

THE EVOLUTION OF PANCHAYAT SYSTEM IN INDIA CASE OF INDIAN STATE, BIHAR

Viktória Babicová*

RESUME

The text has an attempt to present some facets of Panchayat (councils) system in India with detailed view on Bihar, northern federal state of India. It conveys the process of application of the whole federal level, including elections and their legislative establishment. The analysis focuses on the main ideas and historical aspects of the creation of the third federal level. Specifically, the text provides an intersection of ideological base of the Panchayat project. Likewise it implies a practical application of reflections uttered by the "intellectual fathers" of devolution process as Mahatma Gandhi, Jawaharlal Nehru. Another important guideline presents the legislative steps which established the panchayat elections as legitimate institution. The analysis pinpoints the financial position of Panchayats institutional bodies and other dependencies. Because the major interest of the text are panchayat elections, the reader can quest the detailed organizational informations about elections in Bihar in 2001 and 2006 and can illuminate their contribution to the social causalities.

Key words: Panchayat, India, political system, Bihar, state, Mahatma Gandhi, Jawaharlal Nehru

Introduction

One of the greatest theorists of federalism, **Daniel Elazar** uttered the idea wherein the essential feature for the functioning of federation became the collaboration between the component parts, means working together, not against one another. Thus the purpose of federation is to define and achieve the common objectives by acting separately. In the effort to achieve such degree, the members have to accept the primacy of the law (Elazar 1997).

Indian federalism did not exactly fit in general knowledge what federal system means. It brought new discussion, demarcated new features which are not federal, so they called semi-federal. Among of the features which associate India in the case of exceptionality are the following: India was the first

* PhDr. Viktória Babicová is an internal Ph.D. student at the Department of Political Sciences, Faculty of Social Studies, Masaryk University in Brno, Czech Republic, e-mail: 281926@mail.muni.cz.

decolonized country of the British Empire with the huge population and not developed economy, which adopted federal democracy. The question of franchise and elections became an experiment of its project of democracy. The democracy itself requires certain aspects as literacy and developed economy to function. India satisfied these conditions by the development of elections and related practical functioning. This feature became one of the most remarkable aspects of Indian democracy. Indian elections started on with choosing of colours, so the pictorial literacy became the basic element from the technical side of the elections. India implanted the democratic procedures, which main task within the issue of federalism is to aggregate different views and consequently determine optimal policy for the entire community. In the federal view, the action of government is defined by the location of its holders. From the fortieth the federalism became in India the way how to hold the territories and how to face a national identity question. For this purpose country has practiced policy based on the idea "Vasudhaiva Kutumbakam" (the world is family)¹.

As the main parameter of the analysis of panchayat system is being used a normative description of panchayat elections, the legislative evolution of their responsibilities and rights within its delimited territory. A historical angle would imply how the panchayat raj (governance) developed, which tensions formed this system and what are its practical abilities to put in place its management. The text sets the panchayat in the position of the requirement for the voice (representation), not for the space (territory) which is another story worthwhile for another analysis. As another relevant parameter appears the recognition and addressing method in critical issues of representation within the panchayat unit and subsequent interaction with the central government. Thus the logic of dependence and interdependence serves the basis of political parameters which formed the structure of relations.

The text focuses on the procedural details related to the very first efforts to establish the third tier level. From this aspect, the state of Bihar got his precedence in practical application of this project.

¹ This approach is demonstrable especially in the country's secular paradigm inherent to the Indian constitution as the guarantees right to freedom of religion. Hindus, Muslims, Christians, Sikhs, Budhists, Jains, Jews, Zoroastrians have the freedom to profess, practice, propagate the religion. The special focus on the freedom of religion is incorporated in Article 18 of the Constitution. Article 15 prohibits the discrimination on the basis of religion, caste, sex, etc. Articles 25 to 30 specially deal with the freedom of religion (The hoax of vasudhaiva kutumbakam).

1 History, ideas and objectives of panchayat

Generally the establishment of panchayat election is seen as a step towards decentralization of the central power, decision making and ensuring democracy downward to the villages. The very first idea of the self governance came from the **Mahatma Gandhi**'s vision of "Gram Swaraj" meant primarily the self-rule of the village community and reduction of the power for the central government and provinces. The transference of power flew in his vision from bottom to top, meant from village communities to districts, provinces and finally to the centre. This image was one of the elements of his individual freedom and democracy concept. **Gandhi's** conceptualization of powers for communities had practical consequence in incorporation some of his principles into the Article 40 of the Constitution, which requires the state government to constitute Gram Panchayat. **Gandhi's** idea of self-rule of the village community actually emanated from his premise that the real democracy must be direct (Dasa 2005: 222-239). These ideas were crucial in the times of constitution making process, but seemed to be unpractical or even as anarchistic.

On the contrary **Jawaharlal Nehru** (prime minister from 1947 to 1961) considered panchayat governance as the governance through the self-governing institutions and seemed to him as manipulative from its nature. In his logic this type of governance had only practical vindication in the sense of legitimization of the developmental projects in the particular localities of the country. Meaning that **Nehru** had no concern to replace or modernize the bureaucratic administration at the bottom level in the institutional framework, even for development purpose of the whole country.

The institutional extension was after all gradually shaped by **Rajiv Gandhi** (prime minister 1984-1989) visions, which were mainly formed in the context of panchayat, to connect the practice of democracy with the bureaucracy through the so called "power brokers", which was the metaphor for the MP's. These MP's in Rajiv's vision were mediators with their first concern to reach the state's benefits for the local citizens. This idea was not crucial for the development of local government institutions. The real step towards representative system and democratic governance at the district level was the giving to the panchayat raj a constitutional status. The practical outcome of such venture was reflected in the future 73th and 74th constitutional amendment. They were mainly initiated by **Rajiv Gandhi** during his prime minister era.

In general, his government declared three tier-pachayati raj institutions, implying their specified rights. 73th amendment envisages devolution process. **Rajiv Gandhi** was known for the advocacy of local democracy, but he was not the only one who was confident to the local democracy in India. In advance of his governing also political situation between 1970's and 1980's he contributed to the idea and implementation of decentralization process. For example various separatist impulses as demand of creation the Gorkhaland in West Bengal, the separation of Jharkhand in Bihar initiated by the tribes in Bihar, violence in Uttar Pradesh. All this activities forced the representatives of the central bodies to accept the idea of sharing the power with local communities. Also the opposition parties generated the pressure on the state government to delegate more fiscal powers to the states where they were governing (this refers also for the Bihar case)².

At the same time, in the mid 1980's the idea of centralized powerful centre was considered as the condition of keeping the multicultural nation together. **Rajiv Gandhi** and his party INC officially presented the decentralization, but the devolution process was not set up. The official version of decentralization resides in quasi searching for the devolution of powers from the states, which means to create alternative power within the states. But for such purpose Rajiv Gandhi's policy was not sufficient. He was in favour of reducing the quantity of centrally sponsored schemes for the development, which was only a very small step towards delegation of power to the panchayats. These centrally sponsored developing schemes were the main instrument of governance of the states in the local areas. That is why it is eventually possible that one of the intents of the central government could be to legislatively disable the state's institutions which could practically challenge the hegemony of central authority. We cannot neglect such speculation. But in fact, these reflections had practically failed with the constitutionalising of panchayats in 73th and 74th amendment.

Panchayats presented decentralization of the state on the basis of self rule and administrative control over the village society and economy. Not only that. Panchayat elections represent powerful instrument of bridging the rural areas with government. Especially in the 80's when one of the powerful incentives of Janata government was to maintain panchayat elections in an effort to

² For the detailed description of proportion opposition parties to Indian National Congress party to which Rajiv Gandhi presides in that time, see Mahendra Singh Rana 2006: 176-183.

consolidate the rural power by mobilization of rural electorate, which after all we are observing in contemporary federal elections. Panchayats also represented a precondition of rural development and rural reforms which were connected in the sense of decision making and financial support to the central state power through the Union Ministry of Rural Development.

2 The Incunabulum of self-government in India

The history of panchayats is connected with the times of British rule in India, when institutions of local self-government had evolved. A certain group of “apologists” of British rule in India has designed and settled down the excuse of a success and deficiencies of colonialism. The core of their argument resides in premise that self-government institutions were set up by the British government as the locally based forum for the people’s participation. Those institutions presented the instrumental mechanism in the administrative system of the country. But these institutions failed to satisfy the condition of fully self-governing units.

The specific case of Bihar provides us with an example of how various manipulations and malpractices from the central government were spread through the institutional network which had been already legalized. A quasi legalization of panchayat system was seen in the possibility and allowance to intervene and shape the local policy from the central government. In the case of Bihar, the text can describe those stages, which has the central authority devolved to gain the democratization, which in this context means that the emergence of self-governing institutions provide a wider and democratic participation in two levels: a) a participation of electorate, whose will is presented by the detailed reservation policy for OBC’s caste and women especially and b) an institutional level, in terms of development and sustainment the motive and ideology of panchayat raj through institutions.

The British rulers rose the question of local institutions very soon, after the annexation of India. There were several compulsions that inspired them:

- a) experiences with uprisings mainly in 1857,
- b) economic integration, which was necessary because the process of local tax collection had been already established. In addition, a tax collection (the main income came from the land revenue) was one of the main incentives of British government to establish the local government. This step had also other consequences as, for example, the creation of

“zamindar” system. Zamindars were collaborators with imperial power, located in the countryside. They came from the vernacular group of land owners, traders, merchants, who had powers derived from the commercialization of the agriculture. Their main duty was to collect the taxes. They achieved political power by acquiring positions of elected representatives of citizenry in different tiers, which was newly introduced to the local structures. Because of their germinated correlation to the imperial government and citizens on the basis of their patron-client relationship, they easily became a part of imperial power which integrated the local government institutions. The integration was practically achieved by zamindars and consequently became the main impediment of panchayat development to the higher level of democratization. By imposing of zamindar system, the local communities actually lost their power to manage internal affairs even the basis of caste and communal norms were aggrieved by the central government extensibility and interference. The countryside became for the British Empire a source of agricultural crops, raw material and the market simultaneously,

- c) Political integration, which allowed the state to penetrate into countryside through the various committees and “chowkidari” panchayats. It represented a certain level of communication between the central government and the local units. A system of mutual information was introduced. The district magistrates were informed about the law enacted on the higher instances and district magistrate backward had a responsibility to inform central government through the “dafadars” about a situation in the villages.

The innovation of political dimension was attained by public facilities and economic dimensions through the infrastructure. Thus the local governments extended their powers mainly through the power to collect and impose local taxes. These were imposed from provincial governments to local ones. At the national and state level, the governance after British withdrawal was relatively democratic, but at the district and local level there were still not introduced practices of democracy but of bureaucracy. Exactly this sign became a focal point used in the description of disruption within Indian democracy in practical sense, and was considered to be paradox from the academic point of view.

2.1 Some facts about the Bihar

The history of Bihar as an independent state stretches back to the Mughals Empire and has a turbulent character. After the battle of Plassy in 1757, the British had wrest from the Nawabs of Bengal. The area of today's Bihar remained as the part of Bengal Presidency up to 1911. The state was established as a province along with the present state Orissa in 1912. In 1936, was state Orissa separated from this unit which practically caused that Bihar located in the North-West, bordering the state of Uttar Pradesh, Jharkhand and West Bengal came into being in 1936.

Districts and Local Boards in Bihar were established after the enactment of Bihar and Orissa Local Self-Government Act in 1885. Through the District Boards people were supposed to get their first lessons about the local government. According to this Act the elections took place. The clause about the elections had form of amendment from 1923. From this time number of Congress members got themselves elected to the District Boards. The last elections were held in 1948.

The state has in at present bi-cameral legislature presented by the Vidhan Sabha, consisting of 243 members, whereas 39 seats are reserved for Scheduled Tribes. The Legislative Council, Rajya Sabha, consists of 96 members and 17 of them are reserved for Scheduled Tribes (Rana 2006: 173).

Bihar is predominantly an agricultural state and the third most populated state in India. Out of its total population of 82 million, 89% lives in rural areas. It shares 8% of India's population with the density of 800 persons per sq. km. against 324 for the country as a whole. It comprises 38 districts. The literacy percentage is 47% for the state as a whole. 23 castes have been included in the Scheduled caste list, while constituting a sizeable section of Bihar's population (scheduled caste population had gone up to more than 470 000 persons). About 46% of the Scheduled caste population is located in the north of Bihar. Another bulk of them is located in the south of Bihar. If we want to see the zones of land owners concentration we have to take into account the natural profile of Bihar, where south Bihar has more forests and mountains than the north Bihar. That's why the most of the land owners are concentrated on the north of the state, while peasants are more heterogenous in terms of demography and castes as well. The higher castes still response to the landowners (Pathak, 1992, p. 21-50). The density of this population varies in districts, but the highest concentration is located in the district of Gaya (20%), Nalanda (20%), Vaishali

(20%).

The description of state's population is important by certain reasons. Since independence efforts of the central government were focused to raise economic, social and, last but not least, political positions mainly of these societal groups. The legal provisions were aimed at removing discrimination against a peasant part of Indian society, by granting certain rights and privileges. Then the development programs were aimed at special schemes for the scheduled castes - landless peasants and low income groups. The state government attempted to ensure proportional representation especially of the scheduled castes through Bihar Panchayat Raj Ordinance, 2006.

2.2 Crystallization of situation and Institutional evolution

The technical responsibility for the implementation of panchayat raj system had primarily chief minister of Bihar, **Srikrishna Singh**, which automatically labeled Bihar as the first state in India that practically applied panchayat. Legal implementation of the third tier level focused on the village, block and district level was accomplished by the Bihar State *Panchayati Raj Act* in 1948, when power framework was drawn out. This Act regulated posts of Mukhya, Sarpanch, Dalpati. Nomination process for these posts was held on the basis of consensus in the villagers but officially led by the Gram Panchayat Supervisor and officials delegated by the central government. In this phase we can talk about the outline of power sharing between the panchayats and other bodies of the structure, because the practical absence of the clear power separation and definition of responsibilities. Thus situation led to gradual and sometimes violent evolution of panchayats exclusive prerogatives that will be consequently described. An institutional base had gradually come into being and consequently designed power sharing in the panchayats. The three-tier panchayat system (village, taluka - block, district) was introduced in 1958 on the basis of recommendation of the Balwantrai Mehta Committee. By this deed an institutional framework of panchayati raj institutions was officially established. Another two acts were legislated in 1961 in effort to set up panchayat bodies, *Panchayat Samiti Act* and *Zilla Parishad Act*. Since that panchayats were elected only on the village level what provided to Congress Party certain space to manipulate through already existed institutional system mainly through the

personal interventions³. In connection with this assumption were for example mukhias of Panchayat Samiti and pramukhs of Zilla Parishad appointed ex officio. In addition Zilla Parishad was controlled by the deputy of development commissioners (Kumar Girish 2001: 1681-1684).

Also certain reforms came into being in 1983, when Bihar government introduced idea of extending the tenure of mukhias and pramukhs after 6 months (Indu Bharti 1989: 18-19). These positions were nominated by the directorate of panchayat, which suggests the decentralization of power. A period of 16 years was needed to introduce in practice the three-tier system with its regular elections. Articles 243B and 243E of Indian Constitution, mandate elections in every state, panchayat at the village, intermediate and district levels will function for five years from the date appointed for the first meeting. The panchayat shall be completed before the expiry of its duration (George Mathew 2001: 183). In 1982 the twenty-point programme implementation committees came into being to diversify the work, which practically brought on the village level panchayat committee with purpose to manage public distribution system. This body has been up to this day headed by the mukhiyas or pramukhs.

2.3 Practical application: Panchayat Elections in Bihar

Prior panchayat elections in Bihar were held in 1971 and consequently in 1978. These elections had one important feature, they were not mandatory. It was one of the reasons why elections were not generally proceeded regularly. After enactment of *73rd Constitutional Amendment* in April 1993 during the first term of **Laloo Yadav** (Janata Dal) governance, an obligation of panchayat election periodicity had been introduced⁴. This amendment obliged mandatory and regular elections every five years, compulsory for all the states to introduce the legislation on panchayat with constitutional directive by April 24, 1994. Other enactments derivable from 73rd Amendment was reservation at least one-third of the seats for women and to the scheduled casted tribes depending on their proportion. Reservation of the seats for backward classes was decided by the

³ After 1972, when Indira Gandhi became a powerful leader she introduced new kind of „plebiscitary“ politics (Rudolf and Rudolf 1990), which meant that the leader was not fully dependent on the lower instances and his victory came from charisma. Chief ministers in Bihar were nominated by state leaders: Indira 1972-1977 and Rajiv Gandhi 1984-1989.

⁴ Indeed elections on village level had been held on time, but only three states respected regular panchayat elections Maharashtra, Gujarat (1963), West Bengal (since 1978).

state government. A Finance Commission ought to be constituted to suggest and strengthen financial positions of the panchayat organs (The Constitution 73th Amendment Act 1992). The Amendment had radical impact on the socio-economic element in the sense of political empowerment of women and backward casts. The practical result of 33% reservation of seats for women in Panchayati Raj Institutions, brought around one million women to the political arena. This had changed their position from helping to acting in the political space.

As results of the 73rd Constitutional Amendment, the Government of Bihar under Yadav leadership enacted in August 1993 its new *Bihar Panchayat Raj Act*. This step was possible after the repeal of all existing Bihar's legislation. Some important features:

- Gram Panchayat shall comprise an area of a village or a group of villages with a population of about seven thousands.
- Gram Panchayat shall perform its functions grouped in thirty categories, which may be additionally entrusted by the government.
- It has been traced out the internal system functioning on the logic of delineation of the functions in panchayat system (Bihar Panchayat Act 1993).

Bihar Panchayat Raj Act has several deficiencies existing at the gram sabha and panchayat levels, which fundamentally has influenced the following evolution. The problematic point was that the act did not comprise guidelines for gram sabha and panchayat meetings, and did not impose penalties for failing as well. No quorum for adjourning a meeting was even mentioned. Also finance dependence of panchayat upon the state government was inflicted by not transmitting the power to borrow from banks to the panchayat themselves. The state government had still power to post and transfer the officials in panchayats (Panchayati Raj in PACS Programme states). All these regulations subverted independence and autonomy of panchayats.

In accordance to this act, only elections in 2001 were held in the state and 8471 Gram Panchayat was formed. The time gap between establishment of legal conditions by Bihar Panchayat Raj act and their practical completion was filled by the judicatio over separation of powers and extend of sovereignty between the central government and pachayats.

Before the first elections prescribed by the Constitutional Amendment were held, another serious problem was arisen. This trouble was concerning reservation of seats for the OBCs in panchayati institutions, what really caused the delay of elections. The Patna High Court (Patna is capital of Bihar), on 18 March 1996 decided on this question and rejected application of any percentage reservation for the posts of mukhias, pramukhs and adhyakshas (Kumar Girish 2001). Against this adjudgement the Bihar government appealed to the Supreme Court under led by **Lallo Yadav**. On 24 February 1997 the Supreme Court decided to dismiss mukhias, pramukhas and sarpanchas posts with an immediate effect and passed over their powers to officials. These events ceased the elections, which was convenient also for **Lallo Yadav** to strengthen his position in the party through his personal charisma⁵. On April 13, 2000 Patna High Court returned to the Bihar government the right to conduct panchayat elections because Supreme Court had not granted stay against the Patna High Court Decision concerning reservation of the seats. On 29 August 2000 also the Supreme Court confirmed to the Bihar government its right to conduct panchayat elections with sentence "there is no bar for holding elections to different Panchayats in accordance with law, as it stands today, which will be subject to the final decision in pending appeals" (Planning Commission, chapter X, p.94).

3 Panchayat elections

3.1 Bihar Panchayat elections 2001

On 6 February 2001 the State Election Commission announced six phases of panchayat elections during 11-30 April 2001. Afterwards, the date of elections in 8 463 panchayat in 29 districts was shifted due to non-availability of paramilitary forces on May 15 (PTI - The Press Trust of India Ltd). The elections were held in 10 phases from May 15 up to June 10 (Bihar ten phase panchayat elections to commence from May 15). In order to prevent the elections from violence the Bihar government imposed a strict control on the state borders

⁵ Lallo Yadav was for the introduction of reservation policy in panchayat. One of his reasons should be that he considered panchayat elections only as a tool to mobilize the electorate through the cast lines. In spite of prohibition of seat reservation he found another rhetoric to speak to electorate. He was accustomed to supported poor people from backward casts, dalits through the funds for poverty-alleviation program and enable to the OBCs to access these programs.

managed by 50 000 policemen and 57 000 home guards. There were 130 564 mukhias candidates, 228 995 candidates for seats in panchayat committee, which got onto by 65% voters turnout. 50% of the total belonged to women.

Generally, the political consciousness of backward castes was arisen. In the recent times they were controlled and dominated by the aggressive groups employed by the landlords from the upper castes Bhumihaar and Rajput (Violent elections in Bihar). It was only in 2001 elections were scheduled caste men and women could compete in the elections as political candidates. This part of society was socially excluded and deprived for a long time what tend in their law participation and activity in the Gram Panchayat. A solution for psychical oppression of higher castes over lower castes especially during the election time was remarkable in the empowerment of scheduled caste members through the reservation system of seats. From the sociological point the third tier elections were stigmatized by the trends of village polarization along caste and communal lines, high women turn-out.

The Planning Commission pointed out that during Panchayat elections 2001 extremely low participation of members in the Gram Sabha meetings was noted. Issues that concerned Scheduled casted and Scheduled tribes women and financial irregularities had been neglected. A high degree of cooperation between elected representatives and the field level bureaucracy had also been highlighted as negative feature. State Election Commission has observed that "it was shocked to find that district administration was still doubtful about the intention of the Government and the Commission to conduct the elections" (Planning Commission, chapter XI).

All these events influenced the political scenario in Bihar and brought the proliferation of caste-based organizations. The central issue of 2001 panchayat election was regarding fair share in the state power structure (Sashishekhar Jha, 1968, p. 603-608). First of all, the Left parties, especially the communist CPI(M), were demanding to hold panchayat elections, especially on he party basis (Mishra 2001). On the other hand, bourgeois-landlord parties were unanimous in stipulating the condition as amended if hold the panchayat elections so, but not on the party basis. This attitude manifested their problem to choose any candidate for the purpose of their representation and their ineligibility to accept party dictates.

3.2 Bihar Panchayat elections 2006

Before the Panchayat elections in 2006, the state government has enacted Bihar Panchayat Raj Ordinance, 2006 which primarily ensured proportional representation of the scheduled castes applicable for Panchayats Samitis, Zila Parishads, Mukhias, Pramukh and Adhyaksha. 50% of the seats in Gram Panchayat shall be reserved for scheduled castes, and the percentage of seat reservation for scheduled tribes shall be according proportion of their population to the total area population. A number of reserved seats for backward classes shall not exceed 20% of the total seats. 50% of the seats shall be reserved for women belonging to these categories. For first time were seats at every level including single posts for mukhias, heads of panchayat samitis, zila parishads, reserved for women in such high percentage. This regulation was first time introduced in the elections 2006. As a consequence of such a step was ensuring the social mobility of many scheduled caste, by protecting their posts in the government, which delegated certain amount of power to them. The awareness of socio-economic conditions came into their interests in these elections. The resistance injustices, oppression of landlords were the main theme and along with them marginal scheduled caste and peasants were mobilized. Particularly, women resistance was based on their struggle against an oppressive behavior of landlords and against a men-dominated social system. The main theme in pre-election campaign 2006 became a question how to increase participation of women as “aware” voters and candidates. The practical expression of such intents was cooperation with two organizations which became partners during the campaign. The “Gender at Work” organization had the main role to present at meetings, to provide technical information to women electorate in order to be able to support women candidates (Gender at work, India program). Another one “The Hunger Project” was supposed to organize workshops to develop organizational skills and provide information to improve orientation in the campaign. Another task of this organization was to study the political journey of selected women candidates in effort to gain the main image of factors which influenced especially women’s participation. A conclusive study is entitled as “A Giant Leap Forward Towards Women’s Power-Exhilarating Experiences of Women Candidates of the Bihar Panchayat Elections 2006”. This report is based on the case studies of women who were trained by the Hunger Project. Upon the documentation of stories of 20 cases of this pioneering study provides certain findings:

- with the support of families and communities, women were able to directly participate in the Panchayati Raj system,
- women had lost elections because of patriarchal, caste domination and corrupt electoral practices – training of women provides skills, which are necessary to take opportunities provided by the reservation of the seats (A Report on Women Candidates of the Bihar Panchayat Elections 2006. A Giant Leap Forward Towards Women's Power).

Because of the violence based on the gender, women set up their claims provided by the reservation of the seats. The culprits were men who used the violence weaken the upsurge of women's political power. Assaulted women were candidates for various posts in Panchayat institutions. There were 23 cases investigated of total 41. As a result of this violence was the establishment of Panchayat Parhari in 2006. This commission was composed of media persons, civil society members to form a fact finding team. It was constituted only for the limited period of electoral duration, and one month post election. Its main mission was to investigate violent acts, to inform about the violent cases in various levels as for example the State Election Commission, Police, Media, Home Ministry, Chief Ministry and to recommend the systematic reforms (Case Studies of Gender Based Violence During Bihar Panchayat Elections 2006). The case studies are compiled in the study "Shackling the Surge of Women's Power. Gender Based Violence during Bihar Panchayat Elections 2006". This survey provides a general summary of facts and recommendations:

- Fact: clear preponderance of serious gender based violence during the elections, where women became victims of masculine sabre rattling of men
- Recommendation: unless steps are taken to reduce the patriarchal oppression of women in daily life and improve their status vis-à-vis men, gender based violence will be difficult to mitigate.
- Fact: nexus between political parties and criminals was the main cause of electoral violence. The women who were elected as independent have to confront this nexus
- Recommendation: there is a need to put greater pressure on the statutory bodies to fulfill their monitoring responsibilities. Especially the police have to be more sensitive in this respect.
- Fact: most of the violence had been perpetrated by upper castes.

- Recommendation: there has to be proactive policy to rein this violence by the upper castes
- Mal-functioning of local administration means that the poor and women are deprived of their rights.
- Recommendation: there is a need for continuous sensitization on the issue of gender based violence right within the family up to the highest levels of government (Shackling the Surge of Women's Power. Gender Based Violence during Bihar Panchayat Elections 2006).

Bihar Panchayat 2006 elections were finally held in ten phases while counting of votes took almost one week. Each voter had six votes: one for ward member, mukhiya, panch, sarpanch, panchayat samiti, zila parishad. In this election the question was still not solved whether elections should be fought in party or non-party lines. The government with Nitish Kumar introduced certain institutional changes in the panchayat raj system. He introduced the post of sarpanch (chairperson of the Gram Panchayat) and ward-level in every panchayat, which provided the conciliation in the rural system of state.

The negative feature of these elections is the continuation of an old feudal principle "might is right", which originated in the social structure of Bihar. As evidences are electoral malpractices in the sense of manipulation under the violent pressure or by vote counting. The physical violence is practiced by gangs belonging to the parties JD(U) and NDA (Bihar Panchayat Elections 2006: An Overview), furthermore by men who cannot take advantage from the reservation system, therefore they force women to participate in elections. Bihar has an image of one of the most disturbed state, because 19 of its 38 districts are naxal infested. Most of malpractices were followed by the Maoists, who dominated as political leaders. Their negative attitude against upper castes expressed by their Naxal tactics and corrupt practices gradually unified different castes. Even electoral results proved that voters had supported the leaders who were interested in the development of villages. In panchayat elections 2001, were 6 of 11 mukhias under Maoist leadership. In elections 2006 all of 6 previously elected Maoists were defeated. The community became to create distance between them and Maoists (Scheme to root out naxal influence). It resulted in a new social order, when the upper cast began to respect lower castes by involving them to the decision making. Nitish Kumar government introduced Aapki Sarkar Aapke Dwar (Asdwar) programme in January 21, 2006

in effort to repress the Naxalities through an integrated development approach with its systematical administration. Its aim ought to be realized by Welfare Schemes, which include construction of lanes, drains to connect the panchayats, buildings for schools. Another plan is to construct panchayat Sarkar Bhawan, which would contribute to solve the technical difficulties of missing the official buildings for panchayats. This project is still in the progress.

4 Conclusion

The institutional framework of local government was introduced by British rule, but at that time it was far away from the self-government as well as from its role of independence. This division of power including panchayat level was introduced from above without any connection of institutions and existing social order and communities. The Indian population was integrated to the panchayat idea only bureautically. The people were considered as the subject, but the process of modernization of local government began even during the British domination period, implied the vision to provide to the people the status of citizenship. The rural self-government presented an institutional tool to accomplish such transformation through the process of transferring sovereignty, autonomy and representative character to the panchayats. Especially panchayat institutions have the main responsibility to develop any relationship between electorate on the present view and bureaucratic machinery of the state.

Historically Bihar presents a very early effort of decentralization within devolutionary process in Indian federal system. This case provides us an example of gradual evolution, failures and institutional building of Indian federalism, which fostered democratization process of the country. Panchayats have been entrusted certain responsibilities in the various spheres of primarily developmental activities. After the 73rd Constitution Amenedement Act in 1992 local self-government has official received federal recognition. Local government still remains in the State List and is under the control and competence of Indian state. This practically means that panchayats are financially dependent on the state. So what they receive from the Centre is also linked with what the Centre devolves to the local government. The specification of powers and resources devolved to local governments is specified in the 11th Schedule of Constitution, which contains items for rural areas and 12th Schedule contains items for urban areas.

We should resume the reasons why panchayat elections are not held into certain conclusions:

- a) Technical causes – insufficient legal establishment of rules, which requires gradual institutional development. No elections were held till 2001 although the new legislation was enacted in 1993.
- b) Personal causes – repeated interference of higher instances to the panchayat system through the institutional gap administration (Indira Gandhi, Rajiv Gandhi, Laloo Yadav) which allowed strong central leaders nominate their supporters and to have indirect control of the situation in the state. The pressure of dominant persons blocked development work. Another nexus between politicians, bureaucrats, other political forces and absence of legislation was vested to landlord parties whose priority was effort to maintain status-quo that provided them a space to presume the funds. Another reason should be that Panchayat elections represent the proof of popularity.
- c) Economic and land reforms cause - as the fundamental principles of practical existence of the whole panchayat project⁶. The funds could not be distributed because of long-term implementation shift of the panchayat raj legislation, missing legal rules and technical problems as non existence of the official building.

Panchayati Raj in combination with political campaigns focused on concrete problems as education has created synergies with potential to transform Indian society in sense of gender equality by reinvention of gender roles where public and private space began to intermix. This tendency relates to the profile of Dalit elected women representatives to whom it was legally granted a political power through reservation policy. Establishment of regular panchayat elections also contributed to release a tensed situation between the castes and other actors.

⁶ Political quarrel over the land revenue concerning the percentage and recipient. Panchayati Raj Act already included percentage of land revenue, where 6,25% of total land revenue belonged to panchayats. This does not respond to the reality, because panchayat did not share land revenue for 12 years from 1959-1971. From 1972 Bihar government began to pay the amount, but did not compensate lost profit of panchayats during the 12 years period. This is one of the evidence of panchayat inability has become self-sufficient.

The text has presented panchayat system in the light of instrument to empowerment disadvantaged sections of the Indian society by delegating them to self governance through the participation in the financial, land, administration, education, communication control. It has a transformative power in form of action within the Indian political structure of powers.

The case of Bihar shows that not even adequate legislation for the creation of panchayats can have necessarily nexus to the success of the system. Only a decade of last 4 years proved in the Bihar case of the 2006 elections and pre-election period that the tradition of considering governmental institutions as functionless bodies has been over.

References:

GEORGE, MATHEW. 2001. Panchayat Elections. Dismal Record. In *Economic and Political Weekly*, Vol 36, No. 3, January 20-26, p.183-185.

GIRISH, KUMAR. 2001. Panchayat Elections: Overcoming State's Resistance. In *Economic and Political Weekly*. Vol 36, No. 20, May 19-25, pp. 1681-1684.

INDU, BARTI. 1989. Decay of Gram Panchayats in Bihar. In *Economic and Political Weekly*. Vol. 24, No. 1, Jan. 7, pp. 18-19.

MISHRA, ARUN KUMAR. 2001. Panchayat Polls in Bihar. In *People's Democracy*. Vol. 25, No. 21, May 27. Dostupné na internete:

http://pd.cpim.org/2001/may27/may27_bihar.htm

PATHAK, BINDESHWAR. 1992. *Action sociology and development*. New Delhi: Concept Publishing Company, 1992.

RANA, MAHENDRA SINGH. 2006. *India votes: Lok Sabha & Vidhan Sabha elections 2001-2005*, New Delhi: Sarup & Sons, 2006.

RATANA, DASA. 2005. *The global vision of Mahatma Gandhi*. New Delhi: Sarup & Sons, 2005.

RUDOLF, L., I., RUDOLF, S.H. 1990. Modes of Civil Society. In *Public Culture*, Vol 3, No. 1, 1990, pp. 95.

SASHISHEKHAR, JHA. 1968. Tribal Leadership in Bihar. In *Economic and Political Weekly*, Vol. 3, No. 15, Apr. 13, pp. 603-608.

The hoax of vasudhaiva kutumbakam [cited 5.2.2010] Available on:
[http://74.125.153.132/search?q=cache:ykzbMlgnjwJ:indianrealist.wordpress.com/2009/01/25/the-hoax-of-vasudhaiva-kutumbakam-the-whole-world-is-one-family/+Indian+policy+Vasudhaiva+Kutumbakam+\(the+world+is+family\)&cd=1&hl=en&ct=clnk](http://74.125.153.132/search?q=cache:ykzbMlgnjwJ:indianrealist.wordpress.com/2009/01/25/the-hoax-of-vasudhaiva-kutumbakam-the-whole-world-is-one-family/+Indian+policy+Vasudhaiva+Kutumbakam+(the+world+is+family)&cd=1&hl=en&ct=clnk)

The Constitution (73th Amendment) Act 1992 [cited 14.2.2010] Available on:
<http://indiacode.nic.in/coiweb/amend/amend73.htm>

Bihar Panchayat Act 1993 [cited 14.2.2010] Available on:
http://planningcommission.nic.in/reports/sereport/ser/bihinter/st_bihch11.pdf

Panchayati Raj in PACS Programme states [cited 16.2.2010] Available on:
<http://www.empowerpoor.org/backrounder.asp?report=80>

Planning Commission, chapter X, p.94 [cited 16.2.2010] Available on:
<http://panchayat.gov.in/.../1257506146945~THE%20NYAYA%20PANCHAYATS%20BILL-%20200>

Article from:PTI - The Press Trust of India Ltd, May 3. 2006 [cited 3.2.2010]
Available on: <http://www.highbeam.com/doc/1G1-145305539.html>

Bihar ten phase panchayat elections to commence from May 15 [cited 10.2.2010]
Available on: <http://www.highbeam.com/doc/1G1-145305539.html>

Violent elections in Bihar [cited 16.2.2010] Available on:
<http://www.hinduonnet.com/fline/fl1810/18100380.html>

Planning Commission, chapter XI. Objectives- Panchayat Raj institutions-Gram Sabha [cited 10.2.2010] Available on:

http://planningcommission.nic.in/reports/sereport/ser/bihinter/st_bihch11.doc

Gender at work, India program [cited 16.2.2010] Available on:

<http://www.genderatwork.org/india-program>

A Report on Women Candidates of the Bihar Panchayat Elections 2006. A Giant Leap Forward Towards Women's Power [cited 16.2.2010] Available on:
http://www.thp.org/resources/speeches_reports/research/report_on_women_candidates_bihar_panchayat_elections_2006

Case Studies of Gender Based Violence During Bihar Panchayat Elections 2006 [cited 12.2.2010] Available on:

http://www.thp.org/resources/speeches_reports/research/case_studies_gender_based_violence_bihar_panchayat_elections_2006

Shackling the Surge of Women's Power. Gender Based Violence during Bihar Panchayat Elections 2006 [cited 16.3.2010] Available on:

http://www.thp.org/resources/speeches_reports/research/shackling_surge_womens_power

Schme to root out naxal influence [cited 12.2.2010] Available on:

<http://factindia.blog.wordpress.com/category/aapki-sarkar-aapke-dwar/>

Bihar Panchayat Elections 2006: An Overview [cited 21.2.2010] Available on:

http://www.cpiml.org/liberation/year_2006/July/bihar_panchayat.htm