

6. People's Power: The *Gram Sabha*

The *Gram Sabha* could be the most powerful foundation of decentralised governance by ensuring elected representatives are directly and regularly accountable to the people. The aim of the government of Madhya Pradesh has been to strengthen the *Gram Sabha* by introducing favourable policy changes. However, the *Gram Sabhas* are yet to become operational entities and to do justice to their potential for making the *Panchayat* system truly self-governed and a bottom-up structure.

Some of the key features of the *Panchayati Raj* Act in relation to *Gram Sabhas* are as follows:

- The quorum for a *Gram Sabha* meeting remains one tenth, but after the Amendment of Article 6 of the Act, it is essential to have one-third of the quorum as women members.
- The *Gram Sabha* will work as a supervisory body, and audit and regulate the functioning of *Gram Panchayats*.
- Recommendations of the *Gram Sabha* will be binding on the *Gram Panchayat*.
- The *Gram Sabha* can approve as well as audit expenditure up to three *lakhs*.
- The *Panchayat Karmi* (*Panchayat* Secretary appointed by the *Panchayats* but drawing salary from the state government) can be removed from his/her post only if the *Gram Sabha* approves it.
- All the villages within a *Gram Panchayat* can have separate *Gram Sabhas*.
- The *Gram Sabha* will have the right to recall the *Sarpanch* after two and a half years of commencement of his/her tenure.

The key roles entrusted to the *Gram Sabha* are microplanning, social audit of *Panchayat* functioning, ratification of *Panchayat* accounts, balance sheets, identification and approval of beneficiaries, and supervisory and regulatory functions.

6.1 Assessment of the functioning of *Gram Sabhas*

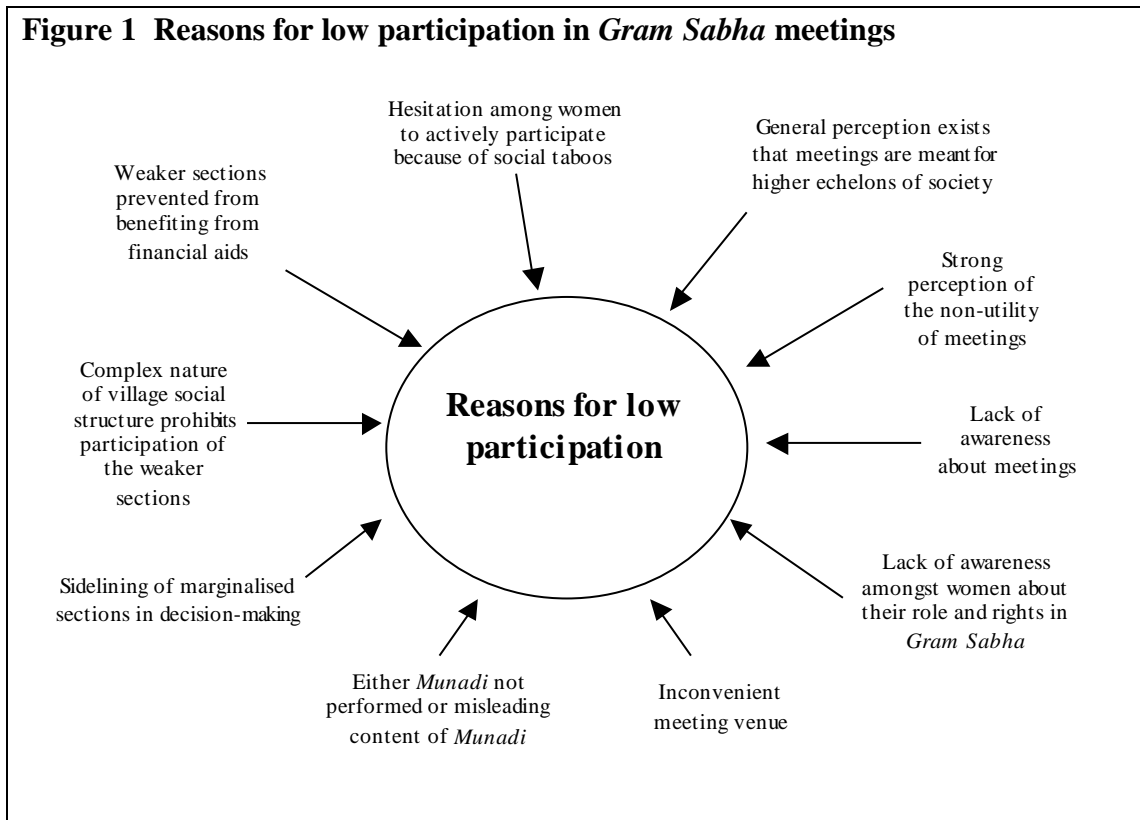
The following indicators were chosen for assessing the prevailing situation in the field:

- Participation and level of awareness of the *Gram Sabha*
- Issues of discussion and the process of decision-making
- Pattern of leadership
- Capacity of *Gram Sabhas*
- Transparency and accountability of the three tiers (GP, JP and ZP) to the *Gram Sabha*.

Participation and level of awareness of Gram Sabha

Participation in *Gram Sabha* meetings is, by and large, low. Often the quorum is not as prescribed or the register is taken from house to house to get signatures for the requisite quorum. The reasons are varied and have been illustrated in Figure 1. Low participation can be mainly attributed to the strong caste, class and gender divide in villages. On the basic question dealing with the awareness

of villagers regarding the existence, functions and rights of the *Gram Sabha*, a very high majority of people seemed completely ignorant.

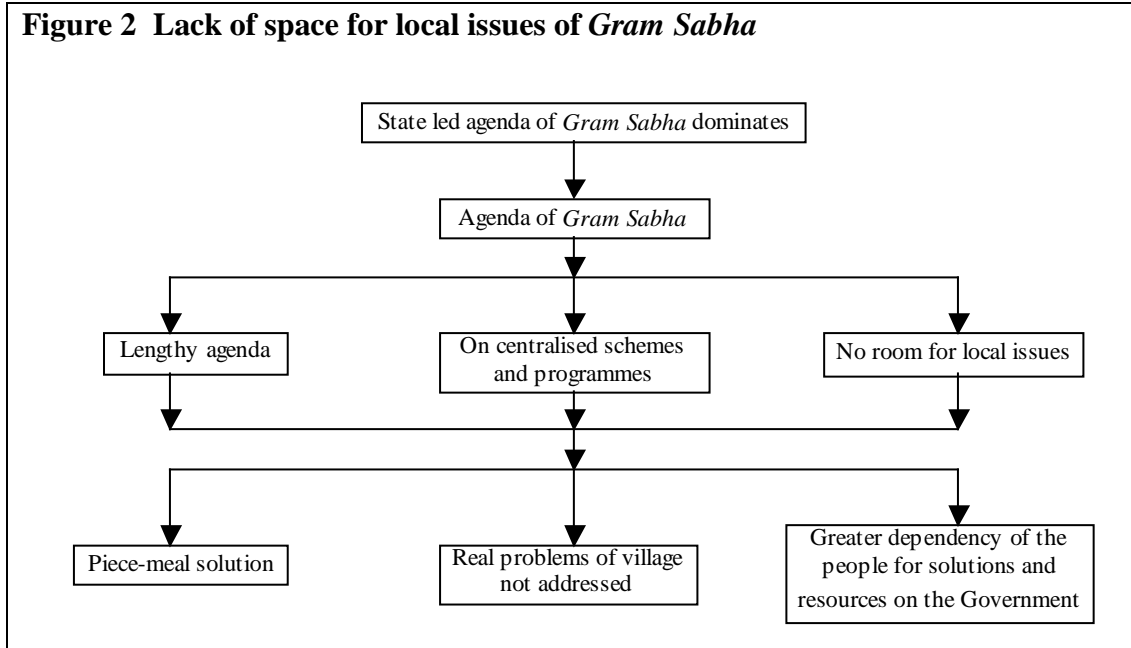


In all the group discussions, it was found that people were unaware of the outcome of recommendations and decisions of the *Gram Sabha*. Any exceptions to this rule were primarily due to the intervention of well-meaning facilitators. For example, in Krishnaganj *Panchayat* of Shivpuri district, the awareness level was high and could be attributed to a higher level of literacy in the village. The location of the block office in one of the wards of the *Panchayat* has also added to this greater awareness. Similarly, Gadgaon and Patelpalli *Panchayats* of Raigarh district showed a high level of awareness amongst villagers regarding the existence of a *Gram Sabha*. In these two villages, the intervention of a civil society actor (*Lok Shakti*) has helped in spreading awareness.

According to a *Panchayat* Secretary of Jhabua district, the *Gram Sabha* generated a lot of enthusiasm during the 1995 to 1997 phase. Studies conducted by Samarthan also indicate the probability of a decreasing trend in participation in *Gram Sabha* meetings. According to a survey carried out in Gwalior region by Samarthan in 1996, the average attendance at the *Gram Sabha* was a high 46% amongst the 49 randomly selected *Panchayats*; whereas another study conducted in 25 randomly selected *Panchayats* in different parts of the state by Samarthan in 2000 suggests it was then only 17.5%. These two studies reflect a trend that is corroborated by NGO workers and even government officials across the state.

Issues and processes in decision-making

The issues discussed at *Gram Sabhas* were more or less the same across all districts. They generally pertained to the agenda set by the government, namely beneficiary selection list and infrastructure development. The agenda of these meetings is given to the *Gram Panchayat* a week prior to the meeting. This has its own ramifications on the pace of decentralisation of power in the state, as illustrated in Figure 2.



It is important to understand the process of decision-making to gain an insight into the status of participatory governance. The study observations reveal that the *Sarpanch* and other influential people still dominate the decision-making processes. Significantly, from in-depth questioning of people who attended *Gram Sabha* meetings the fact emerged that in all the 60 *Panchayats*, most decision-making was through a consensus. None of the *Gram Sabhas* had any experience of voting on any account. The groups unhappy with the functioning of the *Gram Sabha* also did not oppose the consensus. On further probing, it was discovered that villagers live in a close-knit community, which is based on interpersonal relationships. The marginalised groups are economically dependent on the more powerful sections of the village community. The village social and economic milieu is such that people are interdependent on each other. Therefore, open confrontation is not possible. The existing social and economic disparities determine the participation and involvement of the poor, marginalised and women in *Gram Sabha* meetings.

Pattern of leadership

Two prominent and sharply contrasting groups leading the *Panchayats* could be distinguished. One was the group of traditionally influential representatives, and the other that of new entrants. The performance and efficacy of *Panchayat* members is strongly influenced by caste and class distinctions. Often the traditionally influential leaders come from upper castes and are landowners having a high position in the socio-economic hierarchy of the village. On the other hand, due to reservations for the disadvantaged castes in *Panchayats*, newly emerging leadership is in many cases from schedule castes and not so economically well-off sections of the rural society. *Sarpanches* belonging to traditionally influential groups carried out development work in areas forming their support-base. On the other hand, the new *Sarpanches*, elected from non-traditional groups, faced stiff resistance to all their plans of development from traditional groups. Alternative leadership for the *Gram Sabhas* does not emerge from the *Panches* or other elected members of the *Gram Panchayat*. However, it is interesting to note that in specific *Gram Panchayats*, helped by intervening agencies such as supportive bureaucrats or civil society actors, opposition has been built against corrupt *Panchayat* functionaries (Box 2).

Box 2 Challenging traditional leadership

The *Sarpanch* of Khawasa *Panchayat*, Seoni district, had to face stiff opposition from *Gram Sabha* members and a majority of *Panches*. Nine out of 17 *Panches* and most of the *Gram Sabha* members were opposed to a highly corrupt *Panchayat* Secretary. The *Sarpanch* supported the Secretary, but the opposition made it an issue of values and principles. Despite an enquiry order from the top state level bureaucracy, the investigation was incomplete. Therefore, the majority of *Panches* and *Gram Sabha* members boycotted the *Gram Sabha* meeting. As a result of this protest, the SDM had to intervene and only after his assurance of quick action did they attend the *Gram Sabha* meeting.

Transparency and accountability in Gram Sabhas

Accountability is by and large poor in the *Panchayat* systems in all the districts studied. A group of men of Sohawal *Panchayat* of Satna district said: 'The *Sarpanch* is all-powerful in the present system and no other person has any say in *Panchayat* matters.' Therefore, according to them, the present system is not *Panchayati Raj*, it is actually *Sarpanch Raj*.

Perceptions of accountability varied from place to place. A group of women of Rimal *Panchayat*, Seoni district, felt that the *Sarpanchpati* had taken great pains to develop the area and therefore the question of corruption did not arise. Also, when an area has seen so much development activity, there is no need for accountability. A group of youths from the same village said: 'Development is a priority in rural areas, and since accountability was never there in earlier systems, it is also not important now.'

Transparency in the affairs of the *Gram Panchayat* is almost non-existent. The *Gram Sabha* is not aware of the *Gram Panchayat* functioning and there is a communication gap between these two bodies. The actual target groups of the government's welfare programmes also do not have access to information from the *Gram Panchayat*. A group of schedule caste women from Bada Khutaja *Panchayat*, Jhabua district, said: 'Even though we fall in the 'Below Poverty Line' list, no benefits have reached us, and all the benefits of welfare schemes are being shared by the *Sarpanch*'s relatives and his men. We do not even get to know the criteria for selection of beneficiaries.' However, the picture is not so dismal in all *Gram Panchayats*. In Chandanpura *Panchayat* of Shivpuri district, a youth group said they constantly query different aspects of *Gram Panchayat* function, even going through the records maintained by the *Panchayat*.

The concept of participation as an important part of the process of *Panchayati Raj* is rarely seen in practice. In fact, in retrospect, it seems inevitable that people of influence would look at larger community participation with hostility. One reason for this could be that even where the *Sarpanches* concerned were motivated and effective, they usually do not operate totally above board. A number of additional expenses have to be taken care of or borne by them, including those for travel and food, local hospitality for visitors etc., which cannot be claimed as working expenses. These are then adjusted against other expense categories with the help of the *Panchayat* Secretary, and possibly, the connivance of some other *Panches*. In this kind of functioning, transparency certainly comes in the way of fudging expenses. Even other *Panchayat* members, on becoming party to petty accounting jugglery, may demand their pound of flesh. However, other causes leading to corruption seem more problematic. Elected representatives may consider it their right to compensate for expenses incurred in contesting elections, and these may be more significant at the *Janpad* and *Zila* level.

6.2 Factors affecting the performance of *Gram Sabhas*

The vibrancy and efficacy of the *Gram Sabha* will remain dismal if it does not possess the capacity to perform assigned roles and responsibilities. This question becomes more pertinent in a socio-cultural milieu where human resource development is low and society is deeply fragmented and hierarchical. A stakeholder group analysis (Annex 4) of reasons for ineffective functioning of *Gram Sabhas* was useful in identifying the causes.

The *Gram Sabhas* do not have the basic capacity needed for planning, and therefore, most of them do not develop a micro plan. The necessary technical inputs are also not available. In some places where the plan is made, it becomes too ambitious. Not much thought goes into the utilisation of available resources and methods of raising further resources. The *Gram Sabha* feels it is completely dependent on the government for funds and grants.

However, *Gram Sabhas* do have the potential to carry out effectively the roles and responsibilities entrusted to them with a little support and facilitation. In the Kalotra *Panchayat*, Shivpuri district, the Collector took the initiative in helping *Gram Sabha* members to articulate their demands and needs. The Collector personally visited the *Panchayat* and ensured that the right information reached the *Panchayat* members. The voice of the villagers articulated by the *Gram Sabha* is then heard and respected by the upper tiers of *Panchayat* and district administration. The Collector was also instrumental in making the administration assist and support the *Sarpanch* in executing their responsibilities efficiently. Therefore, due to moral and direct administrative support, gradually, over a period of time, both the *Sarpanch* and the *Gram Sabha* showed marked improvement. With such administrative support and an enabling environment, the efficiency of *Gram Panchayats* and *Gram Sabhas* are improving. The government and civil society must facilitate the process. However, the fundamental task of improving the human development index (HDI) of the villages should not be ignored, as it can provide long-term solutions for enhancing the capacity of the people's institutions.

6.3 Key findings

Procedural issues

- Field experience suggests that most *Gram Panchayats* held only mandatory *Gram Sabha* meetings every three months. The date or week of these mandatory meetings was decided by the district administration while the agenda still mainly revolved around a review of government development schemes.
- The agenda of the meeting was lengthy and time consuming, precluding discussion of any other issues (not included in the government agenda).
- The general feeling amongst villagers, since they were not consulted in drawing up the *Gram Sabha* agenda, was a sense of apathy in their involvement in its affairs. Discussions were merely limited to issues such as beneficiary selection, etc. There was no discussion or agenda for action on community issues and/or local problems.
- Dominance of *Gram Sabha* meetings by the *Sarpanch* and others in the local power axis led to widespread indifference among people about the usefulness of *Gram Sabha* meetings.
- Matters related to monetary benefits gained ground over more significant issues of development and participatory governance.

- Distance from the meeting venue and inflexible timings posed constraints for effective participation, especially for women, daily wage earners and people living in peripheral villages.
- People felt that benefits accrued from *Panchayati Raj* were going to the *Sarpanch's* own village instead of trickling down to other villages of the *Panchayat*.
- A common perception amongst *Panchayat* representatives was that the upper two tiers did not favourably respond to plans proposed and forwarded by the Gram Sabha.
- The implementation of government schemes and achieving targets consumed more time and had priority over other important village issues. This resulted in limited participation of *Gram Sabha* members in the meetings.

Gender issues

- Issues of improvement of status of women were not discussed in *Gram Sabhas*, even in those *Panchayats* with a female *Sarpanch*.
- It was observed from visits to *Panchayats* that women from most villages were unaware about their rights to attend GS meetings. Women as a group have been unable to assert themselves in the *Gram Sabha* meetings.

Participation and decision-making

- The participation of villagers in *Gram Sabha* meetings was low across all districts. Villagers were generally not aware of meetings, especially the marginalised sections of the population. Considering the existing social practices in the villages, the common methods of information dissemination such as a *munadi*, pasting notices on walls, or circulating a register, were not adaptable and found to be ineffective. There is a need to highlight and build upon some of the local methods of information dissemination, especially those that have a strong interpersonal communication angle.
- In a few places, people were disillusioned by false claims made in a *munadi*. Promises of addressing personal grievances or problems were never fulfilled in *Gram Sabha* meetings.
- Cutting across districts and caste groups, a sense of disillusionment on the efficacy of the *Gram Sabha* was perceptible. People felt that decisions and recommendations made by the *Gram Sabha* did not carry any weight and were brushed aside by senior officials. This perception amongst villagers led to certain delegitimisation of the institution of *Gram Sabha* in the eyes of the people.
- *Gram Sabha* members were not powerful enough either to raise their voices against influential members of villages or assert their right of participation in decision-making. Economic compulsions and inequitable social structures do not allow the weaker sections sufficient space for assertion.
- Internal, caste and class dynamics also played a critical role in the non-participation of villagers in the *Gram Sabha*.

Accountability and transparency

- The *Sarpanch–Panchayat* Secretary/Employee nexus in most *Panchayats* was too strong and there was no transparency in information communication to and within the *Gram Sabha*.
- Most *Gram Sabha* members across districts felt that accountability of the *Gram Panchayat* to the *Gram Sabha* was very weak. Voices were not raised against corruption since accountability was an unlikely possibility due to strong interpersonal relationships. There is economic and social dependence of many on higher castes or wealthy families, preventing them from raising a finger against them.
- Mechanisms and procedures for making the *Gram Panchayat* and other bodies accountable and transparent to the *Gram Sabha* exist within the *Panchayati Raj* System. For example, the *Panchayat* should get the approval of *Gram Sabha* in identifying beneficiaries for different government programmes; similarly the *Gram Panchayat* budget needs to be presented to the *Gram Sabha* for approval. However, due to low awareness and weak participation, *Gram Sabhas* are unable to exercise their rights.

6.4 Conclusions

Madhya Pradesh is seen as a success story in the on-going process of decentralisation. Through progressive amendments to the *Panchayat* Act and supportive executive orders, the government has constantly tried to strengthen and empower the *Gram Sabha*. The *Gram Sabha*, despite its potential to strengthen governance and make it transparent, accountable, participatory and truly democratic, has remained under-utilised and dormant in the last five years.

Participation, by and large, was observed to be low in the State. The quorum is generally incomplete and the provision to conduct *Gram Sabha* meetings on any other day wherein the quorum criteria is not obligatory (Article 6(2)), is often used by the *Sarpanch*. Holding a meeting the next day allows for having present only ‘desired’ people. This has its own ramification on the very spirit of empowerment. Despite the provision that one-third of the quorum should comprise women, this condition is flouted practically everywhere. Another factor which dissuades people from participation is the general mode of information dissemination about the *Gram Sabha*, i.e. a *Munadi*. The socio-cultural milieu of the villages is such that men and women expect a personal invitation. Another problem specific to Madhya Pradesh is that hamlets, especially those in tribal areas, are located at a great distance from each other. This physical constraint dissuades people from attending the *Gram Sabha*. However, the later provision of holding *Gram Sabha* in all the constituent villages of a *Panchayat* on a rotational basis is an innovative initiative helpful in overcoming this problem to a great extent.

At the macro level, the *Gram Sabha* is a people’s institution and has been made a statutory body through a Constitutional Amendment. The current system of governance, still largely colonial in nature, has been unable to accept this radical change. A bureaucracy conditioned on centralised authority is not willing to be supportive and accountable to the *Gram Sabha*. The elected representatives of *Panchayats* have MPs and MLAs as their models, and therefore resent any form of direct accountability to the people. Secondly, a large-scale resource (large from the perspective of small village economy) transfer is taking place towards the *Panchayats*; this has led to an emergence of a corrupt nexus between elected *Panchayat* representatives, the bureaucracy and locally influential people who see an opportunity of making monetary gains. It is therefore in the interest of this nexus that the *Gram Sabha* remain weak; hence they resist and weaken all efforts to empower *Gram Sabhas*.

Structurally, the *Gram Sabha* has certain limiting factors. A centralised agenda (dictated by the State government), coupled with a lack of space for local initiative, has had a negative impact. This has turned the *Gram Sabha* into a government institution rather than a people's institution. Finally, the most significant constraint is the low capacity of the *Gram Sabha*. With a low level of human resource development, villagers just do not have the necessary capacity to accomplish the roles and responsibilities entrusted to them.

7. Position of Women in *Panchayati Raj* Institutions

This section primarily looks at the position of women in *Panchayati Raj* and how the institution has impacted on the lives of women through progressive legislation for the empowerment and participation of women. Many issues discussed in this section could be broadly combined under the issue of participation and empowerment of marginalised sections of the society through the *Panchayat* system. However, to do justice to the spirit of 73rd Constitutional Amendment, which brings the concerns and issues of women to the centre of *Panchayat* discourse, it is important to deal with these issues separately to obtain a more detailed understanding of ground reality.

The 73rd Constitutional Amendment is a landmark since its objective is to empower women by creating space for them (with a 33% reservation of seats). The significance of this can be gauged from the fact that the number of women in politics at the grassroot level is now higher than in the past. However, as these Acts operate in a highly complex and entrenched patriarchal/ hierarchical socio-economic fabric, women are interwoven in it. This creates, in its wake, contradictory trends and gaps between the potential and actual realisation of women's empowerment. The aim in this section is to understand and locate these gaps and suggest ways of overcoming them.

7.1 Women in *Panchayati Raj* institutions

The last five years of *Panchayati Raj* governance has been a path-breaking opportunity for women (through reservation of seats) to occupy positions of decision-making. In the midst of many unsupportive factors and forces, women have looked for supportive opportunities and have moved forward to demonstrate their capacities and ability to hold such positions. This is aptly illustrated in the case of Nalini Devi (Box 3).

Box 3 The example of Nalini Devi

'I have worked for people. Why do you say that a *mahila* cannot work? This spoils my reputation', says Nalini Devi, *Sarpanch* of Mahloi *Panchayat*, Pusor block, Raigarh District. Nalini Devi, aged 40 and literate, filed the *Sarpanch* nomination form when urged to do so by the villagers. She did not have any prior discussion with or the permission of her husband. Others in the village feel that their decision to elect her as the unopposed *Sarpanch* was worth it, as much development has taken place during her tenure as the *Sarpanch*. Things, however, have not always been easy for Nalini Devi. 'Every step meant breaking age-old taboos and norms. Elders were aghast to find a woman crossing traditional boundaries. My involvement in *Panchayat* meetings churned up emotions. Both encouragement and discouragement came in equal measure,' she says. Today, she has not only grown in confidence and knowledge but also has the respect of her family and fellow villagers. Undoubtedly, her better socio-economic position, family and village support and education have been crucial to her learning and exposure to the world outside her village, a privilege that very few women in India enjoy.

In general, in most *Panchayats* visited in the five districts it was found that:

- The decision to fight elections was taken by male members in a family already enjoying political power or with a political background.
- There were very few instances where women were self-motivated to fight an election.
- In a few instances, the village community or *Gram Sabha* persuaded women who had leadership potential to stand for election.
- Influential and powerful men chose women who could be manipulated to serve their interests.

7.2 Patriarchal socialisation and women's self image and images by others

A skewed portrayal of women in rural societies has been taking place through various myths, institutions and values that paint women as inferior. Even women believe in the dogma that as women, they should lead their lives very differently and be subordinate to male wishes. This makes women insecure and lacking a sense of self-worth, and are thus incapable of assuming decisive control over their milieu. While talking to researchers, one such woman *Sarpanch* described herself as 'illiterate' and felt that she had no identity apart from her husband. Similarly, in the Bara *Panchayat* of Shivpuri district, the women *Sarpanches*' automatic response to every query was: 'I do not know anything; ask my husband'.

The process of socialisation clearly demarcates spaces: private for a female, public for a male. Thus, when women cross over their traditionally assigned private space and take on leadership roles in the public realm, hostile attitudes take various forms. The widespread view in the community was that women are neither capable nor interested in attending *Gram Sabha* and *Panchayat* meetings. Moreover, women were portrayed as submissive. They are not meant to be active and outspoken, particularly in the presence of men and elders. Though the *Panchayati Raj* institutions are based on democratic values and equality, any attempt by a woman to go against male dominance results in usurping of their power, as in the case of Bhakti Bai (Box 4).

Box 4 Dampening Bhakti Bai's enthusiasm for want of information

In 1994, Bhakti Bai, aged 45 and illiterate, belonging to the schedule tribe category, was elected unopposed to serve as a prop for the influential *Upsarpanch*, Anil Sharma. Bhakti Bai, heavily dependent on Sharma, initially functioned as his rubber stamp. This soon began to change. In a land feud between Anil Sharma and an *adivasi* (Narpat), the *Sarpanch* sided with Narpat. Bhakti Bai further dared to symbolically assert her authority by occupying the *Sarpanch's* chair in Sharma's presence. Being snubbed by the *Sarpanch* in the power play, Sharma used his influence and Bhakti Bai's illiteracy to remove her. The instrument was the use of the no-confidence motion. The *Sarpanch* signed the no-confidence motion against herself, ignorant of its content. She was removed from her position for asserting her legitimate rights.

7.3 Examples of dependence on male members

Women's dependence on husbands or male relatives was often found to extend to their functioning as public figures. In many cases, the woman *Sarpanch* acted as a rubber stamp or played a subservient role while her husband or male relative played the central role. This dependence is because women are often unable to handle public affairs mainly because of their illiteracy, lack of confidence, awareness or experience, and a general isolation from public life.

The prevalent norms of the village also make a woman's independence and political participation difficult. A majority of women stated that their visits to blocks were few and their husbands or male relatives usually accompanied them. This also meant a loss of earning days for the latter. Additionally, the interaction of a woman *Sarpanch* with front-line government officials remains distanced and only a 'courtesy'. *Panchayat* related matters were discussed with their husbands. However, in a few cases, husbands and male members have played a supportive role, which has enabled women representatives to become more effective. In other cases, women *Sarpanches* were found to be active without the assistance of their husbands.

The decision to contest elections, in most cases, has not been that of the women but of their husbands, who were usually either an *ex-Panch* or *Sarpanch* of the *Panchayat*. When the seat was declared reserved, they have clung to power and influence through people they wield control over: wives, daughters-in-law and sisters. The decision-making abilities of women representatives also

follow a hierarchical pattern. Unless supported by husbands or male relatives in powerful positions, women *Sarpanches* found it difficult to function and take decisions.

7.4 Leadership traits of women representatives

'I would contest elections next time too, though the seat has been declared open', says a tribal woman *Sarpanch* of Futhardha, Satna district, breaking age-old silence. For many women, to be called a *Sarpanch* is not only novel but also an experience in having an independent identity. 'Earlier, the villagers did not even recognise or know me', points out a woman *Sarpanch*.

However, the larger picture is still not very encouraging and the women elected representatives are often elected due to their husband's status. Out of 27 women *Sarpanches* interviewed, 17 had someone from the family in politics: husband, father-in-law or brother-in-law. According to the CEO of *Janpad Panchayat*, Jhabua district, reservations have only benefited women from influential families. Other researchers point out that in a study area covering 10 *Panchayats* from two districts (Hoshangabad and Dewas), women leaders from SC/ST backgrounds are comparatively better off than those from upper castes. The reason lies in the economic and cultural background of the former. The SC/ST women are used to functioning in public and are selected as *Sarpanch* by their communities for their leadership qualities and the confidence they possess. On the other hand, influential husbands or relatives had mostly their (upper caste) women *Panchayat* members as proxies. After the elections, these women were often relegated to the background by their active male relatives.

Issues of discussion amongst women representatives primarily revolved around improving their domestic roles. Discussions tended to be confined to issues such as drinking water, infrastructure development (school, community hall, road construction), setting up of *Anganwadi* centres, etc. The more political issues such as dowry, *purdah*, women's education and economic self-sufficiency, alcohol abuse, or issues/plans favouring the poor, were hardly discussed or raised very rarely. Women not only felt incapable in dealing with these issues, but their consciousness about these issues also remained low.

7.5 Harassment faced by women representatives

Women's entry into the *Panchayati Raj* institutions is gradually being accepted by men and women in communities. Direct or violent harassment is low so long as women accept established male dominance. Notions such as a 'woman's honour' also make them soft targets, as described in the example of the tribal woman *Sarpanch* of Selhona village, Raigarh district, who was taught a lesson by being disrobed in public (Box 5). Women being in elected positions of power is still largely unaccepted and patriarchal forces, often in combination with feudal and caste elements, often resort to all possible means, including violence and oppression, to stall the effective functioning of elected women representatives.

7.6 Effectiveness of support to women representatives

Women are poorly informed about *Panchayat* meetings and *Panchayat* functioning. Sometimes husbands attend the meetings and share discussions with their wives. Though women *Sarpanches* are supposed to be informed about meetings in an official manner, in practice information reaches them via the male members. Cut off from information, women are more susceptible to manipulation and domination. Most women representatives sign various documents but have little information

about their content. In most cases, women representatives have not received any training and those who have found it to be ‘useless’. Usha Ojha of Bhadera *Panchayat*, Shivpuri district, describes the training: ‘We were huddled together at the back and the men sat in front. We could hardly understand what was being said.’

Most women felt that the training was insensitive to their special needs, such as lack of confidence, stage fright, being over-awed by the public, etc. Confidence and self-respect needs to be instilled in these women. NGOs have been found to play a vital role in women’s empowerment. All over the State, civil society initiatives are instrumental in instilling confidence in women. Slowly but steadily, initiatives taken under the *Panchayati Raj* are catalysing women’s collective initiatives. The incidents are sporadic, but are growing in frequency (Box 6).

Box 5 Male hostility takes on a dubious hue

Salehona village of Baramkela block, Raigarh district, comprises mostly tribals belonging to the Sidar community. Durpati Bai, the elected *Sarpanch* of the village, attempted to initiate development activities but a corrupt *Panchayat* Secretary began to put obstacles in her path. A corrupt *Panch*, in partnership with the corrupt *Panchayat* Secretary, swindled money from a development project. Later in the *Gram Sabha* meeting, the *Sarpanch* was asked to put forth the details of expenses incurred on the project. When she requested an additional four days to submit the same, the *Gram Sabha* turned hostile and violent. When Durpati Bai tried to escape from the scramble, people from the opposition pulled down her sari. For Durpati Bai, even after being disrobed in public, things were not yet over. The villagers turned her out as an outcast.

Box 6 They had their way

Kukurda is a tribal village in Raigarh district. The village *Sarpanch* has been leasing the pond for pisciculture to outside entrepreneurs for the last few years. It is an open secret in the village that the *Sarpanch* is a partner in the business. In the last two years, *Lok Shakti*, a voluntary organisation which recently began working in the area, mobilised the *Mahila Mandal* to breed prawns in the pond as an income-generating activity for the *Mandal*. However, the *Sarpanch* was obviously far from cooperative. When he objected to this activity citing reasons of *Panchayat* finances, the women offered the *Panchayat* Rs500 more than the amount charged from the earlier party. The women, however, insisted that the amount would be transferred to the *Panchayat*’s account from the *Mandal*’s account in the bank itself. The women went ahead with their plans and the *Sarpanch* was reduced to being a mute spectator.

7.7 Increasing participation

A substantial number of community members feel that most women do not find any relevance in attending meetings, be they of *Gram Sabha* or *Gram Panchayat* level. The women and marginalised sections on the other hand feel that male family members use them as dummy candidates. Women from weaker sections feel demotivated as their views are not respected. This results in low attendance in *Gram Sabhas*. Those women who are members of women’s self-help groups (*Mahila Mandals*), find themselves empowered to take up the leadership of *Panchayats* or raise issues in *Gram Sabha* meetings.

NGOs and representatives of *Janpad Panchayat*, *Zila Panchayat* and government officials feel that because of reservation, participation of women in *Panchayats* has improved, although their performance is not up to expected standards. The three major factors identified by this study for the low participation of women in *Panchayats* are:

- economic condition of the family
- existing social norms, customs and practices
- level of literacy

All stakeholder groups know the relevance of participation of women in the *Panchayati Raj* system and hope for increasing participation as a result of the growing awareness among women. Women's groups are exerting pressure and support for greater women's participation, and the base of women representatives in *Panchayats* is increasing, which in turn will exert pressure on the social system to accept their role and position.

7.8 Conclusions

As observed in some cases, against all expectations, SC/ST women seem to be a potential source of advantage to their own communities in comparison to their upper-caste counterparts. It is important to point out that mere political will and articulation of policies will not translate into benefits for women. The translation into gender sensitive implementation would require a complete overhaul in administrative and social structures. Moreover, given the steadfastness of male dominance, a collaborative approach between the household, the community, the State, voluntary organisations and the media needs to be developed. The approach must also be multi-pronged, taking into account policies, laws, judicial processes, attitudes and social imaging of women.

8. Tribal Self Rule in the Scheduled Areas

Madhya Pradesh (undivided) has a tribal population of 15.4 million, which constitutes 20.14% of the total tribal population of the country. There are over 30,000 villages in the State situated on forest fringes, constituting 40% of the total number of villages in the State. All districts in the State have significant tribal populations, and 18 districts have a substantial tribal population.

The *Panchayat* Extension to Scheduled Areas Act (PESA) has recently been implemented and therefore not much data was obtained during field visits carried out for this study. However there follows an analysis of the ground reality in the tribal areas based on data collected during the field research⁵. The PESA is a radical Act, which has the potential to transform the governance space in tribal areas if implemented in word and spirit. Key features of the Act are given in Annex 5. 'Scheduled Areas' means the Scheduled Areas as referred in the clause (1) of Article 244 of the Constitution.

8.1 Ground realities of the implementation of tribal self rule

In most cases, in the pre-PESA implementation phase, there was little if any difference between tribal and non-tribal areas with respect to the role of the *Gram Sabha*. The *Sarpanch* and other influential *Gram Panchayat* members dominate the often irregular and scantily attended *Gram Sabha* meetings. The common people possess little awareness about its functioning. Amongst those interviewed, most showed little interest in the *Gram Sabha*'s functioning and mentioned issues such as inclusion in various beneficiaries' lists and employment as a labourer in *Panchayat* construction activities, as reasons for attending the meetings. An astounding lack of awareness about *Gram Sabha* as a self-governing body was observed.

As far as the institution of the *Gram Sabha*, central to PESA, is concerned, the research did not come across a single village where the *Gram Sabha* was even aware of its legal jurisdiction over the village forests. There seems to have been absolutely no groundwork in recognising the *Gram Sabha*'s jurisdiction over forests and in the creation of adequate mechanisms and support structures for them to play any significant role. The same is true of the *Gram Panchayat* as a body, which is accountable to the *Gram Sabha*.

8.2 Constraints in implementation

The advent of PESA in 1996 was a welcome event that conferred relatively greater autonomy to *Gram Sabhas*. However, PESA's sincere implementation has not been seriously attempted by the government, which is still dominated by centralised structures and laws that are in contradiction with the progressive provisions of PESA. For example, the provisions, as explained in the Act, related to people's control over livelihood resources have yet to be executed in the scheduled areas. In a few places, since the appearance of PESA, an attempt has been made to restore control over the village resources to the people. Following these efforts, people have faced sometimes violent reactions from the ruling class.

As such, conflicting areas were identified prior to advocating the implementation of various provisions of PESA. There are policy loopholes between self-governance laws and existing laws

⁵ The study by design picked two districts with substantial tribal population. Jhabua is predominately tribal and in Raigarh (now in Chhattisgarh) half the population is tribal.

that give power to various departments to control resources, and many other functions that *Panchayats* are supposed to manage by themselves (as per the provisions of PESA). For example, the modern state and its legal apparatus does not recognise the customary ownership rights of land, which are by and large unwritten in the tribal community. Therefore, if tribal communities cannot exercise ownership rights in their traditional fashion, the spirit behind the provision in PESA of managing land resources by *Gram Sabhas* is defeated. A similar conflict is prevalent with regard to ownership rights of water resources. Most village ponds are either on community land, revenue land or forestland. Under existing conditions, local people are either prohibited or have restricted use of these ponds. Hence there is some overlapping of ownership rights, and clarity on such issues is possible only after the Indian Forest Act and other related Acts are amended to accommodate the provisions of PESA. The situation regarding forest resources is still worse, as forests have been under total control of the Department of Forests until now. Years of autocratic control over the profit-yielding forest resources have made the Department reluctant to yield control over forests. It is this very attitude, along with an absence of Amendments in the Indian Forest Act, which is in conflict with the provisions of PESA.

The aforesaid issues are critically analysed in Table 5, taking into consideration relevant contradictions in already existing laws. The table lists the provisions of PESA and explains how it is being violated by the administration.

Table 5 Impediments to the implementation of PESA

Subject	Explanation of the provision
Article 4 (c) of PESA Act, 1996, Section 28 of Indian Forest Act, 1927	In the scheduled areas, <i>Gram Sabha</i> consists of persons whose names are included on electoral rolls. But a large section of tribals reside in 'forest villages' (established as per Rule 11 of MP Forest Rules, 1960), who have not been included in electoral rolls and hence cannot vote and exercise their role under PESA.
Article 4 (i) of PESA	State still has the power to plan and implement development projects (e.g. power stations, dams, industries, mines, canals). Only consultation with <i>Gram Sabha</i> or <i>Panchayat</i> is necessitated prior to acquisition of land in scheduled areas. The word 'consultation' has always been misinterpreted and misused by State authorities while acquiring lands under the Land Acquisition Act, 1999. Development projects are still a major threat to tribal populations.
Article 4 (j) PESA, Article 129 (c) Clauses (3) and (4), and Article 129 (d) Clause (3) of MP <i>Panchayati Raj</i> Act, 1993	Management and control of 'small ponds' (less than 3 acres in size) has been given to <i>Panchayats</i> . The larger ponds and reservoirs are controlled by either <i>Janpad Panchayat/Zila Panchayat</i> or Irrigation/Fisheries Department. Moreover, no favourable Amendment has been carried over in Rule 8 (1) and 9 of MP Forest Rules, 1960, to give autonomy to the <i>Gram Sabha</i> if it uses the water bodies in reserved forests.
Article 4 (k) and (i) of Extension Act, Article 7 of MP Minor Minerals Rules 1996	For minor minerals in Schedule I, the recommendations of <i>Gram Sabha</i> for <i>Panchayats</i> are made mandatory before the granting of prospecting or mining leases. There are fears that in practice the contractors usually misuse their financial power to get the lease. There is no clear rule for contractors/officials who confer leases. Moreover, nothing is said about 'major minerals' although its extraction causes major havoc on tribal lands.
Article 4 (m) Clause (ii) of PESA	The <i>Gram Sabha</i> has been given ownership over minor forest produce. But no amendment has yet been made in MP Forest Rules, 1960, Article 32 (d) and 76 of Indian Forest Act, 1927, (applicable in MP too) concerning minor forest produce, which are still controlled and owned by the Department of Forests.

Article 4 (m) Clause (v) of PESA	Despite the provision to exercise control over money lending to STs, the <i>Gram Sabhas</i> are not yet empowered to do so in the Moneylending Act, as it has so far not been amended.
Article 4 (m) Clause (vi) of PESA, Article 129 (C) Clause 2, MP <i>Panchayat Raj Act</i> , 1993 Article 4 (m) Clause (i) of PESA, Article 61 (e) of MP Excise Act, 1995	The <i>Gram Sabha</i> can exercise control over voluntary organisations in respective village, but it can face difficulty as there is no such provision in MP Societies Registration Act, 1973. Revised in 1999. <i>Gram Sabha</i> is not empowered to control or close down those liquor manufacturing sources that were created before the enactment of Extension Act, i.e. 1996; whereas in reality most villages have such liquor sources established before 1996.
Directive Principles (Article 39b), Article 129 (c), Clause 3 MP <i>Panchayati Raj Act</i> , 1993	The <i>Gram Sabha</i> is empowered to manage and control natural resources including forests. It is obviously impossible to exercise such control until a favourable Amendment in the Indian Forest Act, 1997. Provisions are in Joint Forest Management (JFM) Resolution of MP, 1996, to accommodate <i>Panchayats</i> in Village Forest Committee (VFC)/Forest Protection Committee (FPC), but no adequate mechanism has been developed to give full control to <i>Panchayat</i> or <i>Gram Sabha</i> for managing or using the forests or forest products.
Article 31 (a) of MP Village Courts Act, 1996	The <i>Gram Sabha</i> is given power to handle matters related to social justice, but it has very little power and scope. Moreover, sufficient favourable Amendments have not yet been made in Indian Penal Code, 1860; Penal Process Code, Cattle Trespass Act, 1871; Indian Forest Act 1927; Wildlife (Protection) Act, 1972; Police Act, and many others.
Article 4 (m) Clause (vii) of PESA	The <i>Gram Sabha</i> has the power to control local plans and resources for development related activities. Plans such as watershed development, joint forest management, poverty alleviation and other externally sponsored/imposed plans do not usually take into consideration the major role of <i>Gram Sabha</i> . They are still being implemented in Scheduled Areas as elsewhere.

8.3 Emerging picture

There is a lack of awareness amongst people about the role of *Gram Sabha*. Large-scale illiteracy, low awareness, inaccessibility to sources of information, and an unsupportive administrative environment all contribute to this problem. Sheer survival issues dominate the life of the common tribesperson. Immediate issues of food insecurity leave little scope for any hullabaloo on a relatively abstract subject such as self-governance. Seasonal migration is a fact of life here. Except for the elderly, whole households migrate in search of livelihoods for up to five to six months a year. Whole villages bear a deserted look during this period. Seasonal migration reduces interest and participation of people in *Gram Sabha* meetings and activities.

The *Sarpanch* and *Panches* who are largely tribals are often informed and influential people. They also enjoy economic, social and political clout. The village leadership often consists of ambitious and shrewd people who are continuously in touch with the mainstream and with the bureaucracy. This is in stark contrast to the average tribal, who is generally naive, poorly-informed and far removed from modern life.

The empowerment of tribal communities, especially those who are cut-off from mainstream development, may be possible through PESA. However for this to occur, there is a need to mobilise *Gram Sabhas* and build their strength to deal with tribal issues.

8.4 Conclusion

PESA is a pathbreaking Act which attempts to empower the *Gram Sabha*. It respects the cultural and traditional customs of tribal communities. PESA will remain merely a good intention on paper unless deliberate efforts are made to operationalise various provisions of the Act. The existing contradictions in the overlapping of power and functions of *Gram Sabha* and many government departments need to be sorted out. It may not be an easy process to withdraw power and control from government departments in favour of *Gram Sabhas*. This would require a demonstration of good *Panchayat* management, documentation of cases reflecting conflicts and contradictions, dialogue and building pressure on the government for policy change.

Civil society efforts are focussing on building good exemplars of the implementation of PESA after the second round of elections. The results of the tribal self-rule will be more clearly visible in the next few years. The efforts of many movements committed to taking up issues of tribal rights, identity and equality are also stressing the operationalisation of PESA in its true spirit. There are many voluntary organisations working with tribal communities, and they have an important role to play in the coming years to strengthen the empowerment process of these indigenous institutions, taking advantage of the already existing *Panchayat Extension to Schedule Areas (PESA) Act*.

9. Contribution of Civil Society in Strengthening *Panchayati Raj* Institutions

Voluntary organisations have made significant efforts in the strengthening of people's institutions in the past few years. However, it is important to note that the results have been mixed. Often these initiatives of the third sector have only been able to influence some *Panchayats* at the micro level to perform effectively, but have had little influence at the macro level. At the macro level, voluntary organisations have succeeded to a limited extent in creating a supportive environment for progressive *Panchayats* system through their advocacy efforts with the government. In this context, the relative small size of the voluntary sector when compared with the requirements of the *Panchayat* system needs to be appreciated and kept in mind.

In the beginning, as the *Panchayati Raj* Act was being implemented in early 1994, civil society institutions had no prior experience, time, space or resources to prepare for a meaningful response. Voluntary agencies found themselves unprepared as *Panchayats* were empowered to promote their own economic development and social justice. By the end of the first year, it was clear that, along with capacity building at all three levels of *Panchayats*, field-based experiments and advocacy support for operationalisation of *Panchayati Raj* at all levels was needed.

The primary data collected during field research had some questions pertaining to the nature of support provided by the voluntary agencies in strengthening *Panchayati Raj*. However, this section draws substantially from secondary data and Samarthan's experience in development of civil society in the state and its capacity building initiatives undertaken over the years. Therefore, the experiences are largely from the areas where some voluntary action for strengthening *Panchayati Raj* has been witnessed.

9.1 Capacity building of *Panchayats*

Under these circumstances, a concerted effort began by the start of the second year. Voluntary organisations were instrumental in spreading awareness about *Panchayati Raj* institutions as well as generating learning. The State government's Academy of Administration, Bhopal, took the responsibility of training representatives at the *Zila* and *Janpad* level. The Institutes of Rural Development under the government of Madhya Pradesh and its regional centres ran courses for master trainers to conduct training for *Panchayats*, and also trained government functionaries working for PRIs. UNICEF assisted the government, in collaboration with voluntary organisations, to train *Panchayat* representatives. A manual for trainers was prepared, and about 40 NGOs covered 68 blocks to train about 37,500 *Gram Panchayat* representatives.

Effect of capacity building effort

The capacity building effort for *Panchayati Raj* institutions undertaken by civil society actors was concentrated largely in the first two to three years. Gradually, the capacity building effort was reduced and instead efforts were focused on strengthening *Gram Panchayats* and establishing information dissemination systems to empower *Panchayats* and *Sarpanches*. The spin-off effect of the capacity building efforts can be seen as follows:

- Better networking between voluntary organisations led to sharper and clearer understanding of issues for strengthening local self-governance within the sector. Sharing difficulties and

experiences with each other and analysing them collectively helped in developing an agenda for common action.

- Better performance of trained *Panchayat* representatives, although very few in number, created more demand for support from both *Panchayats* and government departments.
- The State government and its training institutions recognised the role of voluntary agencies in the capacity building of *Panchayats*. Voluntary organisations are recognised as being involved in reaching out to difficult areas and forming closer ties with *Panchayats*, so that there is a follow-up after capacity building.
- The interaction at the *Gram Panchayat* level during various kinds of capacity building inputs gave an opportunity to voluntary organisations to work on the issue of *Gram Sabhas*, PESA, *Zila Sarkar*, micro planning with *Panchayats* and urban governance, etc. Due to involvement in issues which go beyond the traditional concerns of governance, a common platform emerged in many areas through which voluntary agencies working on different issues (education, watershed, etc.) started working together.
- Several donors, namely ActionAid, Oxfam, DANIDA and UNICEF, realised the importance of bringing *Panchayats* to the centre-stage of their programmes. Therefore, resource availability to work on issues of self-governance has improved.

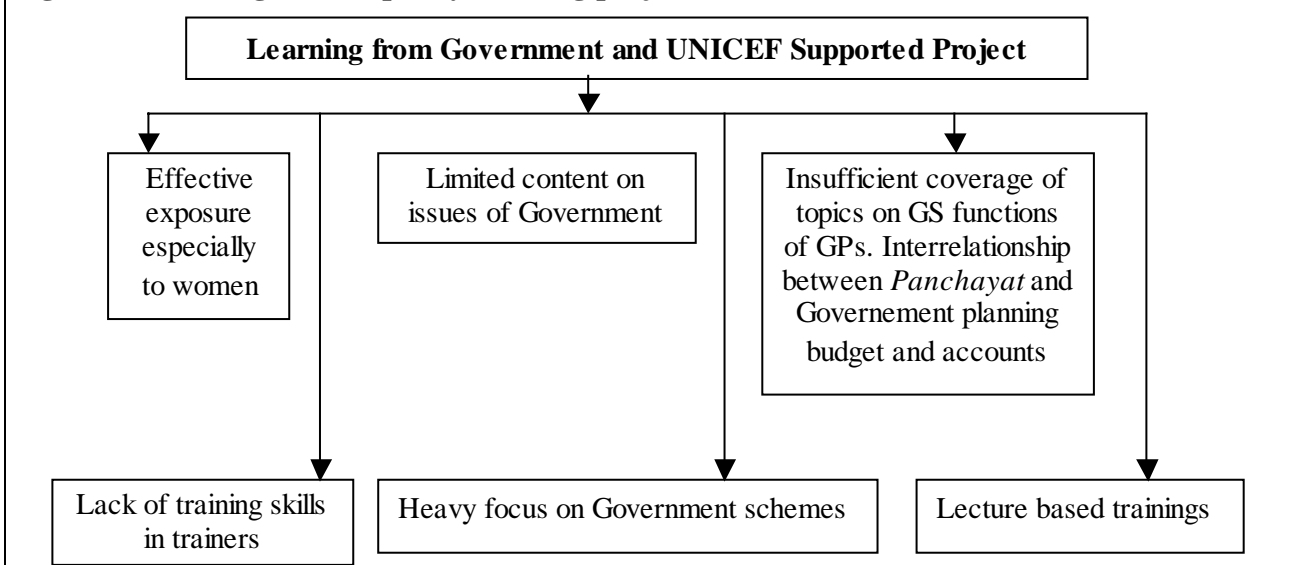
9.2 Civil society involvement in *Panchayat* elections in Madhya Pradesh

The first round of *Panchayat* elections was held between May and June 1994, and the second round on 28th January, 1st February, and 7th February, 2000. Madhya Pradesh was one of the first States to organise a second round of *Panchayat* elections. This reflects a political commitment to decentralise power to the people of Madhya Pradesh.

The civil society campaign (not only in the districts chosen for the study) led by Samarthan for facilitating a free and fair second round of *Panchayat* elections, involved about 126 organisations with a commitment to cover those *Panchayats* in which they were actively working, as well as many other *Panchayats* which fell under the same block. The coverage can be seen in terms of intensive and extensive campaign areas. Samarthan, along with 126 voluntary organisations, covered 3,818 *Panchayats* spread over 95 blocks and 33 districts of the State.

NGO volunteers at the local level conducted meetings with villagers and distributed pamphlets, booklets and folders at the end of these meetings. This was helpful in building a personal rapport with the community and explaining to them the actual process of an election through illustrations and answering queries. Skits were conducted to spread awareness on various issues related to elections (Figure 3).

Various locally adaptable forms of communication, including street plays, were used to build skits on issues of relevance to *Panchayats*. They were found to be highly effective and the audience, after the show was over, became involved in a debate on their role in the election process. The volunteers who conducted the street plays also interacted with the audience to give them information on *Panchayat* elections. Wall writing was found to be another important and effective medium of communication, and was used by almost all organisations involved in the awareness campaign.

Figure 3 Learning from capacity building projects

Difficulty of the common person in participating in elections

Table 6 gives the voters perspective of some factors that affect quality of elections.

Table 6 Hurdles in holding fair and meaningful elections

Hurdles in holding fair and meaningful elections
Incomplete voters list
Bogus (rigged) voting
<i>Sarpanch</i> favouring developmental activity in his village only and building a vote bank
Bias in the mind of the residents of dependent villages about their <i>Sarpanch</i>
Biased demeanour of previous representatives
People support candidates having links with influential people
Threats of ejection from the village issued
Intentional blocking of authentic information related to election (e.g. date of election)
Complicated process of filing nominations
Rejection of nomination paper on caste and gender basis
Hesitation amongst masses to communicate with higher officials
Inability to vote because of non-availability of transport for women and old people to reach remote polling booths

Apart from problems encountered by the general public, the problems relating to marginalised sections/women are accentuated. The previous section discussed how women feel marginalised and insecure during elections. The words of a respondent from Mahila Samakhya (District Seoni) accurately sums up the situation: 'In the villages, you have to work on the farm, look after the family and even teach the children. The environment is not very conducive to the participation of women. During the elections, there is tension in the area and liquor is distributed. In this kind of environment, women do not want to participate.'

Key findings

Some vital findings have emerged from the election awareness campaign.

- Experiences show that the underprivileged (ST/SC/OBC) are discriminated against at the time of filing their nominations, especially if they wish to contest a general seat. This is primarily due to lack of awareness that they can fight for general seats. Moreover, the dominance of upper castes also deters them from standing for a general seat.
- Some recurrent problems faced by the community during *Panchayat* elections range from filing of nominations to the absence of separate queues for men and women. There is no convention of displaying the voting list, there is a delay in voting and also bogus voting.
- There is a realisation that mere dissemination of information is not enough, as some candidates from deprived sections of society need back-up support to withstand unequal power relations in their social milieu.

9.3 Agenda for action by voluntary organisations: post second round of elections

The agenda for action for NGOs is based on experiences of civil society gained during the past five years of functioning with the *Panchayat* institutions to support and strengthen the system. This agenda is built primarily from the experiences of NGOs and voluntary agencies in working with the *Panchayat* institutions. It clearly reflects the priorities of a large number of NGOs working on these issues. Nevertheless, the process of continuous interaction with the *Panchayat* representatives and bureaucrats has also informed the agenda.

Large scale capacity building of PRIs

The key areas of capacity building are:

- Understanding local self-governance, democratic values, gender issues, self-reliance etc., (perspective issues)
- Involvement of *Panchayats* in the delivery of development programmes (sectoral emphasis of donors)
- Leadership development, conflict resolution skills, effective interface with the administration (management aspects)
- Micro planning, financial management, record keeping and documentation (functional skills)

Research and policy advocacy

A group of voluntary organisations and research institutions is identifying issues for studies or action research on many facets of *Panchayati Raj*. It becomes imperative for the organisations working with *Panchayats* (government as well as civil society) to address these concerns, through research and advocacy, which would facilitate the effective functioning and institutionalisation of the *Panchayat* system. Past experience suggests that the government has been receptive to research findings and grassroots experiences of the functioning of *Panchayat* institutions. It would be important for the organisations to research issues of significance to the *Panchayat* system. For example, the emerging conflict between government formed village level user group committees

and the *Panchayat* institutions needs to be researched, on the basis of which a systematic advocacy campaign could be undertaken.

Networking and collective action

The efforts of voluntary organisations are making it worthwhile to develop a common platform for sharing experiences and lobbying the government. There are informal networks of voluntary organisations at the State as well as regional levels, such as in Gwalior–Chambal (Shakti network) and Rewanchal (VAG Network), where issues concerning *Panchayats* are systematically discussed and collective action planned. Similarly, effort is being made to create a network of *Sarpanches* and *Panchayat* representatives to give them a collective voice at the block and district levels – for example, the network in District Siddhi, supported by Gurukul Shiksha Samiti, an NGO working in Sidhi. A network of women-headed *Sarpanches* is also being trialled.

10. Trends, Conclusions and Way Forward

This chapter summarises the trends and conclusions emerging from the previous sections and contextualises these findings in the larger institutional framework and system of governance. It focuses on the trends that emerge as cross-cutting the range of issues studied and have implications for the socio-economic and political milieu. This section also makes an assessment of the progress of the *Panchayat* system, particularly with reference to its objectives and reviews the development of decentralised rural self-governance.

It is interesting to note that many of the shortcomings mentioned here of the *Panchayat Raj* system were also identified by the government and led to radical restructuring of *Panchayat* system and introduction of *Gram Swaraj*. This chapter therefore can be read as providing the context to the emergence of the new system of *Gram Swaraj*, which is discussed in the next section.

10.1 Broad trends

Larger systemic concerns

Panchayati Raj is a fundamental change with far-reaching implications for governance. However, some systemic limitations and contradictions have emerged, which need to be addressed for successful implementation of *Panchayati Raj*.

- A fundamental contradiction has been anticipated in the existing system of governance and the post 73rd Amendment in the *Panchayati Raj* system. The existing system of governance at the Central and State level is a continuation of the colonial system in which centralisation of power and authority is a key element. All systems emerging from the colonial system do not trust people and instead trust the bureaucracy, whereas the *Panchayat* system is just the opposite. It is based on decentralisation of authority and power. The *Panchayat* system is based on the philosophy of 'power to the people'. These divergent principles are leading to tension and mismatch. The structure of the existing system of governance (bureaucracy, policies, certain laws, etc.) is hampering the processes of institutionalisation of the *Panchayat* system.
- When the *Panchayati Raj* system was introduced, essential changes in the larger system of governance were not made. Although certain important changes were made, they remained on paper and the grassroots continued to function in the old style. This led to a slow and ineffective functioning of *Panchayats*. Also, several rules, laws, bureaucratic roles and functions seem to work at cross-purposes with *Panchayats*.
- In the past 50 years, India has had a centralised planned economy in which development was a top-down process. The *Panchayat* system is an attempt to do just the opposite: it endeavours to initiate development through a bottom-up process. These conflicting approaches are resulting in an institutional confrontation at the ground level.
- The welfare nature of the Indian State had made people dependent on the State, and therefore space for people's action has become redundant. The *Panchayat* system envisages empowering people and preparing them for participation in the development processes. This has not been achieved to date. It is important that *Panchayats* should revive the space for people's and community action, and convert the dependency and welfare approach into an empowerment and development approach.
- The *Panchayat* system directly elects four people's representatives whose political space overlaps with that of the MPs and MLAs. This is leading to overcrowding and conflict amongst

people's representatives and institutions. It is imperative to clearly define the political space of each type to avoid overlapping and confrontation.

- It is being said that the *Panchayati Raj* system is a fulfilment of Gandhi's dreams. Here, it is important to underscore that Gandhi's *Panchayati Raj* had the self-reliant and autonomous village as its base, whereas in the modern context, villages are neither self-reliant or completely independent. This partial acceptance of Gandhi's philosophy is leading to a major resource crisis for *Panchayats*. In the current system of governance, *Panchayats* have always looked up to the government for funds rather than mobilising their own resources.

Analysing the institutional structure

The institution of the *Panchayat* in each state has its specificities based on the State Act, but a broad framework has been given in the Constitution. The State Acts were made without any field experience, and in the past six years, several lacunae have emerged. Fortunately, Madhya Pradesh has been quick to respond and has made changes. Despite this, certain institutional limitations continue. The general feeling is that all power and authority is vested in the *Sarpanch*, and very little of it is left outside their purview. The whole *Panchayati Raj* system has become too dependent and focussed on the *Sarpanch*. Often, it is referred to as *Sarpanch Raj* and not *Panchayati Raj*. It is also important to realise that *Panches*, who are also elected, have little or no powers. Non-existent powers alienate *Panches* from the functioning of *Gram Panchayat*, and it becomes the *Sarpanch's* domain. As a result, the concept of collective governance and responsibility suffers, leading to decreased accountability and sustainability.

The institutional linkage among the three tiers of *Panchayats* is weak. The link between the three tiers is largely focused on financial resource flow, which the district level receives from the state and transfers to *Gram Panchayat* via the block level. Linkages at the level of institutions, or of practice and functioning have not developed. The other existing linkages, such as approval of beneficiary lists of the *Gram Panchayat* by the *Janpad Panchayat*, etc., have not been able to functionally bind the tiers together. Even the process of fund flow is unsatisfactory, and one tier transfers funds to another just as a post office does. The *Janpad Panchayat* has had a bad experience in the past six years of *Panchayati Raj*, as no significant role has been assigned to this tier. Drastic measures are needed to revitalise the institution of *Janpad Panchayat*.

A *Gram Panchayat* comprises two to four villages in many cases. The village of the *Sarpanch* becomes the focus of all development, and dependent villages are neglected. It is important to rectify this imbalance. Similarly, one *Gram Sabha* for all the villages discourages people from dependent villages from participating in the *Gram Sabha*. The new provision of a separate *Gram Sabha* for each village should be rigorously followed. Another problem area for the *Gram Sabha* is the present agenda of meetings dictated by the government. This agenda alienates a substantial number of villagers. Government intervention in the functioning of *Gram Sabha* is a limiting factor.

The linkages between *Panchayats* and nodal development agencies and development departments of the government, such as the Rural Engineering Service and the Department of Forests should be institutionalised. A system of checks, balances and delegation of functions should be worked out between these agencies and elected representatives of the *Panchayats*. Another interesting suggestion regarding various government committees formed in villages, such as the Forest Committee, Watershed Committee, Education Committee etc., (user group committees to implement government missions and programmes) would be to institutionalise links between these committees and *Gram Panchayats*, in ways which would gain the undivided attention of the government for *Panchayats*. Once the government begins to implement its schemes through these committees under the *Gram Panchayat*, the process of strengthening and empowering the

institution of *Gram Panchayat* will automatically be initiated. Interestingly, the Madhya Pradesh government has taken a divergent point of view. According to the government, the various government committees in the village should remain independent of *Gram Panchayat*, as it promotes plurality and democracy at the village level.

Functional experiences

The functioning of *Panchayati Raj* institutions has been mixed. Through an analysis of these experiences, certain pertinent indicators reflecting the status of *Panchayats* emerge. It is important to analyse and document trends that have the potential to affect the processes of *Panchayats*. The first *Panchayat* elections were held very soon after the Madhya Pradesh *Panchayat* Act was passed. At this point villages had not become politically alive in the elections. The experiences of earlier versions of *Panchayati Raj* were also a discouraging factor, as people did not realise the power and authority of the new *Panchayati* system. As a result, elections were not keenly contested, leading to several non-serious candidates being elected. However, the functioning of *Panchayats* in the past five years cannot be dismissed, as it has played a critical role in generating enthusiasm and interest amongst villagers through a demonstration effect. A positive politicisation of the village community has taken place. The second round of elections has proved that people have taken a keen interest either to fight in the elections and challenge existing leadership, or use their vote judiciously. Several first-timer representatives, including those from marginalised sections of society, have entered the arena of grassroots democracy. The policy of rotating the reserved seats of *Panchayat* institutions will also have an unforeseen, positive impact in expanding the base of leadership in the long run, especially for the deprived sections and women. The *Sarpanch* and *Panches* of the present *Panchayati Raj*, after the next election, will not remain in office due to rotation of seats, and, in all likelihood, their seats will go to a different category of reservation. However, these people, with five years of experience under their belt working as *Sarpanches* and *Panches*, will remain ordinary members of *Gram Sabha*, leading to a vibrant *Gram Sabha* with a creditable opposition.

The *Panchayat* system, despite the State Finance Commission and all centrally sponsored schemes, has had to work with limited resources. The *Gram Panchayats* still look to the government for resources for two reasons. Firstly, *Panchayats* are not able to take decisions and often believe that doling out resources to *Gram Panchayat* is the State's responsibility. Second, despite decentralisation, *Panchayats* still do not have adequate power and the authority to generate resources. It is crucial to systematically study the resource situation of *Panchayats* and take necessary and adequate measures. It is important to stress here that most resources flowing to *Panchayats* are tied funds. Therefore, *Panchayats* are unable to decide on an expenditure pattern.

On the basis of practical experience, it is being suggested that government officials assigned to a village (*Patwari*, *Gram Sevak*, etc.) should help the *Panchayat* system. Committees should be formed with these functionaries and elected representatives. The elected representative could be assigned to different committees. An institutional binding may lead to functional synergy. Another important functional difficulty noted is with regard to the functioning of *Panchayat* Secretaries. The government-appointed *Panchayat* Secretaries are often not based in their assigned villages, and also do not fully cooperate with elected representatives of *Panchayat*. On the other hand, Secretaries appointed by *Panchayat* are too dependent on the *Sarpanch* for their job, and are therefore, subservient. In such situations, the *Sarpanch* becomes all-powerful and a carefully developed system of checks and balances becomes redundant. Finally, it is important to state that despite all the clauses and systems developed to make the *Panchayati Raj* institutions transparent and accountable to the people, they have largely failed. This has happened due to inadequate capacities, village social dynamics and, in a few instances, the emergence of a nexus between vested interests. These deeply embedded patterns will change only in the long term.

The process of empowerment

One of the primary objectives of the 73rd Constitutional Amendment was to ensure social justice and empowerment of the weaker and marginalised sections of society in villages. Some key observations regarding the process of empowerment initiated by the *Panchayat* system are important in understanding the status of *Panchayati Raj*.

Despite the philosophy of empowerment through political participation, the *Panchayat* system has not been able to alter caste relations and deep divisions based on caste lines continue. However, significantly, the *Panchayat* system and reservation of seats have initiated a process of social 'churning'. The divisions and hierarchical structures remain unchanged, but the relationship between the dominant and the marginalised has begun to change. In some instances, as a result of direct participation in processes of governance through the *Panchayat* system, the community has started becoming socially empowered. This is also limited to castes that were not extremely exploited and marginalised. Largely, it has been found that a dominant caste has promoted his dependent candidate from a backward caste as the *Sarpanch*, who then acts as their dummy, while the dominant caste rules by proxy.

On preliminary examination, there is a tendency to deduce that reservation for women in *Panchayats* has apparently had little impact. Innumerable cases of inactive women *Sarpanches* and proxy male *Sarpanches* substantiate this belief. A few might argue that the status of women, especially elected women's representatives, has improved at least symbolically and notionally. It is important to understand that notional empowerment is one of the first steps to be taken in an extremely difficult battle. Importantly, empowerment in some cases has been significant and several women's representatives have become more confident and assertive. However, women as a community have not been significantly affected. In light of this observation, it is important to understand that just political participation cannot ensure women's empowerment. The understanding of social reality and discriminatory practices is needed for evolving supportive mechanisms that can counter patriarchy. The impact of socialisation on varying capacities of men and women can be understood, but it is important to understand the gender bias prevalent in the *Panchayat* system. Through this assessment, the different levels of access by men and women to information and the *Panchayat* system can be highlighted.

The *Panchayat* system has not been able to affect changes in class relations within a village society. The rural poor, landless and small peasants continue to be marginalised even in the *Panchayat* system. The *Panchayat* system is based on social change and empowerment of the marginalised through political participation in the governance process, but does not focus on land reforms or changing relations of production. The *Panchayat* system, through progressive Acts, makes changes in the superstructure without an attempt to affect the base. This, according to several experts, limits the change-potential of the entire *Panchayati Raj* project. The fundamental institution of the *Panchayat* system – the *Gram Sabha*, is very weak. The focus of government and civil society has been on strengthening and empowering *Gram Panchayat*. The need now is to change this agenda and concentrate on the *Gram Sabha*. An empowered *Gram Sabha* can ensure transparent, clean and accountable governance, which will be the real success of the *Panchayati Raj* experiment.

Governance and development agenda

In the post 73rd Amendment phase, although development has still remained a key agenda for *Panchayats*, the scope of these institutions has greatly widened. This now includes social justice and an efficient, honest and accountable form of local self-governance. However, data from the

field suggests that governance has centred on development and other issues have not been able to attract the attention of *Panchayats*.

Frequently in the field it is felt that the *Panchayat* system, which has a large mandate, has limited itself to implementation of government schemes and programmes for welfare and development. The only difference in the implementation of these developmental projects is that previously the bureaucracy was responsible for their implementation, while now they are being implemented by elected representatives of *Panchayats*. The *Panchayats* identify themselves so closely with government schemes and programmes that they act as an extension of the government. Significantly, people and elected representatives also visualise their roles as being limited to implementation of development schemes. In this role, *Panchayats* do not focus on other functions and responsibilities entrusted to them, and therefore the scope for local initiative is diluted. The whole *Panchayat* system, focussing on government schemes and programmes, is unable to express the aspirations and needs of the local people. Another interesting aspect is that *Panchayats* are increasingly focussing on infrastructure development such as roads and buildings. In their attempts to improve infrastructure, service-delivery systems have taken a back seat. Not many *Panchayats* channel their energy into providing drinking water or improving education and health facilities. In this limited vision of *Panchayats*, aspects of human resource development and empowerment are almost completely ignored.

For long-term comprehensive development, it is important that *Panchayats* pay more attention to micro planning processes. For the planning process, the government should provide necessary technical support. Through this process, *Panchayats* will be able to alter the planning process in their favour. Another important area of concern is natural resource management. The *Gram Panchayats* primarily have only natural resources to depend upon. But the management of these is largely under the control of the government. The *Panchayats* should strive to take over control of these natural resources and save them from exploitation. Water and forest resources have already emerged as points of conflict. Although the government has taken steps to include *Gram Panchayats* in the management of natural resources, it is still inadequate. The *Gram Panchayats*, due to scarcity of these resources, becomes dependent on the government. It is important that *Panchayats* are given realistic powers to generate more resources, which will go a long way in making the *Panchayat* system viable, sustainable and successful.

In part due to the hostility from the bureaucracy and certain political classes, and in part due to inadequate governance and managerial skills of *Panchayat* members, a lack of faith is often cited by state-level officials while taking decisions on the routing of community and developmental programmes and funds. *Panchayats* often are the losers. Two recent examples of such programmes in which *Panchayats* were bypassed, are the Literacy Campaign and the Watershed Development programmes. In both cases, *Panchayats* were seen by the State as systems where planning skills were missing and proper monitoring and accounting procedures were yet to be established; hence accountability could not be ascertained. This tendency to hold back resources and power from *Panchayats* adds to the challenge faced by new *Panchayat* members in mobilising support, as it reduces the potential of *Panchayats* to provide alternatives to the poor.

In all these discussions on the *Panchayat* system, emerging distortions in the system have been referred to passingly. Unfortunately, the *Panchayat* system is also infested with corruption and the nexus of vested interests, thereby weakening the *Panchayati* institution. Due to the high level of corruption in *Panchayats* by elected representatives, bureaucracy, contractors and other functionaries, the legitimacy of the institution has diminished in the eyes of the community. Although some examples of clean and accountable local self-governance are available, they are few and far between. This leads us to the core focus area of *Panchayats'* capacities. Much corruption can be controlled and economic and social development ensured, if the *Gram Sabha* is empowered.

The basic hurdle in the empowerment of *Gram Sabha* is the incapacity of the community on issues of governance. Inadequate capacity is a problem in all aspects of *Panchayati Raj*. The elected representatives, lower bureaucracy, women, and marginalised castes all lack the capacity to harness a progressive *Panchayat* system. The emphasis of government and civil society should be on building capacities in all players involved in the *Panchayat* system at various levels, particularly the *Gram Sabhas*.

11. *Gram Swaraj*: New System and its Implications

11.1 The context

Madhya Pradesh took the lead in implementing the *Panchayati Raj* system as envisaged in the 73rd Amendment and was the first state to conduct elections to *Panchayats* in 1994. As discussed earlier in this paper the State government continuously devolved powers and authority to the *Panchayat* institutions and initiated innovative measures to empower, strengthen and institutionalise the *Panchayati Raj* institutions. An analysis of six years of functioning of *Panchayati Raj* in the state clearly indicates that despite several attempts by the government, civil society and other concerned actors, the *Panchayat Raj* institutions could not truly emerge as people's institutions. Unfortunately, the distortions of the existing political systems at the State and Union levels were replicated at the *Panchayat* level and a new class of elite and power centres led by the *Sarpanches* emerged within the *Panchayati* system undermining the spirit of democratic decentralisation. The state government recognised the growing distortions in the *Panchayat* system and they were reflected in the open criticism of the existing *Panchayat* system by the Chief Minister, Mr Digvijay Singh, who has recently said that 'the *Panchayat Raj* has degenerated into *Sarpanch Raj*'.⁶ A comprehensive process of evaluation and assessment was initiated by the state government to address the deformity in the *Panchayat* system and to look for possible solutions. The new system of *Gram Swaraj* is a result of this process.

11.2 Process, structure, framework and philosophy of *Gram Swaraj*

On 21st January 2001, Madhya Pradesh government amended the Madhya Pradesh *Panchayat Raj Adhiniyam* (Act), 1993, to rename it as the Madhya Pradesh *Panchayat Raj (Sanshodhan) Adhiniyam*, 2001. The citation of the amended Act substituted the words '*Panchayat Raj* and *Gram Swaraj*' in place of the words '*Panchayat Raj*'. The addition of words '*Gram Swaraj*' in the citation of the amended Act notifies a significant paradigmatic shift in the fundamental principles of governance in Madhya Pradesh. In fact, the new system of governance *Gram Swaraj*, enacted by the Madhya Pradesh *Panchayat Raj (Sanshodhan) Adhiniyam* 2001 and operationalised from 26th January 2001, is the most significant change and experiment in the system of governance since the adoption of representative parliamentary democracy in India. The operationalisation of *Gram Swaraj* in Madhya Pradesh will herald the beginning of a new system of governance based on 'direct democracy' instead of indirect representative parliamentary democracy. The relative strengths and weaknesses of direct and representative democracy can be debated however, in the context of the dismal experience of fifty years of functioning of representative democracy; a new experiment of governance based on direct democracy raises hope and optimism. The experience and operationalisation of *Gram Swaraj* will also have serious implications for discourses on governance, democracy and modernity.

Gram Swaraj is a new system of local self-governance at the village level, which moves from indirect to direct democracy. It is based on the premise that in a village people can assemble and sit collectively, and therefore representatives to represent the views, aspirations, needs and interests of the people are not required. The new system intends to give power to the people and not to their representatives. To operationalise this system in the field, it has been decided that *Gram Sabhas* shall be strengthened, which under the new structure will exercise all the powers of *Gram Panchayats* and many more powers will also be devolved to *Gram Sabhas*. *Gram Sabhas* will function as decision-making bodies and to discharge their duties and implement decisions, eight

⁶ Public meeting on right to information at Beawar, Rajasthan, 5th April 2001.

standing committees and additional ad-hoc committees (as and when required) will be constituted, comprising of stakeholders of the work assigned to the committees. These implementation committees shall be accountable and responsible to the *Gram Sabhas*. For example, if a *Gram Sabha* decides to build a road, an ad-hoc *Nirman* (construction) Committee will be constituted comprising of people whose lives would be affected by the construction of the roads – such as people living in the area where the road is being constructed, primary users of the road, etc. It is expected that a committee constituted of end users and stakeholders will ensure transparent, accountable and better quality service⁷. Once the task assigned to the committee is completed, the committees will automatically wither away. Certain subjects, such as education, are of a more permanent nature. Eight standing committees of *Gram Swaraj* have been visualised: Article 7–A of the *Panchayat Raj Avam Gram Swaraj Act* reads, ‘The *Gram Sabha* shall for discharging its functions and duties, constitute the following standing committees, namely:

1. *Gram Vikas Samiti* (Village Development Committee)
2. *Sarvjanik Sampada Samiti* (Common Resources Committee)
3. *Krishi Samiti* (Agriculture Committee)
4. *Swasthya Samiti* (Health Committee)
5. *Gram Raksha Samiti* (Village Protection Committee)
6. *Adhosarovachna Samiti* (Infrastructure Committee)
7. *Shiksha Samiti* (Education Committee)
8. *Samajik Nyay Samiti* (Social Justice Committee)’

Article 7–D of the *Panchayat Raj Avam Gram Swaraj Act* clearly states ‘the powers, functions and duties of the committee shall be such as may be entrusted to it by the *Gram Sabha* from time to time. Every committee shall be responsible and accountable to the *Gram Sabha* and shall work under its control and supervision.’

The framers of *Gram Swaraj* are completely aware and conscious of the hierarchical social order and inequitable power relations in the village; therefore to protect *Gram Swaraj* from becoming a fiefdom of the privileged few, certain provisions have been inserted as safeguards to protect the interests of the larger community in general and deprived categories in particular. Firstly, the quorum of a *Gram Sabha* should not be less than one-fifth of the total number of members of the *Gram Sabha*. Importantly, of these, not less than one-third should be women, and the SCs and STs shall be represented in proportion to their population in the *Gram Sabha*. This clearly indicates that a generic quota for the deprived, which can be short-circuited, has been discarded and a more stringent safeguard to ensure the participation of deprived communities has been built in. Second, according to the new Act, the *Gram Sabha* is not empowered to take decisions in any circumstance if the meeting lacks quorum. It is essential and obligatory to fulfil the quorum requirement before proceeding with the process of decision-making. This is a marked break from the earlier *Panchayat Act*, which left loopholes to allow *Gram Sabha* meetings to be conducted with incomplete quorum. Thirdly, it is hoped that *Gram Sabha* will take most of the decisions unanimously, however in cases of difference of opinion, the matter should be decided only through a secret vote. The operative word in this provision is ‘secret’ to provide space to the marginalised voice. Fourthly, the representation of women and marginalised communities in the standing and ad-hoc committees is ensured by reserving a minimum number of seats for them in these committees. Finally, considering the oppressive village reality, a provision of appeal to a three member committee constituting Sub

⁷ The experiences of Digvijay Singh led Madhya Pradesh government working through user groups and stakeholder committees in implementing development plans and schemes have been extremely heartening and successful. These efforts have been relatively much more successful than the government or *Panchayat* implemented programmes and schemes. According to some experts, this positive experience played a critical role in taking decisive steps in favour of *Gram Swaraj*.

Division Officer, *Janpad Panchayat Adhayaksh* and a member of *Janpad Panchayat* of that area against the *Gram Sabha* decision is also present. This provision was incorporated as Article 7–H of the *Panchayat Avam Gram Swaraj* Act to safeguard the rights and interests of deprived and marginalised groups. However, this provision can be used by the powerful to subvert popular decisions taken by *Gram Sabhas*. This provision, according to some critics, fundamentally contradicts the autonomy and spirit of *Gram Swaraj*.

Another progressive innovation of the new *Gram Swaraj* system is to organise separate *Gram Sabhas* for each village⁸. In Madhya Pradesh a *Gram Panchayat* is often constituted of more than one village. To do justice to each village and to make the system of *Gram Swaraj* effective it was imperative to recognise the *Gram Sabha* of each village as independent. However, to resolve issues affecting the whole *Gram Panchayat* a provision of joint *Gram Sabha* has also been inserted⁹. For example, to decide the formula to utilise untied funds and the pattern of expenditure of those funds flowing to the *Gram Panchayat*, a joint *Gram Sabha* shall be convened.

The *Sarpanch* of the *Gram Panchayat* will chair the *Gram Sabha* meetings and every committee formed by the *Gram Sabha* (standing and ad-hoc) will have a *Gram Panchayat* member, although it would be required that the *Panch* is a stakeholder of the work assigned to the committee. The *Panchayat* Secretary will function as Secretary of the *Gram Sabha*.

In the new system the funds will be given to *Gram Panchayat* and then the funds will automatically flow to *Gram Sabhas*. The *Gram Panchayat* will act only as a post office. Ideally, it would be more coherent to directly transfer funds to the *Gram Sabhas*; however, the Constitutional requirement and Union government directives do not allow such a mechanism. The allocation of funds to different villages within a *Gram Panchayat* will be decided by the same prescribed norm which is applied to distribute the funds amongst *Gram Panchayats* by the higher tiers. This would ensure that the dependent village in a *Gram Panchayat* would have access to funds, unlike the present system in which one village corners most of the available funds. The *Panchayat Kosh* will continue to exist and a new *Gram Kosh* will be established, which would ‘consist of four parts, (i) *Anna Kosh* (Grain Account) (ii) *Sharam Kosh* (Labour Account) (iii) *Vastu Kosh* (Material Account) (iv) *Nagad Kosh* (Cash Account)’ (Article 7 (J) (1) of *Panchayat and Gram Swaraj* Act). These heads are self-explanatory and would collect food, voluntary labour, donations in kind, such as wood and fodder etc., as well as cash collected through taxes imposed by the *Gram Sabha* and funds flowing from the *Gram Panchayat*. The *Gram Kosh* will be operated by *Gram Vikas Samiti* (Article 7 (J) (4) of *Panchayat and Gram Swaraj* Act). Through the resources generated by the *Gram Kosh* and the money flowing from *Panchayat Kosh*, *Gram Swaraj* will manage its expenditure and operational costs. It would be the endeavour of the state government to increase the flow of untied funds to *Gram Sabhas*, so that these can effectively function as units of self-governance. The State Finance Commission will also be encouraged to devolve more untied funds to *Gram Sabhas* flowing through *Gram Panchayats*.

Gram Swaraj has emerged from an extensive process of deliberation, refinement and dialogue. It is also a result of the grassroots experiences of *Panchayati Raj* functioning coupled with Madhya Pradesh government’s stated commitment to democratic decentralisation. The Gandhian ideological framework (although not in its entirety) inspired the basic structure and body of this new system of self-governance. On 15th November 1999 a task force was constituted by Madhya Pradesh government under the chairmanship of Mr Digvijay Singh to actualise the transfer of powers to the people. The task force committee comprised of noted Gandhians such as Anna Hazare, Nirmla Deshpande, Subba Rao, B. D. Sharma; it also had representation of the state bureaucracy. This task force, through an extensive process of deliberation, presented the *Gram Swaraj* model. Importantly,

⁸ Rajasthan has taken the lead in this regard as under the Rajasthan *Panchayat* Act even *Ward Sabhas* are recognised.

⁹ Article 6 (5) of the *Panchayat Raj Avam Gram Swaraj* Act.

the model was shared with the people and civil society at divisional headquarters and their suggestions were incorporated in the model before the structure of *Gram Swaraj* was finalised.

The primary objective of introducing a new system of *Gram Swaraj* is evidently to transfer power to the people and sincerely to take forward the process of democratic decentralisation to its logical end. The new structure is substantially influenced by the Gandhian commitment to *Gram Swaraj* to facilitate social, economic and political autonomy at the village level. It needs to be appreciated that *Gram Swaraj* is an attempt to radically restructure the governance space according to the Gandhian worldview. *Gram Swaraj* is also an attempt to reduce groupism and animosity being created due to *Panchayat* elections. According to the proponents of *Gram Swaraj*, experience suggests that to lose elections is taken as a personal loss in a village, often leading to disruption of the social fabric. With the strengthening of *Gram Sabha* and introduction of *Gram Swaraj*, gradually the *Panchayat* elections will not be hotly contested and the disruption of the society will be stalled. Another important objective of *Gram Swaraj* is to reassert the village as a social unit. The aim is to help resurrect the village community, which is disintegrating causing considerable adverse consequences.¹⁰

11.3 Critiquing the experiment

The *Gram Swaraj* experiment has already faced stringent criticism since its inception from different quarters. Leading this group are *Panchayat* purists, who believe that *Gram Swaraj* is an attempt to dilute and disempower the *Panchayati Raj* institutions for political reasons, as the political class became increasingly apprehensive of growing assertion of the *Sarpanches*. Some political analysts believe that *Gram Swaraj* is a move to pacify agitated and perturbed MLAs, whose support is essential for the Chief Minister's survival in the ongoing intra-party feud in the state. However in defence against the criticism of *Panchayat* purists, the task force members reassert that *Gram Swaraj* has been operationalised for transferring power to the people and not for some narrow political compulsions. The members of the task force for *Gram Swaraj* recognise that once *Gram Swaraj* is operationalised, the *Gram Panchayats* will become irrelevant, although they also realise that *Gram Panchayats* are a Constitutional requirement. The task force recognises that the new leadership of *Panchayats* emerging after the second round of elections has political aspirations. Therefore a compromise was worked out to fulfil the Constitutional requirement and to accommodate the *Gram Panchayat* members, providing space to elected members of the *Panchayats* within the *Gram Swaraj* structure (these provisions giving space to elected members of *Panchayats* have already been discussed).

Another criticism of the *Gram Swaraj* is that the *Gram Sabhas* lack the capacity to perform as autonomous units of self-governance. A similar line of criticism is reflected when critics point to the experience of ineffective functioning or lack of functioning of *Gram Sabhas* under the *Panchayat Raj*. These experiences strongly demonstrate that the institution of *Gram Sabha* has remained defunct under the *Panchayat* system. The members of task force defend *Gram Swaraj* by arguing¹¹ that under the *Panchayati Raj* system no major decisions directly affecting the lives of the people were taken by the *Gram Sabhas*, therefore the attendance and participation in *Gram Sabhas* was low. In the new system, *Gram Sabhas* will take all the major decisions affecting the lives of people and therefore people will have stakes in the proceedings of *Gram Sabhas*, resulting in involvement and participation of the people. In the *Panchayat* system, the government decided the number, date and agenda of *Gram Sabha*, which was often far removed from the interests and life of the common people, ensuing in poor attendance. *Gram Swaraj* will now ensure that *Gram Sabha*

¹⁰ Several Gandhian workers are working towards this end. A social movement, Bharat Jan Andolan, led by Dr. B. D. Sharma, active in Chhattisgarh and adjoining tribal areas, is focusing its energies on rebuilding the village community.

¹¹ The researcher interviewed four members of the task force and their views are reflected here.

meetings are more regular – at least one meeting every month. The regularity of the meeting and the enhanced powers of the *Gram Sabha* are intended to ensure an agenda in which the people of the village have stakes. Responding to the issue of limited capacity of *Gram Sabha* a member of the task force posed a counter question. He argued that ‘the British gave the same argument while denying independence to India, similarly a lot of hue and cry was raised when *Panchayati Raj* was implemented.’ According to him the argument of limited capacity to counter the introduction of *Gram Swaraj* is antithetical to democratic decentralisation. Capacities are best built by entrusting responsibility and not mere one or two day training modules, the need ‘is to encourage and facilitate on the job training’. Another task force member realises that *Gram Sabhas* have limited capacities, nevertheless, according to him it cannot be a reason not to implement *Gram Swaraj* as in the longer run it would result in truly democratic and participatory governance. ‘The new system of *Gram Swaraj* at worst can only continue to perpetuate the present inertia and apathy of *Gram Sabha*, therefore it is worth a serious try’. The task force in its report does recognise this limitation and recommends specific measures and a plan of action to facilitate the establishment and effective functioning of *Gram Swaraj*.¹²

Another important critique of *Gram Swaraj* is that it does not entrust any judicial or police functions to the *Gram Sabha* and therefore it remains largely an extension of government, acting as a people’s development agency, with extremely limited governance functions. *Gram Suraksha Adhiniyam* (Village Protection Act) and *Gram Nyayalaya Adhiniyam* (Village Court Act) operationalised on 26th January 2001, with the *Gram Swaraj* Act, as a package further contradict and infringe on the autonomy of *Gram Swaraj*. The *Gram Suraksha Adhiniyam* gives the SP the authority to appoint a person in each village for village protection. These appointees will be trained and controlled by the SP office and they will report to the same, in effect contradicting the self-governance functions and autonomy of *Gram Swaraj*. The *Gram Nyayalaya Adhiniyam* is an attempt to work out a compromise between the traditional dispute resolution mechanism prevalent in villages and the modern legal system. This Act provides for a court comprising three people, out of which one should have a legal background and none should be representatives or members of any committees. The court is intended to cover 10 *Gram Panchayats*. This system attempts to synthesise the traditional system with the modern legal system but falls short, as it makes one member with legal background mandatory and also the area of 10 *Gram Panchayats* becomes too large for traditional systems to be effective. Therefore these courts established under the *Gram Nyayalaya Adhiniyam* will become the next tier of the existing judicial system, although more accessible than the civil court but without the component of the informal and traditional village system of dispute resolution. This Act does not provide a system of conflict resolution at the village level and therefore does not make up for the absence of judicial functions of *Gram Sabha* under the *Gram Swaraj* system. There is a need for the *Gram Swaraj* system to address these concerns and devise ways of devolving more governance functions to *Gram Sabhas* to enhance the efficacy of the new system. For example, the power of taxation delegated to the *Gram Sabha* is a positive step; more similar steps need to be taken.

Despite the transfer of powers and functions to *Gram Sabha*, the *Gram Panchayat* remains powerful, and it would be a challenge to strengthen the *Gram Sabha* and institutionalise the *Gram Swaraj* and not let the *Gram Panchayat* overshadow the new system. It would also be a challenge to protect and articulate the interests and stakes of the poor and marginalised communities under the *Gram Swaraj* system, given the nature of fractured and inequitable village society in Madhya Pradesh. Therefore, more safeguards are needed to prevent the privileged and powerful from misusing a highly democratic and progressive system.

¹² Chapter 10 ‘Vatavaran Nirman’ of the Task Force report submitted on 1st January 2001, is devoted to outlining the strategy for mobilisation and facilitation of *Gram Swaraj*.

11.4 Experiences in its operationalisation

Gram Swaraj was introduced on the 26th January 2001, after sufficient preparations as previously mentioned. The Chief Minister himself visited one of the *Gram Sabha* in a neighbouring district to the State Capital to formally announce the provision to the larger masses. Since then various processes have become operational, reflecting upon the potentials and threats for the attainment of *Gram Swaraj*. Some of the experiences in *Gram Swaraj* are presented here.

- *Sarpanches* formed networks/collectives to file writ petitions against the decision of the government, citing that *Gram Swaraj* is violating the spirit of 73rd Constitutional Amendment. They collected resources to go up to the High Court. The collective strength was also utilised to pressurise *Panchayat* representatives into not forming committees.
- Energy was invested to ensure that the person representing the interests of the *Sarpanch* was elected as Treasurer. Moreover, efforts were made to ensure that a large number of *Panchayats/Gram Sabhas* do not elect committees under the *Gram Swaraj* framework, so that a stronger case in opposition of the provisions could be developed.
- Influential people have tried to grab the position of Treasurer, as it is essential for the withdrawal of funds from the *Panchayat* account.
- *Sarpanches* have made an effort to formulate committees in such a manner that people of their choice manage *Gram Sabha* meetings. Many of the signatures on *Gram Sabha* attendance are obtained not from those present, but by circulating the register.
- The fund flow mechanisms to transfer resources received in *Gram Panchayat* account were not clearly spelt out. Therefore, *Gram Sabhas* with their autonomous status to take decisions for their own development were unable to function due to lack of resources.

Collective efforts of voluntary organisations to strengthen Gram Swaraj

A group of voluntary organisations saw *Gram Swaraj* as an opportunity to reach out to the *Gram Sabhas* and try to operationalise mandated powers to *Gram Sabhas*. It is realised that positive examples and difficulties faced will help build a collective pressure on the administrative system and political leadership for greater devolution of powers. The collective strength was utilised from the point of view of obtaining a diverse range of experiences as well as bringing in experiences of a larger number of *Gram Sabhas*.

At Gram Sabha level

- There is a complete absence of knowledge on the part of representatives and *Panchayat* Secretary as to how these committees will be functioning. Some of the key areas of ambiguity are:
 - account opening procedures for each *Gram Sabha* and accountability issues
 - responsibility for resolving disputes unresolved at *Gram Sabha/Committee* level
 - overlapping of roles between various committees. Should this be resolved at *Gram Sabha* level or should *Gram Sabha* wait for instructions?
- There is a provision of monthly *Gram Sabha* meetings with an expanded quorum of 20% voters. The top-down model of governance of *Panchayats* has not changed dramatically due to *Gram Swaraj*. Therefore, there is poor attendance in *Gram Sabhas* and the quorum is not being met.

Out of the 157 *Gram Sabhas* visited during March 2001, the quorum could be completed in only 32.4%. A similar situation was observed in June, September and December 2001 meetings and quorum could be completed in less than one-third of *Gram Sabhas*. By and large, the quorum is completed as a formality by passing round registers among households.

- The influential people of *Panchayats* have knowledge about *Gram Swaraj* provisions and have occupied positions in various committees. Therefore, they are utilising them to their advantage, exploiting the ignorance of the poor and socially deprived sections. On the other hand, many *Sarpanches* have formed committees selecting their own favoured people, however, even people selected in different committees are unfamiliar with their duties.
- There is a perceived role of *Panchayats* as development agency of the village, therefore *Gram Sabha* members are still not recognising the role of committees in performing their specified tasks.
- There is a lesser representation of women in committees, especially as heads of the committees, therefore, in reality, the proportion of women in leadership roles has dropped below 33%.

At the level of the government

- With the recognition of each village as an autonomous unit for conducting their own *Gram Sabhas*, there is a significant increase in the total number of self-governance units. Government officials are unable to reach and attend these meetings.
- Due to existing relationships with *Sarpanches*, government officials tend to work only with them. They are yet to recognise the importance of village development committee, as well as Treasurer elected by *Gram Sabha*.
- *Gram Sabha* agenda is still dictated by the *Panchayat* Secretary. Therefore, local issues and problems are still not finding space during the *Gram Sabha* meetings.
- The plans prepared by the committees and duly recommended by *Gram Sabha* do not always obtain approval and resources from higher levels. In this way, the changes have brought nothing new and there is growing dissatisfaction with them.

11.5 Some positive outcomes of *Gram Swaraj*

- Monthly meetings of *Gram Sabha* are mandatory, reducing the time lag between the *Gram Sabha* meetings. Therefore, most of the *Gram Sabhas* have decided a date for the meetings. Gradually, members are getting into the habit of attending *Gram Sabha* meetings on special date. Local issues have started finding space with increased frequency and a reduced time gap.
- Wherever there is a stronger opposition or, in other words when the power is not concentrated in a few hands, broadening the committee leadership base has resulted in representation of voices of dissent. There is a difficulty in building consensus, yet it has been helpful making the process transparent and accountable.
- The quota of reservation for women and *dalits* has ensured their greater representation. This has provided an additional opportunity to them to demonstrate their leadership abilities, which will have an impact in the long run. Orientation programmes organised by voluntary organisations in more than 450 *Gram Sabhas* across the state have clearly demonstrated that the *dalits*, people of socially weaker sections and women have shown great interest to know about *Gram Swaraj*.

- Voluntary organisations have utilised instrumentalities of *Gram Swaraj* to form committees for specific tasks. This was evident during planning interventions to address the drought situations in many *Panchayats*. Temporary implementing and monitoring committees were formed which functioned under *Gram Swaraj* provisions. Therefore participation of *Gram Sabha* and *Gram Panchayat* could be ensured.
- There are various government orders and Gazette notifications to clarify ambiguous issues:
 - It has been clarified that any literate person can become treasurer. He or she does not need 10th standard qualification.
 - In Section 6 of the Madhya Pradesh *Panchayati Raj Avam Gram Swaraj Adhiniyam*, 1993 (No. 1 of 1994) (hereinafter referred to as the Principal Act), in subsection (2), for the words ‘Not less than one fifth of the total number of members of the *Gram Sabha* shall form a quorum for a meeting of a *Gram Sabha*’ the words ‘Not less than one fifth or one thousand, whichever is less of the total number of members of the *Gram Sabha* shall form a quorum for a meeting of *Gram Sabha*’ have been substituted.
 - The committees of various development programmes, especially the village education committee, will merge with the existing eight committees of *Gram Swaraj* or their committees will function as a subcommittee of the eight permanent committees.

11.6 Some of the challenges for the success of *Gram Swaraj*

In spite of many initial problems and difficulties that people are facing in managing Governance with a set of committees and a broader base of membership, there are many positive signs, which are reflecting the potential for success of the *Gram Swaraj* system.

- A group of bureaucrats and development practitioners believe that the current form of *Gram Swaraj* is a utopia. Therefore, half-hearted energies are being put into making it a success. Such people expect and aspire to evolve a more realisable model of *Gram Swaraj* which is consistent to the ongoing 73rd Amendment framework, as well as being convenient for the development administration.
- Conscientisation of the *Gram Sabha* is essential in order to make *Gram Swaraj* function effectively, but is a daunting task. There is a need to develop locally adaptable communication strategies so that a large number of people become aware of the provisions of *Gram Swaraj*. Considering the diversity of culture and language, it would require a full scale campaign to reach out to such a large number of people with information.
- It was realised that elected representatives do not have knowledge about their roles and responsibilities. They also lack skills to manage *Gram Sabha* meetings and keep accounts etc. There is now a great need for committee members, now swollen to a very large number, to learn management of democracy and development. There are a few voluntary agencies that are committed to reaching out to *Gram Sabhas* with limited resources.
- The political will of attaining *Gram Sabha* will not be realised unless many conflicting areas with overlapping of powers between various development committees and departments are resolved and are vested with *Gram Sabhas*. In the absence of funds and control over their own resources, it will be extremely dysfunctional to empower *Gram Sabhas*. The commitment of bureaucratic machinery for operationalising *Gram Swaraj* is extremely critical until the point where *Gram Sabhas* become strong enough to make their point heard and start taking an interest in local Governance.

12. Conclusion

The most significant experiment in reforming governance in India from a participatory democratic decentralisation perspective has been the introduction of the *Panchayat* system through the 73rd Constitutional Amendment in the early 1990s. It was expected that the newly created *Panchayat* system, drawing strength from the Constitutional provisions, would emerge as an effective tool of local self-governance and would strongly further the primary objectives of economic growth and social justice. Unfortunately, these expectations have remained largely unfulfilled.

The journey of *Panchayati Raj* in India over the last decade has been extremely complex, slowed by institutional and bureaucratic resistance, lack of political will and support, lack of awareness and capacities at grassroots, inadequate finances and the continuing unequal and non-democratic socio-political organisation of rural society. The experiences of the *Panchayat* system across India have been varied, depending on several factors including political will, nature of bureaucracy and prevalent socio-economic conditions in the region.

Madhya Pradesh is viewed by many as one of the better performing states with respect to its initiatives for democratic decentralisation through *Panchayati Raj*. The most significant reason for this impression is a strong political will at the top level for strengthening and supporting the *Panchayat* system to take its due place in the system of governance. The strong political will and government support to the *Panchayat* system can be clearly seen in the framing of progressive Acts, and continuous delegation and devolution of powers, authority and roles to *Panchayat* institutions. Despite these efforts and initiatives in Madhya Pradesh, the *Panchayat* system continues to be plagued by immense difficulties and faces stiff resistance from several quarters.

This study strongly brings out the contradictory realities of the *Panchayat* system in Madhya Pradesh. On the one hand, there is very progressive legislation, policies and guidelines for the *Panchayats* backed by strong political will. On the other hand the ground reality clearly indicates weak and ineffective implementation of the *Panchayat* system, leading to little progress on the path of real democratic decentralisation.

The study clearly identifies three broad sets of issues that are hampering the development of an effective *Panchayat* system in the state. First is resistance and non-cooperation from the bureaucracy and the existing institutions of governance, evident inadequate financial devolution, the framing of rules contradicting the spirit of *Panchayats*, and red tapism and corruption. In effect it indicates that the state and the ruling classes are still not ready to devolve powers and authority to another level of governance due to diverse vested interests developed over time and therefore they use multiple strategies and mechanisms to stall the process of democratic decentralisation. The second set of factors are resistance from the political class, and the socio-economic and political elites of rural Madhya Pradesh, which view *Panchayats* as a serious threat to their interests and hegemony. These classes in alliance with the bureaucracy and the political class are working to make the *Panchayat* system ineffective. For example, these could be representing the patriarchal forces or the feudal caste forces disturbed by the election of women and *dalits* to position of dominance. Finally, the third set of factors are lack of capacities at grassroots, lack of information among common people about *Panchayati Raj* and lack of political education among the ordinary people whose political role is critical for effective *Panchayat* functioning. For example, despite several years of the functioning of the *Panchayats*, Madhya Pradesh has not been able to build capacities of the elected representatives who could perform effectively as *Sarpanches* by keeping financial records, implementing developmental plans, etc., leaving the real decision-making arena to others who have vested interests. There are many other factors such as the existing political

culture, institutional dynamics and shortcomings of the *Panchayat* system itself, which also contribute to ineffective *Panchayat* functioning in the State.

The study strongly presents the problems of the *Panchayat* system. However, the study also brings out another layer of reality – the process of empowerment of the marginalised and effective use of *Panchayats* for sincere participatory democracy, albeit not so forcefully. The cases of empowerment of women, *dalits*, collective community decision-making, altering the development priorities in favour of the people's needs and aspirations discussed in the report are all very significant examples and raise hopes for the *Panchayat* system, despite its shortcomings. These achievements in the context of a state largely constructed on a colonial model and unequal non-democratic social and political order are extremely significant. As proactive participants in the process of democratic decentralisation it becomes critically important to highlight these successes. In tune with this perspective, a large number of civil society actors have identified the problems and successes of *Panchayats* and are working to consolidate the gains from the *Panchayat* system for people-centric development and effective democratic self-governance.

Due credit has to be given to the government of Madhya Pradesh for its sincerity, openness and commitment to democratic decentralisation. The government has been extremely receptive to ground realities about the inadequacies of the *Panchayat* system and has continuously striven to devise strategies for making *Panchayats* effective institutions of local self-governance. The establishment of *Gram Swaraj* is a testimony to this spirit of innovativeness and sincerity to the process of democratic decentralisation. This new system has attempted to address several of the shortcomings of the previous system of local self-governance and has the potential to facilitate the achievement of the primary objectives of economic growth, people-centric development and social justice. However, the functioning of *Gram Swaraj* in the past year has already set the alarm bells ringing as the initial euphoria dies down. The not so effective start to *Gram Swaraj* clearly indicates that the state has to think very seriously and systematically beyond innovative and progressive ideas to be able to realise the objective of true democratic decentralisation.

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Annex 1 Questionnaire and Interview Schedule

A rigorous questionnaire was prepared on the basis of issues identified. The interview schedule was semi structured and there was space for recording other relevant data. Separate questionnaires were made for different primary stakeholders in the *Panchayati Raj* system. For the study, the primary stakeholders identified were the following:

- Elected *Panchayat* representatives at all three levels (*Adhyaksh* members, *Panches* and *Sarpanches*)
- Members of *Gram Sabha* (people of the village)
- Marginalised members of *Gram Sabha* (SCs, OBCs, landless, poor and women)
- Civil society actors (NGOs and social organisations)
- District administration (*Panchayat* Secretary, *Janpad* and district CEOs, Collector and district departmental heads)
- Politicians (MPs, MLAs and political party members)
- State government officials (Secretary, *Panchayat* Department; Minister, *Panchayat* Department, Secretary, Women and Child Department)
- Others (bureaucrats, former bureaucrats, NGO heads, Academicians, etc.)

Annex 2 Details of Study Area

Districts and *Panchayats* of Madhya Pradesh (Undivided)

Socio-Cultural Regions:

Baghelkhand, Chambal, Chattisgarh, Mahakaushal, Malwa and Bundelkhand, Nimar

Districts:

Jhabua, Raigarh, Satna, Seoni, Shivpuri

Gram Panchayats:

Amankua, Arepa, Badakhuteja, Bamoori, Bara, Bedgaon, Behta, Berger, Bhabra, Bhunkehar, Chandanpur Javaria, Deglawani, Dudha, Dunda-Seoni, Futhoudha, Gadgaon, Gopalganj Gungchelhi, Gwalipu, Haikheda, Jamgaon, Khamuria, Khauria, Khawasa, Khera, Kheriamal, Khoriapur, Kolotra, Kowatal, Krishanganj, Kukurda, Mahloi, Mailli, Majhera, Malara, Malpurchoti, Maroha, Mayawat, Mera, Nohri Kalan, Padigaon, Patelpali, Pathorha, Ramali, Ringol, Rumal, Sahawal, Sakaria, Salehona, Sanda, Saraipalli, Shivpurva, Singholi, Sirsod, Surbaya, Taraimal, Telipali, Tiwariyan, Tumidighaghargaday, Vijaypani

Annex 3 Key Guiding Principles

The key guiding principles for the transfer of powers, functions and programmes from the State government to the *Panchayats* are following:

- *Panchayat* institutions should be developed as institutions of self-governance and not treated merely as institutions of local governance.
- The required administrative structure and machinery should be provided for making *Zila Panchayats* effective bodies of district administration and having the *Janpad Panchayat* as its main implementing agency.
- *Gram* and *Zila Panchayats* should be developed as units of implementation of all such programmes which can be executed within the boundaries of a village. All agencies and organisations that can be managed at the local level should be under the management of *Gram Panchayats*.
- The role of the State government should be limited to policy framing.
- The State government should formulate the public service programmes with advice and cooperation from *Panchayat* institutions, and then entrust implementation to the *Panchayats* within a given framework.
- There should be a clear division between the functions of the *Panchayats* and the State government. The *Panchayat* sector and the government sector should be clearly defined.
- The main responsibility of the *Panchayats* should be to formulate plans for economic development and social justice, and to implement these and other economic development and social justice programmes.
- The *Panchayat* sector should be given the district and lower-level administrative machinery and budgets of departments working in the rural sector.
- The State government's Constitutional rights and responsibilities over the programmes, activities and departments brought under the *Panchayat* system will continue.
- The *Panchayat* system is for the districts and the lower levels; therefore, the functions and the rights of Division and above levels will remain intact and unchanged.
- *Zila Panchayats*, within their financial limitations, can formulate and implement programmes to fulfil and perform their constitutional, legal and State government-specified tasks.
- The decisions of the *Panchayats* should be implemented by the *Panchayat* administration under the control, guidance and supervision of *Panchayat* functionaries.
- Power should be entrusted to *Panchayats* as an institution and not to individuals or office bearers. Similar to the State government's 'Service rules', a similar set of 'Service rules' should be framed for the *Panchayats*, clearly stating who shall exercise power and authority in the name of *Panchayats*.

The key guiding principles in the transfer of power, responsibility, function and programmes to *Panchayats*, and the administrative directives for the implementation of transferred programmes, are as follows:

- Administrative machinery should be transferred to *Panchayats* in accordance with transferred schemes, programmes and plans.

- No employee or officer should work under the twin control of the *Panchayat* and the State government.
- The Administrative machinery should not be transferred on an ad-hoc basis. Wherever possible, a complete transfer should take place. When required, an appropriate demarcation should be carried out in light of the roles and responsibilities given to *Panchayats* and the State government.
- The work, rights, responsibility, budget and machinery of a department up to the district level, has been entrusted to the *Panchayats*. Nevertheless, the divisional officers will be authorised and responsible, as before, for the supervision, control, evaluation, guidance and technical support of these programmes and activities in the *Panchayat* sector. The powers and responsibilities of the district level officers and lower officers are being transferred to *Panchayats* of respective levels. However, *Panchayats* will continue to have existing ties with divisional, and above, officers of the concerned departments.
- The department's functions and programmes are being transferred to *Panchayats*; therefore, the district and lower level officers will work under the *Zila Panchayat* via the Chief Executive Officer. For example, the Department of Food and Civil Supplies, Mineral Resource, *Adim Jati* (tribals) and *Harijan Kalyan* (welfare), etc.
- The departmental officer of the corresponding level should have the required rights to implement the decisions of *Panchayats*, which are within the domain assigned to it.

Annex 4 Reasons for Ineffective Functioning of *Gram Sabhas*

Stakeholder Groups	Perceptions
<i>Sarpanch</i>	Corrupt and non cooperative government officials
	Hindrance/delay/cancellation/non cooperation by CEO, <i>Janpad</i>
	Bias in entertaining <i>Sarpanches</i> with political clout by <i>Janpad</i>
	Lack of accountability of <i>Janpad</i> in non-acceptance of GS decisions
	Conflict in village due to politics and parochialism
	Conflict in <i>Gram Panchayat</i> over issues
	Ignorance in people about benefits of GS meetings
<i>Upsarpanch/Panch</i>	Decisions made only by <i>Sarpanch</i>
	Opportunity not given to everyone to speak; only influential people speak
	Inability of people to attend GS meetings for half the year or more due to seasonal migration in search of employment
	Corrupt <i>Sarpanch</i>
	Incomplete quorum
<i>Panchayat Secretary</i>	Improper timing of GS meetings
	Distance from venue of meeting poses a constraint
	Participants mainly consist of beneficiaries
	Many in the community do not find any use in attending GS meetings
	Cancellation of meetings due to incomplete quorum
	Insufficient women's participation
	Overbearing influence of influential people
	Groupism and fights amongst villagers as well as <i>Sarpanch</i> and <i>Panch</i>
	Disregard of GS decisions by the government
	Lack of will to attend GS meetings due to lack of interest shown by government officials and corruption
	Ambitious and ad-hoc planning
	Non allotment/incomplete schemes
General Community	Programmes mainly in favour of marginalised community
	Inconvenient timing of GS
	No follow up activities
	Lack of interest in active participation due to powerful <i>Sarpanch</i> and others
	Corrupt <i>Panchayat Secretary</i> , <i>Sarpanch</i> and government officials
	Lack of transparency leading to misuse of schemes
	Lack of attendance leading to ineffective meetings
	It has become a place to settle personal quarrels
	Distribution of funds is a reason for conflict
	Subservient <i>Sarpanch</i> from lower caste
	Split in village due to caste and class level differences
	Laxity on the part of <i>Sarpanch</i>
	Because of preparation of agenda by <i>Janpad</i> , local agenda gets lost
	Ineffective bureaucracy
	Corruption and non-cooperation at the <i>Janpad</i> level
Cumbersome follow up procedure	
Marginalised Community	Strong hold of influential people leading to lack of interest in participation
	Inability to attend GS meetings for a year or more due to seasonal migration in search of employment
	No participation in decision-making
	Meetings announced too late
	Incomplete quorum
	Corruption and non cooperation by government officials

NGOs	Lack of participation in <i>Gram Sabha</i>
	Preference to join other committees such as Water Committee etc., and do not attend GS meetings
	Ineffective <i>Sarpanch</i> and non implementation of decisions taken in GS by <i>Sarpanch</i>
	Insufficient women's participation
	Powers of GS among people/elected representatives not known
CEO (ZP)	Inconvenient timing of GS
	Inability to attend GS meetings due to seasonal migration
	Ambitious and ad-hoc planning
	Limited targets and funds from government
	Interference by political parties
CEO (JP)	Seasonal migration
	Few resources from government
	Political affiliation
	Bias in giving benefits to SCs/STs
	Demand for more than allotted quota of money by <i>Panch</i>
	Ignorance about constraint on government officials construed as rejection of proposal, thus creating tensions in relationship
	Top down planning
	<i>Sarpanch Raj</i>
Step-motherly attitude of government functionaries	
Government Officials	Benefit goes to very few people
	Improper timing of GS meetings
	Rejection of proposal leading to dampening of spirit
	Improper knowledge/training leading to skewed implementation
	Uneducated representatives
	Interest in embezzling money

Annex 5 The *Panchayat* Extension to Scheduled Areas (PESA) Act

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

1. 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:
 - (a) a State legislation on *Panchayats* that may be made shall be in consonance with the customary law, social and religious practices and traditional management practices of community resources;
 - (b) a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affair in accordance with traditions and customs;
 - (c) 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;
 - (d) every *Gram Sabha* shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identify, community resources and the customary mode of dispute resolution;
 - (e) Every *Gram Sabha* shall
 - (i) approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the *Panchayat* at the village level;
 - (ii) be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes;
 - (f) every *Panchayat* at the village shall be required to obtain from the *Gram Sabha* a certification of utilisation of funds by that *Panchayat* for the plans, programmes and projects referred to in clause (e);
 - (g) the reservation of seats in the Scheduled Areas at every *Panchayat* shall be in proportion to the population of the communities in the *Panchayat* for whom reservation is sought to be given under Part IX of the Constitution: Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats; Provided further that all seats of Chairpersons of *Panchayats* at all levels shall be reserved for Scheduled Tribes;
 - (h) The State government may nominate persons belonging to such Scheduled Tribes as have no representation in the *Panchayat* at the intermediate level: Provided that such nomination shall not exceed one-tenth of the total members to be elected in the *Panchayat*.
 - (i) The *Gram Sabha* or the *Panchayats* at appropriate level shall be consulted before making acquisition of land in Scheduled Areas; the actual planning and implementation of projects in Scheduled Areas shall be coordinated at the State level;
 - (j) Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to *Panchayats* at the appropriate level;
 - (k) The recommendations of the *Gram Sabha* or *Panchayats* at the appropriate level shall be made mandatory prior to grant of prospective licence or mining lease for minor minerals in the Scheduled Areas;
 - (l) The prior recommendations of the *Gram Sabha* or the *Panchayats* at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;

- (m) While endowing *Panchayats* in Scheduled Areas with such functions as institutions of self-government, a State Legislature shall ensure that *Panchayats* and the *Gram Sabha* are endowed specifically with:
 - (i) the power to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant;
 - (ii) the ownership of minor forest produce;
 - (iii) the power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;
 - (iv) the power to manage village markets by whatever name called;
 - (v) the power to exercise control over institutions and functionaries in all social sectors;
 - (vi) the power of control over local plans and resources for such plans including tribal sub-plans;
 - (n) The State legislation that may endow *Panchayats* with powers and authority as may be necessary to enable them to function as institutions of self-government shall contain safeguards to ensure that *Panchayats* at the higher level do not assume the powers and authority of any *Panchayat* at the lower level or the *Gram Sabha*.
 - (o) The State Legislature shall endeavour to follow the pattern of the Sixth Schedule of the Constitution while designing the administrative arrangements in the *Panchayats* at district level in the Scheduled Areas.
2. Notwithstanding anything Part IX of the Constitution with exceptions and modifications made by this Act, any provision of any law relating to *Panchayats* in force in the Scheduled Areas immediately before the date on which this Act receives the assent of the President, which is inconsistent with the provisions of Part IX with such exceptions and modifications shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from the date on which this Act receives the assent of the President.
3. Provided that all *Panchayats* existing immediately before such date shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having Legislative Council, by each House of the Legislature of that State.

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