

## POTENTIAL YET TO BE HARNESSSED?

### Socio-Political Empowerment of Scheduled Castes (Dalits) through Panchayats

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#### **Chapter 4: Disadvantaged and Panchayats**

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## **Chapter 4b: Socio-Political Empowerment of Scheduled Castes (Dalits) through Panchayati Raj: Potential yet to be Harnessed**

Rajesh Tandon

### **Introduction**

The 73<sup>rd</sup> Constitutional Amendment Act (CAA) 1992 provided constitutional sanctity to Panchayats as the third sphere of self-governance in India. It enlarged the space for people's representation and their agency in matters of governance and moved decisions making closer to them. The Act particularly sought to correct the prolonged marginalization of poor, marginalized and under represented people such as women, scheduled tribes (STs) and scheduled castes (SCs). This Act along with the ensuing State Acts on Panchayat Raj Institutions (PRIs) provided for mandatory provisions of (a) reservation of seats and (b) the obligatory gram sabha meetings have given SCs in villages an opportunity to participate in the political decision-making.

Because of affirmative actions of this Act, SCs are occupying leadership positions in local bodies. However, their leadership has yet to achieve significantly the social acceptance, as envisaged in the spirit of the Constitution. Caste based identities and practices still continue to exclude them from exercising their leadership roles. Socio economic vulnerabilities limit their capacities to articulate and to act upon their claims and concerns. The gap between the formal recognition of right to participate and its actualisation still remains large even after 15 years of constitutional mandate. There is

a need to understand how far reservation has provided effective representation to larger SC community? Has the *politics of presence* promoted inclusion of SC's interests in policymaking? Are new panchayats re-ordering the power relations in the society, especially in rural areas?

This paper reviews the status of SCs in constitutional Panchayats by analysing the issues of their inclusion, representation and participation in governance. The report draws information through literature reviews and secondary sources. This includes a review of related legislations, government and civil society initiatives and work of authors on related issues.

In the sections that follow, several issues have been explored. The *first* section describes very briefly the intersecting ways in which institutions and practices reproduce the social, economic and political marginalisation of SCs. It also provides a rationale for understanding status of leadership of SCs in new panchayats. The *second* section provides an overview of enabling provisions for participation in local governance. The *third* section analyses the critical issues in the political participation of SCs in PRIs. The *fourth* section describes the institutional mechanisms to enable SCs participate effectively in governance. The *fifth* section highlights the grassroots reality of their participation in panchayats. Finally, *sixth* section sums up and provides suggestions about ways to empower dalits politically.

## Section I

### Institutions and Practices: Social Exclusion of SCs

Social exclusion relates to the experiences of certain groups of being *segregated* from participation in the social, economic and politic life of the mainstream society. It involves systematic or pervasive discrimination ranging from economic forms of injustices at one end to socio-cultural forms at the other. Economic injustices deal with exploitation of labour, marginalization from means of livelihood and deprivation from adequate standard of living. At the cultural end, injustices stem from social patterns of representation. These are manifested in the ways in which dominant social groups devalue or disparage certain categories of people. Often economic disadvantages are bound up with cultural-valuational disadvantages. In the Indian context, caste system embodies economic as well as socio-cultural devaluations, which define lowest caste (SCs) as a despised category. (Kabeer: 2000: 86)

The caste system divided the society in endogamous hereditary groups (*Jati*) ranked by ritual status. Beyond the fourfold classification of society in a fixed hierarchical varna categories of *Brahmin, kashtriya, vaishya and shudra*, was the fifth category of '*ati-shudras*', untouchable or outcaste. *Jati* identity was assigned at birth and according to birth. Each *Jati* was also assigned its own *Varna*. The untouchables too were organized in *jati*. They had low caste status as they have been historically associated with ritually impure occupations such as killing, handling of animal

cadavers or night soil. Social distance was maintained by the restrictions of contact and commensality with members of other castes. *Caste based locations of houses inside a village* created caste-based inequalities.

Administrative parlance employs the term “scheduled castes” for this disadvantaged section of population. It refers to official list of caste schedules attached to legislations. These lists are drawn up in order to establish entitlements to benefits of legal protection, access to welfare schemes especially for scheduled castes, of reserved seats in higher education, and in legislature (both parliament and State assemblies) and institutions of local self-governance, of reserved jobs in government employment and special financial assistance for enterprise. This term is also used in the constitution and in various laws.

### **Powerlessness and Marginalisation**

SCs comprise about one-sixth of the entire population, yet their share of country’s resources is disproportionately lower. They have been denied the rights to access resources to maintain their livelihood, to education and adequate health care, and the right to participate in social, political and economic institutions. A close look at some major indicators (in 2000-2001) reveals their precarious state in rural context and clearly spells out the need to empower them (Box1.1).

### **Box 1.1**

- About 75 percent SC households were landless or near landless.
- About 49.06 percent of the working SC population in rural areas was agricultural labourers; and by and large lived below the poverty line. 35.4 percent of them were below the poverty line as against 21 percent among others such as non-SC/ST.
- The literacy rate among SCs was 54.7 percent as against 68.8 percent for others.
- While dalit women share common problems of gender discrimination with their high caste counterparts, they also suffer oppressions due to their caste and class locations. They have low literacy and education levels. They are heavily dependent on wage labour mostly in unskilled, low-paid and hazardous manual jobs. They face discrimination in employment and wages, and are vulnerable to violence and sexual exploitation.
- Discrimination in the matter of use of public water bodies, water taps, temples, tea stalls, restaurants, community bath, roads and other social services still continues. Study findings from States as UP, Tamil Nadu, Kerala, Rajasthan and Karnataka corroborate these facts.

Source: [www.cpim.org/documents/2006\\_feb\\_dalit\\_res.pdf](http://www.cpim.org/documents/2006_feb_dalit_res.pdf); Mander Harsh (2002): 'Status of Dalit and Agenda for State Intervention' in Ghanshyam Shah (Ed) *Dalit and the State*, New Delhi, Concept Publishing Company.

### **Cultural and Political Assertion**

SCs assertion for distinct identity is not a recent phenomenon. Bhakti movement between 10<sup>th</sup> and 16<sup>th</sup> centuries was at its core, a revolt against caste identities and untouchability. More recently Arya Samaj and also Gandhi sought to address the issue of untouchability. Gandhi used the term '*Harijan*' for untouchables, which literally meant '*Children of God*'.

A popularly used term for SC is *dalit*. This label was used as early in 1930s as a Hindi and Marathi translation of ‘depressed classes’, a term the British used for what are now called the scheduled castes. Dr B R Ambedkar also used this term in his Marathi speeches. His concept of political justice for dalits was firmly rooted in the synthesis of social equality, involving freedom and liberty with economic equality. The term dalit word received wide currency in early 1970’s, when ‘Dalit Panther’, a radical group, to assert their identity as part of their and struggles for rights and dignity, used this term to include a broader social category of oppressed people (e.g. landless, poor peasant women, scheduled tribes, backward castes). However, as the scheduled tribes, backward castes, landless and poor peasant women do not share the same social heritage as the SCs do, the term dalit in common jargon, therefore, refers only to scheduled castes. In more recent years, a new identity is emerging with the perspective that ‘dalit is dignified’. To all SCs irrespective of traditional and parochial caste distinctions, ‘dalitness’ has become a symbol of their social identity. (Bharati: 2002:4339)

Organized political assertion by SCs can also be linked to political awareness. They are seeking redistribution and recognition remedies to their deprived status vis-à-vis mainstream society. They are seeking redistribution of resources to ameliorate their economic and social marginalization. Their assertion of dalit identity stands for protest and mobilisation against identity based disadvantages. Lack of recognition of their identity, rights and entitlements and lack of resources that would allow them to otherwise articulate their voice and demand rights and entitlements have created exclusionary citizenship identities. The democratic political system is perceived as an important institutional mechanism to assert their rights. SC voter turnout has

increased. They exercise their franchise more vigorously and in large numbers. (Kumar & Rai: 2006)

The caste-based horizontal mobilisations, leading to the formation of political parties along the caste lines such as the Bhartiya Kisan Dal (BKD), Bhartiya Lok Dal (BLD), more recently the Bahujan Samaj Party (BSP) representing the backward, other backward castes and dalits have allowed them to function as a collective social group in politics. (Pai: 2001)

The new caste/class equations between the traditionally dominant landowning backward, other backward castes and dalits are emerging. With economic development, and emergence of new forms of non-agricultural employment, land is no longer the source of power and prestige. Changes in the economic relationship are changing the contours of conflict between them. For instance, in Tamil Nadu the economic relationship between the Thevars (a backward caste) and Pallars (SCs) has shifted notably. Pallars were earlier employed as agricultural labourers on Thevar's land. Since 90's Pallars are enjoying upward economic mobility. With employment in Gulf countries many of them have even acquired land. The feudal dependency on Thevars, therefore, has been reduced. Reservations in education also freed them from land-based occupations. Their upward mobility has, however, created problems for them. Thevars, unable to accept their upward mobility, have resorted to acts of vandalism against them. (Devakumar: 2007) In western Uttar Pradesh changes in the traditional structures of rural dominance based upon land and social status are taking place due to education and diversification of occupational structure and government welfare development programmes such as Ambedkar Model Village programme for

the lower castes. In recent years, rivalry between the upwardly mobile SCs such as chamars and the less ambitious balmikis and pasis among the schedule castes is increasing. Differential gains from economic development and access to political power have been responsible. (Pai: 2001)

Only a small section of SCs benefited from such macro level developments. The large mass in villages continues to be in precarious state. Many state governments because of their top-down approach, failed to meet their basic needs such as education, basic social services, public distribution system and social security. The active participation of SCs and incorporation of their perspectives in all levels of decision making was essential to meet the goals of equality, justice and development. Decentralization was the only mechanism through which public goods and services could be distributed effectively and efficiently.

The 73<sup>rd</sup> Constitutional Amendment Act, 1992 with an important agenda of devolution of powers to panchayats sought to correct the prolonged marginalisation of SCs from political processes and decision-making. It gave them the opportunity and space to influence policies both as elected representatives and as gram sabha members. Fifteen years of new Panchayati Raj have since passed. It is important at this juncture to review the status of dalit participation in panchayats so as to make panchayats more inclusive.

## Section II

### Enabling Provisions for Political Participation of Dalits

The Indian Constitution enjoins upon the state to secure equality, entitlement and justice to all its citizens. The Constitution prohibits discrimination like those of untouchability. In the context of the ever-present practice of *caste based discrimination* and its post damaging impact, equality, entitlement and social justice in India have come to be synonymous with the upliftment and empowerment of the marginalised citizens, viz., the scheduled castes (SCs).

#### Constitutional Provisions

Special provisions relating to certain classes are emphasized in Part XVI of the Indian Constitution. In addition, many articles in part III (fundamental Rights), IV (Directive Principles of State Policy), IX, and IXA and in the fifth Schedule of the Constitution is a measure of the Constitutional commitment to the concern.

- The Constitutional provisions include general measures such as equality before law (Article 14), prohibition of discrimination (Art 15), protection of life and personal liberty (Art 21).
- The social safeguards specifically extended to address untouchability and caste based discrimination are found in- Abolition of untouchability (Art17), Prohibition of trafficking in human beings and forced labour (Art 23), Prohibition

of employment of children in hazardous jobs, (Art 24), Freedom to practice religion (Art 25).

- Economic safeguards are provided under the provisions of Articles 23 and 24 as well as under promotion of educational and economic interests of SCs (Art 46 in Part IV, Directive Principles of State Policy).
- Educational and cultural safeguards are specified in provision for reservation (Art 25(4) and that admission into educational institutions will not be denied (Art 29(2)).
- Employment provisions are made under –equality of opportunities (Art16) and claims to services and posts (Art 335).
- Provisions for political representation was made as reservation of seats in Parliament and state legislatures (Art 330, 332) and in institutions of local self governance both panchayats and municipalities (Art 243D, 243T)
- Setting up SC commission under the Art 338 provides for monitoring of safeguards provided under Constitution.

There are a number of laws, both Central and State, which provide for safeguards to SCs/STs. Some of these emanate from the various Constitutional provisions. An illustrative list of such laws is given below

- The Protection of Civil Rights Act, 1955.
- The Bonded Labour System (Abolition) Act, 1976.
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- The Child Labour (Prohibition and Regulation) Act, 1986.

- Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- National Commission for Safai Karamcharis Act, 1993

### **Constitutional Amendments & Panchayati Raj**

The Constitution of India, in its Part IX, has provided for the reservation of elected positions for the weaker sections in Panchayats throughout the country. The states have passed conformity legislations following the 73rd Constitutional Amendments, to incorporate such affirmative action provisions for scheduled castes, scheduled tribes and women.

The 73rd Constitutional Amendment Act and consequent State Acts, by enabling SCs to use the democratic space of constitutionally mandated PRIs, have sought to transform the existing oppressive social structures, policies and programmes. It is assumed that affirmative action would build a critical mass of local leadership from such groups, who will be active participants in the strategic decision-making process. Representation and participation in mandatory local decision-making bodies would now change the power concentration. The issue-oriented groupings or interest groups would gradually emerge.

#### **Article 243D-Reservation of seats**

(1) Seats shall be reserved for- (a) The Scheduled Castes; and (b) the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the

total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

- Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.
- Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:
- Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

Source: Manoj Rai, et al (2001) The State of Panchayats. A Participatory Perspective. New Delhi. Samskriti P 108

### **Legal Provisions on Reservation in various states**

Panchayati Raj Institutions are State subject. The 73rd CAA has, therefore, given adequate discretionary powers to State legislatures to make suitable provisions in its Acts on the subjects, keeping in view the overall objectives of the Constitutional Amendment Act. The State Legislatures have discretionary powers in relation to the manner in which the seats of the members of Panchayats at different levels shall be reserved for SCs, STs, and women, provided that the number of seats reserved shall be allotted by rotation to different territorial constituencies at each level. All states have either enacted new laws or modified the existing laws to incorporate Constitutional amendments vis-à-vis the provisions on reservations. (See Annexure1)

Article 243D clearly states that the number of seats to be reserved in any panchayat should be related to the proportion of SC population in that panchayat area. A close

perusal of Appendix 1 reveals that states have developed different formula for calculating reservation. They have instead taken state average for SC and reserved that proportion of seats/posts for SCs. Reservations of seats on a rough and ready basis leads to anomalies like SC chairpersons in panchayats where SC representation is small and general category chairpersons in Panchayats where SC presence is strong. This leads to demands for rotation. (Aiyer: 2004: 31) There is also debate on this issue in 3<sup>rd</sup> roundtable at Raipur in September 2004.

The reservations of seats can be seen as an instrument to facilitate the empowerment of dalits, by first getting them elected to PRIs and then providing examples as role models, by way of a trickle-down effect, to empower all marginalised women and dalits everywhere. The affirmative action for dalits in PRIs is based on the assumptions that representation in democratic process would collectively empower the dalits; change the power concentration and build critical mass of local leadership of dalits who will be active participants in strategic decision-making process.

### **Increasing Numbers of Emerging SC leaders**

A critical mass of dalit leadership has indeed appeared. The number of elected representatives at all levels of panchayats shows that representation at least in terms of numbers has increased. (Annexure 2) The provision for proportionate reservation to all tiers of Panchayats has now brought in nearly six lakh elected representatives of SCs. They not only have membership in proportion to their population in panchayat area, they also head as chairpersons in Panchayats. The Constitution has reposed faith in the SCs to be able to participate in public sphere effectively. As elected representatives they can directly participate in public decision-making. As gram sabha constituents they can articulate their concerns, take part in the planning of development programmes and allocation of resources, as well as seek accountability from the PRIs. This would hopefully change the adverse bias in policy formulation progressively.

## Section III

### Political Participation of SCs in PRIs

Participation represents an expression of human agency. In an electoral system, people engage in political activities to influence decision-making processes and policies to bring in the desired socio-political change. Since the last decade of 1990s, the meaning, nature and scope of public participation have shifted considerably. Earlier political participation meant voting, standing for elections or supporting candidates. Now the focus is on agenda of good governance implying increased influence of the people including poor and marginalised people such as SCs over wider decision-making processes; and also increased responsiveness of governments to their voices.

A close look at the post 73<sup>rd</sup> Amendment phase of PRIs in states vis-à-vis SCs participation in it brings to light the fact that the ideal of strong, truly representatives and responsive PRI is still a distant dream. What then has been the experience of SCs as gram sabha constituents and as elected representatives of local bodies after two decades of such provisions being in place?

#### SC Elected Representatives: Socio-Economic Conditionality

According to recent studies on Dalit Leadership in Panchayats conducted by PRIA and its affiliates (Kumar & Rai: 2006), education, economic independence, political consciousness enabled SC elected representatives to act their agency. For instance, because literacy rates were high in Himachal Pradesh (HP) and SCs have taken up horticulture and improved their economic condition, the SCs as elected representatives have shown confidence in exercising their agency. They have worked for their community such as providing basic facilities. The economic independence gave them the confidence to initiate a process of reordering of relationship within panchayats. Majority of SC elected representatives in Uttar Pradesh (UP) and Madhya Pradesh (MP), on the contrary, was illiterate. Widespread illiteracy made them dependent on government functionaries and higher caste representatives sitting in the same elected body. SC elected representatives in UP & MP were cultivators/landless agricultural labourers. Daily pressures of occupation as well often prevented them to undertake additional governance related responsibilities. Continued economic hardships and absence of secure livelihoods pushed them to make compromises with their roles as elected leaders of local bodies.

#### Participation in Decision-Makings:

As gram sabha members, participation of Scheduled Castes has been nominal and proxy. It is because of mainly two reasons: one, existing social realities and power equations; and the other high level of ignorance among SCs. Since most of them are not aware of their role in the formation of village plan, they remain silent in the meetings. The simplistic appeals for increased political participation of SCs in gram sabha generally overlook some ground realities such as the timings of Gram Sabha meetings, problems of quorum and procedures adopted for finalizing development plans and projects, the quality of deliberations and manipulation of discussions by dominant groups, helplessness of poor wage workers to lose a day's wage, illiteracy

and lack of awareness of the new system of governance. The progressive provisions of the 73rd Amendment Acts cannot be realised unless social prompting and social support is provided to marginalized sections. Unfortunately, except for some civil society initiatives, no institutional support mechanism exists to encourage and support the effective participation of dalits in the gram sabha meetings. Wherever civil society organizations have undertaken gram sabha mobilisation campaigns, the participation levels of dalits increased both in quantitative and qualitative terms

The studies on SC-leadership have revealed that SCs as elected representatives were not able to articulate group specific interests or exercise their own judgements in decision-making. They did not take part in deliberations or contribute to major decisions. A number of SC representatives were stoically dependent on elites of the village and remained answerable to these elites. Both SC male and female elected representatives, being undereducated and inexperienced, were often not allowed to carry out their mandate. Their efficacy was always under scrutiny; their views were not considered significant and they were not included in the meetings. The upper/dominant caste and male elected representatives and government officials had doubts about their potentials to govern, as they were by and large ignorant of administrative proceedings. SC elected representatives, on the contrary, opined that improved economic situation, education and literacy, training, personality development and honorarium for sarpanch could strengthen their role in PRIs. The insensitivity, indifference, vested interests, abusive language and non-cooperation of other elected representatives; functionaries and officials constrained the ability of many to perform better. Due to these factors, they deliberately did not attend meetings. These constraints have led to their being less informed on the issues related to governance. (Kumar & Rai: 2006)

Perhaps the single most disempowering factor for such elected representatives is the continued practice of untouchability even during the meetings of Gram Panchayat and Gram Sabha. Separate glass for water and tea, and separate mat for sitting apart are powerful symbols of such exclusion and humiliation, even if the elected SC Sarpanch is expected to chair and lead these fora.

As voter, however, their turnout has been very impressive in panchayat elections. PRIA's observation of the outcome of recent panchayat election in the states of Andhra Pradesh, Chhattisgarh, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Rajasthan and Uttar Pradesh shows that SCs actively participated. In all the states, they cast their votes in large numbers. This time, candidates from weaker sections contested from general (unreserved) seats. In Rajasthan, for instance, candidates from SCs (Scheduled Castes) and STs (Scheduled Tribes) contested from general seats. In Uttar Pradesh in 1847 panchayats, 173 dalit representatives were chosen from general seats. (Pant: 2006).

### **Role of traditional (dalit & non-dalit) Panchayats**

The traditional caste panchayats still continue to influence the process of local governance as they have social sanction. It often acts either in tandem with the elected panchayats or in some cases ignoring them totally in order to enforce its traditional codes. Examples of traditional caste panchayats putting up barriers for effective functioning of local self-governance institutions are numerous. For instance,

a striking feature in panchayat elections everywhere has been the struggle to usurp grassroots level power by disparate social groupings using caste to polarize people. Money and liquor flow freely.

Traditional power structures, with the support from Panchayat Secretaries and other government officials, often manipulate the constitutional mandate and rule by proxy. The dominant caste leaders in villages, in order to control panchayati raj institutions, tend to control remotely the dalit elected representatives who are dependent on them due to various compulsions. The elected dalit candidates both men and women and work according to the whims and fancies of those who 'sponsor' them. In the event of defiance or self assertion by a dalit sarpanch, the panchayat is virtually made defunct by unique methods. Elected representatives belonging to upper caste would tactically stay away from the officially convened meetings which then can not take place for want of required quorum. Instances of public humiliation and even physical intimidation of dalit sapanches, including of women, have often been reported in the media.

SCs lack of confidence to participate in panchayats stems from their sense of insecurity in the village. Their insecurity intensifies primarily due to the absence of any organized structure within their community as a whole. SC community in the village has different dynamics among themselves. For instance, *dhanak* and *chamar*, or *dhanak* and *bawariya* castes would not intermingle. The effect of such fragmentation can be seen in public meetings where a dalit elected representative, in the absence of people's base, faces difficulties in raising voice to the community issues.

### **Institutional Impediments in Institutionalising Participation**

Rotation of seats, no confidence motion and two-child norm are some of the major institutional barriers to their effective participation. Instances of bringing no confidence motion against SC leaders were common. In Chhattisgarh over the last year, there have been 34 no-confidence motions in Dalit headed panchayats. According to a Dalit Mukti Morcha activist, "The panchayat has two major means of discrimination. One is to keep Dalits away from panchayat proceedings and development work; the other is to target Dalits whenever they are in power and to declare their posts null and void after a period of time". This has barred many Dalits from exercising their rights in the panchayat institutions. Those who survive are usually those who work according to the dictates of the caste masters or by applying corrupt politics (George: 2008). Women representatives were particularly very vulnerable to such practice and tactics. Two-child norm for panchayat members is likely to discourage women in general and SC women in particular from being candidates. The likelihood of puppet candidates in place of real candidates would increase, reducing further the agency of SC women.

### **Role of major political parties in mainstreaming SC participation in Panchayats**

Though caste associations, membership to various groups and political parties eased their entry into politics, such forms of civil society, however, did not actually support their independent agency. The studies on dalit leadership in panchayats point that political parties have not helped dalits at the village level particularly when upper

caste groups confronted them (Kumar & Rai: 2006). In fact political parties have co-opted them for their vested interests and created in them the feelings of being obliged to them for their positions.

## Section IV

### Enabling Institutional Structures and System

Institutional structures and systems have been created to ensure the participation of weaker sections of society such as women, dalits and tribals in the decision-making process of the Panchayats.

#### Ward Sabha

In several states, the prescribed quorum of 10 per cent of the Gram Sabha members or voters hardly ever attends the meetings. If the required quorum is not available for the meeting, it gets adjourned to a later date for which no quorum is necessary. As a result of this, generally all business is transacted in the adjourned meetings where only 20-30 people participate. Participation of women and SCs in these meetings is negligible. Apart from this, in many places, Gram Sabha meetings are not held at all.

Rajasthan was the first state in the country to introduce mandatory Ward Sabha. 'The aim was to enable all those living below the poverty line participate through Ward Sabha. It was mandatory to have two meetings of the Ward Sabha every year.

According to the Rajasthan Panchayati Raj (Amendment) Ordinance, 2000, 'every ward of the panchayat shall have a Ward Sabha consisting of all adult persons of the Ward in a Panchayat Circle and there shall be at least two meetings of the Ward Sabha every year, one in each half of the financial year. The Vikas Adhikari of the concerned Panchayat Samiti or his nominee shall attend the meetings of Ward Sabha in consultation with the Ward Panch and for the correct recording of the minutes of such meetings. A copy of the minutes so recorded shall be sent in the prescribed manner to the authorities prescribed for this purpose. The minutes shall be read out at the end of the meeting and shall be approved and signed by the members of the Ward Sabha present. '

*Source: The Rajasthan Panchayati Raj (Amendment) Ordinance, 2000*

However, it has been observed that even the amended provisions did not make much difference. Most of the ward panches reported a lesser number of meetings than the sarpanch, who usually reported that meetings were held regularly as per directive. Most people are not aware of any such meeting in their village. The agenda of the meeting is not circulated to the villagers as against the provision of the Act.

National Roundtable Conference of Ministers of Panchayats from states of India and Union Ministry of Panchayati Raj in Kolkata on 24<sup>th</sup> July 2004 also sought to create the environment and conditions necessary for participation by the voters in the villages and hamlets through:

- a) Defining Ward Sabhas where meaningful participation is possible;
- b) Fixing frequency and periodicity for the meetings of the Ward Sabhas and Gram Sabhas;
- c) Ensuring that voters at the Ward level have continuous access to information on the meetings of the Ward/Gram Sabhas and the agenda to be taken up such meetings.

## **Social Justice Committee (SJC)**

Constitution of Social Justice Committee (SJC) at all levels of PRIs aims to protect the interests of the SCs and STs and backward classes from social injustices and all other forms of exploitations. The SJC has a distinct identity within the Panchayat structure. It is empowered to identify developmental requirements in the village with particular emphasis on the needs of these marginalized communities and make recommendations to the panchayats at all levels to include these demands in its budget. The panchayat has a duty to undertake the implementation of these projects upon receiving sanction from the administration.

The SJCs have not been uniformly constituted in the Panchayati Raj Act of many states. Assam, Gujarat, Himachal Pradesh, Karnataka, and Punjab have provisions of SJC at all levels of PRIs. Rajasthan has SJCs at Panchayat Samiti and Zila Parishad level. Bihar and Haryana have SJC only at gram panchayat level. Panchayati Raj Acts of above-mentioned States make it obligatory for the panchayats at different levels to constitute SJCs.

The State Governments are, however, lacking the consciousness to implement the provisions of the Panchayat Act in toto. Many provisions of social justice committees, as Standing Committees of panchayats still remain on paper, not being implemented with any seriousness. Consequently, SJCs are not functioning properly in these states. A close perusal of the functioning of SJCs in Gujarat clearly spells out the need to activate and empower them for realizing democratic governance.

### **Panchayati Raj in Gujarat and Social Justice**

Panchayati Raj came into effect in Gujarat on April 1, 1963. There was no notable change in the economic and social conditions of dalits, tribals and other backward classes. Gujarat has approximately 15 percent tribal and 7 percent dalit population, living mostly below the poverty line and lack access to facilities of primary education and health. In 1972 a high level committee was formed under the chairmanship of Shri Zinabhai Darji to suggest basic reforms in panchayati raj. The committee found that there was a general impression amongst the dalits that panchayats did not serve their interests. The dominance of upper caste prevented them to associate with panchayats. To ensure that they develop economically and get social justice within the framework of PRIs, the committee recommended the constitution of Social Justice Committees at all levels of panchayats- Zila Panchayat, Taluka Panchayat and Gram Panchayat. The Social Justice Committees have made inconsequential efforts to improve this dire situation. As a result of the 73<sup>rd</sup> Constitutional Amendment, the new Panchayat Act came into effect in Gujarat from 1993. It came into effect in 1994. However, since the passing of the Panchayat Act, these committees have remained inactive or at worst exist only on paper. In hundreds of villages these committees just do not exist at all. The effort on the part of the dalits to take advantage of this constitutional provision resulted in serious backlashes when the upper castes retaliated, often violently, to the actions of the dalits to question inequalities and exclusion. Without much intervention by the higher government institutions and authorities to support the dalits efforts, the panchayats remained the bastion of upper castes until CSOs began addressing the issue.

## **Right to Information**

Right to Information Act (RTI) came into effect October 12, 2005 to bring transparency and accountability in the working of every public authority. Any Indian citizen has the right to request access to information and it is the duty of Government to meet that request, except the exempted information. The Act is in accord with both Article 19 of the Indian Constitution as well as Article 19 of the Universal Declaration of Human Rights. The Act covers central, state and local governments and all bodies controlled or substantially financed; and non-government organization substantially financed, directly or indirectly by funds provided by the appropriate government. It also includes information relating to private body, which could be accessed by under any law for the time being in force.

Gram Panchayat, Block Panchayat and Zila Panchayat are considered as Public Authority as per the definition of the Right to Information Act 2005. It is the responsibility of the Public Authority to maintain all its records duly catalogued and indexed in a manner and the form, which facilitates the right to information under this Act. In addition every public authority shall, within one hundred days of the enactment of the Act, designate as many officers as the Public Information Officers to provide information to persons requesting for the information under this Act. Public Information Officer is the key person for providing information to the public. He can be considered as interface of Public Authority with the public. At the Gram Panchayat Level, Panchayat Secretary has been appointed as Public Information Officer who maintains all the records and accounts at Gram Panchayat level. It is his responsibility to make all the information related to development accessible to people in the village. Right to Information Act 2005 has brought information at the doorsteps of the people. People by utilizing the right to information can track the progress and expenditure of all the development projects thereby making the panchayats transparent and accountable in its functioning. Had the Public Information Officer been posted in district headquarter, the flow information to the people would have been very difficult.

## **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989**

It is an Act to prevent the commission of offences of atrocities against SC/STs, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences. The Act contains affirmative measures to weed out the root cause of atrocities, which has denied SC/STs basic civil rights. Section 3 of the Act specifies the list of offences and punishment for the commission of such atrocities.

State governments are expected to institute in each district a special court for speedy trial of offences under the Act. For every special court they will specify a public prosecutor or appoint an advocate who has been in practice for not less than seven years as a special public prosecutor for conducting cases in court. The law and order machinery of the state can declare an area as atrocity prone area and take appropriate preventive actions.

For effective implementation of legislation, state governments have to take certain measures which include:

- Provision of adequate facilities including legal aid to persons subjected to atrocities to enable them to avail themselves of justice.
- Provisions for travelling and maintenance expenses to witnesses, including victims of atrocities, during investigations and trial offences.
- Appointment of officers for initiating or exercising supervisions over prosecutions for the contravention of the provisions.
- Setting up of a committee at such appropriate levels as the state government may think fit, to assist the government in the formulation or implementation of such measures.
- Provisions for a periodic survey of the working of the provisions, with a view to suggesting measures for its better implementation.
- Identification of the areas where the members of Scheduled Castes and Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures as to ensure safety to them. (Rathod et al: 2002)

## Section V

### When Dalits participate- Experiences

The critical mass of dalit leadership has emerged. Are they actually exercising their agency? This section highlights the grassroots reality of dalit participation in panchayats.

#### Loosening caste based deprivation, articulation of demand

Decentralization and the new roles of panchayats 'from below' have provided a new climate for marginalized voice articulation. We have instances of SCs collectively contesting in a diversity of settings over the rights to access and entitlements to resources and essential services. They have been employing a range of strategies to engage with panchayats on wide variety of issues. There is often an evolution in strategy as contours of contests change over the time. Transition from resistance to dialogue and solution finding indicates an ongoing process of reflection amongst SCs about which strategies work, when, why and for whom. The SC collectives have engaged with line departments for accessing services. They have participated in campaigns to educate the dalit community on free and fair electoral processes. They have supported the credible citizen leaders to contest in panchayat elections for inclusion of dalits concerns in the public decision-making. SC citizen collectives such as Panchayat Vikas Samiti and Mahila Vikas Samiti, Kshetriya Vikas Samiti in Ahmedabad and Sabarkantha districts in Gujarat have sought to address inequities at the village level within the governance framework. Panchayat Vikas Samiti (PVS), for instance, works as an interface between panchayat and gram sabha. It discusses and addresses village issues for equitable and socially just development. It has ensured responsiveness of panchayats and enabled quality delivery of basic services by monitoring the activities of panchayat, government functionaries and the delivery of programmes and schemes like mid-day meals.

#### Monitoring village level functionaries

Access to basic services is important to ensure a minimum decent standard of living. Monitoring of the basic services has been a key intervention of PVS. They were monitoring the basic services and bringing about some change in the situation. But they failed on many accounts because the government functionaries were not supportive. Government provides and appoints a village level government functionaries such as ANMs, anganwadi worker and supervisor, teacher, gram sevak, malaria worker. Successful delivery of any services such as health, education, PDS, drinking water to villages depends on how the government functionaries in village function.

PVS in one of their meetings in Nesda village discussed that people were not aware of the work of village government functionaries who provided them services. They did not know about the time of their visits to the village. It was very difficult to approach them in case of need. The style of functioning of village govt functionaries did not make them accountable to the village or panchayat.

The matter was raised at Kshetriya Vikas Samiti (KVS) at Dholka Taluka level. They organized a one-day consultation with the village level functionaries as a step in this direction. They met Taluka Development Officer (TDO) and explained the purpose of consultation. They requested TDO to issue a letter to all the government functionaries to remain present in the consultation and provide requisite information. TDO issued the letter to government functionaries. The consultation aimed at facilitating a dialogue between villagers and government functionaries about their roles and responsibilities. Samiti members decided to put up a board at the entrance of the village where the functionaries would sign and mention the time of their entry in and departure from the village. Initially PVS members had

targeted Talati (panchayat secretary) to make him accountable to the community. Talati refused by saying that he wasn't the only govt functionary who visited the village. Other functionaries also needed to register their visits. Hence, it was decided that all govt functionaries such village health worker, anganwadi workers, malaria worker etc whose service was important to villagers would register their visits in the board.

After the consultation, board was put up in the village. A chalk is kept in a shop located just opposite the board. When the functionaries enter the village, they take the chalk from the shop sign their name and time. The consultation initiative has led to tangible improvement in the basic services of the villages. A number of practical issues have been resolved. People get information about days and time of visits of ANM, Talati and other officials. They have also devised ways to ensure that their services reach out to maximum number of people in village. Teachers have become regular. ANM comes regularly and visits all the people. Talati comes regularly and cooperates. Ration at PDS shop is sold in stipulated time. The success of this monitoring of village level govt functionaries has set an example in the Dholka Taluka. Other panchayats are also thinking of putting up such board.

Source: Promotion of local self-governance unit, Unnati, Gujarat

### **Backlash of socio-administrative structures**

Higher caste groups have systematically used massive and widespread violence against SCs, in particular atrocities against SC women, to perpetuate domination. . Many violent incidents are reported from across the country when SCs tried to exercise their legitimate and rightful claim to representation, participation or leadership. Such cases from across the country reveal that such incidences happened particularly when dalits asserted their political rights.

- Villagers in Phooljhar, about 90 km from Raipur, beat their Dalit sarpanch, Bholaram, to death on Friday, reportedly infuriated by his offensive behaviour. After battering him to death, the mob set his body ablaze. (Kaiser: 2008)
- Savita ben, elected sarpanch of Saddha Gram panchayat in Himmatnagar Taluka of Sabarkantha district, Gujarat, in 1995 took up development activities such as constructing roads, water pipelines, tanks and community halls. She also helped handicapped people and other needy families to get access to benefits from various government schemes. All this made her popular among villagers but other *panchayat* members, especially those from the upper castes, accused her of misusing her powers and started to humiliate her. These *panchayat* members managed to oust her from office through a no-confidence vote. On contesting elections again, despite threats from *panchayat* members, Savita ben was re-elected by a thumping majority. But this was not the end of her ordeal. After six months *panchayat* members once again suspended her on the grounds of incompetence. (PRIA: 2003)
- The successful conduct of elections to panchayats reserved for SCs in four villages in Tamil Nadu in October 2006 broke the decade-long defiance of a strong and substantial section of the people. The victory celebrations and the grand public honour that the State Government in Chennai gave the SC presidents from Pappapatti, Keerippatti and Nattarmangalam in Madurai district and Kottakachiyendal in Virudunagar district a few weeks later generated hope that this was the first step on the strenuous path to empowering the underprivileged in other parts of the State. However, a series of incidents from different districts have belied these hopes and dampened the October 2006 spirit. Hardly a month after the elections, P Jaggaiyan, a poor agricultural worker who belonged to the Arunthathiyar sub-sect of Dalits and was the president of Nakkalamuthanpatti village panchayat in Tirunelveli district, was done to death for the simple reason that he refused to oblige his own deputy, the "upper-caste" vice-president, by being the president "only on paper". Instead he made bold to expose the irregularities of the earlier regime led by the deputy's wife. A murder case is pending before the Special District Sessions Court constituted under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act). In the same district, the president of Maruthankinaru village panchayat, M Servaran, was found dead near his house on 9 February 2007. From the beginning of his term he confronted the hostility of the "upper-caste" vice-president and her

husband, who had sought to appropriate all powers and make him a dummy president. He was not even allowed to occupy the president's chair, the local people reportedly told a fact-finding team of human rights activists. By April-end, the police were still investigating. At least 10 other SC panchayat presidents in Tirunelveli district have complained that their lives are under threat from caste-Hindu opponents, who are allegedly resisting their exercise of power. Even in Madurai district, a number of newly elected SC presidents have complained that they have been prevented from functioning independently by either their deputies or the majority caste-Hindu elements, including former presidents. This is the position in many other districts as well. (Vishwanathan: 2007).

It is clearly evident from the above case studies that the upper castes could not tolerate the changes being brought about by the decentralized PRIs. The initial prediction of decentralization envisioned through Panchayat Raj hasn't become a reality. Panchayat Raj is in fact utilised as a tool of disempowerment of dalits and consolidation of powers of dominant castes. How can a SC Sarpanch gain confidence to conduct business as constitutionally elected leader of the village?

In Sabarkantha district, which is considered one of the backward districts in terms of economic and social development, PRIA and UNNATI worked together through their PRC (Panchayat Resource Centre) in the Khedbrahma block. They worked together to build strong and fruitful relations with some of the local NGOs and engaged on the issues of dalits and women at a smaller level in their respective blocks. They decided to form a collective and named it the *Samajik Nyaya Manch* (SNM). SNM is a collective of 12 voluntary organisations, which are working, intensively in their respective blocks to activate SJs.

On 22<sup>nd</sup> February 2003 the formal structuring of the SNM took place in which all the members unanimously selected a president, a vice president, a secretary, vice secretary and a convenor for the respective posts. The main objective of the SNM is 'to include all sections of the society without consideration of caste or gender, into the mainstream of development processes through the framework of governance.' It was also decided to undertake a study so as to know the status of the SJC at the village level, to know about the condition of the marginalized sections particularly the dalit and also to understand their socio-economic constraints. The findings of the study revealed that in most of the GPs the SJs were only on paper and the members of the committee were chosen by the panchayats without telling them.

Orientation and training programmes were organised for the members of the *Samajik Nyaya Manch* (SNM) to build their knowledge, skill and attitude. They were also oriented on various issues like panchayats, the relationship between the panchayats and social justice committees, panchayat extension to scheduled areas (PESA), natural resources, rights and women and participatory methodology.

SNM initiated the process of activating social justice committees in two ways. Firstly, they initiated the process of involving the government machinery to press for the formation of the SJC in the village panchayats where it has not yet been formed. Secondly, during the training programmes of the elected representatives, the SNM members convinced the chairpersons of GPs from each block about the benefits of making a network of their own. This was done so that in future when organisations withdraw from the field they could survive on their own and could

look after the working as well as the functioning of SJs. Therefore, networks of Gram Panchayat Social Justice Committee (GPSJC) were formed to support the dalit leaders facing

discrimination in their respective panchayats. One network was formed at the Taluka level, having an executive body of 10-15 members who would be responsible for their respective gram panchayats. Another network was formed at the district level with two members of each Taluka network. The president and the secretary of the Taluka level are nominated for the district level network, or those who are active participants willing to give their time and bear monetary expenses. The rationale of forming such networks both at the Taluka and at the district level was to ensure a voice on those issues, which cannot be solved at the gram panchayat level, but can be dealt with by the network at the Taluka level. Similarly, the district level network would carry the task further and grapple with issues that demand attention of the district and state administration.

It resulted into very positive impacts on functioning of the SJs. Presidents of the Taluka panchayat SJs made efforts to form SJs in all the gram panchayats of their blocks. They also instructed the Taluka development officers in writing regarding the same. In this way the process for the formation of the committees where they were not in existence started. Village and Taluka panchayats became active in this regard.

- Spaces were provided for the SJs in numerous village panchayat buildings along with the nameplate of the president for identification. A list of the committee members is also added along with the panchayat member's name on the notice board of most of the panchayats. This has developed a distinct identity for the committee in the village panchayat. As a result, the villagers and the weaker sections of the society have come to know about the role and powers of the SJs as they deal with all the developmental activities of the GP. Moreover the Taluka level SJC chairpersons have their separate chambers, phones and visiting cards.
- In Idar block of Sabarkantha due to the efforts of the chairperson of SJs the issue of discrimination during the distribution of mid-day meals was successfully addressed.
- The formation of networks at the Taluka and at the district level has provided a platform to the members of the SJs to share their experiences with each other; address their grievances as well as articulate the demands of their community to the officials at the Taluka and Zila level. The networks have ensured the accountability of each GPSJC chairperson to conduct the meetings after every three months and address the issues with the help of resolutions. The ongoing programme on Dalit leadership also focuses on identifying citizen leaders who could be future SJs members to raise the concerns of their community either on the issues related to discrimination of minorities, women issues, atrocities and many others.

## Section VI

### Conclusion & Ways Forward

The foregoing analysis suggests several conclusions:

- A substantial number of scheduled caste (dalit) persons have been elected to panchayats. Nearly half a million such elected panchayat representatives, at the three tiers, get elected in every round of panchayat elections. Nearly 40% of these are women scheduled caste persons. Over the three rounds of elections to panchayats since 1994, this number adds up to nearly one and a half million elected representatives from such excluded communities countrywide. This indeed is a very impressive achievement by any account.
- Provisions of Social Justice Committee at different tiers of panchayati raj system has had a reasonable positive effect towards empowerment of scheduled caste elected representatives in particular. As the experiences from Sabarkantha in Gujarat show, the potential for such Social Justice Committees can be even better realized when civil society engages with such mechanisms proactively.
- However, it is also true that caste discrimination and atrocities on scheduled caste households continue unabated in different regions of Indian society. Despite various constitutional provisions and legislative measures, subjugation of dalits, in economic and socio-cultural practices, continues, and in some cases, has even further intensified. Thus, elected panchayat representatives from scheduled caste communities face enormous discriminations and harassments in performing their public roles effectively. The experiences of women elected panchayat representatives from scheduled caste households is even worse; physical and sexual harassment and violence against such women panchayat leaders is widespread. Provisions of no-confidence motion are very deviously used to further dominate elected panchayat representatives from scheduled caste households.
- While continued discrimination in society has a very complex reality, what is really worrisome that government officials also treat such elected panchayat representatives with disdain, neglect and apathy. Thus, upper caste domination and harassment of scheduled caste elected panchayat representatives gets support from lower level government functionaries on the ground. Such attitudes and practices further limit the effectiveness of elected panchayat representatives from scheduled caste households.

Given the above realities, what are possible strategies to further empower the panchayat representatives from scheduled caste households? Several things can be done systematically.

1. First, Social Justice Committees should be legislated to be an integral part of each tier of panchayati raj system in all states. This will create the enabling sub-structure in panchayati raj institutions in all the states of the country. This is consistent with the constitutional mandate where panchayati raj institutions have been explicitly given the twin purposes of economic development and social

justice. A consensus among state governments to this effect has already been secured through the roundtable discussions convened in 2004.

2. Ministry of Panchayati Raj, Government of India, can target its BRGF grants to those Gram Panchayats and Panchayat Samitis which are headed by scheduled caste elected representatives. Such panchayats can be given priority in allocation of BRGF grants, to enable such elected representatives to perform their public responsibilities effectively.
3. The Ministry of Panchayati Raj, Government of India, can further utilize BRGF and other resources at its command to undertake specially targeted capacity enhancement programmes for elected panchayat leaders from scheduled caste households, specially at Gram Panchayat and Panchayat Samiti levels. Civil society can be mobilized to join in this campaign, which among other things, could also include rapid literacy skills of reading (which can be achieved in about 8 weeks).
4. The provisions of no-confidence rules in each state legislation should be so amended that no such abuse against scheduled caste panchayat leaders could be made in the first 21/2 years of their tenure. Such provisions can make the connivance of higher caste leaders against scheduled caste leaders somewhat restricted.
5. Every state government has Scheduled Caste sub-plan funds, as per the budgets provided for by the central government. Much of these funds remain underutilised. It should be possible to make such SC sub-plan funds available to Gram Panchayats, Panchayat Samitis and Zila Parishads headed by scheduled caste elected representatives. Ministry of Panchayati Raj may use its good offices to persuade central ministries and state governments to devolve all such funds to panchayats at appropriate levels. This will further improve the performance of panchayats headed by scheduled caste elected representatives.
6. No efforts have been made to sensitise and train government officials, specially at the district and block levels, to the constitutional requirements of their obligations to work for elected representatives from scheduled caste households. ATIs, SIRDs and other training institutes of government should be asked to regularly include such subject matter in all pre-service and in-service training programmes for government officials. Both incentives and penalties may be further identified to ensure that officials operate in the spirit of this constitutional mandate.
7. The institution of SC Commission, at the central and state levels, has not been activated to bring synergy to the efforts towards empowerment of scheduled caste panchayat leaders. Such SC Commissions could be requested to investigate cases of harassment of elected panchayat leaders belonging to scheduled caste households. This may also create an organic channel of solidarity actions against societal discrimination and that carried out against elected panchayat representatives. Ministry of Panchayati Raj can initiate a dialogue in this regard as well.

In essence, the affirmative actions to empower the scheduled caste (dalit) leadership through panchayats is merely a starting point; further actions by both governments and civil society actors is essential to realize this potential more fully than has been possible so far. It is towards this end that further interventions are urgently called for.

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## Annexure

### Annexure I

#### Legal Provisions on Reservation in Various States

State Act	Women	SCs	STs	BCs	Chairpersons
Andhra Pradesh	1/3rd of total seats that will include 1/3rd of SC/ST and BC seats also.	According to their proportion to total population.	According to their proportion to total population.	1/3rd of total number of seats to be filled by direct election shall be reserved for BC.	NA
Arunachal Pradesh	Not less than 1/3rd of total seats. The seats however shall change by rotation.	NA	NA	NA	Not less than 1/3rd seats of the total Chairpersons shall be women. Such seats will be allotted by rotation.
Bihar	Not less than 1/3rd of total seats including 1/3rd of SC, ST and BC seats.	In proportion of SCs to total population	NA	In same proportion as BCs to total population.	For SC, ST, BC and women in the same proportion as for seats.
Goa	1/3rd of total seats that will consist of 1/3rd of SC, ST & BC seats also. To be allotted by rotation.	According to their proportion to the total population. To be allotted by rotation.	According to their proportion to total population. Shall be allotted by rotation.	According to their proportion to total population.	NA
Gujarat	Not less than 1/3rd of total seats comprising of 1/3rd of SC, ST, BC and unreserved seats.	According to their proportion to the total population.	Same proportion of total seats to be filled by direct election as of STs to the total population.	One-tenth of the seats in those areas which have BC population in the opinion of the state government.	No reservation mentioned.
Haryana	Not less than 1/3rd of the total number of seats shall be reserved for women, including 1/3rd of seats reserved for SC.	In the same proportion to total number of seats to be filled by direct election SCs to the total population of that area.	In the same proportion to total number of seats to be filled by direct election as STs to the total population of that area.	One seat which shall be rotated among wards having maximum population BC persons.	In same proportion as for seats.
Himachal Pradesh	Not less than 1/3rd of the total seats comprising	In the same proportion as SCs to total population. If	In the same proportion as STs to total population.	In proportion to total seats to be filled by direct election as the	In the same proportion as for seats.

	1/3rd of SC, ST, BC and unreserved seats.	no eligible person, then no reservation for them. If SCs constitute 5% of total population then only one seat will be reserved for them.		proportion of BCs to total population of the area.	
Karnataka	Not less than 1/3rd of total seats comprising of 1/3rd of SC, ST, BC and unreserved seats.	Not less than 15% of total number of seats.	NA	1/3rd of total number of seats.	For the women, SCs, ST. and BC in the same proportion as for seats.
Madhya Pradesh	Not less than 1/3rd of total number of the seats including 1/3rd of SC, ST and BC category of seats.	In same proportion to total number of seats to be filled by direct election as the proportion of SCs to the total population of the area. Where they constitute 5% of the population one seat will be reserved.	In same proportion to total number of seats to be filled by direct election as the proportion of STs to the total population of area. Where they constitute 5% of the population one seat will be reserved.	Where seats to be reserved come to 50% or less 25% of total seats will be reserved for BC. But where SC, ST, OBC population does not exist, such areas will be exempted from compulsory reservation.	For women, ST, SC, BC in same proportion as for seats.
Maharashtra	Not less than 1/3rd of total seats to be filled by the direct election including 1/3rd of SC, ST and BC.	In same ratio as the proportion of SCs to the total population.	In same ratio as the STs to total population.	27% reservation.	NA
Punjab	Not less than 1/3rd of total seats including SC, BC and unreserved seats.	In same proportion as the SCs to total population of the area.	Same proportion as STs to total population of the area.	Where BCs are more than 20% of total population of the area, one seat shall be reserved for them.	For the women and SCs in the same proportion for seats; no reservation for BCs.
Rajasthan	1/3rd of total seats including one-third of SC, ST and BC seats.	According to their proportion to total population.	According to their proportion to the total population.	According to their proportion to the total population.	NA
Tripura	Not less than 1/3rd of total	NA	In same proportion to	NA	For the women, SC,

	seats comprising of 1/3rd of SC, ST seats.		the total number of seats to be filled by direct election as of STs to total population of that area.		and ST in the same proportion as for seats.
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**Source:** [www. Localgovernmentindia.org](http://www.Localgovernmentindia.org)

## Annexure 2

NUMBER OF PANCHAYATS AND ELECTED REPRESENTATIVES IN THE THREE LEVELS OF PANCHAYATS, STATES/UTs AS ON 01-12-2006										
	States/UT	Number of Panchayats	Non-reserved categories	Number of elected representatives						
				SC		ST		Total	Women	
				Number	Percent	Number	Percent		Number	Percent
<b>States</b>										
1	Andhra Pradesh	23030	172136	34025	15.2	17842	8	224003	74019	33
2	Arunachal	1789	0	0	0	8260	100	8260	3183	38.5
3	Assam	2711	23044	1440	5.5	1507	5.8	25991	9903	38.1
4	Bihar	9032	109767	19440	14.9	884	0.7	130091	70400	54.1
5	Chhattisgarh	9982	76062	17553	10.9	66933	41.7	160548	54159	33.7
6	Goa	191	1483	0	0	6	0.4	1489	538	36.1
7	Gujarat	14068	83982	7970	7	22235	19.5	114187	38071	33.3
8	Haryana	6325	54508	14965	21.5	0	0	69473	24994	36
9	Himachal Pradesh	3330	16793	8724	32	1653	6.4	27270	9128	33.5
10	Jharkhand	3979								
11	Karnataka	5855	67920	17859	18.6	10311	10.7	96090	41210	42.9
12	Kerala	1165	15844	2341	12.7	297	1.6	18482	6893	37.3
13	Madhya Pradesh	23412	222836	61103	15.4	112938	28.5	396877	134368	33.9
14	Maharashtra	28302	176877	25268	11	27565	12	229710	77118	33.6
15	Manipur	169	1684	43	2.4	41	2.3	1768	646	36.5
16	Orissa	6578	56576	16910	16.8	27376	27.1	100862	36086	35.8
17	Punjab	12600	62771	28436	31.2	0	0	91207	31900	35
18	Rajasthan	9457	73273	25432	21.2	21466	17.9	120171	42543	35.4
19	Sikkim	170	639	57	5.7	309	30.7	1005	398	39.6
20	Tamil Nadu	13032	91993	23664	20.3	877	0.8	116534	39370	33.8
21	Tripura	540	3914	1509	26.3	310	5.4	5733	1986	34.6
22	Uttar Pradesh	52890	578984	191950	24.9	726	0.1	771660	299024	38.8
23	Uttanchal	7335	44450	11077	19.3	1973	3.4	57500	21734	37.8
24	West Bengal	3713	37276	17158	29.2	4314	7.3	58748	21349	36.3
<b>Union Territories:</b>										
25	A&N Islands	75	856	0	0	0	856	296	34.6	
26	Chandigarh	19	153	34	18.2	0	0	187	62	33.2
27	D&N Haveli	12	7	3	2.4	115	92	125	49	39.2
28	Daman & Diu	15	71	4	4.1	22	22.7	97	37	38.1
29	Lakhdweep	11	1	0	0	100	99	101	38	37.6
30	Pondicherry	108	784	237	23.2	0	0	1021	370	36.2
	<b>Total</b>	<b>239895</b>	<b>1974684</b>	<b>527202</b>	<b>18.6</b>	<b>328160</b>	<b>11.6</b>	<b>2830046</b>	<b>1039872</b>	<b>36.7</b>