

WOMEN AND CUSTOMARY PANCHAYATS – AN EMPIRICAL STUDY ON THEIR MEMBERSHIP

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Abstract

Panchayat Raj Institutions (PRIs) were introduced in India through an Amendment to the Constitution of India, in 1992. This Act provides reservation of not less than one third of seats for women, to engage women in the process of building a participatory democracy. The literature survey and field study have revealed that, in our county Customary Panchayats at the village levels continue to co-exist with Formal Panchayats with elected representatives who are enjoined with the responsibility of local governance, welfare and development. The Author was curious about the role of women in these Customary Panchayats. Because it is also found that, these Customary Panchayats not only involve in dispute/conflict resolution, as is generally understood, but also perform a significant role in local governance and in taking decisions pertaining to development. This paper attempts to shed some light on role of women in these customary institutions.

Key words: Women; Customary Panchayats ; Local Governance ; Panchayat Raj Institution.

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Introduction:

Women play an important role in all spheres of life. Empowerment of women in all spheres and in particular the political sphere is essential for the foundation of gender equal society. Without equal participation of men and women at different levels of decision making there can be no true democracy or true people's participation in governance and development. After India got independence several attempts were made to improve the position of women. The 73rd Constitution (Amendment) Act is a major step towards political empowerment of women through Panchayat Raj Institution. This has resulted in the entry of large number of women into decision making bodies in the rural areas. This provided them an opportunity to be part of the system.

The literature survey and field study have revealed that, in our country Customary Panchayats at the village levels continue to co-exist with Formal Panchayats with elected representatives who are enjoined with the responsibility of local governance, welfare and development. But women's existence is not found in these Customary Panchayats. Women's absence in these Customary Panchayats is a matter of concern because these Customary Panchayats are not only involved in dispute/conflict resolution, as is generally understood, but also perform a significant role in local governance and in taking decisions pertaining to development.

Review of literature:

Existence of Customary Panchayats in different parts of India is confirmed by the findings of the studies conducted by the researchers such as S.C.Dube (1955); A.S.Altekar (1958); K. Ishwaran (1968); Mandelbaum D.G (1970); C. Parvatamma (1971); Andre Beteille (1971); H.D.Lakshminarayana (1976); etc., before the Constitutional Amendment Act, 1992 and Anirudh Krishna (2002); and Kripa Ananth Pur (2002) after the Constitutional Amendment Act 1992.

These studies put light on many issues of the Customary Panchayats such as its composition, activities, punishments, procedures, etc., but reference to membership of women in these panchayats was not found in all studies. Only few researchers were mentioned that women have no role (Oscar L, 1958, Kripa Ananth Pur, 2002, Anirudh Krishna, 2002). While writing about

the changes which were seen in village councils after independence, Anirudh Krishna (2002) mentions that the membership to this council is not restricted to upper caste and untouchables also have equal say but they sit far. Democratic and egalitarian participation is seen compared to past, this made these councils more strong but gender and age boundaries still exist, this shows the absence of women in this body.

Though the political representation is guaranteed to women by the principle of reservation through the provisions of 73rd Constitution (Amendment) Act, absence of women in Customary Panchayats is a matter of concern. While access to political power at the local level is open to women, its control is still a distant goal. It is in this context that empowerment through social leadership at the personal, the household and the community level could enable women to break the barriers and expand their space into the political realm (Veena Devi, 2005). So, membership in the Customary Panchayats which are playing important role in local governance and in taking decisions pertaining to development will definitely help them to emerge as leaders.

Findings of the research project by Raghavendra Chattopadhyay and Esther Dufflo (2004), establish that reservation introduced as a tool to ensure adequate representation also assists in adequate delivery of local public goods to disadvantaged groups. It shows that membership of women in Customary Panchayats will definitely benefit the women. But the study conducted by Anirudh Krishna in 2005 reveals that new set of leaders were found, both men and women who belongs to 25-40 years age, educated (Middle class), and belongs to different castes became leader because of knowledge, perseverance and ability.

Objectives of this paper:

- To discover the existence of Customary Panchayats in the research area
- To explore the composition and criteria for membership in Customary Panchayats
- To discover the existence of female members in Customary Panchayats
- To explore the role of women, if women also have membership in Customary Panchayats

Methodology:

For any study subjects are very important aspects. So, systematic selection of the subject becomes very essential. To get proper representation of the population in the village 5% of the total population of the villages was selected for the study. Each household in the villages were given a number and random sampling method was used to select the household. Respondents were selected by these shortlisted households.

Pre tested interview schedules were used to collect the information from the respondents. Discussions were held with the gram panchayat members, customary panchayat members and focus group discussion was conducted with marginalized groups. The collected data are analysed by drawing percentages and describing the same in simple uni-variate tables. The study being an exploratory one, advanced statistical testing has not been resorted to.

Results and discussion:**Customary Panchayats Existence**

Findings of the study prove the existence of Customary Panchayat in research area. All respondents (100%) confirmed the fact that Customary Panchayats have continued to exist besides the formal ones.

Table 1: Respondents opinion about existence of Customary Panchayats

	Number of Respondents	Percent
Yes	282	100
Total	282	100

The findings of the research studies carried out by the researchers such as S.C.Dube (1955); A.S.Altekar (1958); Oscar Lewis (1958); Alan Beals (1959); K.Ishwaran (1968), Mandelbaum D.G (1970); C.Parvatamma (1971); Andre Beteille (1971); Jnanambal K (1973); K.N.Venkatarayappa (1973); H.D.Lakshminarayana (1976); etc., before the constitutional Amendment Act, and Anirudh Krishna (2002); Kripa Ananth Pur (2002,2004), B.R.Purohit and Yatindra Singh Sisodia (2005) after the constitutional Amendment Act, also confirm existence of Customary Panchayats in the villages in different parts of country.

Customary Panchayat Membership

These Customary Panchayats seem to be enjoying significant position in the village because of the reputation of their members. The author has pointed out various factors which are generally considered by people while acknowledging the leadership of these members through the Customary Panchayats. Constitution of the Customary Panchayats varies from village to village. Where many castes were present it includes leaders of all castes (Mandelbaum D.G, 1970; K.N.Venkatarayappa, 1973; Kripa Ananth Pur, 2002; Anirudh Krishna, 2002). But according to C.Parvatamma (1971) generally, the elders who belonged to higher castes were accepted as the members of the Panchayat and their decision was accepted by all. Each caste had one or more representatives, these representatives were selected by the dominant caste leaders (Edward B and Louise G Harper, 1959).

While caste is considered as one of the criteria, the members from higher castes being most preferred leaders (Kripa Ananth Pur, 2004). Lower caste representation was not found by all researchers. Mandelbaum D.G (1970) says that a 'Harijan' had to play the role of a leader in his 'jati'. He had indirect influence in the affairs of the village. C.Parvatamma (1971) during her stay in the village she studied, did not find any person of a low caste in the informal panchayat, but was told by the villagers that, in the past, persons from lower caste worked as the members of the informal Panchayat.

In single caste village the caste panchayat itself serves as main panchayat (Kripa Ananth Pur, 2004; Mandelbaum D.G, 1970). Where multiple castes were present, leaders from all castes were found in the village panchayat.

The villages covered under the study also consists different castes and village panchayat represented multiple caste leaders. All caste leaders were not represented due to lack of eminent person in that particular caste or the number of houses of that particular caste was very less. Lower caste representation was not found in the studies conducted by Mandelbaum D.G (1970) and C.Parvatamma (1971). But findings of the study concurs with the findings of Kripa Ananth Pur (2004) which reveals that lower caste people were also represented in the Customary Panchayat (see table 2).

Table 2: Caste composition of the Customary Panchayat members

Sl. No	Caste	Village level leaders*	Caste leaders**	New leaders***	Total
1	Lingayat	20 (51.28%)	1 (9.09%)	3 (30.0%)	24 (40.0%)
2	Muslim	4 (10.26%)	2 (18.18%)	--	6 (10.0%)
3	Kuruba	1 (2.56%)	3 (27.27%)	--	4 (6.67%)
4	Brahman	2 (5.13%)	--	--	2 (3.33%)
5	SC	7 (17.95%)	2 (18.18%)	4 (40.0%)	13 (21.67%)
6	ST	4 (10.26%)	2 (18.18%)	3 (30.0%)	9 (15.0%)
7	Vaishya	1 (2.56%)	--	--	1 (1.67%)
8	Kabbaliga	--	1 (9.09%)	--	1 (1.67%)
Total		39 (100%)	11 (100%)	10 (100%)	60 (100%)

Note : Figures in the parentheses are percentages

* Village level leaders are the leaders who are acknowledged by the villagers as leaders irrespective of their caste, religion, socio-economic or political standing in the village;

** Caste leaders are those who are acknowledged by the members of the respective caste as their leaders and the prominent among these represent their members in the customary panchayats;

*** New leaders are those who are the emerging leaders, not because of their socio-economic background but because their personal qualities and accomplishments are acknowledged by the villagers.

Anirudh Krishna (2002) talks about the changes which are seen in village councils after independence, the membership to this council is not restricted to upper caste and untouchables also have equal say but they sit far. Democratic and egalitarian participation is seen compared to past, this made these councils more strong but gender and age boundaries are still there. Members are from the each caste present in the village, the hereditary leader of that caste becomes the member and his eldest son succeeds if he is not capable he will be replaced by another members of the caste.

The family history and background of being members through generations was also an important criterion (Ishwaran K, 1968). Nonetheless, according to Ishwaran (1968), if the person chosen because of his family history being in the leadership position, failed to gain the manner and deeds model demanded of a leader, a leadership vacuum was created and new, non-hereditary leaders would emerge. Thus, the important characteristics expected were humility, hospitality, sanctity and wealth. Of-late links with political parties was also emerging as a criterion for membership in Customary Panchayats (Kripa Ananth Pur, 2004) as they enjoyed better access to and had ability to interact with not only government functionaries, but also with legislators and policy makers.

Table 3: Criteria for membership in Customary Panchayats as perceived by the respondents and the Focus Groups

Factors Determining Leadership	Number of Respondents	Percentage	Number of FGDs	Percentage
Family background	156	55.32	17	85.0
Caste	115	40.78	16	80.0
Age	95	33.69	12	60.0
Power	92	32.62	12	60.0
Good character	85	30.14	16	80.0
Links with political parties	81	28.72	15	75
Contacts with government officials	27	9.57	3	15.0
Wealth	8	2.84	--	--
Education	6	2.13	1	5.0

Note: May not add to 100% because of multiple responses.

The author has found the same pattern of endorsement of family history (55.32%); caste (40.78%); age-seniority (33.69%); commanding power and respect (32.62%); good character (30.14%); etc., as the criteria for conferring people with such prestigious position in the village structure. (see table 3). As per Kripa Ananth Pur's (2004) finding, this study also states that links with political parties was definitely an emerging criterion considered for membership. This is because; as many as 28.72 per cent respondents identified this as one of the criterion.

Female membership in customary panchayats

Data reveals that all members were males and female members were not found in this forum. 97.16% respondents confirmed this fact (see table 4). This concurs with the findings of earlier studies conducted by Mandelbaum D. G (1970) and Kripa Ananth Pur (2004).

Table 4: Existence of Female Members in Customary Panchayat

Availability of female on Customary Panchayat	Male Respondents	Female Respondents	Total
No	145 (96.03)	129 (98.47)	274 (97.16)
Don't Know	6 (3.97)	2 (1.53)	8 (2.84)
Total	151 (100)	131 (100)	282 (100)

Note: Figures in the parentheses are percentages

Through Constitutional Amendment Act, 1992 women got the provision of 33% reservation in local governance bodies. This provision was made to involve them in the local governance. This involvement was necessary not only for the empowerment of the women but also for the development of the villages in turn development of the nation. Customary Panchayat is also an important institution, which is influencing gram panchayat activities in many ways. So lack of membership of women in customary panchayat is a matter of concern.

Conclusion:

Data collected under the study clearly shows the absence of women's membership in customary panchayats, which are playing an important role in local governance and in taking decisions pertaining to development. So, it becomes essential that women should get a chance to become part of these customary panchayats, be given an equal opportunity to express their views and they should be involved in taking decisions pertaining to village. As it is not possible to enact any Act to make provisions to provide membership to women in customary panchayats, customary panchayats leaders, self-help groups, stri Shakti sanghas, social workers and NGOs can take active part in this direction. Women's involvement in these panchayats definitely benefit women and it will also make large contribution to overall development of the villages.

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