



Part IV

Grassroot Democracy – Watching Local Governance

The independence of India should mean independence of the whole India... Independence must begin at the bottom. Thus every village will be a republic or Panchayat having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs. In this structure composed of innumerable villages, there will be ever-widening, ever-ascending circles. Life will not be a pyramid with the apex sustained by the bottom.

—Mahatma Gandhi

Grassroot Democracy – Watching Local Governance

After the 73rd amendment to the Constitution of India, panchayats are evolving as an important part of the decentralisation being attempted in India. It is perhaps the current accepted expression of peoples participation in governance and with time, effective devolution of power and implementation could transform into a real empowerment tool. The report looks at the constitutional evolution of the Panchayati Raj Institutions in India and the way the system has been implemented in various states, especially given the diverse political commitments towards the implementation of the system. It also takes a peep at the various hurdles that stand in the way of the proper evolution of the Panchayati Raj Institutions in India

Perspective on Decentralised Governance

The processes of globalisation, liberalisation and decentralisation are taking place in India simultaneously. It needs to be empirically tested whether there exists a positive or negative correlation, if there is any. Nevertheless, this chapter is primarily focused on mapping the trends of decentralisation, devolution of powers to local self-governance bodies and efforts made by different states to strengthen institutions of grassroot democracy. Since independence, India opted to be a democratic country where a representative form of governance was accepted. The democratic values remained operational for any citizen to exercise his/her vote once in five years to determine the fate of their representatives in the policy-making institutions. Each Member of Parliament (MP) represents approximately two million population and each member of legislative assembly in the states represents on an average 250 thousand population. The values of secularism enshrined in the constitution remained in party manifestos. However, caste, class and minority equations dominated in the determination of candidates and identity of the party. The representatives remained accountable to their party leaders on a regular basis and cut off from their constituency for a number of years. This form of indirect democracy remained far distant from the people, it could not produce local leaders, rather, it produced a few national heroes/heroines, who could not be reproduced or replicated.

Such forms of democracy in India were constantly challenged and debated. The dream of Gandhiji of

village sovereignty and local self-governance took a back seat yet has never been forgotten. The Balwant Rai Mehta study team in 1957 recommended for the constitution of statutory elective bodies with the necessary resources, power and authority devolved on them and a decentralised administrative system working under their control. This was followed by the initiatives in Rajasthan for establishing Panchayati Raj Institutions in 1959 and by Andhra Pradesh and Tamil Nadu in 1960, Assam, Karnataka, Orissa, Punjab and Uttar Pradesh in 1960-61. The states of Maharashtra, Bihar, Madhya Pradesh and Kashmir which decided not to have multi-level Panchayati Raj gave core powers to village Panchayats. There were variations in ideological stands in the devolution of powers, therefore some of the states focused on the middle level tier Panchayat Samitis and others to Zilla Parishads.

Though significant attention was given to strengthen decentralisation process as many by states appointing various committees, there were no concrete efforts made to operationalise recommendations. The Ashok Mehta committee of 1977 appointed by the Government of India provided several recommendations for strengthening PRIs. The committee agreed for stronger district level tier and Mandal Panchayats. The states of Andhra Pradesh and Karnataka implemented some of the recommendations by setting up Mandal Panchayats. Madhya Pradesh also adopted changes in 1990 in the Panchayati Raj system accordingly. The process of devolution and strengthening local

self-governance continued as various committees/teams were set up to provide directions and guidance for strengthening decentralisation. The role of village assemblies or Gram Sabhas was not envisaged and considered important, in most of

these reports, for making representatives accountable to the citizens who elect them. The inherent spirit of Article 40 of the Constitution to make local self-governance institutions as autonomous units of self-governance could not be fulfilled.

Constitutionalisation of Panchayati Raj Institutions

Various efforts made by the government at the centre as well as state governments to build a vision for grassroot governance culminated in the enactment of the 73rd Amendment. Parallel to the efforts of the government, many voluntary organisations, social workers, and Gandhians as well as Marxists attempted to build models of local self-governance at micro levels. There were examples of self-reliant villages where local bodies were at the centre of management and decision making. Enactment of 73rd Amendment was followed by constitution of a committee (Singvi Committee 1986) to suggest an appropriate constitutional format. There is history of successes and failures before the 73rd Amendment could actually come into force on 24 April 1993.

The salient features of the 73rd Amendment can be summarised as under:

- There will be a Gram Sabha in each panchayat constituted by a single or multiple villages on the basis of population. The Gram Sabha will be constituted by the voters as defined by the law.
- The three-tier structure at the district, block and village panchayats was accepted. The elections of all the members of panchayats at all the levels were considered to be direct and not by nominations.
- Reservation of seats in all the three-tier structure has been provided in proportion to their population at each level. More importantly, one-third of the total seats have been reserved for women.
- The Act ensures a five-year term for the Panchayati Raj Institutions. In the event of a supersession, election to constitute the body should be completed before the expiry of six months from the date of dissolution.
- The state legislative has been given power to

authorise panchayats to levy, collect and appropriate suitable local taxes and also provide for making grants-in-aids to the panchayats from the consolidated fund of the state.

- In every state, a State Finance Commission will be set up once in every five years to review and recommend distribution of funds between the state and local bodies.
- The state governments were expected to make state legislation in this conformity within a year from the commencement of the 73rd Amendment.
- The Act also indicates a set of items in the 11th Schedule of the Constitution which may be entrusted to the panchayats in addition to any other scheme for economic development and social justice by the state government.

The state governments in a differentiated order appreciated the Act and implemented it at some point.

The 73rd Amendment was followed by the enactment of 74th Amendment in 1993 for urban local self-governance bodies. Similarly, a special provision to the panchayats in the 5th Schedule areas, i.e., Panchayat Extension Schedule Act (PESA) was passed in 1996 to respect the tribal practices of self rule, their decision-making and management practices. Many of the states have taken cognisance and enacted PESA in their states, viz. Madhya Pradesh, Orissa, Uttar Pradesh, Rajasthan, Gujarat, etc.

Efforts are on in the direction of further decentralisation in some of the states. Madhya Pradesh passed a State Act entitled 'Panchayati Raj and Gram Swaraj' in December 2000 which further devolves powers to the Gram Sabhas empowered to constitute seven committees, viz. Village Health

Committee, Village Education Committee, Social Justice Committee, Public Resources Committee, Infrastructure Committee, Social Security Committee and Agriculture Committee. The heads of the seven committees constitute the eighth committee called the Village Development Committee headed by elected Sarpanch of the Gram Panchayat. The criteria of reservation has been

uniformly applied as per the conditions articulated in the 73rd Amendment. The quorum of Gram Sabha has been enhanced from 10 per cent to 20 per cent where 33 per cent participation of women is mandatory. The Maharashtra government has also set up a task force to move in this direction involving eminent scholars and practitioners working towards grassroot governance.

Operational Challenges in Strengthening PRIs

Enactment of provisions in the Constitution as well as creating amendments in the states legislative assemblies reflect a political will in favour of decentralisation. The format adopted by different states is demonstrated in Annexure XXXIII. This is a necessary condition rather than a sufficient one. The acid test of genuine political will in favour of decentralised democratic governance is reflected if the political leadership and bureaucratic machinery back them up with adequate funds functions and functionaries. It would be worthwhile to identify supportive and prohibitive intentions expressed by the legislative bodies, executives as well as the Judiciary for the promotion of decentralised governance. This part of the report will look into some of the examples across the states round certain areas.

Salient issues emerging for effecting grassroot governance

Establishment of institutional mechanisms for PRIs

The states demonstrated their supportive political will for strengthening decentralised governance by conducting panchayat elections. Madhya Pradesh was the first state to hold elections of Panchayati Raj Institutions in May 1994, demonstrating its commitment for decentralisation by announcing elections and conducting it in January 2000 soon after completion of the five-year term.

The states which took a reasonably long time for getting the elections done are Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Jharkhand and Punjab. The status of elections of PRIs in different states is given in Annexure XXXIV.

The state of Punjab made certain provisions contrary to the Constitutional provisions, therefore, the Punjab and Haryana High Court repeated such provisions. Andhra Pradesh and Gujarat used the conditions of drought as reasons for postponement of elections. Elections in Bihar could be held after 23 years in April 2001. The Government of Gujarat during the panchayat elections announced to reward rupees one hundred thousand for the unanimous choice of representatives, however, people exercise their democratic rights and in about 90 per cent panchayats elections were fought.

One of the newly created states Chhattisgarh, has yet to establish the State Election Commission (SEC). Article 243K has vested the SECs with the superintendence, direction and control of the conduct of panchayat elections. In the absence of such a commission, by-elections to a large number of posts in panchayats of all the three tiers are lying vacant even after six months, again violating the Constitutional provisions (Panchayati Raj Update November 2002).

In the states where elections were done, show various examples which reflect that Panchayati Raj Institutions have not been empowered. It is imperative for the state governments to form District Planning Committees under Section 243(2-D). However, in states like Andhra Pradesh, Assam, Bihar, Goa and Gujarat, these committees have yet not been formed. Establishing Zilla Sarkar in Madhya Pradesh and nominating a Minister as President of the district planning body takes away power and importance of representatives of the three tier PRI structure. Annexure XXXV provides details on the committees formed in different states.