

GRASS-ROOT DEMOCRACY AND EMPOWERMENT OF PEOPLE: EVALUATION OF PANCHAYATI RAJ IN INDIA

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As Gandhi often pointed out, India lives in villages and unless village life can be revitalized the nation as a whole can hardly come alive. When India became independent in 1947, perhaps one-third of the villages of India had traditional Panchayats and many of them were far from flourishing conditions. The congress government has made a determined effort to promote the creation of Panchayats and to make them effective units of local self- government. Article 40 of the Constitution clearly declares ‘The *state shall take necessary actions to organize village Panchayats and to endow them with such powers and authority as may be necessary to enable them to function as units of self-government*¹’. The aim was to foster democratic participation, to involve villagers in the development of the community and to reduce the burden of higher level of administration. Though various steps were taken by successive governments to revitalize the system, *Gramswaraj* through village Panchayats remained as a distant dream till 1992. Bureaucratic apathy, indifference of the people, lack of political will, lack of uniformity etc were the main factors behind the failure of the system.

Realizing the potential of the PR system, Rajeev Gandhi government initiated a process of Constitutional amendment to give sanctity and uniformity to Panchayati Raj system so that it can be immune from political interference and bureaucratic indifference. Rajeev Gandhi introduced 64th Constitutional amendment Bill in 1989. But the Bill did not materialize because of the fall of his Ministry. Finally the P.V.Narasimha Rao government introduced Panchayati Raj system in India through the 73rd Constitutional Amendment in 1992.

The 73rd Amendment Act has added a new Part in the constitution- *Part Nine* - consisting of 16 Articles and the 11th Schedule .The functions of the Panchayati Raj institutions have been clearly spelt out in Article 243G of the Constitution, read with Article 243 ZD and the 11th Schedule. The PRIs are supposed to be genuine institutions of local self-government, not adjuncts to the implementing agencies of State governments. The constitution, which describes them as institutions of local self-government, says that this

¹ D.D.Basu, Constitution of India.

[status] is [given to them] for two specific purposes: planning for economic development and social justice and implementing these plans. Moreover, it says that this process of empowering them through devolution in order to enable them to plan and implement their own programmes of neighborhood economic development and social justice will be governed by the laws of the legislatures of the States. The Constitution says in the 11th Schedule that this empowerment shall relate or could relate to the 29 subjects listed in the Schedule. Any form of Panchayati Raj that falls short of this cannot be described as genuine Panchayati Raj².

Features of the new Panchayati Raj system

The 73rd Constitutional Amendment Act envisages *Gramsabha* as the foundation of the PRI system to perform the functions of and powers entrusted to it by the state legislatures. The amendment provides for a three- tier PRI system at the village, intermediate and district levels. Small states with population below 20 lakh have been given the option to not to constitute the intermediate level. The Act provides that the Panchayat bodies will have an assured duration of 5 years with mandatory elections after this period. However it might be noted that under the Act the establishment of Panchayat and the devolution of necessary powers and authority on the PRIs are vested in state governments. In view of this it may be said that the success of the PRIs as a unit of democracy and thereby ushering an all round development of rural areas will much depend on the intention and support of the state governments. Without sincere intention and political will these institutions would be misused by rural elites and the poor and illiterate masses will remain as mute supporters. The following are the basic elements of the PRI system introduced through 73rd Amendment Act.

Gramsabha

Article 243A provides that a *GramSabha* may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide. *Gram Sabha*" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level. Thus 73rd Amendment makes *Gramsabha* as the foundation of PRI system³.

Constitution of Panchayats

Article 243 B visualizes a three-tier PRI system. It provides that in every state there shall be constituted Panchayats at the village intermediate and district levels. Small states with population below 20 lakh have been given the option to not to constitute the intermediate level. Article 243 C further provides that subject to the provisions of these part legislatures of state government may by law make provisions with respect to the

² Interview with Mani Shanker Iyer, Frontline, May21-June 3, 2005.
www.hinduonnet.com/fline/fl2211/stories

³ Introduction to the Constitution of India, D.D.Basu.

composition of the Panchayats. However the ratio between the population of territorial area of a Panchayat at any level and the number of seats in such Panchayats to be filled by election, shall, so far as practical be same throughout the state. ⁴

All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area. For this purpose each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the numbers of seats allotted to it should be the same throughout the Panchayat area⁵.

The legislatures of the states may by law provide for representation of following persons in Panchayats:

1. The Chairperson of the Panchayat at the village level, in the Panchayats at the intermediate level or in the case of a state not having intermediate Panchayats, in the Panchayats at district level.
2. The Chairpersons of the Panchayat at the intermediate level in the district Panchayat.
3. The members of the Loksabha and the MLAs representing the territorial part of the Panchayat
4. The members of Rajyasabha and Legislative Council of the state where they are registered as electors⁶.

The Chairperson of a Panchayat and other members of Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayat. The Chairperson of a Panchayat at the village level shall be elected in such a manner as the legislature of a state may by law provide. The Chairperson of a Panchayat at the intermediate level or district level shall be elected by the elected members there of⁷.

Reservation of seats

Article 243 D provides that in every Panchayats seats will be reserved for the SC/ST population in accordance with their population in the village or Panchayat concerned. More over 1/3 of the seats in each level shall be reserved for women. The office of the Chairperson in the Panchayats at the three levels shall be reserved for SC, ST and women in such a manner as the legislatures of each state, may, by law provide. But the number of offices of Chairpersons reserved for the SCs and STs shall be in the same proportion to the total number of such offices in the Panchayats at each level in proportion to the total population of SC and ST in the state. However not less than 1/3 of the total number of the offices of Chairperson in the Panchayat at each level shall be reserved for women. The

⁴ Constitution of India, 73rd Amendment Act, 1992
www.indiacode.nic.in/coiweb/amend/amend73.htm

⁵ Constitution of India, 73rd Amendment Act, 1992

⁶ Constitution of India, 73rd Amendment Act, 1992

⁷ <http://www.indiacode.nic.in/coiweb/amend/amend73.htm>
www.indiacode.nic.in/coiweb/amend/amend73.htm

number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level⁸

Powers and Functions of Panchayats

Subject to the provisions of this Constitution, the Legislature of a State may, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to:

- The preparation of plans for economic development and social justice;
- The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule⁹.

The matters listed in 11th Schedule are as follows:

1. Agriculture and extension
2. Land improvement
3. Watershed development
4. Animal husbandry, Poultry and Dairy
5. Fisheries, Social forestry and small scale industries
6. Rural Housing, Khadi, Drinking water and Sanitation
7. Community Health etc

Powers to impose taxes and Funds.

Article 243 H empowers the legislature of a State authorize a Panchayat to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits and assign to a Panchayat such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits¹⁰. More over the article provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State. The PRIs are entitled for Constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such money from the funds¹¹

Finance Commission

⁸ <http://indiacode.nic.in/coiweb/amend/amend73.htm>

⁹ <http://indiacode.nic.in/coiweb/amend/amend73.htm>

¹⁰ www.fincomindia.nic.in/speech/siva%20pres.pdf

¹¹ www.internationalbudget.org/cdrom/papers/decentralisation/Decentralisationfromabove

Article 243I provides for the establishment of a Finance Commission for reviewing financial position of Panchayats. The Governor of a state shall within one year from the commencement of the Act, constitute a Finance Commission. It shall be the duty of the finance Commission to the principles, which should govern-

- The distribution between the State and the Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Panchayats at all levels of their respective shares of such proceeds¹²;
- The determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Panchayat;
- The grants-in-aid to the Panchayats from the Consolidated Fund of the State¹³;
- The measures needed to improve the financial position of the Panchayats;
- Any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the Panchayats¹⁴

District Planning Committee

Article 243 ZD provides for District Planning Committees [DPC] comprising representatives elected by the district Panchayat. It further says that the function of this DPC is to consolidate but not to prepare the district plan. They are to consolidate the plans that have been made by each village Panchayat for the village and, by each intermediary panchayat for the intermediary level, which is described differently in different States, as taluk or block or union. All these different plans are to be brought together in the DPC where they are to be "consolidated" into a draft district¹⁵. By way of capacity building, Article 243 ZD provides for a large proportion of the members of the DPC to be nominated by the State government. But, if the State government draws upon local human resources, such as college teachers, ex-servicemen, retired civil servants, retired engineers or even serving ones, doctors, serving or retired, then the community and its best representatives, including businessmen, get involved in the process of developing their own district¹⁶.

Critical Evaluation

Panchayati Raj was indeed one of the most remarkable social and political reforms since independence. However, PRIs today face a number of daunting challenges. Across all states there is a lack of genuine devolution of funds, functions and functionaries in

¹² www.commonlii.org/in/legis/const/2004/12.html

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¹³ www.indiacode.nic.in/coiweb/amend/amend73.htm

¹⁴ www.indiacode.nic.in/coiweb/amend/amend73.htm

¹⁵ Interview with Mani Shanker Iyer, Frontline, May21-June 3, 2005.

¹⁶ Interview with Mani Shanker Iyer, Frontline, May21-June 3, 2005.

Panchayati Raj. Added to that are social challenges that work against the emergence of leadership from marginalized sections of society, such as women, Dalits and tribals. Further, there is a lack of role clarity among Gram Panchayats, Block Panchayats and District Panchayats.

The socio-political changes expected by the introduction of Panchayati Raj system remained largely unfulfilled for long. Particularly the objectives like social equality, gender equity and the change at grass-root level leadership envisaged as the main among the objectives of Panchayati Raj were not fulfilled in a meaningful manner. 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 process. Some of the shortcomings of the system identified by various studies are as follows:

1. Uniformity of PR system undermines each state's unique history, traditions and consequent structures of local government
2. Representation of members of parliament and state legislatures are often became counter productive. There are clash of interest between the legislatures and PR representatives particularly for getting votes.
3. The Act does not define role of political parties clearly. It doesn't mention that political parties can enter the election arena in their formal capacity.
4. The Act is silent about the relationship between PRIs and local bureaucracy
5. The Act doesn't spell out specific grounds for dissolution of PRIs by states. This gives scope for the states to dissolve PRIs on political considerations.

Though the PRI system has so many positive features, yet the elite control over the system, apprehensions of state level leaders of challenge to their power and the lukewarm attitude of the bureaucracy have not yet allowed the PRIs to function as real democratic institutions with people's participation. Studies from different states in India clearly proves that even though some states have shown political activism to implement PRIs the unequal social structure and rigid caste system prevalent in Indian villages coupled with power-hungry local bureaucracy kill the spirit of the system.

Success of Panchayati Raj: Comparative Study

After the 73rd Constitutional Amendment Act all states in India initiated the process of radical democratic decentralization. However the experience of PRIs shows that success of PRIs in India is not uniform throughout the country. In some states the system has played a vital role in changing traditional power structure dominated by local elite-bureaucratic network. In other states the new system has lead to empowerment of hitherto marginalized sections of society like women, SC and ST. Unfortunately in some other states lack of political will and administrative apathy killed the real devolution of power. Using the conventional classification of 'political, administrative and fiscal decentralization,' the World Bank's three-volume study of Indian decentralization ranks India '**among the best performers**' internationally in terms of political decentralization, but 'close to the last' in terms of administrative decentralization. Most States have held at least one round of elections since 1993. Reservations allowing the participation of

women, Scheduled Castes and Scheduled Tribes have been respected. Finally, voter participation has been high. In its study of 53 villages in Rajasthan and MP, for instance, the World Bank found that voter turn out in *Panchayat* elections was well over 90% for all categories (defined in terms of gender, class and caste). This is significantly higher than the (still high) turnout for the most recent (1998) round of *Lok Sabha* elections, which was 61% for women and 65.9% for men¹⁷. In its assessment of Indian decentralization, the Task Force on Devolution of Powers and Functions upon *Panchayati Raj* Institutions (MoRD, 2001) found that ‘most of the States’ had satisfied only the basic requirements relating to the transfer of functions, functionaries, funds and financial autonomy to the *Panchayats*¹⁸.

These findings upheld three important limitations, which are commonly associated with Indian decentralization.

1. The government bodies that operate within their jurisdiction are part of a federal system, in which powers are defined by a written Constitution, and divided among Union, State and sub-State bodies.
2. The institutions empowered by Indian decentralization are situated in a long-standing structure of public administration, whose interests and nature are not necessarily consistent with the provisions outlined in the 73rd Amendment.
3. Finally, this process has happened in a context of political transition, in which customs of discrimination and inequality in rural areas are thought to have been challenged by forces arising from the green revolution and other forms of guided intervention¹⁹.

However some states are ahead of other states in implementing PRIs. For example, Kerala has set a model for decentralized planning with people’s participation and an innovative model for allocating fund for PRIs. In Kerala, the local self-governments belonging to higher tiers do not have any control over the lower tiers. The Panchayat presidents are very clear about their role in providing services, and developing panchayat plans and implementing them. The Panchayat presidents take an active interest in the proper running of day care centers, primary schools, and health subcentres. They actively look into the maintenance of buildings housing these institutions, regular attendance of the staff, and other infrastructure needs. In Kerala PRIs has initiated the process of participatory natural resource management, water shed management and adult literacy programmes. In some districts IT local Panchayat authorities also introduced training programmes. Participation of women and marginalized community in development process has lead to their empowerment to a great extent. However Kerala is also not free from elite capture of political power in grass root level. Over politicization and interference of local political party leaders often affected the functioning of PRIs making it less –objective and more partisan.

¹⁷ ODI Working Paper, www.odi.org.uk/Publications/working_papers/wp199.pdf

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¹⁸ www.odi.org.uk/Publications/working_papers/wp199.pdf

¹⁹ www.odi.org.uk/Publications/working_papers/wp199.pdf

Another state, which has shown initial activism in PRI, is Madhya Pradesh. Even before the amendment Madhya Pradesh had a long tradition of local self- governments. So when the Act was implemented, Madhya Pradesh has used the district planning committee provision of the 73rd amendment and pass decision-making powers to districts. It has also empowered the gram sabha to carry out the functions of Gram Panchayat through numerous committees under the gram swaraj. Madhya Pradesh PRI system is characterized by committee system at the local level managed by members of Gramsabha and other higher levels. However, this system is not functioning due to lack of awareness among the members and bureaucratic indifference to provide technical guidance to the representatives on powers assigned to them. Thus the PRI representatives under utilized the powers and functions delegated to the committees. In Madhya Pradesh we can see elite capture of the system without giving actual representation to marginalized sections of society even though the Act guarantees it. 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 functions²⁰. More over 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 changes²¹.

The elite capture is much stronger in Tami Nadu where Dalit Panchayat members were not even allowed to contest in election. When the hitherto downtrodden people try to establish themselves, assert their opinion and to question the established patrons of authority through constitutional means, traditional caste forces reacted vehemently to revert the natural process of empowerment. This trend was most evident in Tamil Nadu where patriarchal norms and caste equations play vital role in politics. Naturally this has resulted in the creation of several stumbling blocks in Dalit women's assertion, mobilization and empowerment. Thus the chief factor hindering proper functioning of dalit PRIs in Tamil Nadu is strong opposition from upper caste representatives and caste groups. In several panchayats non-cooperation from upper caste members have virtually halted the day-to-day activities of gramsabhas and gram panchayats. In Pappapatti and Keerippatti panchayats, Dalit Panchayat presidents resigned soon after their election when they failed to challenge the casteist forces

World Bank studies on PRIs in Andhra Pradesh conclude that decentralization in AP have emphasized a State that has become decidedly hostile to the interests of *Panchayati Raj*. In contrast to Madhya Pradesh's ambitious 'experiment' in direct democracy the AP government has been associated with a system of governance that has undermined the *Panchayats* in favor of line departments and 'parallel bodies' such as water user groups, joint forest management committees, self-help groups etc²².

²⁰ www.lc.dlib.indiana.edu/archive/00002248/01/Decentralised_governance_and_de.pdf

²¹ www.lc.dlib.indiana.edu/archive/00002248/01/Decentralised_governance_and_de.pdf

²² www.odi.org.uk/Publications/working_papers/wp199.pdf

Conclusion

The experience of different states show that though the PRIs has so many positive features, yet the elite control over the system has not permitted them to work as per the objectives enshrined in Indian Constitution. The need is to evolve a comprehensive concept of PRI system .For this the PRIs has to play three important roles:

1. It should bring about decentralization of administrative powers in the sense that it has to encourage self-governance and mass participation in its working
2. The PRIs have to contribute towards strengthening the planning process at the micro level and overall rural development
3. It has to improve the access of the masses to the highest level of decision-making process.
4. The PRI should ensure the empowerment of the poor and marginalized people and protect them from exploitation of dominant class.
5. PRI members have to be trained for their new role. This is because they have limited knowledge about the Panchayat Act and its provisions, objectives and functions of PR bodies, the dynamics of rural society and the growth potential of their areas. Bureaucracy has to become more committed to PRIs
6. Since political interference and over politicization of PRIs lead to dysfunctional, effort should be made to encourage unanimous election to the PRI bodies without affecting village harmony. In several states PRI election lead to violence and local tensions. This kind of disharmony and politicization affects the legitimacy and spirit of democratic decentralization. Hence there is an urgent need to encourage non-partisan elections and procedures of PRIs. Otherwise it will lead to friction and violence. Some states have already initiated this welcoming custom.

Grass root democracy would seem to have been established in India through 73rd amendment of the constitution. But even the Act has not resolved the problem of clearly defining the role of local bureaucracy and the elected representatives. Unfortunately the Act has not even defined the role of political parties.

A critical review of the 73rd Amendment and the assessment of the ways in which different States have followed or resisted the stipulations outlined in the 1993 reforms reveals that the grass root democracy in India still suffers from three limitations- federal constraints, a resistant bureaucracy and local elite capture. Reviewing experiences from, different states, studies conducted by Overseas Development Institute [ODI] gives some propositions about the conditions under which decentralization can lead to improved accountability for poor and marginal groups in society. They are:

- Active participation among broad elements of society, involving activities such as voting, campaigning, attending meetings, running for office, lobbying representatives, etc.
- Fiscal and political support from higher level authorities within government;

- The existence of competitive political parties whose legitimacy depends at least in part on the support of the poor²³
- Deeper economic transformations, which embolden traditionally, subordinate groups to challenge local authority structures.

The 11th Finance Commission also came out with similar suggestions. One of the serious concerns the Commission highlighted was that the PRIs as been marginalized by the Center government and state government by sponsoring schemes for rural areas without associating these bodies in their planning and implementation. This is especially true against the context of new central schemes like National Rural Employment Guarantee Act [NREGA] and National Rural Health Mission. Though both these schemes are wide in scope and aim to transform rural India through direct intervention, the process of implementation have marginalized PRIs.

It is imperative to revive PRIs in the era of globalization and liberalization. Local initiatives and developmental efforts can indeed enhance competitiveness and income generation among the village community. Thus rural-urban divide can be minimized using PRIs as an effective catalyst for making villages assertive, self reliant and competitive. Thus revival of PRIs should not undergo another eclipse on the earlier pattern. There has to be genuine commitment to Panchayati Raj as a political value and ideology.

²³ www.odi.org.uk/Publications/working_papers/wp199.pdf

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