negated the fears of Ambedkar with reference to democratic decentralization; it also negated the fact of dependency of women on their male folk regarding representation and participation. Women do not form a class, because their relations are strictly local, their mobility is low, their share in economic and political system is low. The reason behind is that the identity of their interest do not get unity; no natural union and political organization. They can not represent themselves. The 73rd amendment act of the constitution has provided them with the reservation in *panchayati raj* system. They are given 33% reservation in all the three tiers of rural formal political system i.e. in the *gram sabha* at the village level, in *panchayat samiti* at the block level and in the District board at the District level. In this way they are being provided representation in the formal political system i.e. *panchayati raj* system. As a result of this representation the women are coming out, they are talking and interacting outside the confinement of the house, they are participating in the affairs of village, contesting the elections. Certainly, they are creating a social class of their own.

V. GENDER & CASTE: IMPACT OF LAW

The participation and representation of the subaltern group viz. women, schedule caste/tribe and backward caste show a positive trend but this trend is also affected by other variable of caste and class. The results derive from the present study suggests to the fact that the women of schedule caste/tribe and backward caste category are always getting more representation over and above the seats reserved for them but with respect to the seats reserved for 'women' (assuming this category to be the category of general caste women) the actual representation is below the seats reserved for them. In the elections of 2005 there is a negative increase of 36.13% representation of the general category women over and above the seats reserved for this category. Similar is the picture in the elections of 2010, where there is a negative increase of 30.39% representation over and above the seats reserved for this category. One can conclude that the schedule caste and backward caste women are encroaching into the domain of seats reserved for women (assuming this category to be the category of general caste women). Meaning thereby, the schedule caste/tribe, backward caste category women are more mobilized in comparison to other or general caste category women. This directly suggest to the fact reservation is functional and it is producing change. The intention of 73rd constitutional amendment act is visible in the trends available.

In the moves for reservation in local government, two observations are of particular note. First, it was assumed (with no firm basis in evidence) that the women elected would be interested in and able to represent all women simply because they were women, Second, even though in India seats were reserved for women in SC/ST category, this was more an attempt to correct a historical disadvantage than to bring through SC/ST women a different perspective to women's issue than that offered by upper-caste women. In terms of defining interests women's gender identity was privileged over other identities such as those from caste, class, religion, or ethnicity. This assumption simplifies the social context within which women (and men) are located and the impact of that context on constraints to their effective participation. In fact, the assumption that all women necessarily have common interests needs interrogation and empirical testing, as does the assumption that women representatives will promote and prioritize women's interests in decision-making.[32]

Overall analysis suggests to the fact that 'women' as an identity is subordinated to the caste and this subordination leads to some benefits in the

form of extra representation over and above the seats reserved for them. But this subordination of 'women' as an identity which is subordinated to caste is not at all beneficial for the women of general caste category, as they are always under represented.

Meaning thereby the relationship of caste and women with respect to representation is twofold: at one plane this relationship is very assertive and encouraging with respect to representation of women of particular caste groups, at another plane the relationship is discouraging and hindrance to the participation and representation.

The responses from the household survey suggests to some interesting facts. The views regarding village development is important in the sense that majority of the respondents are of the opinion that village Pradhan is responsible for the village development. This orientation of the respondents is contrary to the fact, where the Panchayati Raj Act provides major thrust to the Gram Panchayat and Gram Sabha. The Act emphasizes upon both these bodies to play important role but these two institutions are subordinated by the individual position of Gram Pradhan and Village

Secretary. Majority of the respondents are aware of the meetings of the Gram Sabha and the place for such meetings but a section is unaware of any such kind of meetings. Not only this, they are also not aware of the timings of meetings. The meeting place is within the reach of the respondents. The very important aspect is that the meetings are held at a place which is neutral that is the meetings did not hold at a place of caste specific group.

A substantial majority of the respondents are aware of the name of the Pradhan who represents them in Panchayat but contrary to this a majority is unaware of the other members of gram Panchayat who represent them. One can conclude that the smaller the constituency, the better known is the representative, when one compares the Member of Parliament and Member of Legislative Assembly. But a contrary frame is available when it comes to a comparison of Gram Pradhan and other members of Gram Panchayat where Gram Pradhan is better known to the people and the immediate representative who represents them i.e. member of Gram Panchayat is not known to them. This fact one can understand from the frame of importance that the office of the Gram Pradhan gets in comparison to the whole office of the Gram Panchayat. Meaning thereby the structural frame of panchayati raj institution is dominated by individual personality of Pradhan and the law provides some check and balances with reference to the office of Gram Pradhan but they are not sufficient to prevent the individual Pradhan to assert by subordinating the institution of Panchayat.

Caste plays very important role in the socio-cultural life of rural India. This is more assertive with respect to attending or inviting the upper

castes on marriage ceremonies and with respect to inter-dining of upper caste with lower caste. This frame of not offering food and their inability to offer them water suggests to the fact that the Panchayati raj institutions is providing the lower caste a sense of empowerment. The caste divide is very much present but majority of respondents like to participate in community programs. But the quality of participation varies with the sensitivity of the social group because participating activity in social programs always demand a social affiliation that has been disturbed by caste discrimination.

A sample of 612 women was taken from ten districts to get their viewpoints regarding village and village Panchayat. Though the recent legal enactments provides for the equal share of women and men in ancestral property but in actual sense the women are getting only negligible share and that too in immovable property. The attitude of the women is still family oriented with reference to property ownership. They consider any property in their name as the property of the family. The women do not consider themselves as an individual entity; they define themselves with respect to husband, family and household. This orientation and attitude on the part of women restrict them to their confinement and prevent assertion. Majority of the women are not part of any local committee, this suggests that mobility and assertiveness is not there on their part. A substantive percentage i.e. more than 60% of the women do not feel hesitation in going outside and interacting with outsiders. But their interaction is mainly confined to the village members of their own village. The women advocate for the small family size but at the same time their unawareness regarding family planning techniques frustrate this attitude and question the role of decentralized health care system in India.

Majority of the women respondents are not aware of the provision of reservation and

neither the percentage of reservation for them in the panchayat. This suggest to the fact that though law is there, things are working also but a major section who is a stakeholder and participate in the whole process is unaware of the basics of the rule of the game. Majority of the women respondents are not interested in participating in the Panchayat elections. The double burden of household chores and managing the affairs of the Panchayat is not possible for them. But a section of women is of the opinion that reservation should be there at the upper strata of the political domain also. They do not have awareness regarding reservation at the lower strata but they do have a desire for reservation at the upper level. The majority of the women respondents are not at all aware of the stake of different political parties with reference to the issue of reservation. This shows unawareness on the part of women as what is happening all around them.

VI. FUNCTIONARIES: IMPACT OF LAW

The functionaries are important stakeholders upon whom the whole responsibility of success and failure of the panchayati raj depend. The category of functionaries included not only village secretaries, block development officers but also the elected representatives like pradhans, ward members and members of panchayat samitis. Their viewpoints are important. The various institutions that are responsible for the development of the village seems to be more individual oriented as compared to institution oriented. The executive head of the Panchayat i.e. Pradhan dominates the process of decision making. The functionaries are aware of the functions of Gram Panchayat. It is important to mention here that general public and women in particular do have very faint idea regarding functions performed by the Gram Panchayat.

The functionaries are aware of the social audit and to certain extent, the social audit is there of the works done by Panchayat. A section of the functionaries are of the opinion that some objections and questions are raised in the meeting and panchayats have taken those issues with a positive attitude. This clearly suggests that functionaries are more mature and aware of the processes of the administration, development and decision making at the Panchayat level.

Almost all the functionaries are aware of the fact that citizens are equal irrespective of caste, class and religion. The importance of Gram Pradhan as a primary mediator in settling the disputes is very important. The importance of Gram Panchayat and police is there but it is secondary and less than the importance of Gram Pradhan. The institution of police is to a certain extent more important than Gram Panchayat. This finding is contrary to the findings of Singh (2008) and Cohen where the community and religious frame is more effective in solving the matter in comparison to formal institutions like police.

Decision making ability of Panchayat is very important as majority of respondents believed this as an objective institution. Majority of the functionaries are not aware of the concept of Gram Nyayalaya, meaning thereby the adoption by the government of this institution at macro level is not disseminated to the micro domain. The concept of Lok Adalat is also not known to the majority of respondents. Though they are not aware of Gram Nyayalaya but they are optimistic about the outcome of these establishments, they consider this as an important step of the government. Majority of the functionaries are also not aware of the Right to Information Act, but they are aware of judicial structure.

Nearly all the respondents (functionaries) are aware of the term of elected Panchayat, they are also aware of the fact that some minimum numbers of meetings has to be held of Gram Panchayats but to a certain extent they are not aware of the quorum of the Panchayat. A majority of the functionaries are aware of the 'no confidence motion' but they are unaware of the process and initiation of the 'no confidence motion'.

It is very discouraging to note that majority of functionaries are not aware of the minimum age for contesting the election but they are aware of the fact that a government servant can not contest the elections of the Panchayats. The overall understanding regarding the processes and proceedings of the Panchayat is known to the functionaries. The functionaries are not very clear about the rights of the executive head of the Gram Panchayat that is Gram Pradhan. They are also not very clear about the standing committees of the Panchayat and meetings of the standing committees. Majority of the functionaries did not attend any training program.

VII. CONCLUSION

The analysis one can derive through the data available suggests that the 73rd Amendment Act is successful in bringing the subaltern group particularly women at the decision making forum that is at the three tiers of panchayati raj. But the assertion needed to realize the full participation and decision making can only be realized if the broader frame of caste, class and religion promote this. The observation made by Beena Agarwal in this context is very important: Ethnographic information, although it is extremely fragmentary, consistently indicates that women in traditionally patrilineal communities of South Asia rarely realize the rights that contemporary laws have promised them. Hence the vast majority of women do not inherit landed property as daughters, most don't do so even as widows, and few women inherit in other capacities. To the women who inherit, it is usually under very restricted conditions.[33]

The conclusion may be summarized as follows:

1. The functionaries as a respondents are more aware of the facts and reality regarding the process of democratic decentralization in comparison to the representatives of the household and women respondents.
2. The intention of Constitution 73rd Amendment Act was to provide a statutory status to gram sabha and gram panchayat. But these two bodies which are expected to work as the representative of people

are dictated by the important position of the executive head of the panchayat that is gram pradhan. This suggest to the fact that these institutions seem to be subordinate to the individual personality with respect to decision regarding developmental plan and decision making.

3. The Act provided reservation to subaltern group that is women, schedule caste/tribe and backward caste (the backward caste reservation provided by respective state governments) but taking into the reality of grassroots situation with respect to economy and other socio-cultural forces, the assertion expected is not visible.

4. The present study also brings to the front an important reality, where reservation of women makes their representation more over and above the seats reserve for them. The major beneficiary of this reservation is women from schedule caste and backward caste. And this benefit on their part is on the cost of the representation of general caste women. Meaning thereby the women as a single category is not at all assertive; this assertion is very well tied up with their caste affiliation. It seems that the identity of women is subordinated to the caste category. The intention of Constitution 73rd Amendment Act was not that as the two parallels of reservation on the basis of caste and gender work in subordination to one another.
5. But this subordination of gender to caste provides two significant dimensions: one, due to this subordination, the representation of schedule caste and backward caste increased and second, the representation of general caste category women decreased. This supports to the fact that women is not at all a single category. The left party based women's organizations collapsed caste into class, the autonomous women's group collapsed caste into sisterhood, both leaving Brahminism unchallenged. Though the movement did address issues concerning women of dalit, tribal and minority communities and has made substantial gains, a feminist politics centering around the women of the most marginalized communities could not emerge[34].

The study also raises certain question:

1. In the caste/gender dichotomy, the gender seems to be subordinate, the answer may be assigned to the fact of patrilineal affiliation, but it is also important to note that it is other legal frames which conditioned this dichotomy of gender and caste.

2. Law can not be perceived in isolation, as one law is related or associated with other law, conditioned and reinforced by the broader legal frame, that is why in order to assess the impact of one law seems to be a difficult preposition and whatever results and analysis is derived is very contextual and not holistic. Veena Agarwal's study of women's legal rights in landed property in five countries indicates the fact that prior to the 1950's, women of most south Asian communities had few and restricted inheritance rights in landed property. Noteworthy exceptions were communities practicing matrilineal and bilateral inheritance in India and Sri-Lanka. Today, legally in all five countries, most women have significantly greater inheritance rights in landed property than they did before. However, gender inequalities in laws persist and these inequalities vary across region.[35]
3. The representation and participation of women at the local democratic forum is not due to any struggle or movement on the part of women and that is why the other domains of the society do not support this representation and participation. Therefore, removing the noted legal inequalities will involve a continuing process of contestation and struggle. But if women are to play a significant role as law makers and not just a law takers, this struggle need to be increasingly conducted not only from outside the State apparatus, but also from within.[36]

Overall the study suggests that: 'The Constitutional 73rd Amendment Act has its positive impact on the different stakeholders of society'.

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