

**A DECADE OF WOMEN'S EMPOWERMENT
THROUGH
LOCAL GOVERNMENT IN INDIA**
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WOMEN'S PARTICIPATION IN PANCHAYATS IN SCHEDULED AREAS
With special reference to Madhya Pradesh

Abha Chauhan



Institute of Social Sciences



South Asia Partnership Canada

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International Development Research Centre

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Introduction

The presence and participation of tribal women in panchayati raj institutions have brought about a formidable change in their position within the tribal social organization, as well as in the overall hierarchical structure of the Indian society leading towards their empowerment. This has been the result of the enactment of Panchayati Raj Act (1992), which provided for one-third representation to women in panchayats including those belonging to the Scheduled Tribes. The extension of the Act to the Scheduled Areas (1996) has further increased the representation of tribals as well as women giving them more powers.

The Scheduled Tribes (S.T.) constitute 8.08 percent (1991 census) of the total population of India and are spread unevenly to different parts of the country, 92.61 percent of the total tribal population lives in the rural areas. The Constitution of India in its Articles 244(1) and (2) in part X has listed the 'Scheduled Areas' and 'Tribal Areas' under the Fifth and Sixth Schedule respectively. The Tribal Areas in the Sixth Schedule are the states of north-east whereas eight states outside the north-east, which are tribal dominated regions, are in the Fifth Schedule. These are – Andhra Pradesh (6.31 percent tribal population, 1991 census), Bihar (7.66 percent), Gujarat (14.92 percent), Himachal Pradesh (4.22 percent), Madhya Pradesh (23.27 percent), Maharashtra (9.27), Orissa (22.21 percent) and Rajasthan (12.44 percent tribal population). The Constitution envisages a special system of administration for these areas so that their rights in land and forest are protected and the development takes place in the context of their culture and environment.

The history of tribal people suggests their continuous exploitation and marginalization. The tribal people remained at the periphery of the wider political system and kept their women marginal to their own tribal polity. In certain places, especially where the tribals

were in a majority, as in the north-east or even in parts of Central India, they established their authority and rule. But women played a limited role in the tribal political institutions. In other regions, where their strength was less and their interaction with the non-tribals greater, they adopted ways and means to improve their status. *Sanstritization* was one such process, which resulted in the formation of several sub-castes and sub-tribes. The *Bhilalas* for instance, are a product of the union of the *Rajputs* and the *Bhils*. Though called tribals, the *Bhilalas* consider themselves higher than *Bhils* in the local hierarchy.

The process of *sanskritization* has slowed down but not completely dissipated where economic asset and political position, more easily accessible now, provide mechanisms for improving social status. This, on the whole means also adopting various features restrictive to women's freedom. In places where the communities have taken advantage of their collective strength, attempts are being made to revive the traditional identity and culture. This has brought the tribal question into the national as well as international political arena. The 1980s in particular, have seen the emerging conflicts between the tribals and the non-tribals, the critique of development programmes and the issues of human rights and self-governance. The dichotomy between the environmentalists and economists and between the self-determinists and integrationists has its roots in the colonial period, which has only exacerbated in the recent past. The provisions of the Fifth and the Sixth Schedules of the Constitution though provided autonomous political structure did not help much as the majority of tribals remained at the periphery of the wider socio-economic and political system. The extension of Panchayati raj to the Scheduled Areas is an attempt towards providing self-rule to the tribal people through their own panchayats.

Unlike in many other communities, tribal women are considered indispensable, especially for the role they play in the socio-economic life. There is a difference of values related to morality regarding sex and sexuality and much lesser degree of stigma attached among the tribals. A woman's entry into panchayat is similarly not opposed, at least not for the similar reasons. Among the tribals, besides the difference in value system, there is an

additional factor, that it brings their family and community a status and respect, of which they were long denied. The men belonging to the higher castes, on the other hand may perceive women's entry by 'allowing' them to keep the seats safe for them. This paper shows that in cases where tribal women are dependent on their husbands for support and assistance in panchayat work, it is mainly due to women's lack of awareness and experience, and less because of the social norms.

Even this support, which is extended not so much with the idea of 'keeping seats safe', is also of a different nature. It is this difference in the value system and experience that makes the situation of tribal women different. Not only they are able to remove the tag of 'namesake' or 'proxy' members quicker given the right opportunities, they begin to learn and take initiatives much faster and earlier. In this sense this paper emphasizes the significance of 'gender' as well as 'tribal' in the context of tribal women.

It must however be stated here that the status of women in tribal societies and their egalitarianism has often been over emphasized. Freedom of economic activity or participation does not always speak of their better status, as it is often done out of compulsion or necessity. Not only women are burdened with work, or given the responsibilities of children and arranging for food, fuel and water, they are considered fit only for certain specific works and not the important ones of political-jural nature. This has been demonstrated culturally and symbolically in various ritual aspects among them.

Not only do women's presence in the tribal councils or panchayats has been low but within the tribal community itself there has existed a loose form of social stratification giving more power to certain families, and to men among these families. And this has intensified with the introduction of private property in the names of males to be passed down in the male line unlike the earlier situation of collective use-rights on land and forest in which women played a significant role. The men and certain families have often dominated the panchayats on the tribal areas.

On the other hand, the tribals on the whole have been usually looked down upon as 'backward' ignorant and illiterate people who should be 'developed', so as to make them a

part of the 'mainstream'. It is well known by now that the tribals are not only the preservations of natural resources and knowledge base, but are also placed higher on what are regarded as the indicators of development like the sex-ratio and the age at marriage. On the contrary, the in-roads made by the process of development have led to their exploitation and harassment. Introduction of alien culture, values and perception not accompanied by awareness, knowledge or education has added. The process of modernization has done no less harm or good for the tribals as the earlier process of *sanstritization*. Both processes tend to add on their hierarchies – caste or class and have their own gender implications. (Chauhan, Abha, 1996).

Such an outlook is reflected in the views and working of several government officials or local elite who think tribals can never change, no matter what is done for them. Some sympathetic people have paternalistic attitude towards 'poor ignorant tribals' for whom something must be done. This can be seen in the reaction of the people to the 1996 Extension Act. The Act increases tribals representation and gives them immense power and recognizes the customary role of the Gram Sabhas, but there are many outsiders who control resources and positions and too much exploitation and harassment has already taken place. Even with the earlier reservation for the Scheduled tribes, the activities of the panchayats were manipulated, like other laws, by either outsiders or local elite. Then, the Government and the State machinery always have power to exploit the resources for the 'public interest or the 'national cause'.

This control of the situation by the non-tribals over the years, and the constant increase in their numbers has left the tribals ignorant and unaware, except the very few ones. The extension Act therefore, could generate a backlash on the one hand, and give opportunity to find a loophole by the outsiders. The postponement of panchayat elections in June 1999 (later held in Jan –Feb, 2000) due to cases filed in the High Court against the reservation for tribals was a clear indication of what the future beholds for the tribals. On the other hand, as long as tribals lack education, awareness and information and specific training, things will not change much for them.

The observations made in this paper are based on the study of 75 tribal women representatives (1994 Panchayat elections) from different districts of Madhya Pradesh conducted in the year 1999 when the state was not divided. The districts covered the Scheduled Areas of the State like Bastar, Jhabua, Mandla and Khargone (some of which are now in Chattisgarh) representing various tribes as Baiga, Bhilala, Bhil, Gond, Halba, Kanwar, Muria, Oraon, Pradhan and Raria. The tribal women in the sample were from all the levels of Panchayat like Sarpanch (17), Panch (34), Janpad Panchayat (block) member (13), janpad Panchayat Chairperson (3), Zilla Panchayat member (7) and Zilla panchayat Chairperson (1). A detailed *structured interview schedule* was prepared for this purpose consisting of several questions that provided quantified data, but most of them were open-ended which allowed for a more open discussion.

The study focuses on the profile, performance, problems, needs and perceptions of tribal women representatives as different from their men as well as other women. It also brings out the need to understand and analyse the situation of tribals vis-à-vis the non-tribals and the wider issues like self-governance in tribal areas, the election process and the question of women's reservation as a method of ensuring their political participation. Emphasizing on the applicability of a different and alternative model in the extension of panchayats to the Fifth Schedule Area, this paper tries to bring out the usefulness of such a model and well as some loopholes that need to be looked into for analysis and change.

Panchayati Raj in the Scheduled Areas in India and Madhya Pradesh

The local self-government has been in existence in India for a long time. The prevalence of *Gramsabhas* or rural communities is found in the *Vedas*, in *Ramayan*, in the *Sabhaparva* of *Mahabharat*, in the *Arthshastra* of *Kautilya* and in the Buddhist and Jain literature. The Mughals interfered very little with the villages and incorporated them into its administration as a unit for revenue and police purpose. The establishment of British in India resulted in altogether a different kind of change as Lord Rippon's famous Resolution of 1882 recommended the starting of local self-government. (Sharma, Shakuntla, 1994:89-90). Through the Government of India Acts of 1919 and 1935, village panchayats came to be established more systematically with defined powers and

functions. The Constitution of India further dealt with the issue of taking steps to organize village panchayat and this became more firmly entrenched with the creation of Panchayati Raj in India in 1959 when the authority and responsibility for rural development was entrusted on the people.

A large part of tribal India under British rule remained unexplored and untouched though, various Acts, particularly related to land and forests were promulgated. The British economic policies favouring individual titles to property and creating a market for land and forest products escalated the exploitation of the tribals at the hands of money-lenders, contractors and other subordinate officials. The repercussions of this could be seen in various tribal revolts that took place in British India between 1820 and 1890 and even later which were crushed by the Britishers and gave them the reason to introduce laws and regulations to isolate tribals to the restricted area at the pretext of their special protection. (Furer-haimendorf, 1992 : 36-37). *The Government of India Act 1919* provided that the Governor-General in Council may declare any territory in British India to 'Backward Tract' and that any Act of the Indian legislature should apply to such tracts only if the Governor-General so directed. *The Government of India Act 1935* further classified the areas into two the 'excluded' (north-east region) and the 'partially excluded' areas. These areas were to be insulated from the control of the Indian legislature and ministries, and left in direct charge of the Governor of the Province who was always a British and usually an ICS officer. (Guha, Ramchandra, 1996 : 2375-2389).

What were known as 'excluded' and 'partially excluded' areas during the British rule came to be known as the 'Sixth' and the 'Fifth' Scheduled Areas in the Constitution that came to force (1950) in India after independence (1947). The Fifth Schedule [244 (1)] contains provisions regarding the administration and control of the Scheduled Areas and Scheduled Tribes. In the Constitution the 'expression "Scheduled Areas" means such areas as the President may by order declare to be Scheduled Areas'. In reference to the Scheduled Tribes, the Constitution says that, 'the president may with respect to any State or Union Territory and where it is State, after consultation with the Governor thereof, by public notification specify the Tribes or tribal communities or parts of or groups within

tribes or tribal communities shall for the purpose of their constitution be deemed to be scheduled tribes in relation to that state or union territory, as the case may be'. (Article 342). (Ibid. p.831).

The tribals were spread over in most parts of the different sub-divisions of what became the state of Madhya Pradesh in 1956 (these were – Madhya Bharat, Bhopal, Vindhya Pradesh and Sironj Sub- division). Of all these sub-divisions, most of the tribal areas were found in the Central Provinces and Berar regions where the beginning of panchayat system was made in 1920 through the *local- Self Government Act*.

The Central Provinces and Berar Panchayat Act of 1946 had taken note of the special needs of tribal areas and section 156 of this Act stipulated that if the state government was of the opinion that if the standard 3-tier panchayat structure was unsuitable for any tribal majority area, it could apply chapter 6 of the Act which provided for setting up Tribal and Pargana Panchayats in the predominantly tribal areas. The State used this provision by the notification of 21st January 1955, when 57 tribal panchayats and 17 *pargana* panchayats were established in Bastar and Jashpur sub-division of Raigarh district and were notified for a special tribal panchayat structure in 1956. (Buch, Nirmla, 1996 : 28). The Act of 1962 followed the similar provisions for the panchayats in the tribal majority areas. Even panchayat elections held in 1965 and 1970, were not held in these areas of tribal concentration. Later this provision was reversed and those prevalent in other regions were made applicable in 1972 in tribal areas as well. (Op. cit.: 28-29).

Incidentally, *The State Panchayat Acts of 1981, 1990 and 1993* (as originally enacted) in Madhya Pradesh made no exception for tribal areas or retain the possibility of such exception. While on the one hand, the state did not made any special provision for the panchayat structure in the scheduled Areas as provided in the 73 Amendment Act, it made a move simultaneously on the other hand, for inclusion of certain Schedule V areas of the State in Schedule VI recommending the need for different autonomous self-government institutions in these areas. The government also applied pressure on the Union Government to frame a law to facilitate the setting up of District Councils in the

four tribal dominated areas of 17 other districts under the Sixth Schedule. (Mishra, S.N. et al., 1996 : 143). A large number of people mostly non-tribals, but also tribals expressed their disapproval of the Schedule VI structure in the tribal areas of M.P., mainly for their own interest but also because of the vast magnitude of change that has come in these areas over the years creating diversity and heterogeneity. But opposition to the provision of application of the 73rd Amendment Act to the Schedule Areas of Madhya Pradesh came from very few quarters and similar provisions were applied throughout in the whole of the State. The panchayat elections were also held uniformly throughout Madhya Pradesh in June 1994. The state law was finally mended in 1997 to conform to *The provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996* by which the 73rd Constitutional Amendment was extended to these areas with some modifications.

The Panchayati raj Act (73rd Amendment to the Constitution), 1992 and its Extension to the Scheduled Areas – With Special reference to Madhya Pradesh

Article 243 M of the Panchayati Raj Act, 1992 questions the uniform applicability of the Act and calls for special measures for the governance for Scheduled Areas. The Article, 243 M (1) states that ‘nothing in this part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2) of Article 244’. However, according to Article 243M4 (b), ‘parliament may, by law extend the provisions of this part to the scheduled areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law. But, in most of the states with scheduled Areas, including Madhya Pradesh, panchayat elections were held uniformly. In some states like in Andhra Pradesh, Orissa and Maharashtra holding elections were withheld as they were challenged in the various High Courts. (Mukul, EPW, 3-9 may 1997: 928). The courts viewed the extension as unlawful and according to them the Pachayati raj could be extended to the scheduled Areas only through an Act of Parliament. Consequently, to look into these matters and making recommendations for extending the provisions of the 73rd Amendment to the Scheduled Areas, a Committee under the Chairmanship of Dileep Singh Bhuria (then the Member of Parliament) was constituted in June 1994.

The Bhuria Committee submitted its report in February 1995 with far reaching recommendations on the law to extend the provisions of Part IX of the Constitution to the Scheduled Areas. It dealt with the issues of village governance and participatory democracy, effectiveness of customary laws, community control over resources and appropriate administrative framework for Scheduled Areas. The Committee felt that while sharing the new panchayati raj structure in tribal areas, it is desirable to blend the traditional with the modern by treating the traditional institutions as the foundation on which the modern super structure should be built and taking cognizance of their indigenous institutions and ethos while considering democratic decentralization in tribal areas. (Mukul, op.cit.)

The important recommendations of the Bhuria Committee included wide-ranging powers to the gram sabha, reservation of seats as members and chairpersons and the formation of district and sub-district councils in tribal districts with powers (administrative and legislative) identical with those in the Sixth Schedule Areas. (see S. K. Singh, 2000 for details of these recommendations).

There were some criticisms of the Bhuria Committee Report. The recommendation (para 1[2]) of the report suggests that all tribal sub-plan areas and other smaller tribal concentrations, not already notified as Scheduled Areas, should be done so under the Fifth Schedule of the Constitution. According to B.K. Roy Burman, the relevance of this recommendation for framing legislation for operationalizing the 73rd Amendment of the constitution in the existing Scheduled Areas is not clear (Burman, B. K., Roy, 1997: 19). It will pose two problems according to him. One while it will strengthen the upper layer of the bureaucracy, it will cause misgivings among the non-tribal peoples in those areas and sour tribal and non-tribal relations; and second, the people in this area would be vulnerable to be ruled by regulation promulgated by the Governor as the Fifth Schedule does not stipulate any devolution of power at the local level but provides for its centralization (p. 19-20). The recommendation in fact ignores the ground reality and diverts attention from the real reason for not very satisfactory functioning of the tribal Sub-plan approach as admitted in the Seventh and Eighth-plan. If the tribal Sub-plan has

anything to do with the Fifth Schedule, the report should have explained , says Burman, why the condition is equally bad in the States like Orissa, Madhya pradesh and Maharashtra where bulk of the tribal predominant areas of a State like West Bengal, which are not covered by the Fifth Schedule, the conditions are more or less the same if not slightly better in some cases (Ibid: 20-21).

Apart from the criticism of the paternalistic design of the Fifth Schedule, other points of debate focused on – the reorganization of the administrative boundaries based on ethnic and demographic considerations, composition of the four tier structure and the relationship between each, the role of the MPs and MLAs in the panchayat bodies and the replication of the Sixth Schedule provisions to the Fifth Schedule Areas which would invite a non-tribal political backlash (Burman, B.K. Roy, *Panchayati raj Update*, May-June Issues, 1995).

Finally, after some delay on the part of the Government and protest by certain individuals and organizations, the Act namely *The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996* came into force on 24th December, 1996. The objectives of this Act were to extend the provisions of Part IX to the Scheduled Areas with certain modifications, to provide self-rule to the tribals, to ensure participatory democracy, to evolve a suitable administrative framework, to safeguard and preserve the traditions and customs of tribal communities and to prevent outside interference and exploitation of the tribal people. (S.K. Singh, 2000: 26-28). This Act is to be applicable in the Scheduled Areas referred to in clause (1) of Article 244 of the constitution. The States in the Scheduled Areas were required to amend their own Panchayat State Acts before the expiry of one year, i.e. by December 23, 1997. All States except Bihar and Rajasthan (which did later through an Ordinance) amended their Panchayat Acts to give effect to the provision contained in the Extension Act, 1996.

The Act directs the legislature of a state not to make any law, which is inconsistent with the customary law, social and religious practices and traditional management practices of community resources. The Act also recognizes the important role of village community

and give wide-ranging power to the gram sabha for safeguarding and preserving traditions and customs of the people, approve the plans, programmes and projects for social and economic development of the village and several other powers to protect and regulate the natural resources as well as its misuse by the outsiders. Besides these, the other important points the Act envisages are - the reservation of one half of the total seats for the scheduled tribes in the Scheduled Areas and the post of Chairperson at all levels of panchayat and the pattern of the Sixth Schedule of the Constitution to be maintained while designing the administrative arrangements for the district level panchayat. (S.K. Singh, Ibid.: 27-28).

Thus the Extension Act, 1996 though diluted some of the recommendations of the Bhuria Committee Report, has accepted most of them, particularly the provisions relating to the power of the Gram Sabha. B.K. Roy Burman while appreciating these points is critical of some of these. According to him as the Act is for extension of the provisions of part IX of the Constitution in the Scheduled Areas, it is presumed that where it does not make specific provision on any matter the relevant provision in IX will operate. He raises problems regarding the use of certain concepts in the Act like 'community' or 'customary law', which would pose confusion and ambiguity at the operational level. (Ibid.: 36-40). There is a need as envisaged in the Act, to extend the sixth Schedule to all tribal dominated areas of the country and later to even non-tribal areas, according to B.K. Roy Burman. (Ibid.: 47).

B.D. Sharma (also the member of Bhuria Committee) considers the 1996 Act as an important step in the direction of tribal self-rule. He however, feels that the agenda must include – areas totally left out from consideration like the Sixth Schedule areas, Urban Areas in Scheduled Areas not covered, some States with substantial tribal population totally left out like West Bengal, Kerala, Tamilnadu and Karnataka, and Tribal Areas in the Fifth Scheduled states but outside these areas. (Sharma, B.D., 1998 : 31-40). Some people feel that the positive aspects of the Act are meant to ensure an easy access to land for industry. Given the fact that 80-85 percent natural resources are found in the tribal areas, it is going to affect them the most. (Pinto, Ambrose, EPW, Vol. 33. No. 49, Dec. 5-

11, 1998). With the processes of economic liberalization and globalization gaining strength, a destructive development is likely to be initiated legitimized by public interest. This would be at the cost of tribal way of life and culture, of their knowledge, resources and production skills, in fact at the cost of the human survival and the preservation of environmental and ecological balance. (Savyasaachi, 1998,49).

Besides these some important points are related to the customary laws and practices of the tribals, which vary among and within all tribes in different states. It may not be possible to have different laws for each tribe within a district or state. And, the customary laws are not properly codified and documented. The 'village' as described in the Act, which may be a 'hamlet', will pose a situation in which the revenue village may not be coterminous with the social village. The term 'community' is not defined in the Act clearly, and therefore, it would be difficult to delimit a village. The reservation, especially for all chairpersons to be members of scheduled tribes, especially at the block and zilla levels will create problems, particularly in those districts where tribals do not constitute more than 50 percent of the total population of the district. In such places there will be a general resentment. Then there will be structural and administrative complications in the scheme. (S. K. Singh, 2000: 29-30).

In Madhya Pradesh, a special section has been added to the *Madhya Pradesh Panchayati Raj Adhiniyam, 1993* (chapter XIV A) by way of an amendment known as '*Special Provision for Panchayats in Schedule Area*', Madhya Pradesh. This came into force on 5th December 1997 and provide for the extension of the provisions of part IX of the Constitution relating to the Panchayats in the Scheduled Areas of the State. It has incorporated most of the provisions of the extension Act, 1996. These provisions ensure ample and significant representation of the tribals in the Scheduled Areas of Madhya Pradesh. The implementation of the provisions of the Extension Act, 1996 in Madhya Pradesh started with the amendment of certain other important laws, like the Excise Act, the Land Revenue Code, the Mining and Mineral Rules, the *Gram Nyayalaya Adhiniyam* and the Panchayt Act itself. (Srivastava, K.B.: 17-47).

As far as the acquisition of land is concerned, the M.P. Amendment Act made a provision with the Extension Act that before making the acquisition of land in the Scheduled Areas for development of projects and before rehabilitating persons affected by such projects in the Scheduled Areas, the gram sabha or the panchayat at the appropriate level shall be consulted. The actual planning and implementation of the projects in the scheduled Areas shall be co-coordinated at the state level. Similar is the case with the grant of prospecting license or mining lease for minor minerals or for grant of concession for the exploitation of minor minerals by auction. (Sharma, B.D., 1998: 21-22). The powers have been devolved to the gram sabha in matters of planning and management of water bodies, enforcement of prohibition or regulation or restriction of the sale and consumption or manufacture of any intoxicant, and management of village markets. The issue of Minor Forest Produce and that dealing with the move against money lending are however, still to be taken care of. (Singh, S.K., 2000:31). But, in actual practice not all of them are implemented and there are still gaps and problems in their execution.

Reservation and Election – Madhya Pradesh

The 1962 Act as well as 1981 Act provided for cooption by the elected members, of up to two women as members of gram panchayats and janpad panchayats if they did not figure, or were less than two, amongst the elected members. In the zilla panchayats it included cooption of one woman member. An Amendment in 1988 introduced 20 percent of seats for gram panchayat and janpad panchayat, as well as 10 percent for the posts of sarpanchs of gram panchayats, and members of janpad panchayat and zilla panchayat. The 1990 Act followed the same provision but included a reservation of 10 percent for the first time, in the district panchayat pradhans with at least one each for a member of these posts to be reserved for SC and ST women in the total parts for each category. The reservation of a particular seat was to be made by draw of lots and by rotation. (Buch, Nirmala, 2000 : 171).

As far as reservation of seats for SC/ST is concerned, in Madhya Pradesh (as created in 1956) the *Panchayat Act of 1962* included through an amendment in 1973 for reservation of seats in Gram panchayats for SC/ST in proportion to their population in the Gram

Sabha area. If no reservation was possible due to their small population co-option was to be made of SC or ST member as the case may be. The Madhya Pradesh Panchayat Act of 1981, section 1 (4) provided for reservation for SC/ST in each village Panchayat proportionate to their population in the Gram Panchayat and for co-option in case no SC/ST member was elected. Section 15 stipulated that in a Gram panchayat where more than 50 percent seats are reserved for SC/ST or both together, the Sarpanch or Up-sarpanch, if Sarpanch was not found had to be from these categories.

In the Janpad panchayat also, section 19 provided for co-option of a SC/ST member if no such member was elected to the Janpad panchayat. Under section 23, reservation was provided for SC/ST in the posts of Janpad Panchayat presidents in proportion to their respective population in the State. In addition, if more than 50 percent members of a Janpad Panchayat were SC/ST, the President or the vice-President as the case may be, was to be elected from amongst SC/ST. In the zilla panchayat, section 26 stipulated co-option of a member of the Scheduled Caste or Scheduled Tribe or one each from both if the elected members in the zilla panchayat did not include SC, ST or both of them. Where more than 50 percent members belonged to the SC or ST, the President has to be elected from amongst them as per section 27 of the Act. If the President was not an SC or ST, the Vice-President had to be SC or ST.

Madhya Pradesh Act of 1990 include section 13 (4) for reservation for SC/ST in gram panchayat seats proportionate to their population in the gram panchayat area. Section 17 provide for reservation of posts of Sarpanch for SC and ST in proportion to their population in the block. If the gram panchayat sarpanch was not a SC or ST the Up-sarpanch had to be elected from SC/ST members. In the Janpad Panchayats, section 22 provide for reservation of posts of Chairpersons of Janpad Panchayat for SC and ST proportionate to their population in the district. If the Chairman of the Janpad panchayat was not from SC/ST, the vice-chairman had to be from SC/ST in proportion for their respective population in the State. If the Pradhan of zilla parishad was not SC/ST, the Up-Pradhan had to be SC or ST. (Buch, Nirmala, 1996 : 32-34).

The Constitutional 73rd Amendment provided for members to be elected and co-opted or nominated as ex-officio members. The reservation of one-third seats for women (including those of SC/ST), and for SC/ST according to the proportion of their population has been provided. This has enabled a large number of women to be in panchayat bodies. The reservation as finally provided at the time of the 1994 panchayat elections for the seats of chairpersons and members in the panchayats at three levels, show that 14.86 percent was reserved for scheduled castes, 29.88 percent for scheduled tribes and 17.03 percent for other backward classes. A little over 33.87 percent seats were reserved for women, of which 14.84 percent were for women of scheduled castes, 28.86 percent for women from scheduled tribes and 17.51 percent women from OBCs leaving 37.79 percent for women in general category.

The Panchayat (Extension to the Scheduled Areas) Act, 1996, has further extended the reservation for the scheduled tribes in the Scheduled Areas. The reservations made in 1999 for the second panchayat elections in Madhya Pradesh saw an increase for S.T category, i.e. 31.83 percent, but a marginal decrease in other categories like 14.51 percent (S.C.), 16.84 percent (OBC) and 33.71 percent (women). For the reservations made for total women, 14.52 percent were for S.C. women, 32.61 percent for S.T. women and 17.23 percent were for OBC women. (Buch, Nirmala, 2000 : 177-178). The increase in the reservation in percentage of S.T. category as well as women belonging to Scheduled Tribe category is the reflection of the reservation for scheduled tribes in Fifth Scheduled Areas being of all chairpersons and not less than 50 percent of members besides being proportionate to their population.

The above data show enhanced increase in the participation of tribal women in the panchayats in the Vth Scheduled Areas since the passing of Panchayat Extension to the Scheduled Areas Act, 1996.

The state government constituted the State Election Commission in February 1994. The constitution of 30,922 gram panchayats, 459 panchayats at the block level and 45 zilla panchayats at the district level was notified in March 1994. The delimitation of

wards/constituencies was completed in April and the elections were held in May-June 1994. Of the total members of gram panchayats 63.12 percent were elected without contest and 8.38 percent sarpanches of gram panchayats, 13.60 percent janpad panchayat members, and 7.50 percent zilla panchayat members were elected unopposed. There were also cases of women and reserved category candidates contesting and getting elected on unreserved seats. Seventeen women became presidents of zilla panchayats against 15 posts reserved for them and 23 women were elected as presidents of janpad panchayats on unreserved positions (Op. cit: 173-174).

Concluding Remarks

The following points emerged from the above analysis:

First, tribal women must be looked as a part of the tribal community, which has suffered at the hands of the non-tribals and marginalized in the process of development. During the study, it was noticed at many places that the non-tribals dominated the panchayats. As a result, the scheduled tribes are given special provisions constitutionally and now with extension of panchayati raj in the Scheduled Areas, they have been given power of self-governance. Tribal women suffered as much, in fact more by virtue of their belonging to the tribal community. It is therefore, now a time to involve tribal women equally in the process of development and governance in the Scheduled Areas where Constitutional powers have been given to the tribals for self-governance.

Second, tribal women must also be seen as women, and not just 'tribal'. This is because they have been always deprived from power and decision making positions, as well as from control over natural resources. It is shown in the study that the important positions in the traditional panchayats were always held by males that were passed on more or less in a hereditary manner. Today when the seats are reserved for tribal women, men of such families still dominate the panchayat through them. The women sarpanchs of *Salkhera* and *Barbel* gram panchayats in Khargone district are wives of men who have dominated the traditional panchayats since more than 20 years.

Third, it is important to keep in mind that tribal women are tribal as well as women, i.e. they are 'tribal women'. In this sense, their situation is different from both, and must always be dealt with exclusively, analytically and substantively. The need is to look at their situation from the holistic perspective without losing the gender dimension. Tribal women have similarities and differences with the other women on the basis of their community/tribe and with tribal men on the basis of their gender. The study on tribal women in panchayati raj in Madhya Pradesh has tried to bring out such similarities and differences for the reason that tribal women are clubbed with tribals when people talk about them, or simply as 'women' when the women are being studied. Their background, awareness, participation, performance and perceptions are analysed on this premise by focusing on various aspects of panchayati raj institutions. The findings are accordingly drawn.

Background

The study reveals that panchayati raj institutions in tribal areas of Madhya Pradesh comprised of young and educated women, as against the prevalent view. Seventy percent of them are below 49 years of age and 30 percent are educated (plus there are nearly another 30 percent who call themselves 'literate', i.e. who can sign their names). Agriculture is the main occupation of the people and though some of them are from economically influential families, a large number are from middle and lower class households. Most of their family's annual income is less than Rs. 25,000 and they own between 1-9 acres of land. The political background of the respondent's support the point that most women, compared to other groups have such links. The tribals have often been used as vote bank where every woman count more as a vote with not so much effort made to involve women in political decision-making bodies.

The background of the respondents clearly suggests a shift in the power structure at the grassroots level. The reason that it happened in tribal areas shows that such shifts are not confined to the rural areas alone. Like in the rural areas, this study shows that even among the tribals there were always certain families who controlled the political-economy and the social life of the tribal community. Such families were the first to take

advantage of the panchayati raj Act when their women came out to contest election on the seats reserved for women. Though this dominance is still continuing, as some respondents expressed while talking about the changes in the political institution at the village level, a large number of women and men have also been elected from poorer families.

It is clear from the study that most of the support came from the respondents' families, followed by those from the community and caste people and the other villagers. This support extends right from the decision to stand in election till the end of the five-year tenure. It is however, significant to note that nearly half the respondents acknowledged the support of some or the other political party. The Congress and the BJP are the two main parties and most of Panchayat representatives are congress members or supported the party, though the BJP has made some dent. However, during the field-work it was found that the candidates standing for the post of panch or sarpanch of gram panchayat were either not affiliated to any party, or was found to belong to the same party. Here the post and not so much the party was the concern.

From this brief analysis of their background, certain points can be summarized.

First, women are dependent to a large extent on the support of their husbands and other family members. They mainly took the decision to contest, campaign and other decisions. Of those who said they do not go alone to attend meetings (44%), 75 percent said their husbands or some adult male member of the family accompany them, while the rest said their husbands actually represent them.

Second, the domain of certain influential families is still continuing and has been further entrenched, though the provisions of the 73rd amendment Act has given space to much larger and diverse people, including women and members of Scheduled Castes and Scheduled Tribes. As the elections are becoming more political and expensive with increasing use of money and muscle power, only a certain section of the society has taken the advantage of this. The number of contestants, including women increased for the second round of election. In Madhya Pradesh, the number of contestants in 1994

panchayat elections was 488394, which increased in the 2000 elections. Also there has been a decline in the overall percentage of those who are elected unopposed in the two elections from 23.14 to 15.55 percent (*Panchaika*, January, 2000).

Third, reservation of seats for women in panchayats or even in other political bodies is the most viable and appropriate method in the given circumstances, to ensure women's representation. Not only women's entry into panchayats could have been made possible without reservation, nor it could be sustained without it, at least for the time being. Many people opposed reservation initially on different grounds like it will disturb the family life, women will become targets of attacks by anti-social elements, not many of them will be available etc. The data in the CWDS study (1999) have exploded several myths about women's entry, their participation and performance. This study too has shown the presence of a large number of women from poor families and who have no political connections. The reservation is therefore, a necessary condition for ensuring their political participation.

This study shows that, though in many cases women (40%) were asked or even persuaded to contest elections at the first instance, majority of them fought and won (60%). About 50 percent did not seem to be very keen to contest elections, as they did not make any effort in this direction. In this study, all tribal women respondents contested panchayat elections on the reserved seat, and all but four contested for the first time. Nearly 95 percent stated they would never come to occupy positions in panchayats, if there was no reservation of seats for women. Though majority of them (77 percent) were willing to contest again, a large number (62 percent) said they would do so only if the seat is reserved for them. Even then, most of them had some idea as to why seats are reserved for women, and were also aware of the provision of the Constitutional 73rd Amendment, especially that of reservation for women and scheduled castes and scheduled tribes.

The above analysis shows the positive points in regard to women entry in panchayats. However, there are certain problematic areas as well which need to be identified to work

on them and strengthen the panchayati raj system. By and large, the dominance of men still continues to a great extent. They do not want their wives or other female family members to contest and get elected if the seat is not reserved for women. They do not want to give away their own chance and express dissatisfaction in case if the seat is re-reserved. A male member belonging to the family of a woman Janpad panchayat member of Udaipur block in Sarguja district (village *Sontarai*) was extremely upset that all the four-panchayat seats in the constituency were reserved for women.

It is not surprising that though most of the women respondent want to stand again for elections, majority of them (more than 60 percent) said they would do so only if the seat is reserved for them. Some of them who were not sure said that they would recontest elections if their husbands, or other family members or the villagers decide so. In a few cases, especially for zilla panchayat elections, some respondents said that they would re-contest only if their political party wants them to do so. Thus, there are many factors which influence women's choice to re-contest which range from general, like party's decision to the personal ones, like if the seat is unreserved.

Awareness and Participation in Panchayat Activities

The analysis of women's awareness participation and performance in panchayat activities showed that given the background and degree of participation can be regarded as satisfactory, though some people expressed their opinion that there has not been much change as the power has remained in the hands of the few people.

The most positive thing in this regard is an improvement in all-overall awareness of women in panchayat's work and its activities. As many as 73 percent women were aware of the development programmes undertaken by the panchayats. Seventy – seven percent were aware about the timings and agenda of the panchayat meetings and equal number knew about the powers of panchayat. Implementation of the government policies and undertaking of the development programmes were regarded as the two main powers of panchayat. Seventy three percent of the respondents replied the question regarding their awareness about the issues undertaken in their panchayats. Most of these were stated to

be related to the housing under *Indira Awas Yojana* or construction work mainly under *Jawahar Rajgar Yojana* or those related to pension schemes, maternity benefits etc. Sixty three percent also identified the source of income of their panchayats, which came mainly from either government funds, panchayat property, collection of taxes and through politicians. The participation and performance in panchayat has brought about a positive change in tribal women's image and the respect they receive from other as expressed by more than half the respondents. People come to them with problems and they are called by them on important occasions. Many respondents expressed that people have started believing that women can perform well as panchayat representatives.

Some of the areas, which required more attention, were lack of women regular attendance in meetings, raising of the issue and the dominance of the male members of the family in the panchayat work. Nearly 63 percent of them said that they do not raise any issue and those few who did were mainly confined to health, women and child welfare or drinking water. About 62 percent of them attend meetings regularly where as 48 percent either do not attend meetings at all or attend at times. Fifty percent of those who were not attending meetings regularly said that their husbands 'manage' the affair.

Some or the other person help most of these women respondents (nearly 55 percent) in their work. Of these, a considerable number of them take the help of Sarpanch, (36 percent), other colleagues in panchayat (23 percent), and the husbands (25 percent), while some are helped by the villagers, the government officials, political parties or to an extent by the non-governmental organizations. They serve as support structures for women and are very useful. However, many times these support mechanisms do not become useful when women are completely dependent on their husbands and Sarpanch and do not at all attend meetings or participate in the panchayat activities. In the section on the 'Problems and Solutions', 25 percent respondents said that they are helped by their family members, mainly the husbands and 38 percent said that when people come to them with their problems, they send them the Sarpanch. Nearly half the respondents still feel that there has not been much change in their image, they cannot work independently and lack required information and knowledge.

It is necessary that women come out of this domination and subordination for which they need to be educated and trained. Though these two are not sufficient conditions in themselves, their dearth prevents women from taking important decisions. Besides lack of awareness, education and training, the respondents also expressed their opinions regarding other problems. Lack of financial or economic resources was considered as the most important one. Interference by government officials and their non-cooperative attitude, groupism, besides family problems and traditional values, were other problems.

Thus, both the negative as well as the positive features of women's participation and performance must be kept in mind to reduce their problems and strengthen their capacity to perform functions and roles in the panchayati raj panchayats. It can be said that compared to the non-tribals, the tribals need more education, awareness and training in panchayats works, and tribal women require these even more than tribal men or other women.

These hierarchical relationships need to be broken, if the self-rule and autonomy to the tribals has to become a reality in the Scheduled Areas as envisaged in the Extension Act, 1996. Simultaneously, more networks and linkages with various people and agencies on an equal footing are required to be developed. Since women constitute one-third of the panchayat representatives and also since, at least one-third of the gram sabha members in the meeting are to be women, it is important that they emerge as new leaders to take up the challenging role in tribal politics. Reservation of seats for women, especially for tribal women is essential for some more years, but efforts are required to ensure that women's political participation go beyond it which will help to foster new image of women who can come in politics on their own and perform independently.

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