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I
n the Indian scenario, social exclusion is not a new phenomenon. History bears witness to
exclusion of social groups on the basis of caste, class, gender and religion. Most notably is
the social category of Dalits (Constitutionally categorized as Scheduled Caste). Access
to and control over economic and social opportunities have relegated them to the category of
social outsiders.

The years of marginalisation of dalits seems to have driven them to the periphery of the
political process. Though not out of conscious choice, dalits have been driven into an apolitical
frame of mind, even when they are the ones most affected by the political decisions. Beyond
the periodic exercise of their voting rights, they have hardly any other form of participation in
the political process of the country.

The 73rd and 74th Constitutional Amendments gave them long overdue place in the
decision making process by way of reservation. These amendments, in some ways, proved to
be milestones not only for Indian democracy but also for these marginalized groups. The 73rd
Constitutional Amendment Act through the provision of reservations in panchayats has given
dalits the rights to deliberate, debate and make decisions in the process of planning, policy
formulation and implementation of ‘their’ decision.

The acceptance of dalits in leadership positions did not take place as desired in the amend-
ment act. They had to face social and political boycott. At many places they were not allowed
to stand for elections even if the seats were reserved for them. The necessary support required
to implement the changes was far from adequate. On top of all that years of domination by
upper castes made it difficult for dalits to come out of their suppressed positions and take
stand.

However not all is lost as is evident from the experiences at the grassroots. Around
eight lakh dalit representatives, after getting elected, are making an effort to change things at
the lowest level of governance. The desired change can be achieved with support from various
groups concerned especially voluntary organizations. We also need to pay special attention to
the capacity building of dalit representatives for them to emerge as leaders and work for the
betterment of the society.

In order to understand the various dynamics involved in the functioning of dalit leader-
ship in panchayats in the context of reservations PRIA along with its (17 academic institu-
tions) partners undertook a study in 11 states of the country. This bulletin throws light on the
present scenario prevalent in villages as far as dalits’ participation in decision-making is
concerned through case studies and other data collected from the field. This would also
provide an agenda for civil society actions to strengthen such new leadership and sensitise
governance structures in nurturing and encouraging these new leadership.
MAINSTREAMING THE MARGINALISED

Dalit Leadership in Panchayats

Manoj Rai

The term 'dalit' was introduced in the Indian polity in nineteenth century. It meant the oppressed and the downtrodden in society. Dalits did not belong to any one religion; they were Hindus, Christians, Sikhs and Muslims. Economically they were without assets. They were not given the right to education in the distant past. They were and continue to be confined to roles as agricultural labourers and marginalised farmers, or in small business or cottage industries. Suffering of Dalit woman is two fold: she has her own share of universal suffering as a woman and additionally; she is victim of social, religious, economic and cultural exploitation. Her experience of patriarchal domination is qualitatively no less evere than that of non-dalit women and opportunities and avenues available to her for voicing her grievances and agonies are very few.

After Independence women and dalits were given a place in the State's agenda. The first major attempt was the inclusion of the right to equality in various Articles of the Constitution of India. But, this was only on paper. The years of marginalisation of women and dalits in particular, seems to have driven them to the periphery of the political process. Beyond the periodic exercise of their voting rights, they have limited participation in the electoral and political process.
in our country. Though not out of conscious choice, dalits have been driven into an apolitical frame of mind, even when they are the most affected by the political decisions. It can be said that this under-representation in the political process is one of the major reasons for the backwardness of dalits and women. Prior to the 73rd Constitutional Amendment, most states provided for reservation for women, scheduled caste and scheduled tribes in the councils.

Even though the representation of dalits in the councils increased, very few were in leadership slots. Dalits became members at the behest of influential village people. Positions of power at all levels still rested mostly with the upper or middle castes. Affirmative action through the 73rd Amendment, however, provided an opportunity for dalits to come out of the shadow of traditional rural cloisters.

Present Opportunities

The 73rd Constitutional Amendment and consequent state acts guarantee reservations so as to lead to the empowerment of women and dalits through entry in grassroots leadership. By enabling these marginalised groups to use this democratic space, it aims to transform the existing oppressive social structures, policies and programmes. The reasons for providing representation are based on several assumptions. These include:

- Shared perception of injustice, deprivation and oppression;
- Shared experience of marginalisation vis-à-vis the power structure;
- Collective empowerment through representation and democratic process will give them voice, feeling of solidarity and democratise politics;
- With regular elections and constitutionally mandated panchayats, the power concentration will change and issue-oriented groupings or interest groups will emerge; and

- Affirmative action will build a critical mass of local leadership from such groups, who will be active participants in the strategic decision-making process.

Article 243(D) makes provision for the reservation of scheduled caste and scheduled tribes (SCs/STs) in every panchayat in proportion to their population in that area. Such seats are to be filled by direct elections and shall be allotted by rotation to different constituencies. Not less than one-third of the total number of seats so reserved shall be for women belonging to SCs and STs. Besides, not less than one-third of the total number of seats (including those reserved for SC/ST women) to be filled by direct election, shall be reserved for women and allotted by rotation. The offices of the chairpersons in the panchayats at the village or any other level shall be reserved for SC/ST categories and women in such a manner as the state legislature may provide by law.

The Constitutional Amendment Act has, through the provision for reservations in panchayats, given dalits the rights to deliberate, debate and make decisions in the process of planning, policy formulation and governance. It has provided an opportunity to tap the creativity and ability of these groups. The 73rd Amendment can be seen as an instrument to facilitate the empowerment of dalits to represent their interest in the hope that this could transform politics dominated by upper castes. Reservations would help dalits to take their rightful place with the upper castes as human beings, as citizens, as equals. This understanding is absolutely essential to the fulfilment of the purpose of 73rd Amendment. Hence, reservation is not an end in itself, but a means to an end — that of empowerment of the weaker sections, particularly of women and dalits.
Dalits in Panchayats: Major Enabling and Inhibiting Factors

An understanding of the prospects, constraints and the support structures of dalits as they grapple to fit into political roles would involve examining issues that these groups are faced with on a day-to-day basis. It would provide a benchmark for future analysis as well as initiatives.

Enabling factors here would be those that do not cause any impediments to the functioning of dalits in their newfound roles as political leaders. These are deemed as factors that help these marginalised groups to function effectively and enable them to carry out responsibilities required from their post. Against this, inhibiting factors are seen largely within the socio-cultural environment and the structure of the Panchayati Raj system itself.

Though reservations were perceived as a form of redistributive justice, in practice most dalits faced constraints on account of traditional power structures and their lack of access to knowledge and information. When the 73rd Amendment came into being, a lot of men from higher caste saw their rule ending within panchayats. When dalits got elected, they were expected to act like puppets. They had to face many structural and institutional constraints. The lack of adequate information about their roles and responsibilities inhibited these panchayat leaders from functioning effectively. Used to interaction based on well-defined caste hierarchy, local government officials at the block level still feel uncomfortable in dealing with the members from the lower castes. In the case of SC/ST members, the prejudices of majority of officials are discernible.

Initiatives Ahead

Effective or ineffective dalit leadership is not the result of any one factor but a combination of factors cutting across socio-economic conditions, culture, gender, caste and class. Hence, with all the constraints and hindrances, building of competencies and capacities through the process of political education for both women and men is seen as a must for democratic deepening, development of critical consciousness, and the recovery and development of people’s knowledge. With this model, it is not only a recognition of the importance of political learning in the process of social change, but also affirmation that such learning begins with the reflection by the people upon their own experiences. Participatory training, awareness programmes related to panchayats, distribution of simplified information are some of the strategies adopted by both governmental agencies and non-governmental organisations.

If empowerment through political education is a process, then the elected dalit representatives of panchayats represent the start of the process. These qualities of grassroots leadership are becoming well known, especially as they continue to emerge from collective struggles. But sustaining this transformation is a significant challenge given the inertia and resistance of patriarchal and caste institution and values. It is a challenge that is worth taking up for the betterment of a system that is determined to bring about grassroots democracy in India.


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DALIT LEADERSHIP IN PANCHAYATS

Since the enactment of 73rd Constitutional Amendment, PRIA and its network of partners have been working for strengthening Panchayati Raj Institutions. These institutions are viewed not just implementing agencies of development programmes but as institutions of local self-governance. One of the important activities of PRIA and its partners include enhancing active participation of dalits, adivasis and women in the process of decision-making, which is possible through their active involvement in grass root governance.

For exploring some of the crucial issues involved in dalit leadership, along with its partners (Unnati in Rajasthan and Sahabha Shikshan Kendra in Uttar Pradesh) embarked on a pilot study, which was undertaken in Eastern Uttar Pradesh and Western Rajasthan. One of the common findings of both studies was that even today dalit leaders at Panchayat level have not been able to function independently and in general the upper castes still hold decision making powers. The atrocities on dalit and untouchability in various forms still continue. In spite of these conditions, the study has brought out some of the positive cases where dalit leaders have emerged as efficient representatives.

Objective

The broad objective of the study was to understand the various dynamics involved in the exercise/functioning of dalit leadership in panchayats in the context of reservations for marginalized communities as mandated by the 73rd
Constitutional Amendment Act, how far the leadership was able to respond to the needs of their communities and what more action need to be taken for better functioning of dalit leadership in panchayats.

Key Issues

1. The role of reservation in crossing Caste-Barrers
   - Changing pattern of leadership in Gram Panchayat with focus on:
     a) Contextual conceptualization of 'Dalit'
     b) Tracing the history of Dalit leadership
     c) What is perception of people about change in leadership and functioning of Dalit leaders when compared to past leadership
     d) How Dalit leaders place themselves compared to previous leaders or to their own previous term.
2. Hindering and promoting factors in functioning of a Dalit leader
   - Identification of indicators which have helped dalits to enter in Panchayats.
   - Analyzing the profile of dalit leaders to understand which socio/economic class is participating in democratic process. (Who is getting the benefit of reservation?)
   - Identification of indicators which act as support/obstacle in the functioning of dalit leaders.
   - Dependency of dalits on non-dalits for their livelihood and how far it is affecting the functioning of dalit leaders. (Are dalit leaders acting as proxy candidates? What are the reasons behind it?)
   - How far interests, needs and aspirations of dalit community are addressed by their representatives?

- Dalit community is itself divided into various sub groups (based on sub caste, religion, occupation, political ideologies, economic class and needs) and is this division affecting their functioning of representatives in Panchayats?
- The interrelationship between various representatives like
  1. Relationship between Gram Panchayat Sarpanch and representatives at other levels (Panchayat Samiti and Zila Parishad)
  2. Dalit Sarpanch and ward members (both dalit and non dalit)
  3. Dalit ward panch and non dalit sarpanch.
- How these relationship is affecting community/ Gram Sabha members and their development needs (both dalit and non dalit community)
- Relationship of dalit leaders with government officials and how the relationship affects the functioning of representatives?

3. What needs to be done?
   - What can be done to overcome the constraints posed before dalit representatives (taking the viewpoint of sarpanch, GP members and Gram Sabha members)
   - Is providing reservation enough or some rigorous efforts are needed from government?
   - What is the role played by civil society organisations in empowering dalit community?
   - How can Civil society help in promotion of dalit leadership?

After the pilot study PRIA, through academic institutions, conducted the study on the same lines in 11 states of the country namely Uttar Pradesh, Madhya Pradesh, Maharashtra, West Bengal,
Karnataka, Tamil Nadu, Andhra Pradesh, Gujarat, Chhattisgarh, Himachal Pradesh and Haryana.

PRIA and its network of partners facilitated the study by providing support in terms of identifying field locations, field support and sharing field realities. An exposure trip for all the prospective partner institutions was also undertaken at two places. Jodhpur (Rajasthan) and Nanded (Maharashtra) were chosen because not only concentration of dalits is very high in these areas but also two partners of PRIA have been associated with the issue of dalits' empowerment for a very long time. The exposure visit enabled the academia to share experiences, interact with dalit panchayat leaders, with civil society organisations working for the empowerment of dalits, with government officials and the villagers which further facilitated identification of issues arising from the field visit.

For the purpose of study, atleast one district from each state was chosen. Within the district, the block panchayat having the highest proportion of dalits was chosen and within the block, six dalit headed and six non-dalit headed gram panchayats were taken. Further within these gram panchayats, half the gram panchayats were headed by women dalit representatives and half were headed by non-dalit women representatives.

In this issue, we will highlight the important findings of some of the studies undertaken in Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh, Maharashtra and Tamil Nadu. The present scenario prevalent in villages, as far as dalits' participation is concerned, has been highlighted through case studies and analyzing other data collected from the field.

Ms. Priti Sharma is a member of National Programme on strengthening Panchayati Raj Institutions in India.
The 73rd Constitutional Amendment Act enacted on 24th of April 1993 provided an opportunity for involving Dalits in mainstream political, social and economic decision-making process. Article 243 D of the Constitution provides for reservation of Scheduled Castes (SC) and Scheduled Tribes (ST) in all tiers and levels of Panchayat in proportion to their population in that area. At least one-third of the seats reserved shall be for women belonging to SC/ST community. Following the provisions of 73rd Constitutional Amendment, the state governments amended their state Panchayati Raj Act and made provisions for reservation of seats for Dalits.

As a result of implementation of Constitutional provisions, a significant proportion of Dalits entered the Panchayat system. How are the Constitutional and legal opportunities getting translated on the ground and have they created an impact over social structure in general and Dalits in particular? Definitely reservation of seats has helped Dalits in entering the mainstream democratic process but the issue here is how these leaders from marginalised community will function effectively during their five-year term in Panchayats? What are the factors which support/hinder Dalit leadership in Panchayats?

Since the enactment of 73rd Constitutional Amendment various organisations have been working for strengthening Panchayati Raj Institutions. These institutions are viewed not just implementing agencies of development programmes but as institutions of local self-governance. One of the their important activities include enhancing active participation of Dalits and women in the process of decision-making, which is
possible through their active involvement in grass root governance. One of the common findings of these Organizations is that, even today Dalit leaders at Panchayat level have not been able to function independently and in general the upper castes still hold decision making powers. The atrocities on Dalit and untouchability in various forms still continue. In spite of these conditions, the study has brought out some of the positive cases where Dalit leaders have emerged as efficient representatives.

The Study

The broad objective of the study firstly is to show that reservation policy is a means to give social justice to the oppressed sections of the society. Secondly, to understand the various dynamics involved in the exercise of functioning of Dalit leadership in Panchayats in the context of reservations for marginalised communities, how far the leadership was able to respond to the needs of their communities and what more action need be taken for better functioning of Dalit leadership in Panchayats.

The study was conducted in Tuljapur Panchayat Samiti of Osmanabad district. An equal sample of six dalit headed and six non-dalit headed gram panchayats were taken as sample size keeping in mind the gender component within the composition of elected members. Within the selected gram panchayats, half the gram panchayats are headed by dalit women and the other half are headed by non-dalit elected women members respectively. Besides, there have been elected members from the Gram Panchayats, where the caste and gender balance has been maintained.

Profile of the Sarpanches

One third of the sarpanches are in the younger age group of which three are in the leadership role. Of all, six sarpanchs belonged to SC category; two sarpanchs from NT and four sarpanchs are from the general category.

As regards landholdings, 60 per cent of the sarpanchs own land whereas rest of them are landless (three of them are dalits). The landholdings range from 5 to 50 acres. In case of landed sarpanchs, land is tilled by the families as well as on the basis of sharecropping. The sarpanchs who stay in a nuclear family own their land, whereas, for the other male sarpanchs, either father or self own the land. In case of women sarpanchs, the land ownership rests with a male family member.

Performance of the Male/Female Sarpanch

As regards perceptions about change in leadership and functioning of dalit leaders when compared to past leadership, there are some positive responses. There is not a single male or female dalit sarpanch whose performance is considered bad or very bad. In most of the cases, the performance of most of the dalit sarpanchs is found to be satisfactory.

On rotation system and positive results of dalits in leadership role

Both dalit and non-dalit sarpanchs have positive views regarding change in the leadership based on rotation system. The responses are that this type of change is necessary, as everybody gets an opportunity. Some sarpanchs feel in a positive way that some good decisions are made by the dalit sarpanchs provided right kind of environment had been created. There are varied responses such as the problems related to dalits and poor are discussed and resolved and that speedy and overall development of the village has taken place because of the dalit sarpanchs. However, a few of them opine that illiteracy is a major hindrance for any sarpanch, whether dalit or non-dalit, while other consider lack of authoritative and dominating attitude among dalit sarpanchs a negative factor.
Experiences gained and conducive factors to enter panchayats

Most of the dalit respondents do not feel uncomfortable to sit in the meetings in the presence of so many members, and accept a wider role and interest in the community problems. A couple of sarpanchs feel that having become to the leaders, they are able to speak, while they also have a responsibility to engage in community service. Social contacts have also been widened for a very small number of sarpanchs. As regards the necessary conditions other than reservation for effective functioning of leadership role, knowledge of the administration is necessary for almost all the sarpanchs. They feel that the support from the administrative machinery is equally necessary.

Reasons for contesting, political affiliation and political support

About half of the sarpanchs, who were interviewed, have contested the elections out of their own interest while rest of them were persuaded by the family members. The influence of political parties was very negligible. A good number from among the selected sarpanchs have been in the political process earlier as well. These responses certainly extend positive indications of the increasing interest of the dalit community in the PRIs.

Meetings of the panchayats and attendance

In the 12 villages, under the study, gram panchayat and gram sabha meetings are held and all the 12 sarpanchs attend the meetings, while subject committee meets only in one village. As regards the perception as to who convenes the meetings, eight sarpanchs feel it is Gram Sevak, while five sarpanchs know it is their responsibility and one is of the opinion that members call it. Women representatives hardly attend panchayat meetings.

Supporting factors

The respondents strongly feel that reservation is the only factor that has helped dalits to enter in panchayats. Out of six dalit sarpanchs, four said that reservation is still one of the most important supporting factors. Financial support to dalits in terms of flow of funds and honorarium could be an important factor in performing the leadership role. One of the major obstacles for them, however, remains to be the indirect harassment by the upper caste people. For example upper caste members try to influence the decisions by putting pressure on dalit sarpanchs. Their rapport with government officials and other functionaries is very good even if they are not occupying the highest posts in Panchayats but at times the decisions are taken to suit to persons of upper castes.

The sarpanchs have been provided training by both, NGOs as well as government. The training was related to processes of the PRIs. All the sarpanchs who were trained said that the information provided in the training was sufficient. Though on further probing, they stated that their understanding is still very limited. This could be due to limited understanding of the trainees as well as half-hearted attempts on the part of trainers, especially government officials, who impart training in a very mechanical way.

Dependency of dalits

Economic dependency of dalits on non-dalits for sustainability and livelihood arising out of landless situation appears to be real threat in the rural set up. The representatives who were landless labourers did not voice their opinion on the issue if the person who gave them work influenced them in decision-making or other works of panchayat. A sense of insecurity was observed among these respondents because they feared if this information is leaked, they
could lose their source of livelihood. Availability of easy loans from non-dalits to the dalits on extremely exploitative terms was another indicator of the dependency of the latter on the former in rural set up.

Decision making in the gram panchayat/sabha

One-fourth of the respondents felt that the sarpanchs take decision in the gram panchayat/sabha meetings while nine respondents feel that members of gram panchayat/sabha take the decision. One respondent was of the opinion that it is the village secretary who takes all the decisions.

Division among dalits on various lines

The dalit community is divided for various reasons. Sub-casteism among them is a very prominent reason. This division among them is further reflected in terms of their political affiliations also. However, a majority of the sarpanchs feel that even if the dalits are divided into various sub-castes, it does not affect the functioning at the village level.

Relationship of the sarpanchs with other representatives and community

It is essential for a sarpanch to maintain relationship with representatives at various levels of PRIs as well as with the village community. During the study, it was found out that dalit sarpanchs generally have good working as well as personal relationship with the Zilla Parishad and Panchayat Samiti Chairpersons and members. So is the case with non-dalit sarpanchs. While most of the dalit sarpanchs share good relationship with the elected representatives, their personal relationship with non-dalit members remain neutral.

Views for strengthening dalits’ role in PRIs

According to the dalits resolving issues related to their economic situation and spread of education and literacy among dalits should be given topmost priority followed by issues such as capacity building and personality development for them and honorarium for sarpanchs. Effective implementation of the government schemes and unity amongst dalits is the third priority. Among the non-dalit sarpanchs, the priorities are different. While they give top priority to education and honorarium, issues such as resolving economic problems, implementation of government schemes and unity amongst dalits come second.

Conclusion

While concluding it is important to highlight that reservation has been instrumental in eradicating backwardness and brought socially marginalized from the periphery to the core of decision making for development work. Reservation has also eliminated purposefully created dependency syndrome among dalits thus instilling confidence in them, although the process is gradual. Reservation could bring dalit people directly in the political process. The dalit community now looks upon these elected leaders to solve certain specific issues of dalits.

Reservation has, in a way, also contributed to the economic betterment of dalits due to better access to schemes and implementation of the programmes and provided them with opportunities in the decision making process. There are certain positive changes evident in the policies of the political parties towards dalits. It is hoped that since reservation has brought in quantitative representation, mandatory training and capacity building programmes for dalits would also ensure qualitative representation.

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The 73rd Constitutional Amendment entered the elements of participation, decentralization and open democracy in Indian politics. The Amendment has made Panchayats constitutional entities by giving them legal, administrative and implementation powers as also the status of 3rd tier government. Provision of reservation for scheduled castes, scheduled tribes and women has been made for all seats including that of the main office holders. The women and backward classes have acquired the opportunity to participate in governance and make decisions about development activities owing to reservations. This has increased the possibilities of the establishment of social justice and dissemination of the benefits of economic development to the weaker sections. So it was expected that 73rd Constitutional Amendment would be an instrument to establish the leadership of women and other socially backward classes in Panchayats.

In spite of all these efforts, weaker sections of the society have remained underprivileged in terms of social justice and economic development. The dalits are worse off and have been thrown on the sidelines owing to social discrimination and atrocities against them. Socially, Gujarat lags behind its status of an economically developed state. In terms of
dalit population, Gujarat ranks 14th but in terms of atrocities on Dalits, it stands 3rd in India.

Constitutional Amendment Vs Reality

No doubt 73rd constitutional amendment has created a space for the weaker sections of society to participate in the process of their development through institution of self-governance. Actual practice reveals the dichotomy between leadership and participation. There are several examples to prove that the leadership of Dalits has remained stunted in local self-governance. Whenever they have asserted their role, they have been thrown out from the panchayats by no-confidence motion. In case they do not want to face no-confidence motion they are forced to work as dummies of upper caste representatives.

This paper throws light on some of such cases from one of most industrialized state of the country, Gujarat, where, like any other place in the country, dalits are still forced to act as puppets in the hands of the powerful castes.

The experience of Bhavangar panchayat of Idar Taluka in Sabarkantha district is one such case. In this particular panchayat, prior to the 73rd Amendment, people belonging to upper castes only were elected as sarpanchs but after the new constitutional provision, the seat was reserved for a dalit. Members from the upper caste communities invited a dalit to become the sarpanch but on one condition that he would act on the advise of upper castes and not only that but he was also asked to never sit on the sarpanch’s chair and not take tea in the same cups as used by the upper castes in panchayat. He was elected as the sarpanch only after agreeing to the suggestions of the upper castes. The “upsarpanch”, as usual, belonged to the upper caste which meant that the actual power remained with the upper castes. The role of the dalit sarpanch remained limited to signing the bills and other papers of the panchayat as per the instructions of upsarpanch. Though the sarpanch understood the injustice, he could not gather enough courage to protest. He was left with no choice but to act as a dummy of upper castes.

The example of Bhavangar is not unique. The case of Savitaben is slightly different but conveys the same problems faced by elected representatives belonging to lower castes. She was elected as the Sarpanch of Saddha Gram Panchayat of Himmatnagar Taluka of Sabarkantha district in 1995. She was a hard worker who gave a new quality of life to the villagers. After being elected, she took up lot of development activities like construction of roads, water pipeline and tank and community hall etc. Apart from creating the public facilities, she helped the handicapped and other needy families to access benefits from various government schemes.

Her activities made her popular among the villagers but other panchayat members, especially those from the upper castes accused her of misusing her powers and started to humiliate Savitaben. They also alleged that she was using the Atrocity Act to harass people. The members of the Panchayat managed to arrange a majority vote, and passed a no-confidence motion against her. The whole village was on her side but the Panchayat members used their majority to oust Savitaben from the office.

Savitaben was not one to accept defeat and sit at home. She decided to fight against the injustice that had been meted out to her and contested the Sarpanch election once again, despite threats from Panchayat members. Savitaben, who had been removed from her post by a no-confidence motion, was re-elected by a thumping majority proving her immense popularity. But this was not the end of her ordeal. After six months once again the Panchayat members suspended her on the grounds of incompetence.
The case of Savitaben proved that Constitutional Amendment was not enough to legitimize the leadership of Dalits. Although, the way she struggled to fight back is enough to prove her leadership qualities.

Social Justice committee (SJC) is mandatory at all tiers of Panchayat according to the Gujarat Panchayat Act. The purpose of this committee is to protect the interest of weaker sections of the society as well as eradicate discrimination. The members of this committee would be dalits, Adivasi and women. The committee is authorized to deal with any social injustice at the panchayat level. Report of any discrimination in the panchayat by this committee could stop the grants of the panchayats. Although this committee has been in existence in the Gujarat Panchayati Raj Act since the last 28 years but the issue of discrimination still prevails in many panchayats.

Mangehabhai Chamar, Chairperson of Social Justice Committee of Gadha panchayat in Modasa Taluka faces discrimination in his own panchayat. His teacup is kept separately and arrangements for snacks for him are also made separately. Though, as the Chairperson of the SJC, he has the authority to deal with the issue of discrimination but he himself faces this discrimination because he has to continue living in the same social milieu. He is of the opinion that if he uses the constitutional power bestowed upon him because of his position he will run into trouble. When such things happen with a person who has the authority to deal with the issue then it is a mere dream for a common person to escape from this.

Many a times, the dalit heads of the panchayats have to face discrimination in the hands of officials from the upper castes. As was the case of Somabhai Ravabhai Chamar who was elected as a Sarpanch of Kankrol Panchayat, Himmatnagar Taluka of Sabarkantha District in the year 1995. As a Sarpanch, he implemented series of development works for his Panchayat. But the upper cast people never accepted him as their Sarpanch. In his Panchayat, the Talati (Village Secretary) who was from a higher caste, continuously harassed Somabhai. Most of the time, the Talati deliberately did not provide important information to him. Ultimately, Somabhai raised this issue with higher authorities and succeeded in getting transfer orders for the Talati. But the Talati got the orders cancelled by using his influence. After this incident, the Talati started motivating other upper caste representatives of the Panchayat against Somabhai. He played an important role in throwing the sarpanch out of power with help of no-confidence motion. After the no-confidence motion the Panchayat members called another meeting and passed a resolution against Somabhai, expelling him from the village on the allegation of poisoning the village water tank. When this came to the notice of the District Development Officer (DDO), Sabarkantha, he immediately got the resolution cancelled and reinstated the sarpanch.

The above-mentioned examples are just a few which prove that the present constitutional provision is not enough to establish dalit leadership in the local self-governance. No doubt the constitutional amendment has given a scope to take an active role in the process of local self-governance but because of the loopholes in the present act they are not able to assert themselves properly.

Though they have the ability to become leaders but some time they are bound to act as puppets in the hands of upper caste representatives for social and economic reasons. It is not as if leaders from lower castes are not politically aware but this awareness but their leadership is always threatened due to the strong hold of caste-ism, which is also the major obstacle in their way of progress. Therefore, it becomes imperative to come out of it; otherwise no constitutional amendment can give justice to dalits.
Future Strategy

To protect the interests of the dalits and to promote effective leadership of dalits in local self-governance following steps need to be taken on an urgent basis:

• Revision in the Gujarat Panchayat Act to remove the loopholes which obstruct the smooth functioning of the members from the marginalized groups.

• A federation of dalit sarpanches can be formed to support the dalit leaders facing discrimination in their respective panchayats. The federation can be formed at block or district level.

• The members of the Scheduled Castes are not happy about the current functioning of the Panchayati Raj. According to one study, dalits face discrimination in as much as 90% of the total panchayats. Some of the Panchayats have done a wonderful job for dalit in south and central Gujarat but in rest of the districts dalit have been facing discrimination on some or the other account. In some areas they don’t even have the permission to fetch the water from the common well. To overcome this problem, social activists, media, academicians and NGOs can play an active role by sensitizing both communities on the issue of discrimination and other issues concerning dalits.

• It is mandatory to form Social Justice Committees (SJC) at all the tiers of the panchayat according to the state PR Act. But SJC have failed to achieve its objectives due to several reasons. The most important reasons for ineffectiveness of SJC is the dominance of upper caste in the functioning of panchayats. In some of the panchayats this committee has been formed only on paper. To start with the Social Justice Committees should be given more financial autonomy and power to deal with any kind of injustice meted out to the marginalized sections of the society. All the schemes which are meant for socially deprived sections should be implemented through Social Justice Committees.

• Like financial audit, social audit in every year should be made compulsory for all the gram panchayats

• Some proportion of the panchayats’ budget should be earmarked for the welfare of the socially backward classes. If panchayats failed to implement this, then concerning departments should have the authority to suspend the panchayats.

• Annual report regarding atrocity on dalit sarpanch and panchayats members should be prepared by ministry of Social Justice, Gujarat and placed before the legislative council. This will help to solve the problem of dalits and establish their leadership in panchayats, by the interference of the government.

The real purpose of the local self-governance is to create an equitable society where everybody can access the local resources and the marginalized groups can also participate in the decision making process on an equal basis. This can only be achieved when everyone finds his or her right place in the panchayat system.

Mr. Tapas Sarpathy is associated with a Gujarat based NGO, Unnati-Organisation for Development Education.
The leadership in rural India, traditionally, has been closely tied with the land owning castes that were regarded as the community elders and representatives of the village community. Though the dalits comprise about one fourth of the Indian population, traditionally they have been denied an adequate political space and a place in the decision making process. Despite various measures, the inequities in terms of control and access to social and economic opportunities continued leading to sporadic incidents of dalit assertion and movements.

Measures against untouchability, and extension of democratic rights to dalits to help them come out of their age-old subordination to dominant castes did not deliver much due to the complex interaction of the social and cultural realities and the vested interests of dominant castes entrenched into local rural realities. The situation of women is also not different from these groups in terms of subordination and subjugation to men in patriarchal family context.

It is in this context that the Constitution (Seventy third amendment) Act, 1992 which came into force on 24th April 1993 provided an opportunity to dalits and women to participate in the political and social decision making process. According to Article 243 D of the Constitution, the SC/STs are provided reservation in Panchayat in pro-
portion to their population in that area. Similarly, one third of the seats are reserved for women belonging to SC/ST community. As a result, as of now, nearly 8 lakh women and 6 lakh of Scheduled Castes/Tribes were elected to different levels of Panchayat Raj institutions in the country (PRIA, 2001). The amendment has been acclaimed as having opened up a new 'legitimate space' where the marginalized groups of people can have a say in the decision making; a 'space' for them to say what they think is 'good' in their interest (Medha, 2001:4703). Here, reservations are not viewed as an end in itself but as a means to an end—that is empowerment of the weaker sections, particularly of dalits and women.

The major purpose of the study was to understand, in a comparative perspective, the various dynamics involved in the functioning of dalit and women leaders in Panchayat Raj in the context of reservations provided to these categories under 73rd Constitution Amendment Act, 1992. The study also aimed at exploring the functioning of the Gram Panchayat and gram sabha institutions. The study was sponsored by PRIA, New Delhi for exploring some of these crucial issues involved in dalit and women leadership.

Profile of respondents

The total sample is 125 respondents comprising of 9 Sarpanches, 48 ward members, and 68 villagers. Besides, 5 officials (one MDO and 4 village secretaries) were interviewed whose responses were also taken into consideration while analysing the data. Among the sarpanches, there are 3 SCs, 4 BCs and 2 Other Castes' (OC) respondents.

As regards educational background, more than half of the Sarpanches and ward members are illiterate. One Sarpanch who is an OC studied Bachelor of Law. However, about 70% of the illiterate respondents reported that they could sign. The educational levels of the rest of the ward members including those of villagers are more varied. There were graduates and some have professional degrees. Occupation wise, 4 sarpanches reported themselves as cultivators, 2 as agricultural labourers as they are landless, and all the 3 women as housewives. Among ward members and villagers, nearly half reported themselves as cultivators followed by those who are agricultural labourers.

As regards landholding, a majority of the respondents including sarpanches reported possessing land between one to five acres. The two dalit Sarpanches are landless and two O.C Sarpanches reported having 40 and 60 acres land. Quite a few of the ward members and villagers reported extents of land ranging between 20-70 acres which in most of the cases, may be suppressed figures. A few are salaried and did not possess any land.

Previous political experience

Of the nine Sarpanches, two dalit Sarpanches (Krishnapuram and Kovvada), the B.C women Sarpanch of Reddipalli and the O.C woman Sarpanch of Pandrangi - did not have previous political experience. The rest, either had previous political experience or one of the members in the family were in politics.

A majority of the ward members also did not have previous political experience. Of the 30 ward members who reported no previous political experience, more than half of them are women. Thus, more men among ward members reported having individual political experience.

Entry into politics: difficulties and facilitative attributes

The Sarpanches and ward members were questioned on this aspect. For the dalit sarpanches, entry into politics was not their choice. Since the Gram Panchayat seat was reserved, they were chosen or asked to contest for the position. They did not men-
tion any mentor for their political career, either. Neither their proxies can be treated as their mentors since they viewed the dalit women leaders as a functional arrangement to continue hold over the Gram Panchayat till the end of the term.

The dalit panchayat leaders mentioned a number of difficulties at the time of entering politics itself. The difficulties mentioned by them are:
- Money
- Threats from dominant caste
- Apprehension regarding ability to perform
- Apprehension regarding social support
- Fear of being deceived
- Lack of education
- Lack of knowledge about the system
- Lack of outside exposure
- Caste inhibitions
- Physical mobility

Facilitative Attributes for choosing a dalit candidate by the Proxy. The next question was what kind of dalit leaders were chosen by the proxies? When the proxies chose the dalit leaders for contest to the reserved position, they looked for attributes that facilitate elected members' loyalty to them. The following are some of the attributes that they looked for while choosing a dalit candidate for the position of Sarpanch. They are:
- Illiterate
- Acceptable to their community
- Preferably a person who has been working on their farm as a servant
- Loyal
- Economically dependent
- Sub-castes (for example Relli)

Among the dalit candidates, the sub-caste differences were also taken into account. As the word goes, for example, candidates belonging to Relli sub caste among dalits were seen as more docile and loyal compared to other groups such as Mala or Madiga. It may be mentioned here that Relli is the dominant caste group of this region and most of whom work in the mango groves of people belonging to the dominant castes in the villages of the mandal.

Current Difficulties faced by dalit leaders
- Illiteracy
- Ignorance about roles, rules and procedures
- No role in the decision making
- Obstructions by dominant caste
- Lack of information about meetings
- Ignorance about funds, programmes
- Difficulty in meeting contingent expenses
- Agriculture related work

Role of reservation

The next question asked was about the role of reservation in promoting dalits' leadership in Gram Panchayats. Besides, Sarpanches and ward members, the other stakeholders such as villagers and officials were consulted on this aspect. The responses were both in the affirmative and negative. There were also subtle variations in these responses about the role of reservation.

Did reservation promote leadership among dalits?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provided a political space</td>
<td>They can not take leadership roles</td>
</tr>
<tr>
<td>Provided opportunities for leadership</td>
<td>Lack of competence</td>
</tr>
<tr>
<td>Gave them a voice</td>
<td>Dummies have increased</td>
</tr>
<tr>
<td>Gave them social recognition</td>
<td>Reservation is for a limited period</td>
</tr>
<tr>
<td>Their community needs are given focus</td>
<td>Political reservations are useless</td>
</tr>
<tr>
<td>Facilitated information flow</td>
<td>Resulted in exploitation of dalits</td>
</tr>
</tbody>
</table>

As can be seen, while the affirmative responses focused on how reservation provided political space, opportunities and recognition for dalits, the negative responses clustered around their lack of competence and the likelihood of their exploitation by the dominant caste groups.
How do dalit leaders function?

Answers to this question reflect the perceptions of not only sarpanches and ward members but also that of villagers and officials. The hindering and facilitating factors for the effective functioning of dalit leaders can be either individual-specific or external to the leaders.

Disabling and enabling factors relating to the functioning of Dalit Panchayat leaders

**Individual-specific**

<table>
<thead>
<tr>
<th><strong>Disabling</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>■ Illiteracy</td>
</tr>
<tr>
<td>■ Economic dependency (lack of economic independence)</td>
</tr>
<tr>
<td>■ Ignorance about duties / roles panchayat Raj Act / schemes</td>
</tr>
<tr>
<td>■ Lack of finances</td>
</tr>
<tr>
<td>■ Lack of interest</td>
</tr>
<tr>
<td>■ Lack of confidence</td>
</tr>
<tr>
<td>■ Lack of information</td>
</tr>
<tr>
<td>■ Lack of competence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Enabling</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>■ Minimum educational qualification (10th Class)</td>
</tr>
<tr>
<td>■ Provide independent sources of income</td>
</tr>
<tr>
<td>■ Understanding about Panchayat Raj/roles/duties</td>
</tr>
<tr>
<td>■ Previous political experience</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Environment-specific</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>■ Caste prejudice</td>
</tr>
<tr>
<td>■ Lack of exposure</td>
</tr>
<tr>
<td>■ Fear of conflict</td>
</tr>
<tr>
<td>■ Obligation to dominant caste</td>
</tr>
<tr>
<td>■ Biased attitude of the officials</td>
</tr>
<tr>
<td>■ Mis-guidance by officials</td>
</tr>
<tr>
<td>■ Community support</td>
</tr>
<tr>
<td>■ Elections free of money and arrack</td>
</tr>
<tr>
<td>■ Co-operation from other stakeholders</td>
</tr>
<tr>
<td>■ Strict implementation of rules and procedures</td>
</tr>
</tbody>
</table>

As can be seen, illiteracy, economic dependence, ignorance about roles and functions and lack of money figured as the important factors hindering the effective functioning of dalit leaders.

There was a strong feeling that a minimum educational qualification (at least 10th class) must be insisted upon, in addition to economic independence of candidates through provision of independent sources of income. Previous political experience and understanding about the roles and procedures are also seen as added advantages.

The next question explored was about the nature of the relationship of the Vice President with the Sarpanches. The Vice-Presidents appear to be playing a destabilizing role in the Gram Panchayat politics. However, where the proxies or sarpanches are strong, the Vice Presidents seems to play no role.
What Can Be Done?

Functioning of dalit panchayat leaders

An effort was made to identify the factors hindering the functioning of the dalit leaders and the possible interventions that could be taken up to improve their functioning. An attempt was also made to identify the actors who can play a role in this task.

Functioning of dalit leaders

<table>
<thead>
<tr>
<th>Disabling factor</th>
<th>What can be done?</th>
<th>Who can do?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illiteracy</td>
<td>■ Insistence on a minimum education level</td>
<td>Dalit</td>
</tr>
<tr>
<td>Economic dependency</td>
<td>■ Non-formal education</td>
<td>Government</td>
</tr>
<tr>
<td>Lack of understanding duties/roles/</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panchayati Raj act / programmes</td>
<td>Provision of independent sources of income</td>
<td>NGOs/Government</td>
</tr>
<tr>
<td></td>
<td>Capacity building programmes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NGOs/CSOs</td>
<td></td>
</tr>
<tr>
<td>Caste/gender prejudice</td>
<td>■ Awareness among dalits about their rights</td>
<td>NGOs/CSOs/Government</td>
</tr>
<tr>
<td></td>
<td>■ Sensitizing the community about rights of dalits</td>
<td></td>
</tr>
<tr>
<td></td>
<td>■ Implementation of laws pertaining to dalits</td>
<td></td>
</tr>
<tr>
<td>Fear of conflict</td>
<td>■ Support from CSOs / CBOs /media</td>
<td>NGOs/CSOs/Government</td>
</tr>
<tr>
<td>Lack of political experience</td>
<td>■ Networking among dalit leaders</td>
<td>Government</td>
</tr>
<tr>
<td></td>
<td>Two continuous terms to the reserved category in a constituency</td>
<td></td>
</tr>
<tr>
<td>Official apathy</td>
<td>Sensitization of officials about problems of dalit leaders</td>
<td>NGOs/CSOs/Government</td>
</tr>
<tr>
<td>Cultural inhibitions</td>
<td>Dissemination of success stories / rights awareness</td>
<td>Government/NGOs</td>
</tr>
<tr>
<td>Lack of exposure</td>
<td>■ Training programmes by Government for Sarpanches</td>
<td>NGOs/Government</td>
</tr>
<tr>
<td></td>
<td>■ Providing information about programmes/policies</td>
<td></td>
</tr>
<tr>
<td>Information flow</td>
<td>■ Panchayat Resource Centre at Mandal level</td>
<td>Government/NGOs</td>
</tr>
<tr>
<td></td>
<td>Exposure visits to successful dalit headed Panchayats/exchange visits</td>
<td></td>
</tr>
</tbody>
</table>
Implications For Policy And Programmes

- Insistence on minimum educational qualification (at least 10th class)
- Creation of independent sources of income for dalits which can delink them from livelihood sources that continue their dependence on dominant castes
- Capacity building of the Sarpanches and ward members by organizing periodical workshops
- Provision of information about the Panchayat Raj system, roles and duties of different functionaries involved; information about government programmes, changes in policy etc.
- Creating awareness about the importance of gram sabha and panchayat meetings among the gram panchayat functionaries and villagers.

- Strict implementation of rules to encourage the fuller participation of dalits in panchayat affairs.
- Sensitization workshops on dalits' rights for officials working in PR system to reduce their bias and indifferent attitude toward dalit and women panchayat leaders.
- Strengthening of dalit leaders in terms of their capacities, social and legal support, and institutional support to consolidate the benefit of political reservation. Institutional support can be through government, CSOs and media.
- Initiation of networking among dalit panchayat leaders.

Dr. B. Devi Prasad & Professor & President, People's Action for Rural Development (PARD), Dept. of Social Work, Andhra University.

25
DALIT LEADERSHIP IN PANCHAYATS

Tamil Nadu

G. Palanithurai

The new Panchayati Raj System has started penetrating into the socio-political institutions at the micro level in an organized way with power, authority and resources. It moves deeper into the society with the objective of deepening democracy by accommodating all sections of society in the institutions of governance. After more than five decades of democratic governance it could not be stated that the state in India had either provided basic entitlements to all citizens of the country or satisfied the political aspirations of the masses, as Indian polity has its own limitations in terms of structure and functions. The Indian political system has neither the structure to accommodate the aspiring social segments nor the capacity to address the issues and redress the grievances of the people. To overcome the inherent weaknesses in the political system, a new institutional mechanism has been found as a consequence of the reform process initiated in the world in the domain of economy.

Now the new Panchayati system has come to stay as an institution of self-government with earmarked roles and responsibilities through a constitutional amendment. Now the new panchayati system has come to stay as an institution of self-government with earmarked roles and responsibilities through a constitutional amendment. The new task assigned to the institution is to administer economic development and social justice. This new dispensation came in with the basic objective of deepening democracy by ensuring opportunities to all the social segments hitherto marginalized in order to take part in the development activities of the community. To ensure this objec-
The younger elements of the dalit community are developing a spirit of challenge and conflict with the other communities to establish their position on par with them. Even in the case of the younger elements, lack of education and contact with the outside world and poor economic conditions block their way to enhance their skills to cope with the challenges of organized politics. The problems are multidimensional in nature. The dalits are being oriented by certain organisations of the civil society to develop perspectives of their own to look at their issues. They are being conscientised as to how their issues are to be sorted out.

To analyse the conditions of the dalit leadership and the performance of the dalit leaders under new panchayati raj system in Tamil Nadu, an in-depth study was conducted in Nilakkottai block. This paper highlights the reactions of various groups/persons related with the functioning of panchayats.

Dalit Men

With regard to reservation for dalits, it was pointed out by one president belonging to SCs community that earlier upper castes influenced all the decisions and there was no sympathy for the dalit community. However, after 1996, members belonging to dalit communities were selected for panchayat positions due to reservation. Although it requires enormous skills and capacity to manage the non-dalits and the officials but because of the reservation of seats for dalits, they are provided with an opportunity to make use of all the schemes meant for the upliftment of the dalits.

Dalit Women

After occupying positions in the panchayat, members of the community now involve themselves in panchayat activities. Real poor people from dalit families could be included in the BPL list. In the fifty five years of democratic governance the basic
facilities are now being provided to dalits. In any village one can notice that most of the dalits lead a life in sub-human conditions. The dalits have been made to believe for generations that it is their lifestyle and that these are the conditions in which dalits should live. Now efforts must be made to sensitize dalits to avail the benefits of new system.

Non-Dalit Women

Generally people do not like to keep dalits in high positions in the rural local bodies. There are many instances in Tamil Nadu itself where dalits were not allowed to contest elections even after reservation due to strong opposition from dalits. Even if they are elected, they are not allowed to continue in office and are forced to step down from office. This practice is prevalent in many gram panchayats. To prevent such practices the government should take strong action against those who are responsible for this kind of activities.

Secondly, even though adequate grants and credit facilities are available for the development of dalits, they are not being used for their development as other communities oppose such moves. Moreover, even dalits are not aware of the procedures by which they can avail these benefits.

Wherever educated dalits are occupying positions in panchayats, they do work for their own communities especially providing basic facilities like connectivity roads, drinking water etc.

Non-Dalit Men

The dalits participate in meetings especially gram sabha meetings wherever the president is from their own community. Otherwise they have to be coaxed to attend these meetings. This is due to the fact that non-dalits pressurize dalit presidents that unless and until all the economically poor communities get assistance from the Government, the schemes meant for the dalits should not be implemented.

Panchayat Clerks

They are of the opinion that the economic conditions of the dalit leaders prevent them from acting individually and they have to rely on others. If a dalit is appointed clerk in a panchayat headed by a dalit leader, then the problems are few but wherever non dalits are appointed clerks in panchayats headed by dalits, the problems are many. In such situations, the clerks dominate over the panchayat leaders. Yet another problem they face is the uncooperative attitude of the non-dalit vice presidents of the gram panchayats.

Panchayat Ward Members

The most important problem faced by ward members is that they do not know the details and positions of common property resources as they are informed about such details by the panchayat president. Not only this but ward members, especially illiterate members, are not informed about the financial transactions as well. It is important that detailed information is provided during gram sabha and regular panchayat meetings. The rich and elite do not attend gram sabha meetings and ordinary people also do not show much interest in the affairs of panchayats. Instead of need based activities, less important works are carried out in the rural areas. The ward members are left in the dark. If ward members are encouraged to involve themselves in the affairs of panchayats, they will come forward to serve better.

Village Traditional Panchayat Leaders

These leaders opine that reservation has helped the dalits to improve their overall situation. They, however, say that panchayats cannot function effectively with its limited resources. Moreover they complain that the counsel of elderly persons is not properly harnessed by the panchayats. Although dalit based organisations like self-help groups and
youth groups are coming forward to work for the public cause but they need guidance.

Union Chairpersons

The dalits are now getting orientation in holding responsible positions due to reservation. But there are cases where dalit presidents do not function independently and are always under tremendous pressure from non-dalit office bearers. Moreover, more and more number of groups is active against dalit presidents than in the case of non-dalit presidents. The officials refer to rules and regulations and do not take into consideration the ground realities. Community institutions of dalits are not strong enough to assist the dalits whereas such institutions of other communities are functioning very effectively.

Officials

The officials related with panchayats made few observations. They were of the opinion that the gram panchayat as a unit of administration needs to be strengthened. The relationship among presidents, vice presidents and ward members and other staff is not very smooth and very often than not they keep finding faults with one another resulting in disturbed administration. This kind of group rivalry very often ends in submitting written complaints against one another especially the presidents. The number of complaints against the presidents is usually very high. Block officials find it very difficult when decisions are taken keeping political considerations in mind. The case in point here is the selection of beneficiaries living below poverty line. It is never easy to select beneficiaries under this scheme as there is always political interference in this matter. Moreover, at many places the village presidents establish direct links with the district officials bypassing block officials. In this process, the dalit presidents are also benefited.

As far as functioning of women presidents is concerned, the officials were of the opinion that they are more gender sensitized and function together.

Expectations of the Dalit Presidents

The leaders need to have access to Government offices. Complaints given by the dalit presidents should be given due attention by the officials as the issue of social harmony is involved in their dealings. More allocation of resources to panchayats and more allocation for the welfare of the dalits should be provided. Training/capacity building is imperative needs for the panchayat leaders to improve their performance. Hence there should be provision for training programmes for these leaders especially women presidents.

Conclusion

The nature and the intensity of the problems of dalits vary from place to place. Dalit leaders who live in a place where they are in minority usually succumb to the pressures of the traditional panchayats and the activities are designed as per the direction of traditional panchayat leaders. The dalit leaders who defy such directions and are determined to carry out the panchayat activities without being influenced by the dominant castes but these leaders face plenty of problems in their administration. This more so evident in the case of Tamil Nadu where they are leading a struggle for social justice. Even when they organize gram sabha meetings, they are either boycotted by the caste Hindus or the caste Hindus create chaos and confusion with the intention of creating the impression that the dalits do not have the capacity to manage the panchayats. Moreover, dalit leaders function under tremendous pressure from all quarters and they are hardly extended any support from persons concerned.

Dalit leaders are being exploited by others as their skills, capacity and education is very poor. Dalit
women leaders are being ill treated by all sections of the society. Wherever the dominant caste groups are powerful, dalit women leaders have to function under the control of these leaders or face humiliation. Their economic conditions also force them to be under pressure from dominant castes.

Although a large number of dalit leaders are waging a relentless fight to secure or carve out a niche for themselves legitimately but it will take some more time and efforts from all sections of the society before they find their rightful place in the governance system at the lowest level.

The Other Side of the Coin

Sh. Manickam, aged 30, is a graduate working as Rural Welfare Officer in Nilakkottai Panchayat Union. He belongs to the SC community. He made following observations regarding the functioning of the panchayats.

Village Panchayat Presidents, in general, do not have any perception of the office procedures and the administrative system. They regard the Union office as an office for transacting scheme funds or as an office for obtaining administrative sanction. They depute the panchayat clerk for other transactions with the Panchayat Union. As there is no authority vested with Union officials to control the Panchayat Presidents, the Union office cannot spare time to educate them in administrative procedures. The training given to the Presidents is not effective, as no attitudinal and behavioural change has been observed among the trained leaders. For any procedural lapse, the staff is held responsible but the Presidents do not get any punishment. Of course, for any mischief found in Panchayat management the Presidents are also questioned.

In general most of the Presidents do not know the functioning of other departments where programmes to develop Panchayats are available. Those who wish to gain experience visit the Union office and learn a lot thorough interaction with officials but Presidents need a lot of seriousness, innovation and creativity while dealing with village community as their problems are varied and wide. The traditional institutions play a vital role in Panchayat elections. As of now, the situation in Tamil Nadu is generally threatening as the caste Hindus openly mobilize their communities on the basis of caste. Although equality between dalits and non-dalits is emerging slowly but it will take some more time to bring about change in the mindsets of the caste Hindus.

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The Scheduled Castes and the Scheduled Tribes have been the victims of social and physical discrimination since long. After independence efforts have been made to extend benefits of development to them through various means. However, not much could be achieved despite all the provisions made for the weaker sections of the society. Scheduled Castes, on account of certain disabilities, and the Scheduled Tribes, mainly because of their geographical isolation, have always been disadvantaged and thus failed to take advantage of most of the benefits of planning and economic development of the country. The problem is also aggravated due to their dependence on land and a particular occupational pattern.

In the field of Panchayati Raj also attempts were made to ensure their participation but due to variety of reasons the society did not ensure the effective presence and participation of SCs/STs in the functioning of Panchayat at different levels. Panchayati Raj has now universal coverage throughout the country. It is now involved directly and/or indirectly in all economic and social development in the rural areas. Hence, under the new Panchayati Raj Act special effort was made to increase their number at all the three levels through reservation of seats. However, the socio-economic environment in the villages is still not necessarily in favour of the dalits' empowerment. In fact there is conflict between democratic values and socio-cultural values. During the last few years many provisions have been made to
safeguard dalit representatives from any type of encroachment.

Reservation is one of the pre-conditions to encourage and ensure participation of dalits in panchayat activities. Although it may be argued that it is a sufficient condition but their actual participation depends upon variety of personal and social conditions. Further the social and political environment may or may not be very conducive for the smooth functioning of dalit leaders. Under given circumstances, it is found that inspite of reservation, many of the dalit representatives have bitter experience and they face difficulties while discharging their responsibilities because of social environment.

Very few opine that reservation is a sufficient condition for the overall empowerment of the dalit community. However, majority of the dalit representatives feel that reservation policy in itself is not sufficient for the empowerment of dalit representatives in particular and dalit masses in general. It opens door only to the limited people and that too a very limited extent.

Those who feel that reservation facility is not sufficient, they also provide different reasons to support their point. The most common difficulty faced by dalit representatives is that non-dalit members do not listen to them. As non-dalit members are more in number, they dominate in the panchayats. Many dalits complain that they are not able to get any benefits for their own community. They also complain that non-dalit sarpanchs do not consult them. In order to avoid such problems, many of the dalits do not take any action. Most of the time they are not part of even regular panchayat meetings and are indifferent to the whole issue. But none of these dalit representatives organize themselves, discuss and formulate strategies to overcome problems created by various groups concerned with the functioning of the panchayats.

In such a situation how and to what extent dalit leaders in panchayati raj feel empowered and active from the point of view of development of common dalit under their leadership is a matter of investigation. The present study is a venture in this regard. More specifically the purpose of this study is to comprehend the experiences of dalit leaders in panchayats, their success and future strategies from the point of view of their own empowerment as well as the empowerment of the common dalits under the banner of their leadership.

This study was conducted in Sehore district of Madhya Pradesh. The main purpose of the study was to know interface between panchayat and the dalits. But in order to understand their experience and performance an equal number of non-dalit leaders were also selected. The total sample size was 52 elected representatives out of which half were dalits. Further from within the dalit and non-dalit half of them were women. 12 members from gram sabha were also interviewed for the study to know the functioning/non-functioning of these leaders.

This paper will highlight some of the broad issues that are being faced by dalits because of being part of the governance system at the lowest level. This include day to day functioning of panchayats, empowerment of dalits through panchayat elections, interpersonal relations of dalits with other groups and problems being faced by them while discharging their duties.

As far as reservation is concerned, many feel that only reserving seats is not sufficient. As mentioned above also, many feel that without providing sufficient infrastructure and other support system, it is rendered very ineffective. They argue that besides reservation,
they must be provided with various types of resources. They further argue that if current change agents are corrupt, biased and irresponsible then it becomes very difficult for dalit leaders to function effectively.

As far as panchayat elections are concerned, many representatives, who were interviewed for the study, faced difficulties during and after elections. Due to involvement in the panchayat work, many representatives, especially dalits, had to suffer economic losses including falling under the debt trap. Even some of the non-dalits who were daily wage earners found it difficult to cope with the dual responsibilities due to wage loss. Hence it was not very surprising to find out that 50 percent dalit and 46 percent non-dalit representatives were against contesting elections for a second term. They also felt that since they are not effective and powerful in dealing with panchayat work and could not do much for the village development, they should not contest elections a second time.

Although some significant works have been undertaken by the representatives for overall development of their respective panchayat, but it is very difficult to say that it has been done exclusively for the welfare of dalits. For example, untouchability is still practiced at many places, but not much has been done to address this problem. Some of the major works undertaken by a section of dalit and non-dalit representatives are road construction, houses under Indira Awas Yojana, hand pump facility etc.

As mentioned above, only general development issues have been addressed. But the problems of lack of employment opportunities, education facilities, landlessness etc. have not been addressed by these representatives. The problem of alcoholism and untouchability has not drawn any attention of these members.

Both the dalits and non-dalits have to work with local influential persons, government officials and others also. Cordial relations among all for the smooth functioning of panchayats, hence, become imperative. The relationship between the gram panchayat representatives and Panchayat Secretary is very frequent and needs to be cordial but in many cases the relationship of these two is far from cordial. This is primarily because of the reason that secretaries do not listen to panchayat representatives and at times these strained relationship give rise to tensions affecting functioning of the panchayats.

The members of gram sabha, interviewed for the study, were also critical of the functioning of the village secretary. Most of them (11 out of 12) felt that not only village secretary is uncooperative but does not visit the villages regularly as well. Even government officials (dalits) were critical of the village secretaries' functioning. However, non-dalit government officials were of the opinion that village secretaries are a major link between the panchayats and higher level bodies.

As far as functioning of gram sabha is concerned, it is not very effective. In fact gram sabha meetings do not see the desired level of participation. Many of the respondents said that they are not informed about these meetings well in time. Secondly, they do not want to forgo a day's wages to attend these meetings where, they opine, nothing much happens. In fighting amongst the members is another reason which keeps people away from gram sabha meetings.

Dalits, known by different names at different point of time, have remained the victim of caste based discrimination. As a result, they remained the victims of social isolation, exclusion and exploitation in different walks of life. Because of their social exclusion they were forced to remain underdeveloped and marginalized in the field of economy and politics. They
were forced by the dominant social order to remain dependent, unassertive and voiceless for long.

The amended panchayati raj system is an effort in the direction of enhancing the participation of the marginalized, including the dalits, in the management of affairs at the local level. The government through reservation has opened the doors of formal politics for them. Majority of the dalit representatives perceive reservation as a necessary condition in this direction. Without this provision, it would have been impossible for them to join Panchayati Raj Institutions. However, many of them stress that besides reservation, better education facilities and awareness and training programmes for representatives, especially dalits and women, would make a great difference to the whole effort. Stringent implementation of laws would also ensure smooth functioning of the system. Given the right kind of atmosphere would ensure people's participation in a much more meaningful manner and also enhance their trust on the local institutions at the village level.

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DALIT LEADERSHIP IN PANCHAYATS

Karnataka

The Karnataka Panchayat Raj Act, 1993, bears a blueprint provided by the constitutional 73rd Amendment, which establishes a uniform three-tier system of Panchayat Raj. With the enactment of 1993 Act, the three-tier system, Zila Panchayat, Taluka Panchayat and Gram Panchayat, has been commissioned in the state for promoting economic development in rural areas and ensuring social justice to rural people, particularly weaker sections. The Bill for constituting panchayats which was introduced on April 1, 1993 came in to force from May 18, 1993.

The provision of reservation of seats both for ordinary membership as well as to offices has been hailed as a radical step. Through this constitutional guarantee persons belonging to SCs, STs, backward classes and women have adequate opportunity to fight elections. The access of weaker sections to rural power structure has been ensured legally thereby enlarging the social base of the system. Field experiences, prior to the amendment, revealed that power structures within the panchayats were controlled by the members belonging to dominant communities. The present policy of reservation did give them rights to get elected to Panchayati Raj Institutions but field experiences reveal that the upper castes still run the show. This is especially so wherever panchayats are headed by SCs/STs and women. By and large, the members belonging to these groups are found to be illiterate, inexperienced and less articulate. In particular, women leadership has depended to a great extent on the wisdom of male family members.

The participation of ‘dalits’ in electoral politics has increased significantly in recent years. The reservation in gram
panchayats has ensured their participation in large numbers. Of the total 5659 gram panchayats in Karnataka, presidents and/or vice-presidents of 1033 gram panchayats belong to Scheduled Castes and out this 407 posts are occupied by the women. The number of Scheduled Tribe presidents and/or vice-presidents stands as 296 out of which 173 are women.

The very presence of these persons as members and office bearers of elected local bodies is a significant step forward in the direction of their overall development and awakening. This is particularly so in the case of women members from weaker communities. These women are doubly disadvantaged. First, being the member of the socially deprived caste group and secondly, on account of being a woman in a pre-dominantly male dominated rural society. (Y Bhaskar Rao)

To assess the position of dalits in panchayats in Karnataka, a study was undertaken in the Udupi district. Udupi district has three blocks and all the blocks were taken for the study to get a comparative idea. The presence of dalits in the panchayats of the three selected blocks was taken as the base and panchayats were selected on random basis. 40% of the dalit population was taken as the sample. While analyzing data, both quantitative and qualitative analysis was done and inferences were drawn based on field information.

Below mentioned are some of the major highlights of the study:

The State of Dalit Leadership

Majority of the respondents mentioned that they were motivated by the political parties to contest elections. (Though there is no party at the panchayat level.) It was stated that even while canvassing for elections, people belonging to same party formed groups and did door to door campaigning. It also came out very clearly, from the study, that a large number of elected representatives take decisions in the panchayats on party line basis. This proves that 'reservation policy' of the government is being maneuvered by the different political parties. The dalit seats, in a way, are being exploited for vested interests. The intentions and aspirations of bringing dalits into mainstream and giving them leadership roles are doubtful.

Decision Making Capacity/ Treatment by the Upper Castes

Experiences from the field revealed that majority of the dalit leaders take decisions as directed by others (mostly upper castes) and/or party lines. Although there were few exceptions but they were few and far between. This lack of decision-making has come in the way of blooming of leadership qualities in dalits. Though majority of respondents said that they get required co-operation and support from other members, it is doubtful as to how much of it is true. Instances of bringing 'no confidence motions' against dalits are very normal practice. During the course of study many cases came to notice where dalits were harassed with such provisions. Women representatives especially are very vulnerable to such pressures and tactics.

Members belonging to higher castes opined that though there is constitutional provision, dalits are not in a position to provide required leadership to local institutions. Majority of officials felt that it was difficult to expect good leaders amongst dalits with their limitations and problems. They opined that it was very difficult to change and train them.

Interventions to Enhance Capacities

The training of elected representatives has not been undertaken by any state level institute. Very few representatives who were covered during the study had some kind of exposure because of being part of local institutions like youth and women's club etc. However it was observed that this little expo-
sure is not adequate to perform their panchayat responsibilities in a very effective manner. As far as knowledge about their roles and responsibilities in panchayats is concerned, it is very inadequate. This lack of knowledge about the provisions of the Panchayati Raj Act, schemes, roles and responsibilities creates difficulties for dalits assuming leadership roles. This is also reflected in the opinions of officials and other representatives belonging to upper castes. Their common grudge against dalit members is that they do not know much and still they have been given positions of power in panchayats.

Although seats have been reserved for dalits in PRIs but there are many factors that hinder the smooth functioning of them in panchayats. The attitude of upper castes and government officials does not help either. Women representatives are all the more vulnerable in the whole process although there may be few exceptional cases where women do get support to carry out their roles but majority of them are very bitter about the whole system. Given below are some of the cases that throw light on the same.

Case Studies:

Case 1

Sannamma is a 53-year-old panch. She is an illiterate but has learnt to sign on papers. This is the second time that she has been elected to post of a member of gram panchayat. In 1993 also she was elected as a panch. Her involvement in community work and her leadership qualities led her to victory in panchayat elections a second time.

Sannamma is of the opinion that her position in the society has improved a lot after becoming the member of the panchayat. She is invited to public functions despite being from a lower caste. According to her, 'untouchability' is not practiced in her area. She has been able to help many persons in her panchayat due to her position. Although at times she feels that illiteracy is a hindrance in the smooth functioning of panchayats but this has not damped her spirits of serving people.

Case 2

The experience of Chandu, however, is not so positive. Chandu is a ward panch. According to her, although dalits are not treated as untouchables in panchayats but they do not get much needed support either from the members of upper castes. As far as she is concerned, she was elected as president of her panchayat due to reservation. But soon a no-confidence motion was passed against her by representatives belonging to upper castes due to which she lost her post. She complained that upper caste members wanted her to act as per their wishes and when she refused to oblige, she was removed from her office through no-confidence motion. She approached higher authorities as well but nothing happened. The 'Dalit Sangharsh Samiti' was also approached in her case. They tried to intervene but nothing could be achieved. Chandu feel very disappointed now and has stopped going to panchayat meetings altogether. She opined that though dalits have been given an opportunity to be elected as leaders in panchayats to be elected as leaders in panchayats but vested interests groups still do not accept their leadership.

And Who Will Bridge the Gap

The above cases highlight that though reservation of seats through constitutional amendment has given a chance to members of weaker sections to enter local level politics but persons belonging to
upper castes still create problems for them.

The study also highlights that the very socio-economic status of the dalits make them inadequate leaders. Many of them are proxy candidates because they are depended on upper castes for their livelihood. This very relationship comes in the way of smooth and free functioning of dalits.

Moreover, till very recently, there was hardly any concept of 'dalit leadership' in politics though dalit communities always have had their caste leaders. Higher caste people, landlords and other affluent people used to talk to these leaders who were mainly used as labourers. Although people have started accepting dalits in the leadership positions but they are not happy about their acquiring the role of leaders in panchayats. Even government officials do not take dalits seriously because it would take some time to break away from age-old rural power structure.

However there are many factors which have supported the emergence of dalit leadership. The most important ones being the reservation of seats for weaker sections of the society and strict enforcement of the policy. The role of dalit organisations in bringing dalits out cannot be ignored. Vested interests of political parties is another reason which is pushing dalits because it is relatively easy for them to win seats from reserved category than from open seats.

It is clear from the study that though dalits have entered the political space through Panchayati Raj Institutions with the assistance of constitution, their acceptance by others as 'leaders' is by no means an easy pleasant process. The age-old bias of the upper castes and affluent population in the rural power structure against dalits for socio-historical reasons will not change overnight. It is only due to constitutional provision that upper echelons of the rural power structure are trying to accept dalit leadership. Nevertheless there is a quiet undercurrent which is protesting against dalit leadership as it is. Impressions gained through interviewing non-dalit leaders, non-dalits, rural people and officials at various levels prove this issue beyond any doubt. The effort to unseat dalit leaders through 'no confidence motion' is not very uncommon. Hence transforming the mindset of people especially 'rural power brokers' against dalit leadership is not easy, though not impossible.

A concerted effort by all the concerned such as the government, law enforcing machinery, civil society players and other forums is a must to overcome this problem of accepting dalit leadership and give them their due share which have been denied for centuries.


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PRIA is a civil society organisation, undertaking development initiatives to positively impact the lives of poor, weak, marginalised and excluded sections of the society, by encouraging and enabling their participation in the processes of their governance. It strives for achievement of equity and justice, through a people centered approach, focusing on ‘Citizens’-‘their participation and inclusion’, ‘awareness and empowerment’ and ‘their democratic rights’.

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PANCHAYAT EXTENSION ACT: A LEGAL ANALYSIS

Himachal Pradesh, Madhya Pradesh, Gujarat and Rajasthan
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Tribals coexisted with Nature in a harmonious balance for time immemorial. Nature was Goddess and tribes were worshipper. Natural resource management was inbuilt in tribal customary practices. There was no concept of land owning. So, tribes were not owner but ‘caring siblings of mother nature’. With the introduction of ownership rights, the others including Government became owners of Jal (water) Jangal (forests) Jameen (land). Today government owns nearly one-third of India’s land and also controls most of water resources. Nearly 22 percent of national territory, which comprises forest, is under the control of ubiquitous forest department. Tribal traditions are struggling against onslaught of the expansion of domains of the state and the market.

Constitution (73rd Amendment) Act 1992 spearheads churning in governance at village, block and district levels. Three million, including one million women, elected representatives are part of local governance in 0.25 million village panchayats, six thousand block panchayats and about 600 district panchayats. But this Act (article 243-M) was not applicable to Scheduled and tribal areas. Taking into account the fact that tribal societies were governed by traditional councils and collective wisdom of the villagers, a committee was appointed to recommend modifications in 73rd Amendment Act for their applicability in Scheduled Areas. The committee, headed by Shri Dilip Singh Bhuria, submitted its report in 1995. Based on its recommendation an extension Act, popularly known as ‘PESA’ was enacted in 1996. PESA means “THE PROVISIONS OF THE PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT” 1996.

From 1995 onwards, PRIA and its partners across the country are working with Panchayats to strengthen them as institutions of local self-governance. However, our work with Panchayats in scheduled areas started a bit late. In 2002, we requested Enviro Legal Defence Firm to undertake the study on state of PESA in our field areas of Madhya Pradesh, Himachal Pradesh, Rajasthan and Gujarat. The intervened areas in Andhra Pradesh, Jharkhand and Orissa are being studied. The study finding from MP, HP, Rajasthan and Gujarat throw lights on existing gaps in state Acts and their implementation. How legal words have been played upon to create confusions. What has been implication of state PESAs and what needs to be done legally and operationally? How civil society can be more effective in helping people to understand and use PESA in their areas?

This bulletin is based on aforementioned study findings. As you will observe for yourself while going through the articles, existing land, forest, water, and other Acts have suppressed the spirit of PESA in schedule areas. One can debate over many components of PESA but there is a shared understanding that in some respects PESA is much more advanced than 73rd Amendment Act. But this potential will remain on paper unless people and institutions understand and accept the supremacy of this Act. This acceptance is not impossible but is certainly a difficult task requiring sustained efforts to sensitize citizens and governments.
The PESA has attempted to vest legislative powers with the Panchayati Raj Institutions, specifically in areas relating to development planning, management of natural resources and adjudication of disputes in accordance with prevalent traditions and customs.
especially on the subject matter covered by the State PESA at the Gram Sabha Level.

To document the experiences of PESA in the Schedule V Areas in the selected sites, which also hosts the Panchayat Resource Centres (PRC's) of PRIA.

Finally, to propose strategies in law, as well as actions that may be required, to strengthen the legal framework on PESA as well the PRCs in the study states, so that the PRC's can facilitate the Gram Sabha's to act as institutions of self-governance.

The field visits have been conducted only in select districts of the study states. Each state has been analysed with reference to the manner in which they have adapted the PESA. This study documents the field perceptions of the consultants, especially regarding the role of the PRC's vis-à-vis the new law on tribal self-rule. The perception of PESA in the states is restricted to the selected areas and may not be the perception of the entire State. However, certain suggestions have been made on the basis of the experiences of the consultants in the various Scheduled States.

THE PROVISIONS OF THE PANCHAYATS
(EXTENSION TO THE SCHEDULED AREAS) ACT, 1996

No. 40 of 1996  
[24th December 1996]

An Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas:

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:

1. This Act may be called the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

2. In this Act, unless the context otherwise requires, "Scheduled Areas" means the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution.

3. The provisions of Part IX of the Constitution relating Part IX of the Panchayats are hereby extended to the Scheduled Areas subject to such extensions and modifications as are provided in section 4.

4. Notwithstanding anything contained under part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the following features, namely:—... ...
HIMACHAL PRADESH

Introduction

In the state of Himachal Pradesh (H.P), created in 1971, three districts have been declared as Scheduled Areas. These are the whole of Kinnaur and Lahaul & Spiti district and the Pangi Sub-Tehsil and the Bharmour Tehsil of the Chamba district.

Though the total tribal population is only 4.22% of the total population, the tribal areas constitute 42.39% of the State's geographical area.

Origin and Development of the Panchayati Raj System in H.P

Though the origin of the Panchayats in H.P can be traced back to 1908, they were formally introduced in 1949 with the adoption of the Punjab Village Panchayat Act, 1939. This was replaced with the H.P Panchayati Raj Act, 1952, providing for a two-tier structure, with the Gram Sabha at the village level and a tehsil Panchayat at the sub-division level. In 1968, a new Act was introduced, following the recommendations of the Balwant Ray Committee Report, providing for a three-tier structure.

Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 in H.P

Pursuant to the 73rd Amendment Act, the state of H.P passed a new Panchayati Raj Act in 1994. The State Legislature, in 1997, further extended the provisions of this Act to the Scheduled Areas of H.P, by adding Chapter VI-A. The most important thrust of this amendment on the Panchayat, is the empowerment of the lowest unit of governance viz. the Gram Sabha. The underlying assumption

The State Legislature, in 1997, further extended the provisions of this Act to the Scheduled Areas of H.P, by adding Chapter VI-A. The most important thrust of this amendment on the Panchayat,
for this is that the village assembly should be accountable and responsible for the affairs of the local plans and programs affecting them.

Structure and Functions of the Gram Sabha in H.P.

The Gram Sabha is defined as a collective body of all persons who are either registered or qualified to be so in the Legislative Assembly rolls or who are ordinarily residents of the Gram Sabha. The State Government can declare any village or group of adjoining villages, with a population of 1000 to 5000, to constitute one or more Sabha Areas. However, in the case of Scheduled Areas, the Government can make an exception and declare a village with a population of less than 1000 to constitute a Sabha Area. The second step is the establishment of the Gram Sabha by order of Government.

Every Gram Sabha performs two functions. The first are those activities which it performs by itself, such as mobilising voluntary labour and contribution in kind and cash for Community Welfare Programs, identifying beneficiaries for the implementation of developmental schemes and rendering assistance therein and promoting unity and harmony among all sections of society. The second is to make recommendations on subjects such as the annual statement of accounts of the Gram Panchayat, report on developmental programs undertaken, adult education programs etc. The Gram Sabha can also set up vigilance committees to oversee the functioning of the Gram Panchayats. In Bhamaur District, seven such committees were formed for Education, Forestry etc., but were largely non-functional.

Every Gram Sabha has a Gram Panchayat comprising a Pradhan, an Up-Pradhan and an Executive Committee. The Gram Panchayat performs two broad functions — those specified in the 1st Schedule of the Act and those specified by the State Government, by general or special order.

Conformity with PESA

The H.P. PESA introduced several amendments in the Panchayat Act, 1994, while keeping in line with the provisions of the Central PESA. Foremost among these, is the definition of a village for Scheduled Areas. The traditional definition of a village is of a habitation or a hamlet comprising a community managing its own affairs in accordance with traditions and customs. This however, fails to impose an explicit duty upon the Government to reorganise village boundaries to conform to the definition. The special provisions for Scheduled Areas make it clear that the Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identities, community resources and modes of dispute resolution. The Gram Sabha is required to carry out these functions “without detriment to any law for the time being in force”, thereby implying that the existing formal laws would prevail over customary laws, should conflict arise.

Besides approving the plans, programs and projects for social and economic development, the Gram Sabha was also responsible for the identification or selection of beneficiaries under I.R.D.P. Gandhi Kuteer Yojana and Indira Awas Yojana. In addition, the Gram Panchayats are empowered to supervise the implementation of these programs and to implement Central and State Rural Sanitation Programs.

The Amendment Act categorically states that the Gram Sabha should be consulted before any land acquisition for the development of projects in the Scheduled Area, before resettling or rehabilitating those persons evicted by such projects. By specifically using the words persons “evicted” instead of “affected” by such projects, the H.P. PESA seems to narrow the ambit of the provision. What is
noteworthy is that the Gram Sabha has been empowered in this regard, unlike some States where this power has been vested with the higher tiers of the Panchayat.

As regards the planning and management of Minor Water Bodies in the Scheduled Area, the Amendment Act lays down that the power shall be entrusted “to the Gram Panchayat, Panchayat Samiti, Zilla Parishads as the case may be, in such manner as may be prescribed”. Unless rules are made, specifying to which tier this power is vested, operational laws on the subject would not be in place.

The power for recommendation for granting prospective licenses or mining leases, and the concession for exploitation of minerals by auction in Scheduled Areas, has been specifically vested with the Gram Sabha. The Act however states, that any recommendation of the Gram Sabha would be taken “in such manner as may be prescribed.” The prescribed regulations have not yet been put into force.

**Inter-Tier Allocation of Functions**

At the outset, it is important to note, that PESA has stated that the appropriate level of the Gram Panchayat and the Gram Sabha shall be empowered on subjects of ownership of minor forest produce, regulation of intoxicants, management of village markets and control over money lending. The Amendment Act however, states clearly that all these powers would be exercised by “the Gram Panchayat or as the case may be, the Gram Sabha”, categorically discarding the spirit of PESA. It is noticeable that in all these functions, the roles of the higher tiers of Panchayats, viz. the Panchayat Samitis and the Zilla Parishad are excluded.

This is however, not the case with regard to powers of exercising control over institutions and functionaries of any of the social sectors, and for control over local plans and resources, including tribal sub plans. The mandate under PESA was that these would be specifically entrusted to the appropriate level of the Panchayat and the Gram Sabha. Paradoxically, the Amendment Act makes it clear that only the Panchayat Samiti shall exercise these powers. The Gram Sabha’s role has been specifically excluded.

With regard to the devolution of powers to PRIs, the State Government decided that the Gram Panchayats would prepare micro plans proposing development interventions, which reflected the needs of the area. Further, the Gram Sabha was to approve these micro plans.

With regard to planning by Panchayats, the provisions of the H.P Panchayati Raj (Second Amendment) Act 2000 are also relevant. This amendment substituted section 184 of the 1994 Act, and states that every Panchayat shall prepare an annual development plan to perform those functions specified in Schedules I and II, as well as other functions entrusted with the State Government. This however, is subject to the availability of Panchayat funds. Besides, every Panchayat is required to prepare an annual development plan relating to all schemes for economic development and social justice in their respective area, and submit the same to the District Planning Commission. The Act however, does not specify the exact tier of Panchayat meant to carry out this planning function.

The H.P Panchayati Raj Amendment Act 2001 requires every Gram Panchayat to constitute Standing Committees through elections. These committees are to include the Village Forest Committee, Irrigation and Public Health Committee among others. The Forest Committee, headed by the Pradhan, is to perform functions relating to afforestation and soil conservation, while the Irrigation Committee headed by the Up-Pradhan, would perform functions related to irrigation. As these requirements are also applicable to the
Scheduled Areas, it would be interesting to monitor the constitution and provision of such committees.

Finally a number of functions, powers and responsibilities have been devolved to the PRIs, without taking into consideration the special provisions of the Scheduled Areas. This is exemplified by the manner in which the power to select beneficiaries and local planning is to be entrusted with the PRIs.

Subject Matter, State Laws and The Gram Sabha

The H.P PESA vests the “Gram Panchayat or as the case may be, the Gram Sabha” with powers on subjects such as intoxication and money lending. There is however, an overlapping of these powers with various departments of the State and its agents. For the H.P PESA to be effective such an overlap must be resolved and conformity brought about, by amendment of the relevant State laws. Some of these laws are discussed below.

The Punjab Excise Act, 1914 regulates the manufacture, sale and consumption of intoxicants in H.P. The State Government can declare “the maximum or minimum quantity or both, of any intoxicant, which for the purpose of this Act, may be sold by retail or by wholesale”. Therefore, no person can have in his possession any intoxicant in excess of the quantity prescribed. The State Government also has the power to lease to any person, the right to sell by wholesale or retail, any country liquor or intoxicating drug within any specified local area. Further, the Collector, subject to rules laid down by the Financial Commissioner, gives all licenses for the sale of intoxicants within the district. The Collector can cancel or suspend the license, permit or pass if the conditions specified under the Act are violated. The H.P PESA vests the Gram Sabha with the power of enforcing, restricting and regulating the sale and consumption of intoxicants. The Gram Sabha may also, by a one half-majority vote, enforce prohibition / restrict and regulate the sale of intoxicants in the area concerned. There is a clear overlapping in jurisdiction and in the event of there being conflicting orders, it is unclear whose authority will prevail.

On the subject of money lending, the H.P PESA states that the Gram Panchayat or the Gram Sabha shall exercise control over money lending to the Scheduled Tribe. What needs to be determined, however, is how they are to exercise this control. Can the Gram Sabha regulate the grant of loans as well as the rates of interest? Can it stop any monetary transaction, if it feels the necessity? If this power were construed in a true liberal sense, then modifications in some of the State laws would become mandatory. For example, some of the powers vested with the Director of Welfare, H.P for the grant of loans under the H.P Backward Classes (Grant of Loans) Act, 1969 would need amendment. Similarly some of the powers currently vested with the Collector under the Redemption of Mortgages (H.P) Act, 1971 and The Restitution of Mortgaged Lands Act, 1976 would require amendment with regards their applicability to the Scheduled Areas of the State. Finally, under the provisions of the H.P Registration of Money Lender’s Act, 1976, the activities of money lenders are regulated through a licensing mechanism. Money lenders are required to register themselves with the Collector, who has the power to issue or cancel a license. However, through amendments in the 1976 Act and in keeping with the requirements under PESA, the appropriate level of the Panchayat needs to be vested with powers of registration and licensing.

With regard to the management of ‘minor water bodies’, the provisions of the H.P Minor Canals Act, 1976 are ambiguous. The term ‘canal’ broadly includes any canal, natural or artificial channel or
line of natural drainage. Powers relating to the construction and management of canals currently lie with the Collector. In the light of the provision of PESA, this Act would require amendment so as to empower the Panchayati Raj Institutions.

Further, the provisions of the H.P. Fisheries Act, 1976 require examination, with respect to the power of the State Government to give fishing licenses from minor water bodies.

With respect to the grant of prospecting licenses or mining leases for minor minerals in the Scheduled Areas, or the grant of concession for exploitation of minor minerals by auction, the H.P. PESA provides that the recommendations of the Gram Sabha “made in such manner as may be prescribed shall be taken into consideration”. Though this provision specifies the tier that is to perform this function, the actual power and authority vested with the Gram Sabha is toned down. The words “shall be taken into consideration”, does not impose upon the Government any duty to seriously act upon the recommendations made. On the other hand, the provisions of the H.P. Minerals (Vesting of Rights) Act, 1987 become important. This Act vests the State Government with absolute rights over minerals (including minor minerals). It goes further and gives the State the right for “proper enjoyment and disposal of such right” including the “right to access of such land”. Suitable amendments are required in this Act to reflect the mandate of the H.P. PESA.

The Gram Panchayat or the Gram Sabha is vested with ownership of MFR to exercise such powers and perform such functions “in such manner and to such extent as may be prescribed.” These provisions are contradictory as they confer ownership on the one hand and then restrict that ownership with rules prescribed by the State Government. Acts such as the H.P. Forest Produce (Regulation of Trade) Act, 1982 would require amendment so as to reflect the devolution of power.

The H.P. PESA vests with the Gram Panchayats or the Gram Sabha, the management of village markets “in such manner and to such extent as may be prescribed.” The prescriptions are however, not in place.

Under laws relating to agricultural produce, management powers are vested with the H.P. Marketing Board under the H.P. Agricultural Produce Markets Act, 1969. Amendments to this and similar laws are necessary in keeping with the provisions of PESA.

With respect to Land Acquisition for development projects and the resettlement of evicted persons, the H.P. PESA provides only a consultative role for the Gram Sabha, with no provision for the adoption of any recommendation. The provisions do not even specify whose authority would prevail should there be a conflict between the Gram Sabha and the Acquisition authorities. There is no mechanism in place to ensure control and accountability of the Acquisition authorities to the Gram Sabha. In view of this, amendments are required in appropriate sections of the Land Acquisition (H.P. Amendment) Act, 1986.

Recent Developments

Over the last two years, the State Government has made several important changes to the Panchayat Act, 1994. One of the most significant amendments viz. the H.P. Panchayat (Second Amendment) Act, 2000, provides for the constitution of Up-Gram Sabhas in each ward of the Gram Sabha; a ward consisting of a single member territorial constituency in a Panchayat area, as determined under Section 124 of the Act. All members of the Gram Sabha residing within the ward comprise the Up-Gram Sabha. An Up-Gram Sabha is to hold bi-annual meetings to deliberate upon issues relating to its area and make recommendations
regarding the same, to the Gram Panchayat or the Gram Sabha. Further the Up-Gram Sabha must nominate a prescribed percentage of representatives to the general meetings of the Gram Sabha. This however, does not debar any member of the Up-Gram Sabha from attending these meetings. Further, every Gram Sabha is required to hold four general meetings a year and extraordinary general meetings upon requisition from at least one-fifth of its members. A member of the Gram Panchayat representing the ward must preside over these meetings. As regards the quorum for these meetings, the criteria have been changed to "representation of at least one-third of the total number of families, represented by one or more members of the Gram Sabha".

Listed below are some of the new developments following Amendments to the Panchayat laws.

- PRLs at all levels are required to prepare development plans for their area, consolidated by the Zilla Parishad and submitted to the District Planning Committee.
- Different departments are required to integrate their committees with the standing committees of the PRLs.
- Panchayats have been empowered to raise loans for the creation of income-generating assets without previous sanction of the Government, if the financial institution declares it to be economically viable.
- Gram Panchayats have been empowered to protect public property.
- Gram Panchayats are empowered to issue fishing licence to anglers for sport fishing.
- A cess of Re. 1/- per bottle of liquor sold in rural areas is to be collected and transferred to Gram Panchayats for utilization in developmental activities.
- The ownership of hand pumps has been transferred to Gram Panchayats.

Gram Panchayats have been authorised to collect water charges in rural areas, half of the amount being credited to Gram Panchayats.

Gram Panchayats have been empowered to collect land revenue at their own level.

Gram Sabhas have been empowered to identify the beneficiaries of old age pension schemes and social security pension schemes.

Administrative structure of Scheduled Areas with Special Reference to Bharmaur & Chamba

A single line pattern of administration was reintroduced in H.P. in 1986. This pattern was introduced to the four Integrated Tribal Development Areas (ITDA's) in April 1988. Tribal development in India was based on the sub-plan strategy, enunciated by the Planning Commission in 1974. In H.P., a separate Tribal Development Department, with a single line administration, forms the edifice of tribal development. This is strengthened by a high-powered Project Advisory Committee (PAC) and a Tribes Advisory Council (TAC), whose mandate is to create an appropriate administrative structure and formulate pragmatic administrative strategy in order to improve the quality of the State's tribes.

The PAC was reconstituted in 1983 to coordinate the activity of various departments, for proper and more effective implementation of the TSP programs.

The TAC was constituted in January 1976, with the Chief Minister as the ex-officio Chairman thereby giving it the highest priority in terms of administrative structure. Members of the council have since increased several times to allow for more representation of various sections of the tribal population. One of the key responsibilities of TAC was to handle the nucleus budget under the provisions of the H.P. Nucleus Budget for Tribal Area
Rules, 1979. The creation of this budget was primarily for the benefit of those tribal areas independent of the ITDP, and came out of the tribal sub-plan funds. The provision of this budget could only be used for contingency planning of the ITDP. The H.P. Town and Country Planning Act, 1977 is also significant, in that special areas within tribal areas have been developed. The Bhamaur special area was declared such in October 1989. A special Area Development Authority comprising of departmental heads of various departments headed by the SDM, Bhamaur, was created.

Strategies in Law

Suitable amendment of certain laws is required to correctly implement the H.P. PESA.

- Although the definition of village under H.P. PESA is identical to that under the Central law, it fails to impose an explicit duty upon the Government to reorganise village boundaries in conformity with this definition.

- Linked to this is the provision under which smaller Panchayats may be formed on community/hamlet basis. This is essential because of the difficult geographical terrain and lack of adequate means of transport in H.P. Distances are vast and a reorganisation of village boundaries would facilitate better local self-governance in the Scheduled Areas of H.P.

- Special provisions in the H.P. PESA require the Gram Sabha to carry out its functions "without detriment to any law for the time being in force", thus directly implying that in the case of conflict, the existing formal laws would prevail.

- Operational laws regarding the rules specifying which tier of Panchayat is responsible for the planning and management of water bodies, needs to be put in place.

- Prescribed regulations regarding the recommendations of the Gram Sabha on matters of prospecting and exploitation of minor minerals need to be put into force.

- In areas where entire villages migrate to other regions for a certain part of the year, efforts should be made to operationalise Panchayats even in those new areas.

The PRC and its Role in Bhamaur

The PRC is located in Holi sub-tehsil of Bhamaur tehsil, Chamba District. Its main aim is to motivate people to participate in Gram Sabha meetings, disseminate information about the powers and functions of the Panchayat and to help Panchayat members in problem solving. The PRC is presently engaged in the data collection of basic information regarding population, income etc. from the 29 Panchayats in the District. Data has so far been collected only for 19 districts. The PRC is also engaged in micro planning, through another NGO under the aegis of the State Government.

Level of Awareness of the H.P. PESA

- The Additional District Magistrate of Bhamour, while admitting to have received training on the subject of Panchayats, had no information about either the Central PESA or the State PESA. According to him, there were no specific standing instructions from the Government to the lower functionaries about the operation of PESA. He also asserted that primarily the allocation of funds and schemes distinguished one tribal district from another. According to him, the tribal districts in H.P. received substantial budgetary grants.

- The Divisional Forest Officer of Bhamour reiterated the same lack of awareness of PESA. He was particularly critical about granting
ownership of minor forest produce to the Gram Sabha.

- Neither the retired Panchayat Secretary nor the Up-Pradhan of Holi had any information regarding the provisions of PESA. For the Up-Pradhan, the relevance of a tribal area only meant special schemes by the Government.
- The staff of the PRC had no knowledge of PESA. In fact he admitted that his knowledge of the Panchayat and its provisions was through information disseminated by the State Government and not by PRIA or its partner in H.P, New Hope.
- As regards general information sharing relating to the functions and responsibilities of members of the Gram Sabha, there is an apparent conflict between the PRC Staff and the Pradhan. This is because the Pradhan is of the opinion that motivating people to attend meetings leads to disputes. Usually the Pradhan and his men take all the decisions regarding developmental activities without consulting the other members of the Sabha.
- Similarly members of the Gram Sabha were unaware of the special law for scheduled areas. As far as the women members were concerned, the majority of them had never attended a Gram Sabha meeting and were totally oblivious to the existence of PESA.

**Strategies to Strengthen PRC's**

- A comprehensive training program on PESA, the State Amendments and new developments in law with special focus on those laws affecting natural resources, is required to be conducted for the new PRC co-ordinator.
- To facilitate better communication and information sharing, a simple illustrative booklet, preferably in the local language, may be developed and made available to the members of the Gram Sabha.
- A signboard on the main (and only) road pointing to the PRC at Holi could be erected. More importantly, a one-page flyer providing relevant information about the PRC, with details of its staff and its network, be distributed at the earliest.
- Intensive training modules for the PRC staff could be developed, with information relating to PESA and its development in H.P.
- Keeping in mind the geographical terrain and its accessibility constraints, the PRC staff could be increased in number.
- Identity cards could be issued to the PRC staff to establish their credibility and links with a national network.
- A mechanism could be created to facilitate communication of the State co-ordinator between the PRC and the State.
- In order to facilitate a smooth flow of information, especially in tribal areas, fortnightly or monthly meetings could be arranged between the State officials and the PRIA co-ordinator.
- A summary of important instructions, rules, Government orders, notifications and acts could be prepared. This would be an important source of income generation as well as a sequel to the Government publication titled "A Compendium of Important Instructions on Tribal Development", prepared in 1993.
- The PRC should be the link between the Panchayats and the State machinery. According to the community, the main problem with the system is that Gram Sabha resolutions are not acted upon by the State. The PRC could follow up the status of all such resolutions with the district administration.
Origin and Development of the Panchayati Raj System in Madhya Pradesh

The M.P. Panchayat Raj Adhiniyam (Act), 1994, established Panchayats with a view to ensure effective involvement of the Panchayati Raj Institutions (PRIs) in local administration and developmental activities. The Government of M.P. enacted the Panchayati Raj Dwitiya (Sanshodhan) Adhiniyam, 1997 (hereinafter Amendment Act 43, 1997) to conform to the Central Legislation of PESA. The role of the Gram Sabha in Scheduled Areas need to be looked into in the light of this and subsequent amendments, along with the Panchayati Raj (Sanshodhan) Adhiniyam, 1999 and the M.P. Panchayati Raj (Sanshodhan) Adhiniyam 2001.

Conformity with PESA

The Panchayati Raj Dwitiya (Sanshodhan) Adhiniyam, 1997 along with the Panchayati Raj (Sanshodhan) Adhiniyam, 1999 amended the Panchayat Act of Madhya Pradesh (itself amended in 2001 and renamed “Panchayat Raj Evam Gram Swarajya Adhiniyam 1993”) substantially, to conform to the spirit of PESA.

Structure and Functions of the Gram Sabha

Chapter 14A is one of the most significant chapters added vide Amendment Act 43, 1997. The Amendment lists out several provisions reflecting the spirit of PESA. The Gram Sabha in Scheduled Areas has been re-
defined to mean a body of persons included in the electoral rolls relating to the area of the Panchayat at the village level. The Panchayati Raj (Sanshodhan) Adhiniyam 1999 altered the definition of Gram Sabha to include persons within the revenue village as well as the forest village. This assumes significance because perhaps no other State recognizes or equates forest villages to revenue villages. However, it is also subject to the manner in which the Government of M.P defines the "forest village".

Although the power to manage natural resources within the village area is required to be in accordance with tradition, these traditions should be in harmony with the provisions of the Constitution and the spirit of other relevant laws for the time being in force.

The Amendment Act, 1999 vested in all Gram Sabhas, the power to exercise control over institutions or functionaries in all social sectors, and the power to plan or own minor water bodies, including the power to lease out the same for fishing and other commercial purposes. The Gram Sabha was also to advise the Gram Panchayat regarding regulation and use of minor water bodies. Further, the power of the Gram Panchayat to carry out the recommendations and decisions of the Gram Sabha was extended to the Scheduled Areas. These powers as well as control over the local plan resources, including tribal sub plans now vests with the Janpad Panchayat and Zilla Panchayat alone. Further, the role of the Gram Panchayat has been significantly reduced in Scheduled V Areas and has been made subservient to the Gram Sabha. They are now to function under the general supervision, control and direction of the Gram Sabha.

The Adhiniyam, 1997 introduced a unique provision to ensure women's representation in the meetings of the Gram Sabha. It is mandatory for women to be present to complete the quorum in Gram Sabha meetings.

The Amendment Act 43, 1997 made substantial provisions regarding the powers and functions of the Gram Sabha. The Gram Sabha is required to lay down principles for the identification of schemes as well as their priority for economic development. Further, it is required to approve all plans, programs and projects for social and economic development prior to their implementation. It also has the power to verify and check on the proper utilization of funds for projects by the Gram Panchayat. In addition, the Gram Sabha is to identify and select beneficiaries under poverty alleviation and other programs.

The Panchayati Raj (Sanshodhan) Adhiniyam Act, 1999 (hereinafter Amendment Act, 1999) further amends the powers and functions of the Gram Sabha. The Gram Sabha now has the power to exercise control over institutions or functionaries in social sectors, which may be transferred to or appointed by the Gram Panchayat. It has also been given the power to manage natural resources including land, water and forest within the village area "in accordance with the provisions of the Constitution and relevant laws for the time being in force." This provision is loosely worded and raises several queries with regards to specific laws that have been enacted to manage natural resources. It is clear that the other laws on natural resources will take precedence over the powers of the Gram Sabha. For example, the Forest Conservation Act, 1980 will take precedence over the Amendment Act, 1999 as it would be in accordance with the relevant law in force.

The Gram Sabha is further empowered to advise the Gram Panchayat on the regulation and use of minor water bodies. What is unclear is whether such advice is mandatory and binding or not. The Amendment Act, 1999 also requires that the Gram Panchayat shall place before the Gram Sabha all such matters which the Janpad Panchayat, Zilla Panchayat, Collector or Authorized Officer on his
behalf may be required to place. The amendment provides is that Gram Panchayat has to carry out the recommendations of the Gram Sabha with regard to these matters. This is a reversal of roles, as prior to the amendments the Gram Panchayat was required only to "consider the suggestions" made by the Gram Sabha.

At this juncture it is important to understand the implications of the recently enacted Panchayat Raj (Sanshodhan) Adhiniyam 2001 which seeks to bring Gram Swaraj to the State. There seems to be a general perception that the 2001 Adhiniyam does not apply to Scheduled Areas. However it is clear that the provisions of the Adhiniyam shall not apply to the Scheduled Areas "only so far as they are inconsistent with" the provisions of Chapter-XIV-A of the Act and the provisions of the PESA.

Inter-Tier Allocation of Functions

The Panchayat system in M.P. is classified into three tiers viz. Gram Panchayat, Janpad Panchayat and Zilla Panchayat. Detailed provisions for these institutions have been provided under the Act, including meetings of the Gram Sabha, terms of office, qualifications, no confidence motions etc. A new system of recall has also been introduced for office bearers of the Gram Sabha through a secret ballot, by a majority of more than half of the total number of Gram Sabha members. However, advance notice, signed by not less than one third of the total members of the Gram Sabha, is to be presented to the concerned authority.

The Panchayat Act provides for subordinate agencies, which may be appointed for discharging the functions and duties of the Gram Panchayat. The Gram Panchayat is empowered to constitute not more than three standing committees, which shall exercise powers as assigned to them, by the Gram Panchayat. The Janpad Panchayat and Zilla Panchayat are required to constitute the following committees viz. General Administration Committee, Agricultural Committee, Education Committee, Communication and Works Committee and Co-operation and Industries Committee. In addition to this, they may constitute such other committees as may be required.

The Act lists out the numerous functions within the jurisdiction of the Gram Panchayat subject, however, to the availability of funds. These functions include the regulation of grazing lands, the establishment of rights and regulation of markets (other than public markets), plantations and preservation of Panchayat forests. The Gram Panchayat is required to act as directed by the State Government, Collector or any other officer authorized by him. It can be inferred that the Gram Panchayat is required to act as an agent of the State, not necessarily reflecting the mandate of the Gram Sabha. Several new functions were added to the list of functions of the Gram Panchayats vide Amendment Act 2, 1997. These include the preparation of annual plans for economic development and social justice, the selection of beneficiaries under various programs (with the approval of the Gram Sabha), leasing out any minor water body for fishing and other commercial purposes, regulating the use of water in rivers, streams and minor water bodies for irrigation purposes, and exercising control over local plans and its resources as well as over institutions and functionaries in all social sectors. These functions seem to conflict with those of the Gram Sabha. As mentioned earlier, similar functions had been assigned to the Gram Sabha as per the Amendment Act, 1999. It is therefore unclear whether, for example, the identification and selection of beneficiaries would be done by the Gram Sabha, as per Amendment Act 43, 1997 or the Gram Panchayat as per Amendment Act 2, 1997. A reading of the provisions would point to the Gram Sabha as
the nodal agency for the identification of beneficiaries. However, necessary amendments need to be made in the list of functions to be performed by the Gram Panchayat. This will clear any ambiguity in the roles of the Gram Sabha and the Gram Panchayat.

The Janpad Panchayat is required to consider matters relating to integrated rural development, agriculture, social forestry etc. along with the preparation of Annual Plans for economic development and social justice. It is also the coordinating and guiding agency for the Gram Panchayat within the Block. However, the Act provides no details as to how this co-ordination is to be brought about.

The role of the Zilla Panchayat has been enhanced. It is a nodal coordinating agency in the District, which ensures the completion of all the functions of the Janpad and the Gram Panchayat. The Amendment Act 43, 1997 has also merged the District Rural Development Agency with the Zilla Panchayat. The Act further provides that the Panchayat, at the appropriate level, shall have the power and authority, as may be necessary, to enable them to function as institutions of self-government.

The M.P. Panchayati Raj Adhiniyam, 1993 has assigned special powers to the Gram Panchayat in respect to public health facilities and safety. This includes the power to regulate the use of water and ensure environmental control. There is a clear overlapping in jurisdiction in the functions of the Gram Panchayat and the Gram Sabha. The Gram Panchayat has also been provided with penal provisions in cases of unauthorized construction, hindrance, obstruction, encroachment etc. Notably, the Gram Sabha does not have any penal provisions.

A unique feature of the Amendment Act 43, 1997 is the introduction of the concept of colonization within the Gram Panchayat area. Any person intending to establish a colony in the Gram Panchayat area may apply to the SDO (Revenue) for grant of a Registration Certificate, entitling the colonizer to undertake the development of colonies in the area.

On the one hand, numerous powers have been entrusted to various levels of the Panchayat; on the other, the power to control the Panchayat vests with the Government. An Authorized Officer of the State Government has the power to inspect the proceedings of both the Gram Sabha and the Panchayat. Further, the State Government or the prescribed authority has the power to suspend the execution orders license by a Panchayat under certain conditions. However, Amendment Act 2, 1997 gives the Panchayats concerned a reasonable opportunity of being heard. Further, the State Government also has the power to direct the Panchayat to execute work, which it deems fit in public interest. Lastly, the State Government has the all-powerful provision of dissolving the Panchayat in case of default or abuse of power, or its failure to carry out any order of the State Government. Although the Panchayats are given a reasonable opportunity of being heard, this provision merely reinforces the authority of the State. There is also the provision for a separate and independent audit organization under the control of the State Government, to audit Panchayat accounts. This clearly demonstrates that there are ample provisions that enable the State to control the functions of the different levels of the Panchayat.

Subject Matter, State Laws and the Gram Sabha: Overlapping Jurisdictions

The Government of M.P. has introduced a unique law for the development of the district as a whole and this can have major implications on the functioning of the Gram Sabha. The M.P. Zilla Yojana Samiti Adhiniyam (herein after Act No. 19, 1999) is unique legislation in many ways. The District
Planning Committee constituted under this Act would be a nodal agency, to co-ordinate matters of common interest between the Panchayat and the Municipality. It is required to consolidate all the projections of the Panchayat and the District Municipality, and prepare a draft development plan. It would also be responsible for identifying local needs and objectives, collecting and updating information relating to both natural and human resources in the district and creating a sound database for decentralized planning. It has also to determine the policies, programs and priorities for the development of the district as a whole so as to ensure maximum and judicious utilization and exploitation of all available natural and human resources. It is still unclear whether the Committee will have the final say in the functioning of Panchayats, especially in Scheduled Areas. Currently it does seem to be the highest body co-ordinating every possible plan under the Panchayat, in every part of the State, including the Scheduled Areas.

The M.P. Gram Nyayalaya Adhiniyam, 1996 is another piece of legislation which will have implications on the dispute resolution mechanism of the Gram Sabha, especially in the Scheduled Areas. This legislation was enacted to provide for the disposal of simple cases in rural areas. A Gram Nyayalaya may be established in any area of 10 or more neighbouring Gram Panchayats for the purpose of this Act. The Gram Nyayalaya is considered a Civil Court with a pecuniary jurisdiction of one thousand rupees, and which may try offences under the Indian Penal Code, the Cattle Trespass Act, the Madhya Pradesh Land Revenue Code etc. It is also required to make every endeavor to reconcile the concerned parties, before proceeding to hear any case. Legal Practitioners are not allowed in Gram Nyayalayas. However, given the customary modes of dispute resolution, no special provision has been made for handling cases in Scheduled Areas.

Another de-centralized mechanism adopted by the Government of M.P is the M.P. Sinchai Prabandhan Me Krishkon Ki Bhagidari Adhiniyam, 1999. This provides for farmers' participation in the management of the irrigation system. For this purpose, areas have been delineated as 'Water Users Area' and a 'Water Users Association' has also been formed. The Act further provides for a 'Managing Committee' for every 'Water Users Association', which in turn falls under the delineated 'Distributory Area', headed by a 'Distributory Committee'. This 'Distributory Area' comes within the broader purview of a 'Project Area', managed by a 'Project Committee'. Essentially every 'Command Area' may be delineated as 'Project Area'. 'Dispute Resolution Bodies' are also embedded within the hierarchical structure. For example, the Distributory Committee resolves disputes of the Water Users Association. What is significant here is that such a hierarchical structure regulates most of the command area of the State, seeming to overlap with the powers of the Gram Sabha relating to the management of water bodies, especially for the purpose of irrigation. This becomes a little more complicated in Scheduled Areas because the power to manage minor water bodies vests with the Gram Sabha. Also the role between members of the 'Water Users Association' and members of the Gram Sabha for a given Scheduled Area or part thereof, is unclear under M.P. Act No. 23, 1999.

Recent Developments

M.P. has enacted several rules under the M.P. Panchayat Raj Adhiniyam, 1993, such as:
- The M.P. Gram Panchayat (Budget Estimate) Rules, which details guidelines for the preparation of budget estimates
- The M.P Gram Sabha Optional Taxes and Fees (Conditions and Exceptions) Rules, 2001
The M.P. Gram Sabha (Maintenance of Gram Kosh) Rules, 2001 which creates different funds such as Anna Kosh, Shram Kosh, Vastu Kosh, Nagad Kosh etc.

- The M.P. Gram Sabha (Sanction of Loans to Indigent Persons) Rules, 2001
- The M.P. Gram Sabha (Appeal) Rules where an appellate authority has been created for the redressal of grievances against the functioning of the Gram Sabha
- The M.P. Gram Sabha (Procedure of Meeting) Rules, 2001
- The M.P. Gram Sabha (Procedure of Committee’s Meetings, Conduct Of Business And Allied Matters) Rules, 2001

**Strategies in Law**

The Panchayati Raj (Sanshedhan) Adhiniyam Act, 1999 has given the Gram Sabha the power to manage natural resources including land, water and forest within the village area “in accordance with the provisions of the Constitution and relevant laws for the time being in force.” The provision is ambiguous with regard to specific laws enacted to manage natural resources. It is clear that the Forest Conservation Act, 1980 will take precedence over the Amendment Act, 1999 as it would be in accordance with the relevant law in force. This negates the spirit and letter of the Central PESA and needs to be suitably amended.

The Gram Sabha is provided with the power to advise the Gram Panchayat on the regulation and use of minor water bodies. It is however unclear whether such advice is mandatory and binding on the Gram Panchayat or not. This provision should be amended, providing a central rather than an advisory role, to the Gram Sabha.

The Gram Sabha has the power to regulate and prohibit the manufacture, sale and consumption of intoxicants within its territorial area. It is important to note that this power is not retrospective and there is a clear proviso, which mandates that an order of prohibition passed by the Gram Sabha shall not be applicable to any distillery that was established prior to the Amendment. This clearly weakens the role of the Gram Sabha and defeats the purpose of the Amendment.

A specific law on irrigation provides for a hierarchical structure to regulate most of the command area of the State. This however overlaps with the powers of the Gram Sabha for managing water bodies for irrigation. It becomes more complicated in Scheduled Areas because the power to manage minor water bodies vests with the Gram Sabha, and the relationship between the members of the Water Users Association and the Gram Sabha is unclear. These anomalies in M.P Act No. 23, 1999 need to be clarified on an urgent basis.

**The PRC and its Role**

The M.P PRC, working in Bhabra Block, Jhabua District is coordinated by Prayas. It caters to about 34 Panchayats comprising of 54 villages. Consultants visited the village Panchayats of Barjhar and Badgaon in the Bhabra Block. Several strategies are followed to impart information to the villagers on Government schemes and the laws on Panchayati Raj, especially the Gram Swaraj Act, 2001. One of the important strategies adopted, is the creation of self-help Groups and Grain Banks, managed by Mahila Mandals. Financial empowerment is considered the key to Gram Sabha empowerment in this Block.

**Level of Awareness**

The consultants were unable to meet any district level Government officials to get their perception about the M.P. PESA. However, several village level functionaries such as the Panchayat Secretary were consulted on their opinion regarding the
effectiveness and operation of the PESA in M.P.

Among the staff of the PRC in the Bhabra Block, there is a lot of emphasis on the Gram Swarajya Act, 2001, but little on the 1997 amendments to the Panchayat Act, 1994. The relationship between the 1997 amendments and the 1999 amendments and their linkage to the Gram Swarajya Law, 2001 needs to be clarified to the PRC Staff in Bhabra.

Among Panchayat members including women, the Gram Swarajya Act, 2001 is the dominant law on Panchayats and awareness is restricted to that. This is more so because through the new law, the Government plans to implement various schemes such as the SGSY, the Agriculture Scheme etc. There is very little knowledge about the 1997 and 1999 Amendments, which introduced the provisions of PESA in M.P.

Strategies for PRC’s

The PRC staff emphasised an urgent need to be trained in the nuances of PESA, the various amendments and details of subject matter laws especially those on forests, land, water, money lending, village markets and excise. In fact, the staff also requested for training on other aspects of natural resources, including wildlife and protected areas.

The PRC’s in tribal areas need to be distinguished from PRC’s in other rural areas. Perhaps a different nomenclature such as Tribal Panchayat Resource Center (TPRC) may be used to denote the special significance of PRC’s in Scheduled Areas.

The staff informed the consultants that the strategies and tools for information sharing they used, included street plays, a local language newspaper, slogans and notice boards in public places, especially at the Panchayat office. This should be encouraged with regards the M.P. PESA and subsequent amendments on subject matter laws.

The various rules that have been enacted need to be compiled and a simplified version in the local language needs to be developed urgently. This is essential because these rules operationalise the Gram Swarajya Act, 2001 and this information needs to be shared as soon as possible. Further, clarifications need to be sought from the Government on the applicability of these rules for the Gram Sabhas that are being constituted in the four tribal districts in M.P including Jhabua.
Gujarat

Introduction

33 taluks of 7 districts have been declared as Scheduled Areas of Gujarat, vide the Scheduled Area (Bihar, Gujarat, Madhya Pradesh, Scheduled Tribes) Order, 1977.

This was replaced by the Bombay Village Panchayat Act, 1958, till the formation of Gujarat. Thereafter the Gujarat Panchayat Act, 1961 was enacted, followed by the Gujarat Panchayat Act, 1993.

The Origin and Development of Panchayati Raj in Gujarat

Prior to the formation of the State of Gujarat in 1960, the Bombay Village Panchayat Act, 1933 was the legal instrument applicable to the area. This was replaced by the Bombay Village Panchayat Act, 1958, till the formation of Gujarat. Thereafter the Gujarat Panchayat Act, 1961 was enacted, followed by the Gujarat Panchayat Act, 1993, bringing the law relating to Panchayats in the State in conformity with the mandate of the 73rd Amendment. Following the enactment of PESA, the Gujarat Panchayat (Amendment) Act, 1998 amended the 1993 State Panchayat Act, by inserting sections 278A and 278AA along with Schedules IV and V. The new sections apply to the new Scheduled Areas of the State, subject to modifications specified in Schedule IV and V of the Act.

One Scheduled Area and the focus of the field visit, was Sabarkantha District. It comprises 47 village Panchayats of which 37 village
Panchayat elections have been held. Each Panchayat has 6/7 'falias' or villages.

Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996 in Gujarat

An analysis of the Gujarat Panchayat (Amendment) Act, 1998 shows significant departures from the PESA. On the one hand, the 1998 Amendment Act grants the Gram Sabha mandatory powers of preserving traditions and customs, community resources and the customary modes of dispute resolution as also the approval of plans and projects and the identification of beneficiaries. At the same time, it has taken away significant consulting and recommendatory powers from the Gram Sabha, thus departing from the mandate of PESA. The structure and function of the Gram Sabha itself, the allocation of functions to the various tiers of Panchayats and the specific subject matter that the law has covered and its implications, are some significant parameters against which the Gujarat PESA has been evaluated vis-à-vis the Central PESA.

The Structure and Functions of the Gram Sabha in Gujarat

The Central PESA made it clear that every village should have a Gram Sabha, defining village to include a "group of habitants or group of hamlets comprising a community, managing its affairs in accordance with traditions and customs". Complying with this mandate, the Amendment Act 1998 stated that a "Gram Sabha" should consist of persons whose names are included in the list of voters in the electoral divisions of that village. However, the definition of village in the Central Act is incorporated by the amendment in the State Act by defining "local area" and not village. The 1998 Amendment Act also lays down that the Gram Sabha shall endeavor to safeguard and preserve the traditions and customs of the inhabitants of the village, their cultural identity, community resources and the customary mode of dispute resolution. Again it is noticeable that while the Central Act deemed every Gram Sabha to be competent to safeguard and preserve their traditional and customary practices and cultural identity, the 1998 Act omits the word 'competent'. The amended Act also makes clear that the Gram Sabha shall approve the plans, programs and projects for social and economic development before the same are taken up for implementation by the village Panchayat. Besides the Gram Sabha shall also be responsible for the identification or selection of persons as beneficiaries.

Schedule I of the Gujarat Panchayat Act 1993 lays down a number of powers and duties to be vested with village Panchayats. These include matters relating to sanitation and health, public works, education and culture, village defense and planning and administration. Though constituted out of the Gram Sabha, the village Panchayat falls short of being the executive arm of the Gram Sabha, since the Gram Sabha does not have the power to approve the village Panchayat budget. Besides, the Act does not bind the village Panchayat to act upon the decisions of the Gram Sabha. The empowerment of the Gram Sabha requires the establishment of a well-defined, organic linkage between the Sabha and the Panchayat.

Inter-Tier Allocation of Functions

The Amendment Act, 1998 has tended to vest more powers at the taluk Panchayat and village Panchayat level than with the Gram Sabha. It is significant that the Act has vested the powers of consultation before acquisition of land, to the taluk Panchayat, with no role for the Gram Sabha, even at the village level. Similarly "control over local plans and resources for such plans including 'tribal sub plans'" is vested with the taluk Panchayat. The
mandate under PESA on this aspect was empowering both the Panchayat at appropriate levels and the Gram Sabha. Further the Act specifically vests the powers of planning and management of minor water bodies, prohibition, regulation and restriction of intoxicants, ownership of minor forest produce and control over functionaries and social sectors with the village Panchayat. The role of the Gram Sabha here seems to have been missed and this assumes significance in light of the fact that the Gram Sabha has a very minimal - if not negligible - control over the village Panchayats. Clearly there is a need to (a) amend laws to empower the Gram Sabha in these areas and (b) develop a well-defined perspective with the simultaneous empowerment of the Gram Sabha and the higher tiers of the Panchayat.

Subject Matter, State Laws and the Gram Sabha

Section 4 of the Central PESA requires the State Legislature to vest with the appropriate level of the Panchayat and the Gram Sabha, powers relating to certain matters falling under other laws. The statement of objectives of the Amendment Act clarifies this requirement with respect to the same. Accordingly, the relevant provisions of the Bombay Land Revenue Code, 1879 and the Bombay Moneylenders Act, 1946 were also amended. Section 17A in the Bombay Moneylenders Act, 1946 required that no Money Lender shall lend money to a member of the Scheduled Tribe, residing in a Scheduled Area of the State, without previous sanction of the village Panchayat. It should be noted here that the PESA requires the appropriate level of the Panchayat and the Gram Sabha to be empowered to exercise control over moneylenders in the Scheduled Areas. Much would depend on how the words “exercise control” are interpreted. If these words are given their full liberal interpretation, the mere insertion of section 17A would not be enough.

Further amendments to the 1946 Act would be required so as to empower the Gram Sabha and the Panchayats to intervene in matters relating to the registration and licensing of money lenders.

Notably, previous sanction of the village Panchayat is not a requirement for commercial bank credits granted for agricultural purposes. This is because the Gujarat Agricultural Credit (Provisions of Facilities) Act, 1979 over-rides the Bombay Moneylenders Act, 1946. The 1979 Act clarifies that the Bombay Money Lenders Act does not apply to financial assistance provided to agriculturists from a bank. Sanction by the village Panchayat even in cases of financial assistance from a bank is a matter that requires closer examination. This is apart from the fact that the powers for sanction for money lending rests with the representative body of the Gram Sabha and not the Gram Sabha itself.

The Amendment Act, 1998 also brought about changes in the Bombay Land Revenue Code, 1879 as applicable to the State of Gujarat. The amendment of Section 73AA clarifies the question of the Gram Sabha or the appropriate level of the Panchayat being empowered to prevent land alienation and restoration of alienated land. The Act now requires that land occupied by a person belonging to a Scheduled Tribe may not be transferred to any person without the previous sanction of the District Panchayat – the District Panchayat having replaced the Collector in this regard.

The Amendment Act, 1998 also amended the Gujarat Agricultural Central Produce Market Act, 1963 to allow for the intervention of the Gram Sabha in the management of village markets, especially for agricultural produce. The 1963 Act regulated the buying and selling of agricultural produce and establishment of a market in the State of Gujarat. It provided for the creation of market committees for
the efficient regulation of purchase and sale of any specified kind of agricultural produce in the market area. There was no Panchayat representation in the said committee, which was largely a bureaucratic body. The Gram Sabha was deemed to be more capable than any other body, particularly in the aspect of market management, as one task of every market committee was to collect and maintain information relating to market intelligence and supply the same to the Government whenever so required.

The Amendment Act, 1998 vested in the village Panchayat, management of minor forest produce in the area where a forest is situated in the jurisdiction of that village. This however excludes minor forest produce found in the area of National Parks or Sanctuaries in the State. An examination of the Gujarat Minor Forest Produce Trade Nationalization Act, 1979 shows that no person other than the State Government or an authorized officer or agent shall purchase or transport minor forest produce in the State of Gujarat. Besides, the State Government is to fix the price at which each class of the minor forest produce shall be purchased by it or by an authorized officer or agent. Keeping with the spirit of PESA certain amendments need to be made regarding the purchase/registration and disposal of minor forest produce for the Scheduled Areas of the State.

The Amendment Act, 1998 is silent on the provision under PESA, that the recommendation of the Gram Sabha or Panchayat at an appropriate level, be made mandatory, prior to the grant of concession of exploitation of minor minerals by auction, and for granting prospecting licenses or mining leases for minor minerals in Scheduled Areas. The Gujarat Minor Mineral Rules empower a "competent officer" to sanction the grant of quarrying and mining lease. A "competent officer" means a Government officer or officer of the district Panchayat or taluk Panchayat appointed by the State Government. There is no role for the Gram Sabha and an amendment of these rules is necessary to give effect to the mandate under PESA.

Overall it can be said that the Amendment Act significantly reduces the role of the Gram Sabha. Powers originally meant for the Gram Sabha or the Panchayat at the appropriate level, have been given to various tiers of the Panchayats. For example, the consultative powers before acquisition of land have been entrusted to the taluk Panchayat. Likewise, the planning and management of water bodies is vested with the village Panchayat. Powers have overall been distributed at the village and taluk level Panchayats, not the Gram Sabha.

Recent Developments

Reservation in Scheduled Areas: Recently amendments have been made to the provisions relating to the constitution of Panchayats so as to dilute the strict reservation policy for posts in the village Panchayat in Scheduled Areas. In the Panchayat Act of Gujarat, the reservation for the offices of Sarpanch is for Scheduled Tribes only. However through a Notification dated 23rd November 2001 issued by the Governor, the office of Sarpanch will not be reserved for a member of the tribal community in a village Panchayat where the non tribal population is 75% or more. Legally speaking this notification can be challenged on constitutional grounds and on the grounds of the Central PESA, and opinion is divided. Some feel that this is a clear violation of both the PESA and the Constitution, while others feel that this notification may be right in principle and areas with a tribal population of less than 25% should be excluded from the definition of tribal areas.

Definition of Village: An interesting dimension emerged regarding the definition of 'village' as per
the Panchayat Act, 1962 and the Panchayat Act, 1993. Under the 1962 Act, the definition of “village” has broader coverage than under the 1993 Act. The 1962 Act states that a village may include other villages like forest villages and those outside the purview of traditional revenue villages, as recognised by other administrative categories. However the 1993 Act restricts the definition to revenue villages only. It is interesting to note, however, that most of the villages that have been declared are under the Old Act, thus villages under the new Act would follow the same boundaries as recognised by the earlier Act. It is therefore a matter of empirical verification whether there are villages outside the boundaries of traditional revenue villages, which were recognised by the earlier Act or not. This could form part of the legal strategy covering those villages outside the traditional definition of revenue villages, to implement PESA in Gujarat.

Strategies in Law

- In light of the fact that the Gujarat PESA tends to assign a more significant role to the taluk Panchayat and at the lowest level, to the Gram Panchayat, there is a need to
  - amend laws to empower the Gram Sabha in the areas mentioned above, and
  - develop a well-defined perspective which allows for simultaneous empowerment of the Gram Sabha with higher tiers of the Panchayat
- A further amendment of the Gujarat Money Lenders Act, 1946 is required to endow the Gram Panchayat at the appropriate level, and the Gram Sabha, power to exercise control in areas of registration and licensing for money lenders in the Scheduled Areas. The mere insertion of section 17A to the 1946 Act would not be sufficient as the term “exercise control” could be interpreted variously.
- It almost seems as though the State Legislature has, by design, restricted the role of the Gram Sabha. Even where the Central PESA provides for a mandatory role for the Gram Sabha and the Panchayat at the appropriate level, the amended Act endows those powers to either the taluk Panchayat or the village Panchayat. There is an urgent need to reverse this in keeping with the spirit of PESA.
- The Notification dated 23rd Nov 2001 introduced a proviso to the Panchayat Act, 1993. An amended Section 9 stipulates, that in a village Panchayat with the tribal population constituting one fourth or more of the total population, the total number of seats to be filled by tribals would not be less than 50%. This is legally flawed and requires correction by amending either the Panchayat Act or the Presidential Order, 1997, excluding such areas in Scheduled Areas where the tribal population is less than 25%.
- An empirical verification of those villages outside the boundaries of traditional revenue villages could form part of the legal strategy to implement PESA in Gujarat.

The PRC in Gujarat

The PRC is co-ordinated at the UNNATI Headquarters under the overall guidance of the Director, through a Programme Coordinator, Senior Programme Associate and two full time staff, at the Khedbrahma Field Office. In addition, all work relating to local self-government is supported by retired bureaucrats of the Rural Development Ministry.
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The Director of UNNATI follows a three-pronged approach towards the implementation of PESA in Gujarat. These are:

- Traditional Modes of Dispute Resolution
- Rights relating to Minor Forest Produce
- Accountability of the Line Departments

Initiated by UNNATI and other partner NGOs, informal committees have been constituted to facilitate the implementation of PESA. The composition of these committees are:

There are parallel bodies of persons at the village, Panchayat, Panchayat Samiti (block level) and the District level. At the falia (village) level, the posts of Pramukh and Up-Pramukh have been created primarily to act as pressure groups, rather than officially recognised positions. These groups act as lobby groups that articulate the needs of the Gram Sabha at the village level, at Gram Sabha meetings.

Level of Awareness of PESA

- The Collector of Sabarkantha at the seemed totally ignorant of PESA. The reason he attributed was that in Gujarat at the District level, two systems of Administration prevailed. The Collector was the Revenue Head while the District Development Officer was the Head of Tribal Development and other development programs.
- A Senior Programme Associate of UNNATI is the overall co-ordinator of the Sabarkantha PRC. He has a background in law, is a highly capable organiser, with good public rapport. Although he was aware of PESA and its provisions, he lacked perception in details of subjects such as the inter-tier allocation of power, its relevance and tribal self-rule.
- The two staff at Khedbramha PRC, require intensive training on the developments in PESA in Gujarat, with special emphasis on natural
In Dhantral Village, Dhantral Panchayat, Khedbrahma taluk, most people had heard of the Bhuriya Samiti. This was primarily due to the intervention of UNNATI. After the 1998 Amendment, UNNATI undertook a massive campaign and disseminated information on the changes in the form of leaflets, booklets and manuals. They also published newsletters on Panchayati Raj developments. Despite these commendable efforts however, the general perception of the local people was that Bhuriya Samiti or PESA made no difference to their lives, as there were no special schemes at field level. The one concern, repeatedly voiced, was the management of water in the district. Although the Gujarat PESA envisages minor water bodies managed by the village Panchayat, there were no guidelines as to the kind of management required by the village Panchayat in this regard.

The village of Matarwada had a high crime rate due to excessive consumption of alcohol. The Gram Sabha passed a resolution prohibiting the use of intoxicants. Any violation of this resolution attracted a fine. A substantial amount of money has already been collected. The Gram Sabha resolution also states that all petty crimes relating to alcohol would be settled through the Gram Sabha. The local police have been informed accordingly, and the local dispute resolution mechanism is facilitated without outside interference. Consultants were told in a village meeting that this tribal self-rule was the result of the power vested with the Gram Sabha to regulate intoxicants.

Matarwada provides a good example of tribal-self rule in Gujarat, which certainly needs to be popularised. However, the village lacked the knowledge relating to other matters of social relevance, management of land, water and forests.

Perceptions of Other Resource Persons

West India Forum for Panchayati Raj (WIFPR) feels that there is no State political will to implement the new amendments with regards to PESA and the Gujarat amendments. The WIFPR is of the opinion that NGOs, taking the support of Legal Forums, needed to be more assertive as regards the rights of local people over natural resources.

By couching language in ambiguous terms such as “competent authority”, “as may be prescribed”, “subject to rules” etc. the State attempts to retain control by interpreting such terms according to their convenience.

Strategies to Strengthen PRC’s

- The RSO is active in the village Panchayats of Dhantral and Matarwada. However a training program on the PESA in Gujarat could be organized to enhance the capacities of Gram Sabha members.
- The Gram Vikas Samiti and the Kshetriya Vikas Samiti facilitated by UNNATI in these areas could be the focus of these training programs and who would further spread the message on PESA in Gujarat.
- The existence of the PRC, information available and the kind of help a PRC provides needs to be documented in simple language and distributed among the local populace.
- The expectations of the PRC field staff with regards facilities and resources do not coincide with what is available. This requires urgent attention.
- A strategic location for the PRC with proper signage announcing its presence is required. A location near the Tehsil headquarters or the Panchayat Samiti headquarters would make the PRC more accessible.
Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996 in Rajasthan

Following the Constitution (73rd Amendment) Act, 1993, the State of Rajasthan repealed the existing Panchayat Samities and Zilla Parishad Act, 1959 and passed a new legislation, called The Panchayati Raj Adhiniyam, 1994. However, the provisions of this Act were not applicable to the Scheduled Areas of the State. Therefore, the State Legislature, in accordance with the provisions of the Panchayat (Extension to Scheduled Areas) Act, 1996, enacted The Rajasthan Panchayati Raj (Modification of Provision in their Application to the Scheduled Areas) Act, 1999 (herein after the Rajasthan PESA). This Act modifies the provisions of the Rajasthan Panchayati Raj Adhiniyam, 1994 in their application to the Scheduled areas of the State.

Recent Developments

By an important Amendment in 2000 to the Rajasthan Panchayati Raj Adhiniyam, 1994, two major changes have been introduced. First, the entire function of the Gram Sabha under the 1994 Adhiniyam has been transferred to the Ward Sabhas. Second, a new chapter has been added providing an altogether new list of functions for Gram Sabhas in Rajasthan.
The new Chapter vests the Gram Sabha throughout the State with new functions that would have normally been vested with the Gram Sabhas found only in the Scheduled Areas under the Rajasthan PESA. In a pattern similar to Madhya Pradesh, there seems to be an attempt to lay down more progressive elements in the legal regime for Panchayats in the Scheduled Areas for the entire State. However, most of these “progressive elements” have so far been just on paper, especially in the context of Scheduled Areas.

Conformity with PESA

The Rajasthan PESA makes clear that every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat, at the village level. There is, however, no definition of village as habitation/hamlet on community lines. It merely says that a village shall mean a “village specified as such by the Governor”.

At first glance, the Rajasthan PESA seems to have generally reflected most of the provisions of the Central PESA. A closer look however establish, that almost all powers have been made subject to rules/further orders “as may be prescribed by the State Government”. Control over prospecting of minor minerals, planning and management of water bodies, management of village markets, control and management of minor forest produce, prevention of alienation of land are all subject to rules in force or as may be prescribed by the State. The fact that the enabling rules are not in place more than three years after the belated adoption of the central law on PESA suggests reluctance by the State Government to operationalise the mandate of PESA.

Inter Tier Allocation of Functions

The Rajasthan PESA, like the Central PESA, has not conclusively devolved powers to any specific tier of the Panchayati Raj Institutions. It merely states that the State Government shall identify the Gram Sabha or Panchayati Raj Institution that is to perform a particular function, and the manner in which such powers are to be exercised, are to be prescribed by the State Government.

Subject Matter Laws and the Gram Sabha

Any analysis of the Rajasthan PESA vis-a-vis other local laws, seems premature since the laws enabling the operation of PESA in Rajasthan are not in place. This section merely indicates those areas where an operative legal regime under PESA could possibly come into conflict with other relevant local laws, once such a regime comes into place.

It has been noted that the Rajasthan PESA has exercised substantial restraint in granting powers, with regard to the management and control of natural resources and those measures affecting the social life and customs of tribals in Scheduled Areas. This is clear to see from a perusal of specific subject matter laws and the manner in which power is vested in the Gram Sabha and the Panchayat at appropriate levels.

In the case of prohibition of intoxicants, the Rajasthan PESA provides that in a Scheduled Area, the Panchayat at the appropriate level, or Gram Sabha, as may be prescribed, shall have the power to enforce prohibition, to regulate and restrict the sale and consumption of any intoxicant, subject to such rules, as may be made by the State Government, in this regard. This is unlike the Central PESA, which provides that, both the Panchayat at the appropriate level and the Gram Sabha have to be empowered. The State Government has also retained the discretion to decide which functions the PRI will perform, and the manner in which it is to perform. This is clear from the clause “subject to such rules as may be made”. In effect there is no transfer of power to PRIs as the State has retained control over intoxicants despite the provisions of the PESA.
Under the Rajasthan Excise Act, 1950, the power regulating the sale and consumption of intoxicants vests primarily with the State and the Excise Commissioner. The licensing functions, control over manufacturing, possession, sale etc. are presently controlled by the State Government. Under the provisions of the Rajasthan PESA, the PRI’s are to function under the control and guidance of the State Government, and there is no shift in the decision making power. However, under the Central PESA, the State has to ensure the devolution of power to the Gram Sabha and to the Panchayat at the level the State Government deems appropriate. For such devolution to be possible, changes would have to be introduced in the State Excise Act.

Further, under the Rajasthan Excise (Closure of Country Liquor Shop by Local Option) Rules, 1975 any liquor shop in a Panchayat circle can be closed, if the voters in the circle vote for closure. This is possible through an application to the SDO for establishing public opinion on the subject. A Presiding Officer appointed by the Collector for this purpose conducts the polling.

Under the State Laws, the regulation of minor minerals is governed by the Rajasthan Minor Mineral Concession Rules, 1986. The Rajasthan PESA does not transfer any power in favour of the Gram Sabha or the Panchayat at the appropriate level. It only provides for an advisory function. Though this is not inconsistent with the Minor Mineral Concession Rules, a notification does require to be issued, stating the mandatory prior recommendation of the Gram Sabha or Panchayat at the appropriate level, in Scheduled Areas.

The major State Act regarding Money Lending is the Rajasthan Money Lenders Act, 1963. Under this Act, Money Lending in the State is controlled by the Registrar General, the Registrar and the Assistant Registrar. The role of the Gram Sabha and the PRIs needs to be precisely ascertained. Once this is done, the necessary amendments under the law and framing of rules could be effected. Besides, the Rajasthan PESA empowers the Gram Sabha or the PRI, as may be specified, to exercise control over money lending to the Scheduled Tribes. In contrast, the Central PESA endows both the Gram Sabha and the Panchayat at the appropriate level, with this power.

There have been instances, where the local cooperative banks have been accused of harassing poor, illiterate farmers, who are indebted to the Bank, on grounds of non-rendering of the loan account, wrongful practices of loan recovery etc. These banks fall under the category of “institutions and functionaries within the social sector”, over which the PESA mandates control to the Gram Sabha or the Panchayat at the appropriate level, as the case may be. One way to deal with these banks could be to place them under Gram Sabha control, thus ensuring accountability of these institutions to the people, and preventing unjustified harassment by the banks. Similar mechanisms of accountability and control could be introduced with respect to other social functionaries and institutions, such as officers of the State Government empowered to grant loans for agriculture and other such purposes.

In keeping with the provisions of PESA, vesting the Gram Sabha or the Panchayat at the appropriate level, with the power to exercise control over institutions and functionaries in all social sectors, the following Acts would require amendment.

- The Rajasthan Agricultural Loans Act, 1956
- The Rajasthan Cooperative Societies Act
- The Rajasthan Housing Board Act, 1970
- The Rajasthan Irrigation and Drainage Act, 1954
- The Gramdan Act, 1971
- Grant-In-Aid To Voluntary Agencies Working For The Welfare And Rehabilitation Of Physically, Mentally Handicapped Persons Rules, 1972
Grant-In-Aid To Voluntary Agencies Functioning For The Uplift of Backward Classes in The Field Of Education, Social, Economic, Cultural And Other Activities Rules, 1962

These amendments would however, depend entirely upon the powers the State Government vests with the PRI's.

In light of the provisions of PESA, the Rajasthan Agricultural Credit Operations Act, 1975 would require amendment. The Act makes it lawful for an agriculturist to alienate land under certain circumstances "notwithstanding any law or custom or tradition." In cases where the exercise of such a right by an agriculturist comes into conflict with the Gram Sabha's power of preventing alienation, there could be difficulties administering the applicable law.

In view of the Agricultural Operations Act, the role of the Gram Sabha and the higher tiers, in preventing land alienation needs to be clarified. The State Government needs to declare whether the Gram Sabha or the higher tiers would have the power to prevent alienation in cases covered by this Act, to what extent can authority be exercised by the PRI's and how they can exercise such authority.

With respect to minor minerals, the Rajasthan PESA states that no prospecting license or mining lease, and no concession for the exploitation of mineral minerals by auction shall be granted, without the recommendation of the Gram Sabha or the Panchayat at the appropriate level, and in such manner as may be prescribed. Although both the Central PESA and the Rajasthan PESA make it mandatory to obtain the recommendations of the Gram Sabha/Panchayat at the appropriate level, neither Acts specify the scope/subject on which the recommendation of the Gram Sabha/Panchayat is required. Further, the usefulness of the Gram Sabha's/Panchayat's recommendations in the decision making process should be elaborated. Is the State Government bound by the recommendations of the Gram Sabha/Panchayat? Can the Gram Sabha/Panchayat take any action if their recommendation is ignored? Does the power of the Gram Sabha/Panchayat extend to the renewal of licenses? All these are issues that need to be addressed, even as we wait for the operative legal regime of the Rajasthan PESA to come into force.

The Level of Awareness of the Rajasthan PESA

The current legal position in Rajasthan for the adoption of PESA makes it clear that the law is not operational at field level. Almost every power and function assigned to the Gram Sabha or Panchayat at the appropriate level, is subject to the passing of State rules. There are, however, no State rules that have been passed in this regard. It is therefore not surprising that the State's adoption of the PESA is not well known at ground level.

Senior District Level Officials seem to be ignorant of the law. For example, the Collector of Dungapur District was unaware of the latest legal developments in this regard. So was the Tehsildar of the Aaspur Panchayat, who considered tribal self-rule to be merely a disbursement of yet another set of schemes. He was also very critical of the NGOs working with tribals and held them partly responsible for not spreading awareness. In view of the fact that enforcing PESA would entail significant changes in the functioning of various departments in the Scheduled Areas, this lack of awareness amongst the officials is a serious issue. However, more serious is that the elected representatives of the Panchayats are unaware of the State's adoption of the PESA.

The Panchayat Training Centre at Dungapur confirmed the effort to train elected village representatives, amongst others, on various aspects of local self-governance including the
legal framework. However, there was no dissemination of information on specific aspects of the Panchayat laws as applicable in the Scheduled Areas, and specifically the PESA. In fact, the syllabus and curriculum for training in Dungapur is the same as the Panchayat Training Centres of Jodhpur and Ajmer in the State. The fact that Dungapur is a Scheduled Area, where a different legal regime is envisaged, needs to be reflected in the training modules at the Panchayat Training Centre.

Strategies in Law

- The foremost legal strategy for Rajasthan would be to mobilize public pressure for laying down the enabling rules, so as to give effect to the provisions of PESA. Some NGOs have drafted their own rules in this regard. However, without any formal legal basis, they cannot be sustained and enforced. Organisations with a unity of purpose need to join hands to force the Government to frame the rules sooner than later.
- It is imperative, that within the Scheduled Areas, the administrative and regulatory structures are understood by the people and are responsive to them. The operationalising rules for the State legislation on PESA should be a simple legal document, arrived at after a comprehensive examination of other relevant State laws. The setting up of such a legal regime itself could be one of the most critical factors for spreading the awareness of PESA in the State.
- While the Rules need to be put in place at the earliest, it should not preclude adequate consultation at the local level and with all departments concerned. All concerned would thus be in the knowledge of the prevailing status and position of the law.
- An NGO (AsthA) has spearheaded an initiative called “Gram Garajya” i.e. “Village Republics” in Rajasthan. This aims at empowering people on specific aspects of tribal self-rule along the lines of the State PESA. However, at present, the initiative falls outside the framework of PESA. It is crucial to understand the implications of Gram Garajya, both legally and otherwise, especially in view of its expansion to almost two hundred villages in the State.

The PRC in Rajasthan

Consultants visited the Lilawaas Panchayat, Aaspur Panchayat Samiti, Dungapur District. They were informed that the Regional State Organisations follow a District based focus. But Dungapur district was not the current focus of Unnati, a member of the RSO. The PRC at the Aaspur Panchayat Samiti headquarters was closed when the consultants visited.

Strategies to Strengthen PRCs

- Although the PRC in Rajasthan has been closed down, there is a strong case to revive it. The challenge in Rajasthan is of not only spreading awareness of the law but also of operationalizing it. There is an imperative need to mobilise public opinion around the empowering components and principles of the PESA, as applicable in Rajasthan.
- The BDO welcomed the idea of the PRC being opened at its original location, which was adjacent to the BDO’s office in Aaspur. The staff however, needs adequate training on the laws that impact the tribals.

Some Other Observations

The district of Dungapur is now following a Tribal Area Development Strategy rather than the earlier tribal sub-plan model. Under the present system, the focus is on integrated tribal area development.
Conclusion

- A minimum of three days of orientation is required for the network of organization and the staff of PRCs, on PESA, the State variants and subject matter laws. The most logical order of explaining the PESA and its implications in the State, is to start with the nuances of the Bhuria report, the formulation of PESA, its adaptation in the State and the subject matter laws that are effected in the State.

- An exposure of PRC staff to similar situations in different districts of different states could be considered.

- A simple guide needs to be developed in English and the local language. The first part could show the transition from the Bhuria Report to the respective State laws that have been amended; the second part could list and briefly describe the laws effected or need to be considered, while implementing PESA in the State.

- PRC Coordinators need to undergo a brief skill-sharing programme with the legal team, to understand PESA and its implications in a State specific context.

- The RSO Coordinator needs to attend a brief seminar on the legal aspects of PESA, and its entire ramifications on a policy level context. This is to ensure uniformity in application, in the PRCs, (with adequate space to innovate in the State and District level context).
PRIA is a civil society organisation, undertaking development initiatives to positively impact the lives of poor, weak, marginalised and excluded sections of the society, by encouraging and enabling their participation in the processes of their governance. It strives for achievement of equity and justice, through a people centered approach, focusing on ‘Citizens’-‘their participation and inclusion’, ‘awareness and empowerment’ and ‘their democratic rights’.

It recognises the value of people’s knowledge, challenges traditional myths and concepts, raises awareness of people’s rights and promotes experiential learning. PRIA applies a multi dimensional strategic approach of creating knowledge, training and capacity building of stakeholders, public education and policy advocacy and intervenes at various levels of the demand and the supply segments, to reach out locally, nationally and globally.

It engages itself in strengthening of Panchayati Raj Institutions and municipalities, promoting environmental and occupational health, facilitating a network of strong civil society organizations, promoting citizen leadership, monitoring policies and programmes of bilateral, multilateral and government agencies, to achieve an agenda of ‘Governance where People Matter.’

PRIA proactively involves and engages a range of stakeholders including academia, media, donors, bi-lateral and multi-lateral agencies, civil society organizations, trade unions, industry, corporate and government institutes in its efforts and provides a platform for a multi-stakeholder development approach. Ongoing grass-root level research, studies and analysis provides inputs and directions to its interventions.

PRIA is an international centre for learning and promotion of participation and democratic governance.
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Realising
Democratic Governance

Role of Networking in Activating
Social Justice Committees
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A unique experience

Voters Awareness
Campaign Committee
Coalition of Civil Society

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Collectivisation of citizens or elected leaders has grown in significance. It has come to be seen as a power tool in pressure building, mobilisation and even reforming governance. The emergence of collectivisation or building networks, as used in common parlance, is due to the systematic exclusion of citizens especially the women, dalits and adivasis to participate in and manage the development projects and resources, making it imperative that the larger structures of governance need to be reformed. It is evident that democratic governance is more than periodic elections in a multiparty system. The active involvement of people, citizens in the development process, of decision making about mobilisation and use of public resources for common public good is the essential meaning of governance. Such concerns seek alternative forms of engaging citizens, fostering means for their inclusion and a voice in the domain of governance decision-making.

The present interventions of PRIA and Partners have clearly indicated the “effective voice of new citizen leadership” as one of the twin intended impacts (the other being “transparent and accountable self-governing institutions”). These intended impacts would be achieved through three basic operational strategies: (1) reforming governance institutions, (2) civil society building, and (3) interface between civil society and governance institutions. Building and strengthening civil society at the grassroots has been considered as one of the primary building blocks towards achieving the intended impacts. Through its programmes of “Civil society Building”, PRIA and Partners have reached out to hitherto excluded local informal community based initiatives and citizen associations to enable access to their rights and entitlement through collective engagement. The initiative envisaged that ‘strengthening coalition of citizens’ at the grassroots could significantly alter the balance of power and resources in favour of the marginalized.

The present issue is an attempt to share some of the collectives that have been built in the process to strengthen governance in the country. These articles are a detailed account of building networks and highlighting the fact that citizens associations can and do play meaningful roles in realizing “governance where people matter”. These networks are the essence of nudging, negotiation, consensus building, for crafting agreements based on shared values and ethics. The greatest challenge of all is that of sustaining the energies within the network that have come together not just ‘doing good’ for the masses, but also for ordinary, invisible and hitherto voiceless individuals and groups voluntarily playing active, informed and sustained roles, to advance the mission, of governance where people matter.
Civil Society Coalitions

A Balance Sheet

Dr. Rajesh Tandon

There is a wide diversity of forms, purposes and manifestations of civil society in contemporary India. Traditional associations operating on caste and ethnic basis as well as in tribal communities continue to co-exist with modern professional associations, development NGOs and human rights groups. The emergence of new social movements raising questions concerning citizenship, legitimacy of state institutions, ability of the state to implement policies, participation of common people in the state administration in the last two decades has also added to the wide mosaic of civil society formations in contemporary Indian society. Civil society initiatives in India, however, have not always been emancipatory. There are forces, within civil society, operating on the basis of narrow sectarian interests. This diversity of formation and plurality of purposes within civil society has provided space for all to continue.

The bulk of the activities of civil society remain limited to and focused on the society itself. Mutual help, self-help groups, local action at community level in rural and urban areas etc. mark a broad range of activities by civil society associations. Civil society...
engagement with governance is a limited part of the overall terrain of civil society action in the Indian context, but is fast growing into an important dimension.

The inadequacy in governance was most starkly manifested in huge financial deficits incurred by provincial and national governments, continued dependence on external development assistance for implementation of basic needs programmes and growing menace of corruption in public systems and agencies. This inadequacy of governance has caused deep disillusionment and alienation of ordinary people, particularly the poor and the marginalized, from the functioning of the Indian state. In the context of global liberalisation in the 1990s, there has been recognition of the importance of governance as opposed to the centrality of the government. This has implied a willingness on the part of the ruling elites to bring in other actors in pursuit of good governance in Indian society. The bulk of the focus of liberalisation in the last decade, and therefore, extensive participation in governance, has been restricted to institutions of the market in the modern industrial - information economy. However, those aspects of governance, which address provision of basic services and management of natural resources for the poor, particularly in the rural areas have not undergone any major shifts. Citizens' participation in governance and the role of civil society is yet to be fully acknowledged and appreciated in India.

Studies of examples of civil society engagement on governance issues show that there is a broad spectrum of coalition that has operated. Typically, coalitions comprise of intermediary civil society organisations of the 'modern' kind and community based associations of the poor and the marginalized, nascent social movements and representative associations of the excluded. This broad-spectrum coalition helps to perform diverse types of interventions necessary in engaging with governance in India. Thus civil society coalitions are simultaneously able to use methods of protest and public demonstration with carefully conducted research and policy documentation.

Civil Society coalition for influencing governance

Many civil society organisations come together around a common purpose to influence the public policy in a systematic manner with an aim of reforming governance. Advocacy in relation to a governance agenda is typically carried out through a broad coalition of civil society organisations in most contexts. The nature of this coalition depends on the purpose; the duration depends on the tasks as defined by the coalition. Sometimes the relationship is loose, sometimes tight. However, the balance sheet of civil society coalitions and alliances in relation to their capacity to influence governance is a mixed one.

Gains

There are several gains in bringing about such a coalition and alliance to influence governance. The first and foremost gain is to bring about a sense of solidarity and common purpose among civil society organisations. Even though they may be working on a broadly defined common agenda, their individual ways of functioning, by and large, keep them in isolation. Coming together as an alliance helps to overcome that isolation and build a sense of solidarity across civil society organisations. Coming together as an alliance brings another important gain, to maximise the special contribution of each type of civil society organisation. The agenda of reform in education, for example, could be addressed by a coalition of grass-root community-based
organisations of those parents whose children need good quality education. It may also include intermediary voluntary organisations involved in provision of non-formal, continuing education programmes. Research and advocacy groups targeting lack of adequate state provision of education to marginalized communities could also be part of such a coalition. Bringing in parents' associations and teachers' unions into such a coalition could expand it further. Thus, a coalition of civil society organisations can bring in special competence and complimentarity of differential experiences and roles in society.

A third gain is to link this effort at different levels of societal functioning. Grass-root micro experiences can be combined with national and international initiatives in order to gain greater impact on the issue of governance. For example, an education coalition could tie-up with a global coalition on 'Education for All', in order to raise the voice in international fora and influence global players (like the World Bank) towards that common agenda.

A fourth gain of building such a coalition is the significant role that intermediary voluntary organisations can play. Informal social movements or networks of individuals and community-based organisations at the local level many a times lack resources and competencies to be able to pursue a governance agenda over an extended period of time. Intermediaries can provide the necessary anchor through their own resources and competencies to such a broad-based coalition.

Losses

It is important to acknowledge that coalitions also bring in certain challenges. There is a ‘down-side’ of building a coalition to influence an agenda of governance. First and foremost, potential loss to a coalition is the energy, resources and time needed in managing ideological conflicts. Different civil society organisations have different standpoints on the same issue and bringing them together requires sensitivity and negotiations across the ideological spectrum.

Secondly, such ideological conflicts of civil society organisations have a tendency to spread into interpersonal conflicts. Most civil society organisations do not have well-developed mechanisms of negotiation and compromise, as is noticed in political parties and trade unions. Therefore, there is a tendency to “personalise ideological differences” and thereby undermine the possibility of a strong coalition.

A third loss is the potential hazard of dominance of a few civil society organisations at the cost of many. This ‘centre-periphery’ dynamics operates when urban capital based civil society organisations, typically urban middle class led advocacy groups, can influence the agenda and methodology of influencing governance, while grass-roots village based distant, small, members of the coalition may not have adequate voice in such a process. Dealing with such an unequal membership profile in any civil society coalition brings its own challenges. It requires ‘bridging leadership’ which can overcome the pressures of different types of members. Such a scenario, therefore, implies that energy has to be spent and efforts have to be explicitly made to ensure that the voices of small grass-root groups are valued as much as those of national and international civil society actors.

A fourth potential loss in a coalition is the loss of autonomy of individual members. While being a part of a coalition, individual civil society organisations have to agree to align their activities and interventions in relation to a common, shared purpose. This may sometimes entail that their own programmes and strategies may need to be adjusted and coordinated with other civil society organisations.
in order to pursue the broader agenda of the alliance. Many civil society organisations have experienced abridgement and curtailment of their autonomy of action as well as the choice of relationships other than those in the coalition. Many 'tightly-coupled' coalitions demand that their member civil society organisations do not participate in other networks, coalitions or alliances. This tension is inherent in the very nature of coming together of civil society organisations. Once again, the internal power relations within the coalition can differentially affect different civil society organisations in terms of loss of their autonomy.

The final potential loss in this regard is the public perception, including that of the government, on the nature of relationships across civil society organisations. Even though civil society organisations have formed a coalition around a specific issue for a limited time period, this relationship can be seen as having 'longevity' beyond the issue. The public can then view these relationships as more permanent than is actually intended by any of the members of the coalition. Therefore, it is not uncommon to experience a phenomenon where one member of the coalition at a later date, raising an issue on governance is assumed to have other past members of the previous coalition also a party to new initiative. Government officials and political leaders are particularly sensitive to these relationships, though in political formations and parties changing patterns of relationships and alliances is seen as acceptable political behaviour.

Therefore, the hazards and potential benefits of building coalitions across civil society organisations need to be weighed in every specific situation. The nature of the governance agenda, the time period entailed in building and sustaining the coalition and the potential gains in terms of governance reform have to be contextually applied in a given coalition. Despite all these, special skills, capacities and efforts have to be brought to ensure that potential hazards and losses of coalition – formation in civil society organisations can be minimized, though never fully eliminated.

What has been under acknowledged in the Indian context is the role of intermediary associations which have acted as an anchor to many such coalitions by providing institutional resources, linkages with different tiers of government partnerships with academia and media as well as access to international fora. The role of such intermediary associations in contributing towards the effectiveness of such civil society coalitions in engaging with governance agenda needs to be more appreciated in the Indian context than has been made out so far.

The challenge for civil society coalitions, however, remains the broadening of space to include various different types of formations in civil society. Particular challenges are faced in terms of linkages with religiously inspired civil society associations as well as those of the traditional associational types, where there is convergence of purpose around a specific governance issue. Similarly, incorporating smaller, local, under-organised citizens' associations in such coalitions poses particular challenges in the Indian context.

Dr. Rajesh Tandon is the President of PRJA
Realising Democratic Governance

Role of Networking in Activating Social Justice Committees

- Tapas Satpathy and Swapni

Background

More than a decade ago, the 73rd and 74th Amendments (Part IX and IX-A of the constitution) were brought in to honour Article 40 of the Directive Principles to establish institutions of self-government from villages upwards. It gave the Local Bodies a constitutional status. These Amendments indeed went further than Article 40 in their social significance. They provided for a definite minimum reservation for marginalized groups - women, scheduled castes and scheduled tribes in the elected bodies (Panchayats/ Nagarpalikas) and by requiring local area plans to include 'social justice' along with economic development. These amendments added explicit and dynamic social dimension to the pursuit of decentralization in the country.

Panchayati Raj in Gujarat remained in the forefront of the entire country and it played a leadership role in the area of development and justice.

Panchayati Raj in Gujarat and Social Justice

The state of Gujarat came into existence in the year 1960 and the Act for the establishment of Panchayati Raj in the state was drafted in 1961. It came into effect from 1963. Panchayati Raj in Gujarat remained in the forefront of the entire country and it played a leadership role in the area of development and
justice. But no notable change came in the arena of social and economic condition of dalits, adivasis, backward classes and women.

Under G.R.No. Pa Gha Sha (Hindi alphabets) 1069-3671-71-J of 12th April 1972, the Government of Gujarat formed a high level committee on Panchayati Raj under the chairmanship of Shri Jhinabhai Darji to suggest basic reforms in the Panchayati Raj set-up, and thereby to make necessary and incidental recommendations as regards the Panchayat Act. Other members of the Committee were:

1. Shri Gordhanbhai Patel, Nadiad
2. Shri Mahantsinh Vijaydasji, Junagadh
3. Shri Harishinhji Mahida, Bharuch
4. Shri Prabhatgiri Gonsai, Rajkot
5. Shri Dahyabhai Parmar, Ahmedabad
6. Shri Kalsinhbhai Kishori, Dahod

The committee strongly suggested that the panchayat is the only institution that can look after the welfare of the weaker sections and so it recommended the formation of a Social Justice Committee at all the three tiers of panchayats. The Gujarat government accepted these recommendations and for the first time in the history of Panchayati Raj, Social Justice Committees were made mandatory at all three tiers of panchayats through an amendment in the Gujarat Panchayat Act – 1961 in the year 1973. The provision has been kept intact in the new Panchayat Act of 1993 under Section 92 (3) (for village panchayats), Section 123 (2) (for taluka panchayats) and Section 145 (2) (for district panchayats). The village SJC can have 3 to 5 members only from the scheduled castes and scheduled tribes with mandatory representation of one woman from these communities.

Gujarat has approximately 15 per cent tribal and 7 per cent scheduled caste population in the state. Thirty years have passed since the formation of the Social Justice Committee in the panchayats of Gujarat, but numerous studies have shown that mostly the committees are not active. In some village panchayats the Social Justice Committee had been formed only on paper. To realize village self-governance in the true sense through social justice and economic development; it was imperative to activate the SJC at all three tiers of the panchayats.

**Efforts to activate SJC’s – Sabarkantha District, Gujarat**

The district of Sabarkantha is divided into distinct tribal and non-tribal areas. Of the 13 talukas, four talukas (Bhiloda, Vijaynagar, Meghraj and Khedbrahma) come under the tribal belt. The non-tribal blocks of the district have a mixed composition of both dalits and other backward classes. These classes are mostly socially and economically marginalized due to inaccessibility to basic facilities. With this backdrop, Unnati, a partner of PRIA and a support organisation working in Khedbrahma block on strengthening governance institutions and building civil society, decided to take the initiative to activate the SJC in Panchayats. Unnati has been working on Panchayats for the past eight years. According to the State Act, the objective of the SJC was to protect the interest of the socially and economically backward sections of society, especially scheduled caste, scheduled tribes, women, other backward classes, landless labourers, small and marginalized farmers. The objective of Unnati’s initiative was to strengthen the committees and promote a better level of coordination between the three-tiers of SJC so that various development schemes for the upliftment of socially and economically marginalized sections of rural society will be better implemented through their active participation. Not only this, activating SJC at the village level would also result in the following advantages:

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1 UNNATI Annual Report 2002-2003
1. Address and mitigate cases of discrimination at the village level.
2. Accessibility to government schemes for the poor and weaker sections.
4. Curbing atrocities on women, dalits and adivasis.
5. Curbing anti-social activities, and
6. Effective monitoring of pre-primary education system at the panchayat level.

The following effort in Sabarkantha district took place between 2002-2003. Before starting the process of activating the SJC, Unnati undertook a study to understand their present status in the district. The wider scope of the study was to know about the condition of the marginalized and the socio-economic constraints for them. The sample for the study was 20 villages of 4 taluks in Sabarkantha district. Five villages were selected from each of Himmatnagar, Prantij, Idar and Modasa taluks. Information about SJC's of the 20 villages as brought out by the study is below:

1. Most members of the Social Justice Committee have been unanimously selected by the panchayats. 92 per cent of the members said that they had never done work related to the committee. 26 percent members stated that they did not know about any other members of the committee.
2. From the sample study, it was revealed that only two social justice committees of the village panchayats had worked for the reduction of discrimination. These two SJC's had mostly attempted to solve problems of water and electricity.
3. Numerous village panchayats complained that the SJC's did not possess decision-making and financial powers. Most of the SJC members demanded capacity building support.

Formation of Samajik Nyaya Manch (A network of voluntary organisations)

On the basis of the above study, Unnati initially contacted the local voluntary development agencies of the district for formation and activating the SJC's in their regions. Numerous meeting were held between April and August of 2002 with the leaders and workers of these organisations to discuss the role of SJC's in the economic and social development of dalits and other weaker sections. For the purpose of activating the SJC's, 14 voluntary agencies together formed a network - “Samajik Nyaya Manch” (SNM).

The SNM undertook the following activities for activating the SJC's in Sabarkantha district:

"Initially, numerous informal meetings were held with the taluka and jilla SJC members to have a common understanding and perspective of SJC's. Following these, a meeting of the chairpersons of the block SJC was organised. In these meetings concern was expressed about the general condition of SJC's and it was decided to make intensive efforts to activate them. It was also decided that every block SJC president would write a letter to the Taluka Development Officer (TDO) for looking into the formation of and activating the SJC's of their respective blocks.

"On receiving the letters from the block SJC president, the TDO wrote a letter and instructed the formation and activation of village level SJC's to all the talatis (Panchayat Secretaries) in their respective areas. This started the process of formation of the SJC in Sabarkantha district where they had not been formed so far.

"Taking this process forward, the members of Samajik Nyaya Manch contacted the presidents and members of the SJC's in their respective areas. They met informally and informed them about their functions and the role of the committee at the village and taluka level."
During the entire process, district and block level government officials gave extensive support to all activities undertaken for activating SJC's and the organisation of capacity building programmes for them.

Taluka level meets

A series of one-day camps at the taluka level were organised for presidents and members of the village panchayat SJC's in Sabarkantha district in which approximately more than 500 members were covered. Taluka Pramukhs, presidents and members of taluka SJC also attended the camps. In these camps, issues of formation of SJC's, relationships between SJC and village panchayats, functions of SJC, target group for SJC, 73rd Constitutional Amendment and issues related to social Justice were discussed. Such capacity building programmes continue till date and are repeated in the eight blocks at regular intervals.

Impact

In the process of activating the SJC the following outcomes were visible:

- Actual formation: Presidents of the taluka panchayat SJC made efforts for the formation of the committee in all the village panchayats of their blocks. They also informed the TDO in writing regarding the same. In this way the process formation of the committee where it was non-existent was formed. Village and taluka panchayats also became active in this regard. In Kukadia village of Idar taluka, SJC started functioning for the first time in 15 years through the effort of a dalit representative of the panchayat, after attending a training programme organised by the “Samajik Nyaya Manch”.

- Activation of the committee: Wherever they had been formed, the social justice committees initiated their meetings. In these meetings resolutions were passed for socio-economic development activities and they became actively involved in their implementation as well.

- Platform for the committee: As demonstrated in the structure and composition diagram below, members and presidents of seven talukas of Sabarkantha district formed their own taluka level network called ‘Taluka Gram Panchayat Samajik Nyaya Samiti Manch’. It has an executive committee comprising of ten members from the village SJC. Two members from the executive committee of the ‘Taluka Gram Panchayat Samajik Nyaya Samiti Manch’ represented at the district level, thus forming the ‘Sabarkantha Jilla Gram Panchayat Samajik Nyaya Samiti Manch’. In this way the manch of the SJC works at the block and the district level. The objectives of the manch included:
  - Organising a monthly meeting of the executive committee of the ‘Taluka Gram Panchayat Samajik Nyaya Samiti Manch’ to discuss the current issues related to social justice of different panchayats and take necessary action through a ‘sangathan’
  - Activating the social justice committees
  - Improving relationships between the committee and the village panchayats
  - Developing unity through regular contacts
  - Discussion on current issues related to social justice of different panchayats in a monthly meeting and forwarding it to concerned authorities
  - Organising training programmes for building the capacities of members of SJC
Structure and composition of the network of village Social Justice Committees

- Better implementation of government schemes: Owing to the close watch of the SJC networks and SJC members, government schemes with benefits meant for the marginalized have begun to be better implemented without any discrimination.
- A distinct identity: Space has been provided for the SJC's in numerous village panchayat buildings along with nameplates of the president for identification. This has given a distinct identity to the SJC's for the people of the village panchayat. As a result, the villagers have come to know about the existence of the SJC's.

- Coordination between the committees: There is an active relationship between the SJC's of the three levels but till date, they did not know about it. Owing to the effort of the 'Samajik Nyaya Manch', coordination has begun between the committees of the village and the taluka panchayat level. The Presidents of the Taluka panchayat social justice committee have become more active and are making efforts so that the village panchayat committees work more actively.

A district-level Sammelan of the Social Justice Committees was held for the first time in the 40-
year history of Panchayati Raj in Gujarat at Himmatnagar on 1/9/02. It was attended by around 1200 SJC members and panchayat and gave a boost to the massive efforts of Unnati and Samajik Nyaya Manch. The Sammelan was chaired by Hon' Minister of Social Justice and Empowerment.

A high quality leadership is developing in these SJC, especially as they continue to emerge from collective struggles. More so the Samajik Nyaya Manch has been a great support to the SJC in terms of the latter accessing information and ensuring spaces for marginalized sections to participate in decision-making processes on equal terms. But sustaining this transformation is a significant challenge given the inertia and resistance from external forces. The need of the hour is to nurturing these initiatives that are gradually heading towards the path of creating an equitable and just society. The impact mentioned would not have been possible alone, but was possible only because of intensive networking both at the level of voluntary agencies and the village social justice committees.

Mr. Tapas Satpathy and Swapangi are associated with a Gujarat based NGO, Unnati-Organisation for Development Education.
Nari Network

A unique experience

Introduction

The world we share today is one filled with complexities, conflicts and promises, a world in which there lies an apparent discrimination, exclusions between different sections of society. Despite the various movements and civil society action, women are one such group that continues to come under the category of marginalized groups.

Though women constitute half of the world population, access to rights, making decisions and being heard are just a few arenas where they are still invisible. Across India, except for a few states like Kerala and West Bengal, gender inequality seems to be on the rise. Pre-dominantly patriarchal in nature, where authority and decision-making are vested with the men, the women are considered secondary citizens, who are expected to submit blindly to male power. Haryana emits an extreme form of this inequality, where it allows for exploitation and oppression, so much so, that child marriage, dowry demands, dowry deaths, female foetocide, veiling, domestic violence are common occurrences perpetuating the authority of the men.

Some facts:
- Sex ratio: 861:1000
- Literacy rate: 56%
- Infant mortality rate: 102
Along with these facts we can see that a strong and extreme patriarchal society exists, which influences all facets of societal life. Male dominance is seen and accepted as normal. Symbols of this patriarchal structure are traditions like purdah, child marriage, discrimination between male and female child and a whole lot of other social taboos. And in this very set up lies an image of a woman who is oppressed and excluded, someone who is still putting up with covert and overt forms of discriminations and barriers.

The situation is continued even after implementation of 'n' number of schemes for women and developmental programmes, reservation, provisions, and most importantly decentralization of the political processes.

The provisions of 73rd & 74th amendment instilled a new hope and a new beginning for women. They became a part of a power structure. But soon the societal structure shadowed their new life. Women elected representatives are merely used as a rubber stamp for their husbands, sons or relatives. They are seen as the trespassers, deviants or the guests in a terrain, which fundamentally does not belong to them. The qualitative participation of the women in the governance system is missing.

In these circumstances, citizen engagement is seen as an alternative way in the process of reforming the present structure. The constitution itself is a creation of the collective. Citizen engagement in different spheres of society is gaining momentum in this era. Through citizen activism, transformation of both society and state is possible. This fact is more relevant in case of women who are the victims of this system.

Individuals are too weak and isolated to fight effectively and can be victimized and harassed by rogue functionaries of the state. Women collectives are seen as an alternative to prove that given the space and support, women can reflect on their situation, articulate their position and challenge injustice. They can break out of their situation of powerlessness and gain control of their lives. Reconciliation could be achieved for common good in public and private spheres of life.

This paper aims to share the insights from a unique model of strengthening citizen leadership. It talks about a woman’s collective, NARI NETWORK.

Nari Network is a non-formal civil society organisation functional in Mahendergarh district of Haryana. It also has roots in Fatehabad district of Haryana. It is a women’s collective for the women and by the women. It is a collaboration of the different groups, which are already functional in the villages and in urban areas. It is primarily a collective of women who are forerunners of the villages/urban wards at the district level. Women who are in the process of taking on a role in public affairs, in society, specifically towards improvement in their own life/status. They are Sanjivanies (village level animators of past women empowerment projects), elected representatives, Anganwadi workers and active women of the village/urban wards.

Background

Mahendergarh is a semi arid, and one of the underdeveloped areas of Haryana. With regard to the condition of women the area is no exception. Before PRIA and Partners intervened in the area a women empowerment project named Sanjeevani was initiated in the district, which was sponsored by UNIFEM and implemented, by the Department of Women and Child Development, state government. The project was highly ambitious and implemented its programmes through local animators at the village level. They were called ‘sanjeevanis’. Sanjeevanis were given intensive training for the purpose. The concept of the project was highly appreciated and during this phase, the sanjeevanis gave the image of a local social worker a new look, in their respective villages. The project however, was not successful on the indicators set by those who were funding it, and
this resulted in the withdrawal of the project.

However, for women’s empowerment there are many efforts being made in different ways through different agencies, including state/government. Anganwari Kendras exist in each village, which are supposed to play and are playing an important role in improving the health and nutrition status of women.

Today, Self Help Groups are viewed as a major means to achieve economic empowerment of women. It is assumed that empowerment without economic independence is not possible. Economic empowerment through SHGs will lead to social and political empowerment. The government is working with SHGs, through the D.R.D.A. Some NGOs are also collaborating with SHGs. There are more than two SHGs in each village either promoted by the DRDA or by NGOs.

So when PRIA, began its intervention in 2001, we found these 3-4 institutions working in every village. A series of discussions took place with these leaders and groups. It has been seen that in the same village there were 3-4 women elected representatives being proxy by their male counterparts. But these efforts were in no way benefiting these women elected representatives. And then came the idea of networking, which is the convergence of all these efforts that can lead to improvement in the status of women. The term ‘network’ emphasizes its purpose. The women wanted to initiate a chain of action that empowered women. Empowerment implies participation in the decision making process which could range from decision making in the house hold to that in a governing institution like the Panchayats and municipal councils. NARI NETWORK provides a platform to bring together the powers, potentials, and capabilities of these women. As a result, they can collectively become the forerunners in the process of development, in creating a space for themselves and others. The Nari Network strives towards social, political and economic empowerment of women.

Purpose and objective of Nari Network

Initially, the network was formed for social upliftment or to bring changes in the living status of women with special reference to issues like domestic violence, female foeticide and dowry but soon the reciprocal influence of network members on each other has widened its perspective of working. They now work not only to improve upon their status but also for transparent and accountable local governance that in some way affects their life.

Nari Network is a unique collective of women where each member represents a group and every member is a leader. It aims to promote citizen leadership. It is an endeavour where women who are already in power or working for the same should come forward to take up social issues. They work for the sensitisation of the community to take public action against these issues. The Nari Network’s objective is also to develop effective and active leadership among women’s groups to take up further positions in governance institutions (panch, sarpanch).

Objectives of Nari Network:
- Social, economic, and political empowerment of women.
- Develop an effective voice against social issues like domestic violence, female foeticide etc.
- Develop a pool of potential women citizen leaders.

Together We Do It!!

Area of functioning: The Nari Network is functional in two blocks of Mahendergarh districts - Mahendergarh Block (covering 14 villages and 3 Urban wards) and Narnaul Block (covering 11 villages and 2 Urban wards). The former group has 455 members and the latter 222 members.
Structure

At Village and ward level

Pradhan Head

Up-Pradhan

Sachiv
(Secretary)

Khajanchi
(Treasurer)

At Block Level:

Block president

Vice President

Vice President

Secretary

Joint secretary

Joint secretary

Treasurer

Member 1 M2 M3 M4 M5

Outcomes

Today, the network is a proud, bold and powerful collective, which is ready to take on any challenge. They have been met with successes, which continue to boost their energy and their commitment levels.

Social Mobilisation: Over the years the focus of work of the network has evolved and become more focused on issues of local self-governance. Their efforts now are directed towards encouraging participation of women in local self-governance, especially in Gram Sabhas. Women are seen absent from the governing process, their participation negligible, both, as citizens and as elected representatives. Even the reservation directed to women, is used as a tool by the men to enforce their power. The women elected representatives are merely namesakes and their husbands manage their affairs. Keeping this situation in mind, Nari Network organised campaigns and training for the women elected representatives, and citizens alike where they explained to them their roles and responsibilities as panchayat members, significance of their participation in Gram Sabhas and especially encouraging the participation of women, whose issues and concerns have been sidelined by the men folk of the villages.

Building Connections: Also there were some critical contributions made by the members in the villages: The formation of Jeevanshalas is one such attempt. While working to make the governance institution accountable and transparent on the issue of women education, the concept of Jeevanshalas emerged. The learning or realisation came through
the process of meetings of Nari Network at the village level. In the course of the discussion they seriously considered working to improve upon women's literacy. To begin with they concentrated on the Nari Network women level of literacy. Around 350 members were found illiterate, with an average of 18 members from each village. The network members were determined to make themselves fully literate. For the purpose they collaborated with the district functionaries, panchayats, and Zila Shakshta Samiti.

The Zila Shakshta Samiti was contacted to provide available learning material. From each network two volunteers are selected to teach in these classes. However, the crucial factor that emerged was the need for the training of these volunteers. District Institute of Education and Training (DIET) was contacted to train these volunteers. On 15th Dec '03, DIET imparted training for these volunteers. Finally, as a result of the collective effort Jeevanshalas were formally inaugurated, on 19th Dec '03 by the SDM Mahendergarh.

Influencing Institutions: In Kothelkhurd village, the network members decided to close the liquor shop at the bus stand, which had become a nuisance for the passers by and gave rise to many illegal activities. For this purpose they registered a complaint with the sarpanch. When nothing happened, they themselves went to the shopkeeper to close down the shop. Confronted with the angry members the shopkeeper promised to close the shop. The network members did not let up on the pressure, which resulted in the closing of the shop. In a village school in Digrota, one of the teachers was in the habit of arriving at the school drunk. The people in the village were outraged but no one was prepared to take any action. This issue was discussed during the leadership training at the village as well as at the village level meeting. The members decided to complain to the sarpanch. They also cautioned the teacher that he needed to change his behaviour. The panch and the sarpanch also had a straight talk with the teacher. The teacher has stopped drinking in the school hours. Nari Network keeps checking up on him.

At Municipal Councils

As discussed earlier the Nari Network works in the urban areas of Mahendergarh and Narmaul. Since its inception the Nari Network is struggling with social issues at the ward level, such as education, alcoholism, gambling and improvement in the facilities provided by the municipal council. They decided to work collectively on them in their ward level meetings.

In due course the Nari Network approached the municipal council officials and other officials of district administration to help them out in their efforts to stop alcoholism and gambling. Initially, they did not get prompt support and their complaints remained unanswered with the police officials.

On 24th October '03 Nari Network (urban) organised a rally against alcoholism and gambling. The rally found its way right from wards (10,11,12) where Nari Networks are functional till Nagar Palika, covering most of the main roads of the city. Around 200 women participated in the rally. The rally marched to the police station. Sensing the hostile attitude of the members the police officer in charge, for the first time, gave the assurance that action would be taken against the issues that were disturbing them and offered a reward of Rs 500 to anybody who could give the police information. The police started patrolling the streets in plain clothes from the very next day. The gamblers even tried to bribe the network members for not complaining to the police. Nearly 70% of the gambling spots, which were in the open, are now closed. Public nuisance made by drunkards has stopped completely. Things are
getting in shape but still continuous citizens monitoring is required.

Conclusion:

Nari Network has been formed by breaking and overcoming all the traditional societal structures (caste, hierarchy, customs, etc.) and taboos. It is a collective created and owned by the community itself, which itself assures the sustainability of the collective and their efforts.

Although Nari Network is still at its inception stage, it has taken a firm step towards making women’s issue visible. It has shown a hope beyond the expectations of its members. The network has diversified its area of functioning by involving itself with the issue of education/literacy and livelihood. Today the network is in the position to negotiate with the agencies (government/non-government) working in the area, for the above issues.

Now the challenge ahead is to sustain the efforts of the Nari Network at each level. Nari Network today is in the process of strengthening itself on the three pillars of knowledge, skill and attitude. It also aims to deepen its perspective in the long term.

Rajpal and Rohini Ghadiok are associated with the PRIA- Haryana Team.
Civil society action takes many forms - some have defined them as spaces - wherein they are open and accessible, while some are seen as movements for advancing various causes and others are organisations of an intermediary type enhancing capacities, voices, and articulation of citizens. Where do they all converge? From experience in working towards strengthening grass-root democracy, single organisation or institution often does not have the political space within the region, or are new to the field. They might not have any legitimate visibility in that area to gain citizens acceptance. Also they might not have adequate resources (tools, man power or money) to solve such problems. Forming a “Coalition” was thought of as a strategy wherein these various forms of organisations - space, movements and intermediaries with different capacities come together within a region that may accomplish what is impossible for any of them working by themselves. The coalition, hence in time be regarded as the space in which information, sharing of experiences and learning could take place. It would become a space for organising movements for advancing various causes or raising awareness levels that result in citizens action.
One such occasion of convergence of civil society was viewed during an awareness building campaign prior to local body (panchayat) elections in Uttarakhand. NGOs, community based organisations, women groups and individuals came together for one purpose, that is to conduct a campaign that was named - Pre-Elections Voters Awareness Campaign (PEVAC).

Rationale behind PEVAC: The rationale behind initiating such an exercise was to sustain the interest of voters at the grass roots level politics. It has been observed across states that the voter turnout for panchayat elections ranges from 65-70%. However as the political parties are not always visible, public awareness about voting procedures, symbols etc., is generally very low. Moreover the voters have to cast more than one vote as elections for all the three tiers usually take place on the same day. There is usually a gap in information regarding the candidates.

The low level of involvement of marginalized groups in rural communities i.e. women, dalits and adivasis is another concern that led to initiation of such campaigns. Although constitutional amendments have ensured reservations for such groups in the PRIs the level of their participation needs to be backed by free flow of information. There is also a need to mobilise support for the candidates from marginalized groups for their effective and meaningful participation in the whole process. Therefore, during the campaigns, the involvement of community based organisations and other civil society leaders was also sought. This link once established, could provide sustained support to marginalized groups as such networks would go a long way in enabling candidates to stand for elections on their own rather than as surrogates for more power groups in the community.

Another objective of the campaign was to seek the cooperation of others concerned with the process of elections like State Election Commissions, state government including local administration and media to ensure free and fair elections. Such a network was necessary to provide the campaign with the necessary and timely information regarding electoral rolls, delimitation, symbols, electoral procedures and model code of conduct and to further disseminate it among voters.

Finally, over the years, experience in working on the programme to strengthen panchayats has also shown that the presence of competent and appropriate candidates is a critical condition for good governance. Also, participation of citizens including women and the marginalized sections of the society, in the process of electing representatives to panchayats is vital for ensuring accountable and responsive panchayats and social justice outcomes. The need to promote the engagement of aware and informed citizens in the process of elections to the panchayats, prompted HARC (Himalayan Action Research Centre), a partner of PRIA and its partners to plan awareness campaigns prior to the elections.

The objectives common to the campaign were: a) to promote an enabling environment for Panchayati Raj Institutions (PRIs), by creating a platform of civil society organisations ready to address the need for democratic decentralization. b) To disseminate information on voting procedure for election to PRIs. c) To interact with the election machinery in order to provide for free and fair polls. And d) to promote participation of women, weaker and other marginalized sections of society in the electoral process.

Process of Raising Awareness - Building a platform

Uttarakhand is a hill state in Central Himalayas, with Dehradun as its capital. It was carved out of Uttar Pradesh on 9th November 2000 and consists
of 13 hill districts. The total number of villages is 16414 and 7227 panchayats. The process of initiating the voter's awareness campaign began in May 2001, but was terminated with the state postponing the dates of elections. It was again revived in January 2003. Various activities were undertaken in order to achieve the above-mentioned objectives. The range of activities covered the pre-nomination stage and went on to the nomination, post-nomination and post-election scenario, where an impact assessment of the campaign was undertaken.

It must be stated at the outset that formation of a coalition or a platform of organisations was imperative in order to cover the terrain within a state and achieve the aim of disseminating information with regard to panchayat elections. Without a large coalition the reach of such a campaign would have been limited to a few blocks or a district of the state.

**Planning and Steering the Campaign**

HARC, acted as the nodal point for facilitating the campaign. For greater outreach of the campaign, pooling of resources and synergetic outcomes, they mobilised a large group of like-minded organisations – NGOs, Media, Academia and activists. For the purpose a state level planning workshop on Voters Awareness Campaign for all identified partners was organised in February 2003. The workshop aimed at building a common understanding on the concept, need and importance of such a campaign prior to the elections. This meeting also intended to enable the formation of a steering group or the Pre-Election Voters Awareness Committee (PEVAC Committee). The committee included representatives of social organisations, community based organisations, journalists, ex-service men, lawyers, teachers, doctors and others. The committee's role was to take decisions on issues like media strategy, the number of posters, pamphlets, the spread of the campaign and who will do what during the campaign. The group was also entrusted to liaison with the administration, and the State Election Commission to enlist their co-operation for the smooth conduct of the programme. This enabled the PEVAC to access information regarding voters' list, reservation status etc.

These meetings were then followed up with district level discussions with Mahila Mandal Dals, self-help groups, dairy committees, and social organisations and media persons giving them information about the campaign and preparing a joint strategy on implementing the campaign.

In order to achieve a critical mass as well as visibility, with respect to the campaign, it was decided by HARC and its partner organisations, that the nature of the campaign will be both intensive as well as extensive. Through intensive coverage, all gram panchayats in a block will be covered by the campaign in terms of meetings with the gram sabha, mahila mandals etc. to mobilise active participation of citizens in the election process. The intensive coverage included awareness generation programmes, street plays, rallies, use of posters, pamphlets, etc. Extensive coverage included distribution of posters, pamphlets, and audiocassettes etc. through local organisations in blocks, which were outside the area of intensive intervention. The broad objective was to campaign intensively across 10% per cent of the Gram Panchayats (GPs) and to help extend the outreach of the campaign to another 40% of the GPs.
## Information about Associated Organisations

<table>
<thead>
<tr>
<th>Districts</th>
<th>Blocks</th>
<th>Associated organisations</th>
<th>Intervened Gram Panchayats</th>
<th>Total</th>
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<td></td>
<td></td>
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<td>63</td>
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<td>2. Rura Prayag</td>
<td>3</td>
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<td>3. Fauni</td>
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<td>1</td>
<td>67</td>
<td>-</td>
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<td>4. Chamoli</td>
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<td>5. Tehri Garwal</td>
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<td>85</td>
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<tr>
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<td>9. Almora</td>
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<td>12. Udum Singh Nagar</td>
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<td>35</td>
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<td>647</td>
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</table>

### Preparation and Production of Campaign Materials

During the planning meetings, joint decisions were taken regarding the strategy for communication to be used in the campaign, the quantity of material to be prepared and the distribution strategy. The main materials prepared for the campaign were posters, pamphlets, audio and videocassettes, etc. Care was taken to ensure that materials prepared were culturally sensitive, in the local language and in keeping with the local ethos and customs of the people. Local artists were encouraged to participate in the preparation of materials.

### Campaign to create awareness amongst voters

This included a combination of activities like awareness generation programmes, use of campaign materials like posters/pamphlets/slogans etc. To enhance the outreach and effectiveness of the campaign, the steering groups adopted various strategies like slogan writing, puppet shows, bicycle...
Students and teachers spread awareness on Panchayat Elections

About 2500 teachers who were being trained in DIET, Gauchar were also oriented regarding the campaign and given educational material, so that they in turn could spread awareness in their respective villages. Society for Mass Communication, Srinagar involved NSS students of Garhwal University in the campaign. With the help of these students the pre-election voter's Awareness Campaign could spread the message to a large area. In Bagwan District Puri, Shashwat Shiksha Niketan formed 5 groups consisting of one teacher and 15 students who organised the campaign in their respective villages.

and jeep rallies, 'padayatras', 'nukkad natak', street corner meetings, face-to-face programmes etc., some of the voluntary organisations involved students and teachers of the schools and colleges in the campaign, which resulted in effective information dissemination. Many organisations like Maitry Environmental and Rural Development Society, Mount Valley Development Association, Rural Development Committee and Society for Mass Communication organised awareness rallies with teachers and students of various schools.

A special attempt was made to reach out to the less informed or marginalized sections of the population. The street plays enabled the villagers to identify with the characters in the play and to understand the code of conduct to be followed in the election. The plays enacted used an interactive approach by involving the audience who were required to answer the various questions that came up. The people were even shown the colour of the ballot papers for different posts and the voting timings through the plays.

Co-operation was received from the media in propagating the campaign.

At many places the members of the media themselves participated in the campaign and spread the information about the campaign through newspapers. In fortnightly magazines (editions) of 'Himalaya and Hindustan' published from Rishikesh and Dehradun, there was an appeal to the voters to select candidates that had a clean image. Other papers like the 'Danik Jagran', 'Amar Ujala', 'Uttar Ujala', 'Shah Times', 'Punjab Kesri' and 'The Tribune' gave wide coverage to the message of the campaign. Such close association with the media enabled the message of Pre-Election Awareness to reach out to the hill regions where the campaign could not go or identify individuals or organisations to spread awareness.

PEVACs and Co-operation with State Election Commissions

The State Election Commission's mandated by the Constitutional Amendment, provide a vital mechanism for ensuring free, fair and timely elections to panchayats. Accordingly, in undertaking PEVACs, the State Election Commissions were formally informed of the objectives and the scope of the exercise. At the state level, Secretary Panchayati Raj and Director Panchayati Raj supported the campaign by issuing letters to all the District Magistrates, informing them of the campaign and requesting their cooperation for the campaign. The administration received the PEVAC materials with interest and displayed the same in their district headquarter offices of Chamoli, Dehradun and Uttarkashi. Local administrative units have also been most helpful to campaigns by providing basic information—related to electoral rolls, dates of elections, composition of dalit voters, sensitive polling booths etc.
Challenges and Future planning

1. Ensuring Fair Elections: Building the environment for a safe and fair election, where each person could exercise his or her vote was an aim of civil society organisations working for PEVAC. The following cases highlight how the organisations or individuals survive and the promotion of free and fair elections:

"In Swar village of Rudraprayag district there are quite a few blind voters. There were some cases where the escorts took undue advantage of this fact and made the blind people vote for candidates against their wishes. When the fact came to light re-polling had to be ordered in that booth.

"In Chopra village ballot papers were being folded in an incorrect way. The women of the village taught the polling officers the correct way to fold the ballot paper.

"A sudden hike in the price of stamp paper and non-availability of forms and enclosures in some places were reported. The members realized that the most difficult task for the candidates was to obtain stamp papers at the time of nomination. The cost of stamp paper was Rs.10 but these were being sold at 50 rupees and 100 rupees. Not only this, the voter’s list was being sold outside at 5 rupees. With the involvement of Mount Valley Development association, it was possible to get the names of 23 villagers of Bhillangana village registered in the voters list.

2. Coverage through Coalitions: For most of the strategies implemented, a large network of non-governmental organisations came together for the purpose of spreading awareness to a minimum critical mass. Much of the feasibility, contextual appropriateness and the outreach could only be decided and attained after discussions with organisations or individuals that have been working in that context. The campaign in Uttarakhand, was the first campaign of its sort in the last 50 years of independence and hence there was a lot of enthusiasm among the people and they were keen to get more information. In the area where the campaign was conducted there was a 90 per cent turnout for polling. HARC in association with PRIA and 30 partner organisations covered 643 panchayats intensively and 965 extensively under the pre-election voters awareness campaign 2003. In all, 1608 panchayats were covered under the campaign.

3. Sustaining Platforms: The vibrancy and the spread achieved through the platform of civil society formed during PEVAC was an achievement in itself. The challenge for the future is to see whether the platform created would be sustained for future interventions in strengthening governance at the local level. Preliminary discussion and the links established during the campaign have been sought to develop and implement orientation programmes for the newly elected members – Panchayat Pratinidhi Jagran Abhiyan (PRJA)- to the local bodies after the elections.

With the cases and description of the process of civil society working together, it has highlighted the advantages of collectives in ensuring participation of citizens and working of democracy. All we need is a mission and enough drive. The results will surely follow.

Ms. Chhaya Kunwar is associated with a Uttarakhand based NGO, The Himalayan Action Research Centre (HARC).
Dear readers,

We are happy to announce that the future issues of participation and governance bulletin will highlight a combination of PRIA and partners effort in the field of strengthening local governance. This will give space to not only our initiatives in rural governance but also in urban governance.

We hope that you will continue to show the same enthusiasm in reading the bulletin and offering your suggestions.

Editor
PRIA is a civil society organization, that undertakes development initiatives to positively impact the lives of the poor, marginalized and excluded sections of the society, by encouraging and enabling their participation in the processes of their governance. It strives for achievement of equity and justice, through a people centered approach, focusing on 'Citizens'- 'their participation and inclusion', 'awareness and empowerment' and 'their democratic rights'.

PRIA recognizes the value of people’s knowledge, challenges traditional myths and concepts, raises awareness of people’s rights and promotes experiential learning. It applies a multi-dimensional strategic approach to creating knowledge, training and capacity building of stakeholders, public education and policy advocacy and intervenes at various levels of the demand and the supply segments, to reach out locally, nationally and globally.

Operating under two broad themes 'Reforming Governing Institutions and Civil Society Building', PRIA’s people centred interventions aim at promoting active participation of the poor and marginalized in the effective utilization of resources through local governance. It engages itself in strengthening of Panchayati-Raj Institutions and municipalities, promoting environmental and occupational health, facilitating a strong network of civil society organizations, promoting citizen leadership, monitoring policies and programmes of bilateral, multilateral and government agencies, to achieve an agenda of 'Governance where People Matter.'

PRIA proactively involves and engages a range of stakeholders including academia, media, donors, civil society organizations, trade unions, private business and government agencies in its efforts and provides a platform for a multi-stakeholder development approach.

PRIA is an international centre for learning and promotion of participation and democratic governance.