

**DECENTRALISED GOVERNANCE
AND
DE-BUREAUCRATISATION
IN
MADHYA PRADESH**

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Introduction

It is widely accepted that self governing institutions at grass root level are an integral part of democratic process and are essential for participatory development initiatives. Grass root democracy based on small units of government; enable people to feel a sense of responsibility and to inculcate the values of democracy. In vast diverse complex sub content like India democratic decentralization is also a political and administrative imperative. In India, self governing rural bodies are known as Panchayati Raj institutions. When Panchayati Raj institutions [PRIs] were recognized as units of self governance through 73rd Constitutional Amendment, it is expected that these institutions will awake political consciousness in the countryside and to engender democratic process in rural India. Initially people evinced keen interest in the Panchayati Raj system and their representatives participated actively in local affairs including developmental activities. However, with the passage of time the initial enthusiasm and public participation has gradually diminished due to several reasons like over politicization, lack of devolution of power from district authorities, bureaucratic apathy to share power with local representatives, unequal social structure dominated by caste and class etc.

Against this context the present paper attempts to make an analysis of Panchayati Raj system in Madhya Pradesh. Madhya Pradesh is viewed by experts as one of the better performing states in respect of its initiatives for democratic decentralization through *Panchayati Raj*. The most significant reason behind this impression is the existence of a strong political will at the top level for strengthening and supporting the *Panchayat* system and to make it a viable alternative for fighting poverty and under development. This political will is clearly visible in the framing of progressive Panchayat Act and continuous delegation and devolution of powers to local institutions. Despite these efforts and initiatives in Madhya Pradesh, the *Panchayat* system continues to be plagued by

immense difficulties and faces stiff resistance from several quarters¹. Several studies conducted by World Bank and UNDP also reveal the fact that mere political will cannot transcend the decentralization process to grass root level unless it is backed by a committed bureaucracy and participatory structure for implementation.

The main objective of this paper is to examine the role of bureaucracy as a negative factor in empowerment of people through Panchayati Raj in Madhya Pradesh. Section one gives a brief introduction of PRIs in M.P since 73rd amendment Act and features of MP Panchayati Raj Act .Section two examines the extent of de-bureaucratization in M.P in terms of devolution of powers. The paper argues that bureaucratic attitude towards PRI is conditioned by caste gender and social status of sarpanchs rather than institutional mandates to strengthen PRIs. This negative attitude often resulted in delay of fund allocation, indifference towards decisions of Gramsabha, making official procedure complex etc. Strategies are needed to facilitate better and effective cooperation from the bureaucracy. Corruption has the potential to de-legitimize the system; therefore strong mechanisms of accountability from below and top are needed.

Section One

Panchayati Raj in Madhya Pradesh

Madhya Pradesh state was formed on November 1, 1956 with an area of 443446 square kilometers. The total population of Madhya Pradesh as per latest census of March 2001 stood at 60,385,118 registering an increase of 24.34 per cent over the population of previous census. In terms of population it holds the seventh position among States and Union territories in the country. The sex ratio (i.e., the number of females per thousand males) has improved from 912 in 1991 to 920 in the present census. Total literacy in the State too has shown significant improvement. This has risen from 44.67% in 1991 to 64.11% in the present Census².

¹ <http://www.odi.org.uk/Livelihoodoptions/papers/wp170.pdf>

² <http://www.censusindia.net/profiles/mpd.html>

Table 1
Census Details

Population (Census 2001)	60385118
Male	31,456,873
Female	28,928,245
Area (in sq. kms.)	308,000
Districts	48
Tehasils	271
Development Blocks	313
Total villages	55,392
Populated villages	52,143
Gram Panchayats	22,029
Literacy	64.11 %
Male	76.80 %
Female	50.28 %
Density of Population	196 per sq. kms
Male-Female Ratio	920

Source-Compiled by Author from 2001 Census Report, Government of India

From the point of view of per capita income, literacy, urbanization, infrastructure facilities and other development indicators, Madhya Pradesh belongs to the category of less developed states of the country. The state has the highest number and percentage of tribal population in the country with 45 scheduled tribes that account for 23 per cent of the state population. Madhya Pradesh. Marked by a complex social structure, a predominantly agrarian economy, a difficult and inaccessible terrain, and scattered settlements over vast area poses several formidable problems to family planning and reproductive health service delivery systems. In terms of Human Development Index (HDI), the state lags behind the country as a whole, with an index value of 37 out of 100 compared to 45 for the country.³

The socio economic complexities and diversities coupled with vast geographical area necessitates the importance of participatory system of governance and public good delivery for the overall development of the economy and society. Keeping this point in mind policy makers always tried to engender democratic decentralization in Madhya Pradesh ever since its inception.

Panchayats in Madhya Pradesh before 1994

It is interesting to note that *Gramswaraj* based on Panchayats were not a new phenomenon in Madhya Pradesh. From time immemorial tribal people of Madhya Pradesh practiced their unique caste and village panchayats. The system of grass root governance practiced by these traditional communities largely influenced their every day

³ http://www.policyproject.com/pubs/countryreports/ind_mp_pp.pdf

life. Against the background of this rich cultural tradition, Madhya Pradesh welcomed the formal procedure to institutionalize democratic decentralization in the state. Even though the 73rd Constitutional Amendment to implement PRIs all over the country was enacted only in 1992, Madhya Pradesh state initiated the decentralization process early in 1962. The Act of 1962 was further amended in 1978 to incorporate more participation and devolution. The following table gives a comparative view of different Acts formulated by the state government prior to the official constitutional sanctity for strengthening grass root democracy and representative polity.

An analysis of these Acts [see table 2] clearly reveals that successive governments in Madhya Pradesh had attempted to revitalize the grass root governance system through radical policy reform. Attempts were also made to capture participation of marginalized sections of society through affirmative action. However, the political will to transform power structure at the grass root level needs support of bureaucracy with whom the rests the implementation of the provisions of the Act. In Madhya Pradesh, majority of the people living in the villages are illiterate and lack socio economic and political consciousness. As a result, the state bureaucratic apparatus with a very strong elitist orientation and rule bound implementation strategy failed to attract genuine people's participation and decentralized decision making.

Table 2
Panchayati Raj prior to 1993

Act	Features	Limitations
Panchayat Act 1962	<ol style="list-style-type: none"> 1. Provision for 3 tier structure-gram panchayat in village level, janapad in Block level and Zila panchayat in District level 	<ol style="list-style-type: none"> 1. Lack of bureaucratic support 2. Lack of people's participation
Panchayat Amendment Act 1978	<ol style="list-style-type: none"> 1. Enlarged scope of devolution 2. Decreased voting age from 21 to 18 in elections 	<ol style="list-style-type: none"> 1. Powers were restricted 2. Devolution of power was not exercised properly
Panchayat Amendment Act 1988	<ol style="list-style-type: none"> 1. Reservation for SC/ST and women 	<ol style="list-style-type: none"> 1. Functions were limited to local maintenance only 2. Developmental functions were not delegated
Panchayat Act 1990	<ol style="list-style-type: none"> 1. More powers were included 2. developmental functions delegated 3. Direct election to the 3 tier structure 4. Involvement of political parties 5. Transfer of resource and machinery 6. Gramsabha with a <i>Patwari</i> circle 	<ol style="list-style-type: none"> 1. Over politicization 2. Bureaucratic corruption in fund transfer 3. institutional unpreparedness affected devolution of resources

Source-Compiled by author from various Acts

It is against this background that government of India enacted 73rd Constitutional Act in 1992. As per the provisions of the Act it is mandatory for all state governments to enact Panchayati Raj Act at state level without changing the real spirit of the original Act. The main features of the Act are the following:

- There will be a three tier structure in each State at the village, intermediate and district level. However, the States with a population less than 20 lakh can have an option to avoid intermediate level *Panchayat*.

- Gramsabha including all the members of the village shall be the lowest unit.
- Members of *Panchayats* at all levels will be elected through direct elections. The election of the chairperson at the intermediate and district level will be through indirect elections and the mode of election of the chairperson of the village *Panchayat* has been left to the respective States.
- Seats are reserved for Scheduled Caste (SCs) and Scheduled Tribes (STs) at all level according to their population at each level. Not less than one-third of seats are reserved for women and these may be allotted by rotation. The office of chairperson will also be subject to this provision.
- A uniform five-year term has been granted to the *Panchayats*. In case of dissolution or supersession, elections should be held within six months of the date of dissolution.
- State legislatures have the legislative power to confer on the *Panchayats* such powers and authority as may be necessary to enable them to function as institutions of self governance. They may be entrusted with the responsibility of (i) preparing plans for social justice and economic development; (ii) implementation of schemes for social justice and economic development; and (iii) in regard to matters listed in the 11th schedule. The list contains 29 items, such as land improvement, minor irrigation, fisheries, education, women and child development.
- State government has the power to authorize the *Panchayats* to levy, collect and appropriate suitable local taxes. The Government can make grant-in-aid to the *Panchayats* from the consolidated fund of the concerned State.
- Review of the financial position of the *Panchayats* will be undertaken by a finance commission, which shall be constituted every five years. It will also make recommendations on the distribution of funds between State and local bodies.
- A State Election Commission shall be constituted to ensure free and fair elections to the *Panchayats*⁴.

After the enactment of 73rd Amendment Act, different states in India expressed enthusiasm to revise the existing state level PRI institutions and enact new legislation to incorporating the provisions of central government Act. Among the states, Kerala, Madhya Pradesh, Karnataka and West Bengal initiated a process of radical socio economic and political transformation through democratic decentralization. To facilitate the implementation, Madhya Pradesh government enacted Panchayati Raj Act 1993 which was given the assent of the Governor on 24th January 1994. The Act was Prepared in tune with the content and spirit of 73rd constitutional amendment Act.

⁴ <http://www.odi.org.uk/Livelihoodoptions/papers/wp170.pdf>

Madhya Pradesh Panchayati Raj Act 1993

The primary objective of the Act is to strengthen and empower the *Panchayat* institutions and to ensure effective involvement of these institutions in local administration and development activities. The idea is to make *Panchayat* institutions more democratic through people's greater participation, democratic decentralization and effective local self-governance, and agents of economic and social justice. This Act provides the backbone for all changes and development in the sphere of *Panchayats* in Madhya Pradesh⁵. There are three tiers in the system including Gram Panchayat, Janapad panchayat and Zila panchayat. Apart from that there will be a Gramsabha at the lowest level which represents the entire village community. Salient features of the Act are the following:

1. Gramsabha

The *Gramsabha* consists of all the people in the voters list residing in a village. As per the Act *Gramsabha* meeting is to be held four times in a year. Sarpanch is the presiding officer of Gramsabha. Secretary of the Gram Panchayat is in charge of the proper functioning of the meeting and oversees the decisions made in the Gramsabha. Main function of the sabha is to discuss matters related to development of the village prioritizing developmental needs and identification of beneficiaries for various schemes under the system. In short *Gramsabha* represents the demands and aspirations of the people and secure participation of the entire population in democratic process.

2 Gram Panchayat

Gram Panchayat implies cluster of a group of villages. Every *Gram Panchayat* consists of elected *Panches* from the wards, an elected *Sarpanch* and *Upsarpanch*. The seats to be filled by direct election in every *Gram Panchayat* are reserved for SCs and STs in proportion to their population in the *Gram Panchayat*, on a rotational basis. A *Gram Panchayat* with 50% or less of seats reserved for both SCs and STs has 25% seats reserved for the Other Backward Castes (OBCs) on a rotational basis. The *Sarpanch* is directly elected and is the key functionary of the system. The seats of *Sarpanch* are reserved for SCs and STs in proportion to their population in the block. If the total population of SCs and STs in the block is less than 50%, then 25% of the *Sarpanch* seats are reserved for OBCs. Significantly, the Act reserves one-third of the total number of seats of *Sarpanches* within a block for women⁶. Interesting feature of the Gram Panchayat is functioning of standing committees for different purpose.

3. Janpad Panchayats

The intermediate tier of panchayat is called Janpad in Madhya Pradesh. It consists of members elected from the constituencies' co-opted members from co operative societies

⁵ <http://www.odi.org.uk/Livelihoodoptions/papers/wp170.pdf>

⁶ <http://www.odi.org.uk/Livelihoodoptions/papers/wp170.pdf>

and all MLAs from that particular panchayat area. The total number of wards/constituencies should be less than 25. The Janpad panchayats function through various standing committees constituted among the members.

4.Zila Panchayat

Every district has a zila panchayat to coordinate the activities of the entire district as well as the lower level institutions. Apart from directly elected members representing each constituency, zila panchayat include all MLAs and MPs from the particular district, and Chairpersons of district co-operatives. The zila Panchayat control and monitor the activities of District Rural Development Agency [DRDA]. Various developmental projects implemented by state and central government has to be monitored by zila panchayats. The following table gives detailed account of the powers and functions of PRIs in Madhya Pradesh.

PRIs in Madhya Pradesh: A Profile

Tier	Functions	Tax
Village Panchayat	Sanitation, construction and maintenance of water construction of roads, buildings, providing public health facility, lighting village streets, etc.	Property tax on land and building, tax on private latrines, lighting tax, professional tax, market fee etc.
Janpad Panchayat	IRDP programmes, agriculture, social forestry, cottage industries, family planning, sports, rural employment programmes etc.	Theatre and public entertainment tax, fees for license etc.
Zila Panchayat	Control co ordinate and guide janpad and gram panchayats, coordinate their demands and prioritize and forward them to state government, family welfare, welfare of disabled etc.	Various fees like market fees

Source: Compiled by Author from PRI Act and ODI Research study

While analyzing the powers of PRIs it is evident that a considerable amount of power has been devolved to the village communities by the Act. It appears that PRIs in Madhya

Pradesh is powerful compared to other states. However studies show that Very often individuals are members of a committee without being aware of its functions, role, responsibilities and affiliation (PRI committee or project-based committee). Multiplicity of legislations bringing in change has added to the misunderstandings. Furthermore, meetings are called at short notice making it difficult for individuals to attend. It appears that there is little feed-back from the *Sarpanch* as to the outcomes of the meetings. As a result the participation rate of the community in these committees and in the Gram Sabha has declined and is almost negligible leaving the *Sarpanch* and the Secretary to take most of the decisions⁷.

Section Two

Panchayati Raj and Bureaucracy in Madhya Pradesh

Excessive bureaucratism has always characterized Indian polity and administration The Collector-SP raj established by the British was further entrenched during the post-Independence period as it became the engine of capitalist development at the local level. Over the decade this has been effective in stifling the development of any genuine democratic institutions and processes and consciousness at the grass-root level. The bureaucracy strongly rooted in the upper castes and the land-owning classes effectively safeguarded the interests of those castes and classes. At the same time it also had to play the role of controlling the excesses of those classes. In other words this set up prevented the local ruling elements from directly exercising power or in having a free hand⁸.

This is especially true in the case of Madhya Pradesh where attitude of bureaucracy played vital role in limiting the success of democratic decentralization and empowerment of people. Theoretically Madhya Pradesh PRI Act gives immense powers and responsibilities to panchayat institutions. However in effect these functions were controlled by bureaucracy. The real spirit of PRI is to make the people empowered in the sense that they can participate actively in local decision making process and identify their priorities. Unfortunately this has not yet achieved in Madhya Pradesh even though the constitutional provisions envisages making it a reality. In most cases the powers actually delegated to the sarpanchs and members were limited to supervision of project implementation and identification of beneficiaries from their constituency. In Madhya Pradesh PRI Act there is provision from committee system right from Gram Panchayats to Zila Panchayats. However the illiterate sarpanchs and ward members were over burdened with these committees and often depend on bureaucracy for clarification and guidance. This has increased the power of lower bureaucracy in PRIs. Eventhough the real objective of democratic decentralization is to debureacratise and makes administration and development people centric, the reverse happened in Madhya Pradesh due to technicality of functions and lack of proper capacity building among local representatives.

⁷ www.nri.org/rnfe/pub/papers/2716.pdf

⁸ <http://revolutionarydemocracy.org/rdv4n2/panchay.htm>

As per the Act there are certain guiding principles for the transfer of powers from state government to PRIs. Some of them are as follows:

- Administrative machinery should be transferred to Panchayats in accordance with transferred schemes, programmes and plans.
- No employee or officer should work under twin control of PRIs and state government
- The work, right, responsibilities budget and machinery of department up to the district level has been entrusted to the panchayats.
- The department's functions and programmes are being transferred to *Panchayats*; therefore, the district and lower level officers will work under the *Zila Panchayat* via the Chief Executive Officer. For example, the Department of Food and Civil Supplies, Mineral Resource, *Adim Jati* (tribals) and *Harijan Kalyan* (welfare), etc.
- The departmental officer of the corresponding level should have the required rights to implement the decisions of *Panchayats*, which are within the domain assigned to it⁹.

In spite of these guiding principles of devolution the concerned departments has not yet taken initiatives to delegate and transfer powers. Bureaucratic inertia and Red-tapism delayed the transfer of power from certain departments to PRIs. In some departments, even though a few committed bureaucrats at the top level administration were willing to devolve power to the panchayats, they were not successful due to apathy from local level bureaucracy. For example Integrated Child Development Programme and administration of Anganwadis were made under Janpad Panchayats. But instead of transferring complete responsibility to PRIs, the department of family welfare continues to hold the functions except supervision of health centers.

Yet another problem connected to this is had been the love-hate relationship between the local level bureaucracy and the elected representative of PRIs. Both use to move in different directions, due to lack of proper co-ordination and clarity of functions. Moreover there is also a tendency towards politicization of local bureaucracy. 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 decentralization. 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 change¹⁰.

⁹ http://www.odi.org.uk/Publications/working_papers/wp170_b.pdf

¹⁰ http://www.odi.org.uk/Publications/working_papers/wp170_b.pdf

Due the lack of adequate training in official functioning, the panchayat members find it difficult to understand the technical orders and rely on officials for clarification. They often mislead the poor members with out giving right direction. Thus ultimately real power always remains with officials and not delegated to the panchayats. Even though panchayat member take some initiatives, Tehsildar or Village officer reject the opinion and direct lower officers to act in accordance with official order. This trend is visible mostly in SC/ST villages and panchayats where dominant caste interest also makes panchayat a mockery. Slowly, this inability of the *Panchayat* to intervene effectively in any matter will discredit the system and dampen the initial enthusiasm. The merger of DRDA with *Zila Panchayat* has created confusion³ and there is lack of clarity regarding both the role of bureaucracy and the *Zila Panchayat*. This confusion is not limited to *Panchayat* representatives – the bureaucracy at the local level is also not clear about the demarcation and division of roles, thus bringing work to a standstill. Frequently officials, through the support of unknown office orders, exceed their brief. For instance, in Mahloi village of Raigarh district, the Sub Division Officer (SDO) appointed the *Kotwar* (*Chaukidar*) of the *Panchayat* against the wishes of the *Sarpanch* and the *Gram Sabha*. Office orders of various departments issued prior to the establishment of *Panchayati Raj* continue to obstruct their functioning. This obstruction becomes more acute and accentuated in a department such as Forests, where there is constant conflict over respective areas of influence because of overlapping of orders. The *Panchayats* feel that they are entitled to take decisions regarding forests in their area, whereas the Department of Forests argues against this and restricts access by *Gram Panchayats* to these forests¹¹.

In several cases instead of helping or guiding the sarpanch, bureaucracy directly took the control of activities. In panchayats like Jambua where SC/ST population is high the attitude of officials to sarpanchs and other members were one of alienation and exclusion. The local bureaucracy has developed networks with local dominant caste elites and attempts to sabotage the system using technical interventions and official orders. As a result the real empowerment of the down trodden sections of society through democratic decentralization remains as a distant dream.

The above analysis reveals that the socio-political changes expected by the introduction of Panchayati Raj system remained largely unfulfilled for long in Madhya Pradesh. Particularly the objectives like social equality, gender equity and the change at grassroot level leadership envisaged as the main among the objectives of Panchayati Raj were not fulfilled in a meaningful manner due to attitude of local bureaucracy to the elected representatives. In this regard it was felt that the marginalized groups like the women and other backward castes in the society continue to face many hurdles and found it difficult to participate at the grass-root level developmental process¹².

¹¹ http://www.odi.org.uk/Publications/working_papers/wp170_b.pdf

¹² P.H.Mohammed, Panchayati Raj and Social Change, ICFAI Journal of Public Administration, August 2006.

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