

Myths And Realities Of Panchayati Raj Institutions

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Broadly speaking the strength of the society to overcome crises, face challenges, and fight stagnation depends, largely, on the vitality and well-being of the institutions within its fold. Institutions are instruments of society through which it fulfill its need and aspirations. Society creates, restructures, modifies various political, social, economic and educational institutions in accord with its changing environments and growing constraints. In this regard PRIs are far more crucial as their impact on the rural society is more pronounced than that of institutions of any other variety. But this holds good for only such PRIs which are healthy and effective. There are number of them which are congenitally sick. There are still others which grow, reach a plateau, keep stagnating or degenerating thereafter. They cannot be a vehicle for realizing the dreams of the society.¹

PRIs in India popularly known as agent of rural transformation are not merely a formal arrangement with specific forum and function but have a certain legitimacy and meaning by which they are identified. After independence there have been several attempts to make Panchayat a more viable institution and crystallize certain practices which are necessary for rural development. Unfortunately, Panchayat as an institution failed to male its own identity. The Constitution (73rd Amendment) Act, 1992 is definitely a welcome step to revive the old institution with a presumption that power to people can (a) lead to third stratum of government; (b) help Panchayat retain the image of institution; and (c) translate the scheme of grass root democracy into reality². The Amendment covers many areas that would enable the Panchayats to improve the lives and well being of poor and vulnerable groups. Moreover it contains specific provisions that guarantee the participation of traditionally excluded groups, such as women, SCs and STs, and transparency for local institutions such as the Gram Panchayats and the Gram Sabha. However the ambiguity surrounding the concept of 'self government' and the substantial power that still rests with the State Governments have prevented most States from devolving any substantive power to the Panchayats³.

FEDERAL CONSTRAINTS:

India's Constitution gives the States considerable powers governing the devolution of bureaucratic authority and the administration of agrarian institutions, such as land, land tenancy and agricultural labour. The 73rd Amendment reaffirms this authority by giving the States great latitude in deciding the nature and scale of 'self-government'. According to the 73rd Amendment, States are required to pass their own 'conformity legislation', which outlines the powers, functions and procedures of local government at village, district and intermediate levels.⁴

Following issues can be raised with regard to the working of PRIs in India:

Village Panchayat have been delegated functions 'without adequate administrative, financial and technical support';

Panchayats lack discretionary powers over spending and staff;

There is insufficient clarity and differentiation of functions among Panchayats and other levels of government;

States reserve the right to assign or withdraw functions to and from the Panchayats by

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'executive fiat';

Panchayats lack autonomous budgeting powers.

Another requirement that emerges from the 73rd Amendment is the stipulation that the Governor of the State establish a State Finance Commission within a year of the Commencement of the 73rd Amendment Act and every five years thereafter. SFC is charged with the responsibility of reviewing the financial position of the Panchayats, and of recommending measures to augment the financial resources available to local bodies. Although many were quick to establish SFCs, a few States have extended mandatory powers onto the SFC. Another important area of the State authority relates to Panchayat elections. The 73rd Amendment requires States to establish an Independent State Election Commission whose primary responsibilities are to organize and oversee Panchayat elections, and to prepare the electoral rolls. Again, although most States have established SFCs, many have been unwilling to relinquish powers of delimitation i.e. the power to define electoral constituencies⁵.

Other ways through which States have retained control over the Panchayats include:

Through the application of law. i.e. Rules or executive decisions which undermine or override the autonomy of local institutions;

Through the removal, dismissal and assessment of local functionaries, whose ultimate accountability rests with the State Government, not the Panchayats;

Through the cancellation of decisions or withholding of approval for Panchayat activities;

Through administrative means, i.e. the inspection of records, review of annual reports etc;

Through the control of fiscal powers and resources.

The decisions as to which taxes, duties, tolls and fees should be assigned to local bodies and which should be shared by the State with them are with the State legislatures. Consequently, while expenditure responsibilities of local bodies are likely to be extensively enhanced, there is no law to ensure a corresponding assignment of taxes or shares to match the additional responsibilities. Moreover, while the amendments did not lead to the setting up of SFCs for improvement of fiscal scene at the local level, most SFCs chose to leave unchanged the existing tax powers of local bodies.

More telling than any short coming of the Amendment is the all-pervasive mindset amongst the ruling elites that the natural mode of governing the country is through Governments at the Union and State levels only, as originally conceived by the founding fathers, and any attempt to insert the third stratum below the States would be fraught with unpredictable perils for the polity. The support of this view comes from the fact that the Constitution describes India as a Union of States, and the union-states duality runs through its entire content. The 73rd Amendment makes no consequential change in the pre-existing two-layered scheme of governmental outlined in the Constitution⁶.

PANCHAYATI RAJ INSTITUTION IN MADHYA PRADESH AND GROUND RELATIVES:

Madhya Pradesh is often portrayed as a pioneer in the field of Panchayati Raj. Since 1994, the State Government has introduced a series of legislative reforms, which have expanded the formal authority of the Gram Sabha. In 2001, the State Government expanded the Gram Sabha's authority to include greater powers of planning, consultation and accountability⁷.

The following section focuses on the status of *Panchayats* in Madhya Pradesh in the post 73rd Constitutional Amendment phase through an analysis of primary and secondary data. The actual functioning of the *Panchayat* system and the unfolding socio-economic and political processes are

examined.

Panchayats and Bureaucracy:

The decentralisation of power to the people through the 73rd Amendment created a significant shift within institutions and existing power relationships. The newly elected Panchayat representatives in all three tiers have a mandate to participate in the development process of their constituencies. This has implications for the functioning of development administration, especially for functionaries at the lower level and the established political leadership representatives from the Parliament and the Assembly to provide space to Panchayati Raj institutions in earnest spirit. The emergence of Panchayats has also put pressure on voluntary organisations to define a new set of relationships to work with the community, which is truly represented in the Gram Sabha⁸.

In spite of the Panchayati Raj Act, its subsequent Amendments and all the State government's office orders in support of Panchayati Raj institutions, the system is yet to become institutionalised and accepted at the operational level. The resistance is attitudinal (bureaucracy and politicians) but also institutional and systemic. The Panchayat system has been implemented with such pace that the system of governance has not had time to attune itself to these major structural changes. Secondly, all existing institutions of governance were traditionally built with the logic of centralized control, whereas the Panchayat institutions have been built on an entirely different philosophy of democratic decentralisation. In the first case, power flows from the centre; in the latter, it is envisaged that the power will flow upward from the grassroots. This difference of agenda and approach to governance leads to conflict. Thus, the Panchayat system faces a plethora of mechanisms and office orders contradicting or stalling the smooth functioning of Panchayat institutions. In spite of constant directives from the top to ignore such office orders and instructions, which contradict the Panchayat system, local-level functionaries continue to swear by them. This may be due to either vested interests or bureaucracy's inherent resistance to change⁹.

Frequent changes in office orders defining the role and responsibility of the Panchayats are also a problem. The members of Panchayats are unable to comprehend complex technical orders. By the time they grasp the import of existing orders, a new set of orders arrives. This frequent changing of rules also leads to problems in institutionalising the system. Another constraint created by office orders is that Panchayats are given partial powers and the majority of power remains with respective departments¹⁰.

The relationship between Panchayat members and the bureaucracy has yet not reached the desired level of complementarity, where the bureaucracy plays a supportive role to the institutions of Panchayats instead of attempting to control them. The bureaucracy has yet to mould its attitude and learn to apportion powers to the common person. There are certain power dynamics which need to be worked out in more detail to remove confusion. Panchayat Secretaries feel that they work under government orders, but Panchayat members try to pressurize them to carry out activities which may be illegal. Primarily, Panchayat members have attitudinal problems and do not realise that some authority is still in the hands of officials who are bound to work according to law. The Panchayat Secretaries feel that selection of beneficiaries under various government programmes or schemes is a major area of conflict with the Sarpanch. The problem lies in concentrating too much power with the Sarpanch. The Sarpanch has all financial power and this has been a major factor of controversy with Panchayat members. These conflicts are mostly settled at the Panchayat level. In most cases, Panchayat members drag the bureaucracy into their disputes. The Sarpanch does not welcome this intervention by the bureaucracy and it leads to strained relationships. The upper two tiers of the Panchayat system do not

have any financial powers. This again has been found to be a cause for conflict, tension and strained relationships between the lowest tier and the upper two tiers of the system. Moreover, the bureaucracy, in the process of monitoring and evaluating the activity of Gram Panchayat, comes in direct conflict with the Sarpanch. Largely though, the feeling at the block office is that the Sarpanch tries his best to maintain good relations with the bureaucracy, especially at the block office as he depends on it for almost everything. The selection of beneficiaries is a major cause for conflict. The bureaucrats try to identify legitimate candidates, while the Sarpanch tries to accommodate his supporters or well wishers. Most government officials believe that the new system has enhanced corruption in the system, where the Sarpanch has many financial powers but the systems of accountability are not well established. They also feel that Panchayat representatives do not have adequate skills and capacities to function as an effective arm of local self-governance. The new decentralised system of governance has unclear implications at this early stage of implementation, leading to a strained relationship between the frontline bureaucracy and elected representatives. Suddenly, the lower bureaucracy and frontline staff are being held accountable to the local leadership, resulting in negative attitudes, non-cooperation and compliance by frontline members of the bureaucracy¹¹. B.N. Yugandhar (Former Secretary to the Ministry of Panchayat) has rightly pointed out with regard to the tardy role of bureaucracy *“the bureaucrat is a well trained horse and has to be ridden well at every level. If the “horse” is not performing well or it is responsible and is impersonal, no doubt people will get alarmed. But they will be angry not at the horse but at the rider. And the rider has to give the horse a proper signal what we find instead is that the riders are complaining bitterly against the horse.”*¹²

The political class (people involved in electoral and party politics) is responsible for this radical change in the system of governance. However, it has not responded as a homogeneous group to these developments. The Indian political system and electoral politics worked to a large extent on a patron-client relationship. This has been disturbed with the introduction of the Panchayat system. Panchayats and their representatives have emerged as a disruptive element in the patron-client chain in the view of the political class, who now often have to go through the Sarpanches to reach the people, resulting in an extra layer in the chain. Political leaders feel their existence is threatened as they cannot directly benefit their cohorts and are forced to route benefits through the Panchayats. Secondly, the distribution and control over State resources gave leaders their political power and legitimacy, which, in the new scenario, has to be shared with a new class of grassroots representatives: the Panchayat leaders. Thirdly, all political leaders are jostling for the same political space, which rightfully belongs to leaders of the Panchayats. The MPs and MLAs are primarily interested in local developmental functions and roles, while they are yet to understand their role as lawmakers. Fourthly, the political class is feeling threatened by this fast emerging new class of leadership from the grassroots, which is not only local but also has the potential to develop its own mass support-base. Finally, the introduction of the new Panchayat system has not only made governance space more democratic but also demands a higher degree of accountability. The leaders who were used to elections once in five years are now being forced into regular accountability by institutions such as Gram Sabhas, Janpad and Zila Panchayats¹³.

Following are the key findings with regard to the relationship between bureaucracy and Panchayats¹⁴:

Attitudinal problems in the bureaucracy and Panchayat functionaries is one of the root causes of conflicts, especially while preparing the beneficiary list, identifying construction activity or

its monitoring and evaluation.

The caste and gender of the Sarpanch dictate the willingness of the bureaucracy to interact with him/her.

The bureaucracy has used information as a fulcrum for power and shared it very selectively to suit their own purposes. People view bureaucracy as a 'necessary evil'. Moreover, bribery seems to be a universal feature, while corruption in the bureaucracy or among Panchayat members has the potential to delegitimise the system.

The bureaucracy uses its control over resources as a method of controlling Panchayats.

The capacity of Panchayat functionaries, as well as the bureaucracy, needs to be enhanced to understand the intricacies and technicalities of a local government system.

The village representatives are from the grassroots and are unable to understand the legal and administrative processes, especially when it is compounded by bureaucratic apathy. Thus there is a need to simplify the processes and make decision-making and follow-up less cumbersome.

The Panchayatbureaucracy relationship seems to be governed by the need to sanction funds rather than by a desire to strengthen the PRIs.

There are confusion at all three tiers regarding intra-institutional dynamics and attempts by the upper two tiers to transgress clearly defined functional boundaries.

A system of local self-governance will not be effective if people at the grassroots level feel it is not responsive to local reality. Moreover, excessive dependence on government agenda by Panchayat representatives, rather than developing an agenda based on local needs, will prevent Panchayats from evolving as autonomous units.

Gaps between the actual amounts of resources allotted to Gram Panchayats and the aspirations of villagers place officials in a difficult position.

A widespread feeling of discontent prevails in the community. The community knows that the government is making a sincere effort to activate Panchayats, but it also recognises internal impediments posed by a skeptical bureaucracy. The community has started distinguishing between the will of Government and that of the bureaucracy. This is an unhealthy trend and the bureaucracy should commit itself to implementing the broader agenda of the government.

The Gram Sabha should be given greater importance. Attempts should be made to strengthen Gram Sabhas since they have the potential to rectify distortions emerging in the system, and they are also the best guarantors of accountability of all functionaries involved.

By and large, interactions with Panchayat secretaries conditioned the response of Panchayat members regarding the bureaucracy, as their level of interaction with the Secretary is most frequent and close.

Funds Allocated to Panchayat:

As per the information gathered from a Sarpanch in Mendori the funds allocated for the functioning of Panchayat are very less. It is only 5 lakh rupees per year if the population of the village is more than 5,000 which is a form of guaranteed fund which comes from the State Government under the *Panch Pareshmar Yojna*. Apart from this the M.P. and M.L.A representative may give some more funds.

Even the salary of a Sarpanch is very less which is only 1750 rupees per month and that is also not given on time which ultimately leads to corruption as the Sarpanch and other Panches use the fund given for the development of village for their own personal purposes.

Working of the Gram Sabha:

Meetings held under the Gram Sabha are known as the Aam Sabha. The Aam Sabha is to be held at least 4 times in a year. The Aam Sabha should be held on 26th January, 15th August, 14th April and 2nd October which is mandatory. Apart from this the Sarpanch may hold more Aam Sabhas if so required. The quorum prescribed for an Aam Sabha is one-tenth of the total population out of which one-third should be women.

As per the information gathered from Sarpanches of Mendori and Belkheri villages the quorum for an Aam Sabha is never fulfilled. People hardly go and attend Aam Sabha. Register is sent to the houses of the people, to sign it so that on papers it could be shown that they attended the meeting and the required quorum was fulfilled. Gram Sabha members were not powerful enough either to raise their voices against influential members of villages or assert their right of participation in decision-making. Economic compulsions and inequitable social structures do not allow the weaker sections sufficient space for assertion. Internal, caste and class dynamics also played a critical role in the non-participation of villagers in the Gram Sabha.

Madhya Pradesh is seen as a success story in the on-going process of decentralisation. Through progressive amendments to the Panchayat Act and supportive executive orders, the government has constantly tried to strengthen and empower the Gram Sabha. The Gram Sabha, despite its potential to strengthen governance and make it transparent, accountable, participatory and truly democratic, has remained under-utilised and dormant in the last five years¹⁵.

Participation, by and large, was observed to be low in the State. The quorum is generally incomplete and the provision to conduct Gram Sabha meetings on any other day wherein the quorum criteria is not obligatory [Article 6(2)], is often used by the Sarpanch. Holding a meeting the next day allows for having present only 'desired' people. This has its own ramification on the very spirit of empowerment. Despite the provision that one-third of the quorum should comprise women, this condition is flouted practically everywhere. Another factor which dissuades people from participation is the general mode of information dissemination about the Gram Sabha, i.e. a Munadi. The socio-cultural milieu of the villages is such that men and women expect a personal invitation. Another problem specific to Madhya Pradesh is that hamlets, especially those in tribal areas, are located at a great distance from each other. This physical constraint dissuades people from attending the Gram Sabha. However, the later provision of holding Gram Sabha in all the constituent villages of a Panchayat on a rotational basis is an innovative initiative helpful in overcoming this problem to a great extent¹⁶

At the macro level, the Gram Sabha is a people's institution and has been made a statutory body through a Constitutional Amendment. The current system of governance, still largely colonial in nature, has been unable to accept this radical change. A bureaucracy conditioned on centralized authority is not willing to be supportive and accountable to the Gram Sabha. The elected representatives of Panchayats have MPs and MLAs as their models, and therefore resent any form of direct accountability to the people. Secondly, a large-scale resource (large from the perspective of small village economy) transfer is taking place towards the Panchayats; this has led to an emergence of a corrupt nexus between elected Panchayat representatives, the bureaucracy and locally influential people who see an opportunity of making monetary gains. It is therefore in the interest of this nexus

that the Gram Sabha remain weak; hence they resist and weaken all efforts to empower Gram Sabhas. Structurally, the Gram Sabha has certain limiting factors. A centralised agenda (dictated by the State government), coupled with a lack of space for local initiative, has had a negative impact. This has turned the Gram Sabha into a government institution rather than a people's institution. Finally, the most significant constraint is the low capacity of the Gram Sabha. With a low level of human resource development, villagers just do not have the necessary capacity to accomplish the roles and responsibilities entrusted to them¹⁷.

Gram Panchayat Meetings and the Working of Standing Committees:

Meeting of the Gram Panchayat is to be held every month failing which the Secretary or the Chief Executive Officer issues notice of the meeting 25 days after the last held Panchayat Meeting. Quorum of the meeting is half of the members constituting Panchayat. The presence of women members in the meeting is very low. Even if they are present they do not participate in the meeting or they do not have any say in the meeting. Even while formulating a Standing Committee only the male members are consulted as who should be the member of that Standing Committee, the female members are not consulted. In a Gram Panchayat meeting every ward matters are discussed and matters are then send to Gram Sabha and even if the matter is not resolved at Gram Sabha then it is send to Jandpad. Every Tuesday a Jan Sunvai is supposed to be held from 11 a.m. to 1p.m. but it never happens. The Sachiv is also never available in the office.

At the Gram Panchayat level minimum three Standing Committees are to be formulated namely Samanya Prashan Samiti, Nirman tatha Vikas Samiti and Siksha Avam Swasth Samiti. The quorum of these Samities consists of Sarpanch, Up Sarpanch, four other members out of which one should be SC/ST and one should be women. As per the Ministry of Panchayat the Standing Committees at Gram Panchayat level hardly function because there are no separate funds created for its functioning and the committees are just created on papers.



GRAM PANCHAYAT MEETING OF MENDORI VILLAGE

Position of Women in Panchayati Raj Institution:

The 73rd Constitutional Amendment is a landmark since its objective is to empower women by creating space for them (with a 33% reservation of seats). The significance of this can be gauged from the fact that the number of women in politics at the grassroots level is now higher than in the past. However, as these Acts operate in a highly complex and entrenched patriarchal/ hierarchical socio-economic fabric, women are interwoven in it. This creates, in its wake, contradictory trends and gaps between the potential and actual realisation of women's empowerment.

In general, from the Panchayats visited in Mendori¹⁸ and Belkheri¹⁹ the researcher leads to the following conclusion²⁰:

The decision to fight elections was taken by male members in a family already enjoying political power or with a political background.

There were very few instances where women were self-motivated to fight an election.

In a few instances, the village community or Gram Sabha persuaded women who had leadership potential to stand for election.

Influential and powerful men chose women who could be manipulated to serve their interests.

The elected Sarpanch may be a woman but elections are fought in the name of their husbands. Woman Sarpanch's husband is known as Pati Sarpanch by other villagers. It the Pati Sarpanch who will take all the importance decisions relating to Panchayat. The women Sarpanch are hardly seen in Sarpanch Bhawan. A skewed portrayal of women in rural societies has been taking place through various myths, institutions and values that paint women as inferior. Even women believe in the dogma that as women, they should lead their lives very differently and be subordinate to male wishes. This makes women insecure and lacking a sense of self-worth, and are thus incapable of assuming decisive control over their milieu. While talking to a woman Sarpanch in Mendori, automatic response to every query was: 'I do not know anything; ask my husband'.

The process of socialisation clearly demarcates spaces: private for a female, public for a male. Thus, when women cross over their traditionally assigned private space and take on leadership roles in the public realm, hostile attitudes take various forms. The widespread view in the community was that women are neither capable nor interested in attending Gram Sabha and Panchayat meetings. Moreover, women were portrayed as submissive. They are not meant to be active and outspoken, particularly in the presence of men and elders. Though the Panchayati Raj institutions are based on democratic values and equality, any attempt by a woman to go against male dominance results in usurping of their power²¹.

Women's dependence on husbands or male relatives was often found to extend to their functioning as public figures. In many cases, the woman Sarpanch acted as a rubber stamp or played a subservient role while her husband or male relative played the central role. This dependence is because women are often unable to handle public affairs mainly because of their illiteracy, lack of confidence, awareness or experience, and a general isolation from public life. The decision to contest elections, in most cases, has not been that of the women but of their husbands, who were usually either an ex-Panch or Sarpanch of the Panchayat. When the seat was declared reserved, they have clung to power and influence through people they wield control over: wives, daughters-in-law and sisters. The decision-making abilities of women representatives also follow a hierarchical pattern. Unless supported by husbands or male relatives in powerful positions, women Sarpanches found it difficult to function and

take decisions²².

Women are poorly informed about Panchayat meetings and Panchayat functioning. Sometimes husbands attend the meetings and share discussions with their wives. Though women Sarpanches are supposed to be informed about meetings in an official manner, in practice information reaches them via the male members. Cut off from information, women are more susceptible to manipulation and domination. Most women representatives sign various documents but have little information about their content. In most cases, women representatives have not received any training and those who have found it to be 'useless'²³.

But because of the reservation the status of a woman if she is a Sarpanch has changed drastically. She is now been given more importance in the family and also where a woman was not allowed to enter the place where Panchayat meeting was held now she can very well be a part of it.

ANNEXURE

QUESTIONNAIRE

Following questions were asked from Sarpanches in Mendori & Belkhedi:

Q1. Personal Information:-

Name

Age

Education

Time Period for which the person remained Sarpanch

Q2. Number of Ward covered by a Sarpanch?

Q3. What salary is given to a Sarpanch and whether it is actually allocated or not?

Q4. How much Funds are allocated by State Government to a Panchayat?

Q5. How many functions are given to the Gram Panchayat and how many of them are actually performed?

Q6. How many functionaries are there in a Panchayat and what is their role?

Q7. Number and name of the Standing Committees in a Panchayat?

Q8. Functions allocated to Standing Committees and how many of them are actually performed?

Q9. Any specific funds allocated by the State Government for the functioning of Standing Committees?

Q10. Does Panchayat levy any tax in the form of self tax for raising more funds?

Q11. When are the meetings or Aam Sabha held under Gram Sabha?

Q12. What is the quorum for a meeting under Gram Sabha and is the quorum actually fulfilled?

Q13. When are the meetings held under Gram Panchayat?

Q14. What is the quorum for a meeting under Gram Panchayat and is the quorum actually fulfilled?

Q15. Are women Sarpanches given same importance as male Sarpanches?

Q16. Has the reservation provided under the 73rd Amendment Act, 1992 worked for the upliftment of women and SC and ST?

Q17. Recommendations given by the Sarpanches for better functioning of PRIs.

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15. *Supra* note 10
16. http://www.humanrightsinitiative.org/publications/rti/rti_&panchayati_raj_institutions_mp.pdf (last visited on 12th April, 2015 at 11:30 a.m.)
17. Mendori is a village in Bhopal District, M.P.
18. Belkheri is a village in Bhopal District, M.P.
19. An annexure has been attached at the end with regard to the questions asked for Sarpanches
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