

THE TRIBAL WOMEN AND PANCHAYAT RAJ SYSTEM –A STUDY

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Abstract

The Village Panchayat or elected council had large powers, both executive and judicial. Land was distributed by this panchayat. In the time of the Rigveda (1700 BC), evidences suggest that self-governing village bodies called 'sabhas' existed. The panchayat was destroyed by the East India Company when it was granted the office of Diwan in 1765 in Bengal by the Mughal Emperor. **The Royal Commission on Decentralization (1907)** under the chairmanship of C.E.H. Hobhouse recognized the importance of panchayat at the village level. At least in part to provide the Gandhiji goal of direct political participation of people at the grass root level, in 1956, the National Development Council appointed a committee under Balwant Rai Mehta, which submitted its report in 1957 in which it recommended. The 73rd Amendment to the Constitution enacted in 1992 added a new part-IX to the Constitution. It also added a new XI schedule containing list of 29 functional items for Panchyat and made statutory provisions for the establishment, empowerment and functioning of Panchayat Raj institutions. Some provisions of this amendment are binding on the States, while others have been left to be decided by respective State Legislatures at their discretion

Key Words: *Panchayat, Village Panchayat, 73rd Amendment, Three Tier, Tribal women, President, control of men.*

INTRODUCTION:

In the time of the Rigveda (1700 BC), evidences suggest that self-governing village bodies called 'sabhas' existed. With the passage of time, these bodies became panchayat (council of five persons). Panchayat were functional institutions of grassroots governance in almost every village. The Village Panchayat or elected council had large powers, both executive and judicial. Land was distributed by this panchayat which also collected taxes out of the produce and paid the government's share on behalf of the village. Above a number of these village councils there was a larger panchayat or council to supervise and interfere if necessary. Casteism and feudalistic system of governance under Mughal rule in the medieval period slowly eroded the self-government in villages. A new class of feudal chiefs and revenue collectors emerged between the ruler and the people. And, so began the stagnation and decline of self-government in villages.

During the British rule, the autonomy of panchayat gradually declined with the establishment of local civil and criminal courts, revenue and police organizations, the increase in communications, the growth of individualism and the operation of the individual Ryotwari (landholder-wise) system as against the Mahalwari or village tenure system.

DURING BRITISH PERIOD

The British were not generally concerned with local administration, but left that to the local rulers, and thus didn't interfere with existing panchayat systems, nor induce the rulers to consider more democratic institutions at the local level. The rulers were interested in the creation of 'controlled' local bodies, which could help them in their trading interests by collecting taxes for them. When the colonial administration came under severe financial pressure after the 1857 uprising, the sought was decentralization in terms of transferring responsibility for road and public works to local bodies. However, the thrust of this 'compelled' decentralization was with respect to municipal administration.

"The panchayat was destroyed by the East India Company when it was granted the office of Diwan in 1765 in Bengal by the Mughal Emperor as part of reparation after his defeat at Buxar. As Diwan the Company took two decisions. The first was that it abolished the village land record office and created a company official called Patwari.

The Patwari became the official record keeper for a number of villages. The second was the creation of the office of magistrate and the abolition of village police. The magistrate carried out policing functions through the [Darogha](#) who had always been a state functionary under the Faujdar. The primary purpose of these measures was the collection of land revenue by fiat. The depredations of the Patwari and the Darogha are part of our folklore and it led to the worst famine in Bengal. The effects of the famine lingered right to the end of the 18th century. These two measures completely disempowered the village community and destroyed the panchayat. After 1857 the British tried to restore the panchayat by giving it powers to try minor offences and to resolve village disputes. But these measures never restored the lost powers of the village community

From 1870 when the **Lord Mayo's Resolution** (for decentralization of power to bring about administrative efficiency in meeting people's demand and to add to the finances of colonial regime) gave the needed impetus to the development of local institutions. It was a landmark in the evolution of colonial policy towards local government. The real bench marking of the government policy on decentralization can, however, be attributed to Lord Ripon who, in his famous resolution on local self-government on May 18, 1882, recognized the twin considerations of local government: (i) administrative efficiency and (ii) political education. The **Ripon Resolution**, which focused on towns, provided for local bodies consisting of a large majority of elected non-official members and presided over by a non-official chairperson. This resolution met with resistance from colonial administrators. The progress of local self-government was tardy with only half-hearted steps taken in setting up municipal bodies. Rural decentralization remained a neglected area of administrative reform.

The Royal Commission on Decentralization (1907) under the chairmanship of C.E.H. Hobhouse recognized the importance of panchayat at the village level. The commission recommended that "it is most desirable, alike in the interests of decentralization and in order to associate the people with the local tasks of administration, that an attempt should be made to constitute and develop village panchayat for the administration of local village affairs".

But, the **Montague-Chemsford reforms** (1919) brought local self-government as a provincial transferred subject, under the domain of Indian ministers in the provinces. Due to organizational and fiscal constraints, the reform was unable to make panchayat institutions truly democratic and vibrant. However, the most significant development of this period was the 'establishment of village panchayat in a number of provinces, that were no longer mere ad hoc judicial tribunal, but representative institutions symbolizing the corporate character of the village and having a wide jurisdiction in respect of civic matters'.¹ By 1925, eight provinces had passed panchayat acts and by 1926, six native states had also passed panchayat laws.

The provincial autonomy under the Government of India Act, 1935, marked the evolution of panchayats in India. Popularly elected governments in provinces enacted legislations to further democratize institutions of local self-government. But the system of responsible government at the grassroots level was least responsible. D.P. Mishra, the then minister for local self-government under the Government of India Act of 1935 in Central Provinces was of the view that 'the working of our local bodies... in our province and perhaps in the whole country presents a tragic picture... 'Inefficiency' and 'local body' have become synonymous terms

In spite of various committees such as the **Royal Commission on Decentralization** (1907), the report of Montague and Chemsford on constitutional reform (1919), the Government of India Resolution (1919), etc., a hierarchical administrative structure based on supervision and control evolved. The administrator became the focal point of rural governance. The British were not concerned with decentralized democracy but were aiming for colonial objectives.

The Indian National Congress from the 1920s to 1947, emphasized the issue of all-India Swaraj, and organized movements for Independence under the leadership of Mahatma Gandhi. The task of preparing any sort of blueprint for the local level was neglected as a result. There was no consensus among the top leaders regarding the status and role to be assigned to the institution of rural local self-government; rather there were divergent views on the subject. On the one end Gandhi favored Village Swaraj and strengthening the village panchayat to the fullest extent and on the other end,

Dr. B.R. Ambedkar opposed this idea. He believed that the village represented regressive India, a source of oppression. The model state hence had to build safeguards against such social oppression and the only way it could be done was through the adoption of the parliamentary model of politics^[16] During the drafting of the Constitution of India, Panchayat Raj Institutions were placed in the non-justifiable part of the Constitution, the Directive Principles of State Policy, as Article 40. The Article read 'the State shall take steps to organize village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government'. However, no worthwhile legislation was enacted either at the national or state level to implement it.

In the four decades since the adoption of the Constitution, panchayat raj institutions have travelled from the non-justifiable part of the Constitution to one where, through a separate amendment, a whole new status has been added to their history

POST INDEPENDENCE PERIOD

Panchayat raj had to go through various stages. The First Five Year Plan failed to bring about active participation and involvement of the people in the Plan processes, which included Plan formulation implementation and monitoring. The Second Five Year Plan attempted to cover the entire countryside with National Extensive Service Blocks through the institutions of Block Development Officers, Assistant Development Officers, Village Level Workers, in addition to nominated representatives of village panchayat of that area and some other popular organizations like co-operative societies. But the plan failed to satisfactorily accomplish decentralization. Hence, committees were constituted by various authorities to advise the Centre on different aspects of decentralization.

At least in part to provide the Gandhiji goal of direct political participation of people at the grass root level, in 1956, the National Development Council appointed a committee under Balwant Rai Mehta, which submitted its report in 1957 in which it recommended:- » A 3-tier structure consisting of Zila Parishad at the District level, Panchayat Samiti at the Block level and GramPanchayat at the village level.

The next major change in the panchayat system of India came in the form of the passage of the Panchayati Raj Act (73rd Amendment) in 1992. A key motivation of this act was the belief that local governments may be better placed than centrally appointed bureaucrats to identify and respond to the needs of the village. Hence, this act was an important part of India's move towards decentralization.

The main features of this act are:

- (a) 3-tier system of Panchayat Raj for all States having population of over 20 lakh;
- (b) Panchayat elections regularly every 5 years;
- (c) reservation of seats for Scheduled Castes, Scheduled Tribes and women (not less than one-third of seats);
- (d) appointment of State Finance Commission to make recommendations as regards the financial powers of the Panchayat. Hence, in theory, panchayat have been given sufficient authority to function as institutions of self-governance and aid social justice.

There were several positive effects of this amendment, some of which have been listed above. However, there is also evidence of deeply ingrained vote-trading structures maintained through extra-political means. This can potentially be blamed on the fact that Gram Sabhas have not been sufficiently empowered and strengthened to ensure greater people's participation and transparency in functioning of Panchayat as envisaged in the Panchayat Act.

Panchayat Raj Institution: Evolution, Features, Composition, Powers, Functions

Panchayat Raj is a **system of rural local self-government in India.**

It has been established in all the states of India by the acts of the state legislature to build democracy at the grass root level. It is entrusted with rural development and was constitutional zed through the **73rd Constitutional Amendment Act of 1992.**

Evolution of Panchayat Raj in India

Panchayat Raj was not a new concept to India. Indian villages had Panchayat (council of five persons) from very ancient time, which were having both executive and judicial powers and used to handle various issues (land distribution, tax collection etc.) or disputes arising in the village area.

Gandhiji also held the opinion of empowerment of Panchayat for the development of rural areas. Thus, recognizing their importance our Constitution makers included a provision for Panchayat in part IV of our constitution (directive principles of state policy).

Art. 40 confers the responsibility upon State to take steps to organize Village Panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. But it does not give guidelines for organizing village panchayat.

Thus, its formal organisation and structure was firstly recommended by **Balwant Raicommitee,1957** (Committee to examine the Community Development Programme,1952).

The Committee, in its report in November 1957, recommended the establishment of the scheme of 'democratic decentralization', which ultimately came to be known as Panchayati Raj. It recommended for a three tier system at

village, block and district level and it also recommended for direct election of village level panchayat. Rajasthan was the first state to establish Panchayati Raj at it started from Nagaur district on October 2, 1959.

After this, **Ashok Mehta Committee** on Panchayat Raj was appointed in December 1977 and in August 1978 submitted its report with various recommendations to revive and strengthen the declining Panchayat Raj system in the country.

Its major recommendation were two tier system of panchayat, regular social audit, representation of political parties at all level of panchayat elections, provisions for regular election, reservation to SCs/STs in panchayat and a minister for panchayat raj in state council of ministers.

Further, **G V K Rao Committee** appointed in 1985 again recommended some measures to strengthen Panchayat Raj institutions.

LM Singhvi Committee appointed in 1986 first time recommended for the constitutional status of Panchayat Raj institutions and it also suggested for constitutional provisions to ensure regular, free and fair elections to the Panchayat Raj Bodies.

In response to the recommendations of **LM Singhvi committee**, a bill was introduced in the Lok Sabha by Rajiv Gandhi's government in July 1989 to constitutionalism Panchayat Raj Institutions, but the bill was not passed in Rajya Sabha.

The V P Singh government also brought a bill, but fall of the government resulted in lapse of the bill. After this P V Narashima Rao's government introduced a bill for this purpose in Lok Sabha in September, 1991 and the bill finally emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24th April, 1993.

Features of 73rd Amendment Act 1992

The 73rd Amendment to the Constitution enacted in 1992 added a new part-IX to the Constitution. It also added a new XI schedule containing list of 29 functional items for Panchayat and made statutory provisions for the establishment, empowerment and functioning of Panchayat Raj institutions. Some provisions of this amendment are binding on the States, while others have been left to be decided by respective State Legislatures at their discretion. The salient features of this amendment are as follows:

1. Organization of **Gram Sabhas**;
 2. Creation of a **three-tier** Panchayat Raj Structure **at the District (Zila), Block and Village levels**;
 3. Almost all posts, at all levels to be filled by **direct elections**;
 4. Minimum age for contesting elections to the Panchayati Raj institutions be twenty one years;
 5. **The post of Chairman at the District and Block levels should be filled by indirect election**;
 6. There should be **reservation of seats for Scheduled Castes/ Scheduled Tribes** in Panchayat, in proportion to their population, and for women in Panchayat up to one-third seats;
 7. **State Election Commission** to be set up in each State to conduct elections to Panchayat Raj institutions;
 8. **The tenure of Panchayat Raj institutions is five years**, if dissolved earlier, fresh elections to be held within six months; and
 9. a **State Finance Commission** is to be set up in each State every five years.
- Some of the provisions, which are not binding on the States, but are only guidelines:
1. Giving representation to the members of the Central and State legislatures in these bodies;
 2. Providing reservation for backward classes; and
 3. The Panchayat Raj institutions should be given financial powers in relation to taxes, levy fees etc. and efforts shall be made to make Panchayat autonomous bodies.

Composition of Panchayats

The Panchayati Raj system, as established in accordance with the 73rd Amendment, is a three- tier structure based on direct elections at all the three tiers: village, intermediate and district. Exemption from the intermediate tier is given to the small States having less than 20

Exemption from the intermediate tier is given to the small States having less than 20 lakhs population. It means that they have freedom not to have the middle level of panchayat.

All members in a panchayat are directly elected. However, if a State so decides, members of the State Legislature and Parliament may also be represented in a district and middle-level panchayat.

The middle-level panchayats are generally known as Panchayat Samiti. Provisions have been made for the inclusion of the chairpersons of the village panchayat in the block and district level panchayat.

The provision regarding reservation of seats for Scheduled Castes/Scheduled Tribes has already been mentioned earlier. However it should also be noted here that one-third of total seats are reserved for women, and one-third for women out of the Quota fixed for Scheduled Castes/Tribes.

Reservation is also provided for offices of Chairpersons. The reserved seats are allotted by rotation to different constituencies in a panchayat area. State Legislatures can provide for further reservation for other backward classes (OBC) in panchayat.

Term of a Panchayat

The Amendment provides for the continuous existence of Panchayats. The normal term of a Panchayat is five years. If a Panchayat is dissolved earlier, elections are held within six months. There is a provision for State Election Commission, for superintendence, direction, and control of the preparation of electoral rolls and conduct of elections to Panchayat.

Powers and Responsibilities of Panchayat

State Legislatures may endow Panchayat with such powers and authority as may be necessary to enable the Panchayat to become institutions of self-government at the grassroots level.

Responsibility may be given to them to prepare plans for economic development and social justice. Schemes of economic development and social justice with regard to 29 important matters mentioned in XI schedule such as agriculture, primary and secondary education, health and sanitation, drinking water, rural housing, the welfare of weaker sections, social forestry and so forth may be made by them.

Three-tier Structure of Panchayati Raj

Panchayat Samiti

The second or middle tier of the Panchayat Raj is Panchayat Samiti, which provides a link between Gram Panchayat and a Zila Parishad. The strength of a Panchayat Samiti also depends on the population in a Samiti area. In Panchayat Samiti, some members are directly elected. Sarpanchs of Gram Panchayats

Sarpanchs of Gram Panchayats are ex-officio members of Panchayat Samitis. However, all the Sarpanchs of Gram Panchayats are not members of Panchayat Samitis at the same time. The number varies from State to State and is rotated annually. It means that only chairpersons of some Gram Panchayat in a Samiti area are members of Panchayat Samiti at a time. In some panchayat, members of Legislative Assemblies and Legislative Councils, as well as members of Parliament who belong to the Samiti area, are co-opted as its members. **Chairpersons of Panchayat Samitis are, elected indirectly- by and from amongst the elected members thereof.**

Zila Parishad

Zila Parishad or district Panchayat is the uppermost tier of the Panchayati Raj system.

This institution has some directly elected members whose number differs from State to State as it is also based on population. Chairpersons of Panchayat Samitis are ex-officio members of Zila Parishads.

Members of Parliament, Legislative Assemblies and Councils belonging to the districts are also nominated members of Zila Parishads.

The chairperson of a Zila Parishad, called Adhyaksha or President is elected indirectly- by and from amongst the elected members thereof. The vice-chairperson is also elected similarly. Zila Parishad meetings are conducted once a month. Special meetings can also be convened to discuss special matters. Subject committees are also formed.

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The Godabanahalu Grama panchayat consisted 11 seats 232 tribal population but no one tribal women elected in this panchayat.

In Chitradurga Taluk Panchayat 29 elected members is there, in this statistics Three [03] women elected members are belong to Tribes. 10.34% are represented in Taluk Panchayat. 09 elected women belong to general. Totally the lack of education, family background, rigid traditions are obstacle to tribal women participation in politics.

In Chitradurga District Zilla Panchayat 37 elected members working there. 05 Tribal women elected to Zilla Panchayat one tribal got vice president seat 10.34% members belong to tribal women.

CONCLUSION

It is being increasingly noticed that the Panchayat Raj Institutions are viewed only as organizational arms of political parties, especially of the ruling party in the state. The State Government, in most states, allows the Panchayat Raj Institutions to function only upon expediency rather than any commitment to the philosophy of democratic decentralization. We must and should provide opportunities to women to participate in politics.

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