

**DIALOGUE**  
**QUARTERLY**

Volume-15 No. 2 October-December, 2013

**Subscription Rates :***For Individuals (in India)*

Single issue	Rs. 30.00
Annual	Rs. 100.00
For 3 years	Rs. 250.00

*For Institutions:*

Single Issue	Rs. 60.00 in India, Abroad US \$ 15
Annual	Rs. 200.00 in India, Abroad US \$ 50
For 3 years	Rs. 500.00 in India, Abroad US \$ 125

All cheques and Bank Drafts (Account Payee) are to be made in the name of "ASTHA BHARATI", Delhi.

*Advertisement Rates :*

Outside back-cover	Rs. 25, 000.00	Per issue
Inside Covers	Rs. 20, 000.00	„
Inner page coloured	Rs. 15, 000.00	„
Inner full page	Rs. 10, 000.00	„

Financial Assistance for publication received from Indian Council of Social Science Research.

# **DIALOGUE**

**QUARTERLY**

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*Printed and Published by*

**Shri Rajesh Bhargava,**  
Acting Secretary, Astha Bharati

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*Printed at :* Nagri Printers, Naveen Shahdara, Delhi-32

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## Editorial Perspective

### **Panchayats and the Panchayat Studies**

The Panchayat Raj (PR), as envisaged in the 73<sup>rd</sup> and 74<sup>th</sup> Amendments of the Constitution, aimed at bringing development and administration nearer to the people at the grassroots level. It needs mention that the panchayats, as social institution, were not new for Indians. We had, and continued to have, village and caste Panchayats in India since the remote past. Mahatma Gandhi, with the deep understanding of the Indian society, was the strongest votary of 'Gram Swaraj. Article 40 (Directive Principles) of the Indian Constitution accepted it as the desirable idea. The Panchayati Raj in our Constitution (Articles 40, 243 (G) and the 73<sup>rd</sup> and 74<sup>th</sup> amendments), providing PR constitutional status, described 'Panchayats' as units of 'self-government', rather than that of 'self-governance'. Various state governments, even before the constitutional amendments, have been experimenting with PR with sporadic results and varying commitments.

Although Panchayats were not new for India, what was new was its late coming in independent India. And when it came, it came with all the maladies of Indian polity and governance. A close observation, by and large, makes it clear that the panchayats have become the 'third tier of corruption'. In many cases, 'power centre continuum' operates, say, through "father, the MP; son, the MLA, and nephew, the Mukhia" like syndrome. The 'anonymity in decision', so essential a factor in traditional village governance, is totally missing. It needs emphasizing that the polity at the panchayat level in India, by and large, operates with the identical aims and objectives, modus-operandi and the political culture, as at state and central level. Persons entering the polity at village level aim at using it as a ladder for politics at higher level. No

attempt is visible towards generation or revival of proper ethos. But all is not bad in the case of Panchayats. Many panchayats are doing good work, about which hardly any study is made. Neither media, nor sociological studies present a balanced view of positive and negative aspects of our society, and Panchayat studies are no exception.

The Government of India appointed an Expert Committee under Mani Shankar Aiyer, former PR minister, in August 2012 to suggest how Panchayats could be leveraged for efficient delivery of public goods and services, particularly in relation to the centrally sponsored schemes (CSS). It submitted a voluminous report titled "Towards Holistic Panchayat Raj". Its recommendations try to reinforce the philosophy behind the PR movement as a vehicle for social justice and inclusive growth, through devolution of power by means of three F's – Funds, Functions and Functionaries. The findings and recommendations and very tenor of the Experts Committee Report underscore the importance of the idea and long and arduous road ahead. Positives include approx 2.5 lakh grassroots self-government institutions (both urban/rural) including 2,38,000 PRI's, about 32 lakhs elected members, with more than 12 lakh women representatives with 86000 office-bearers (para 2:35 Experts Committee Report); above their 33% stipulated quota, SC/ST's are also represented as per their quota. The Expert Committee sees real devolution both as key and problem (para 2:47) and the Committee rightly observes: "All devolution of powers and authority has been adhoc, fitful and sometimes reversed." (para 2:37)

Other areas of concerns for the Committee were Ensuring accountability through Gram Sabhas; deficiency in capacity building, training and empowerment of the office-bearers and members and local level (District level) plans all bottom-up-approach were other areas of concern for the Committee. The deficient capacity building, according to the committee, has led to the "distortion of Panchayat Raj in parts of the country into "Sarpanch Raj". Reduction of Panchayat Raj Institutions to a nefarious nexus between the Presidents of the Panchayats at the village, intermediate and district levels on the one hand and elements of the bureaucracy on the other, have made Panchayat Raj synonymous with decentralisation of corruption. (Para 2.41) This observation,



however, according to the Committee (para 2:45) is not universally true.

The desirability of PR lies in the very fact that the villagers know their problems and development needs better than those sitting in Delhi or in state head-quarters. This, however, does not mean that whatever development schemes are implemented by the Central or the states are not beneficial for the villagers. In an ideal situation, the PR should be the main source of planning and development only for the micro rural schemes at the grass-root levels; PR should be responsive and accountable to gram sabhas, should have adequate funds, powers and functionaries to discharge its obligations. However, all this is in direct conflict with prevalent vested interest of powers and patronage centres at the lower levels of politicians/elected representatives, bureaucracy and caste based power seekers, who are busy either co-opting or strangulating the PR. Even the NGOs working with PR initiatives are not always above board and have their own vested interests. Naturally, it is difficult to strengthen PRIs without decline in the vested power centres.

The Central Government has taken steps for fiscal empowerment of the Panchayats. The 13<sup>th</sup> Finance Commission had given Rs.60, 000 crore to PRIs in five years and the 14<sup>th</sup> has given about 1,20,000 crore over the same period. That is approx Rs.80 lakh per annum to 2,38,000 PRIs. Besides, the union government has mandated the implementation of all the CSS's like MNREGA, NRLM, IAY etc by the PRIs

Many state governments have taken steps to empower women and the weaker sections of the society in the Panchayati Raj institutions. There is nothing wrong in talking about *Mukhia-Pati*, *Sarpanch-pati* and the power by proxy. But should it outweigh the positive work done by women *mukhias* and *surpanchs*? Should the society not be informed about the gradual removal of hurdles coming in their way? 74<sup>th</sup> Constitutional Amendment has given certain powers to the tribes inhabiting Schedule V tribal areas. Does it mean that they be allowed to veto any industrial project utilizing the minerals of the area concerned? In reality, the legislations like Pesa, favourite of NGO's and Church groups, while protecting the traditional rights of the tribals,

should not vest them with powers to veto legitimate developmental projects which would benefit overall society, including the tribals.

There is also a need to revisit the very concept of PR introduced through constitutional mandate. It seems to be driven more by sentiments than practicability. The PRI's in practice have become additional entities rather than replacements in the administrative scheme. This add on character creates problems. This is not the kind of PR. Gandhi had envisioned. Institution of reservations in PRI's repeats the sentiment behind the politics of reservations in legislatures, services and elsewhere on the premise of social justice and correcting the past-wrongs and denials to the marginalised sections of the society. Introducing it in PRI's also is not only repetition and populism when there are already enough reservations elsewhere. PR approach for a change need to be citizen centric treating all as equals with same entitlement and rights. It will take to a large extent politics out of the PR and local development goals will be meant for all; the Gandhian principle of faith and trusteeship will be far potent than the current concept which only extends and devolves the politics of corruption, patronage and divisiveness to the PRI's. Roads, schools, toilets, wells and ponds, SHG's etc benefit all 'citizens' in villages irrespective of caste and denomination irrespective of who is office-bearer of the PRI's. Reservations underscore mistrust of non-reserved categories towards common-good of citizens. Real empowerment is achieved through education and social movements and not by legislations and reservations. At the PR level only category which deserves empowerment are women and even that should be in form of "advisable/desirable" rather than mandated.

This tendency and attempt to achieve social goals through prescriptive and administrative measures alone; will not take us far. In respect of PR's this requires fresh evaluation and approach and in practice a new paradigm. Or else, we shall be discussing and appointing another Experts Committee after another two decades, without much having changed for the PRI's in the interim.

Wole Soyinka, the African Nobel Laureate, while delivering the 20<sup>th</sup> Nehru Memorial Lecture on November 13, 1988 observed that the colonial history have been written from the European view-point,

and "there is a big question mark on everything that the British historians have written" so far the Indian history is concerned. He informed about the serious efforts of the Africans "to re-write African history". What about other Social Sciences – Anthropology, Sociology, Economics – and Humanities? Have these disciplines liberated themselves from the colonial linkages? The answer is an emphatic 'No'. These disciplines continue to be colonial in content, approach and trend of study, methodological frame-work of study.

It is a well-known fact that the British colonialism was responsible for pauperization of India; illiteracy highly increased during the colonial period. But Euro-Christian scholars invented intra-societal reasons for India's poverty and illiteracy. The Indian social scientists are yet to follow new decolonized approach in this case. An overwhelming Euro-American studies about India continue to be the deconstructionist study about the Indian women, minorities and caste. The Indian social scientists also do the same. But Euro-American scholars do not go to that extent for the deconstructionist study of their own country; nor do they go for comparative study of such issues incorporating India or third world, Europe and America. This paradox clearly indicates the low level of the study and research by the Indian social scientists. The study of the panchayats is also not free from this malady.

It is a fact that the process of decolonization of social sciences is yet to start. Indian scholars hardly move a step in their studies, including PR studies, in majority of cases without bringing in the elements of deconstruction. Mani Shankar Aiyer is also not free from that malady. He does not restrict himself to citizen-centric discourse; talks in such parameters as 'social justice' empowerment, devolution of power/resources, etc. He should have talked rather in terms of the fund/schemes for the people to be implemented by the people. Again, it is not that only the scheme implemented by the PR helps the rural people and not those implemented by the Centre and the States. Difference comes only when there is leakage, non-implementation and non-delivery.

The economists world over are habitual averagers. They do not hesitate to tell us about the average income of a billionaire and a man dying out of hunger forgetting the fact that there is no common

denominator between them; the human factor divides the two in separate categories. But the human factor has no place in colonial economics. But the economists of the third world and India follow only their line.

The perusal of the researches and studies going on in the field of Indian social sciences reveals that all is not well. It is time to bring change in the positive direction. Tendency of creating false sense of deprivation and grievance needs to be controlled.

### **Dysfunctional Polity and Recent Electoral Semi-final**

Recent Assembly elections of five states, termed Semi-final of the 16<sup>th</sup> Parliamentary election to be held in May 2014, reveals much about the Dis-functionality of our polity; it has certain lessons as well, mostly for the political parties, which they often refuse or resist to learn. In the election, BJP decimated the Congress in Rajasthan and Madhya Pradesh, defeated the party in Chhattisgarh, and emerged as the biggest party in Delhi. Congress could win in the North-Eastern State of Mizoram. It is certainly a grim scenario for the oldest party of the country, and points towards its bleak future at least during 2014.

What about the other parties raising slogan of "Third Front" – so often, but only during the election period like frogs of the rainy season – and declaring its victory; the parties having almost as many aspirants for the supreme political post of the country as are the number of them joining the chorus? They are conspicuous by their absence, except BSP, emerging with highly reduced scores, from six to three in Rajasthan, seven to four in M.P., two to one in Chhattisgarh. JD(U) fielded more than two dozen candidates in Delhi with an eye on Bihari votes and effectivity of secular-card; all but one lost the deposits. The strength of "others" was reduced from 20 to 13 in Rajasthan, nine to three in M.P.; none won in Chhattisgarh and Delhi.

Although, the Congress has performed badly; the party should accept the grim reality, introspect and develop proper perspectives, programmes and strategies. Never the less, the trend of voting was towards two-party system. It needs re-iteration here that a negative political trend developed in India some two decades ago, according to which a substantial section of Indian political elite and the parties developed

vested interest in instability and hung legislatures/parliament. Even the leaders of the parties incapable of first digit scores in the elections aspired to head the government. Deve Gowda and Gujral became prime-ministers; even Madhu Koda, the lone MLA became chief minister of a state. Such situation drags India decades behind. This election has shown a positive trend. It has rejected the "others" in a big way, JD(U) and BSP in Delhi and BSP elsewhere.

The AAP (Aam Aadmi Party), a new party fighting election for the first time, secured 28 seats in Delhi Assembly, as against 32 of BJP, pushing Congress to poor third position with eight seats. But its performance should be judged in proper perspective by comparing it with that of the newly formed Janta Party of the late 1970s. Kejriwal, and his party, is yet to prove their credentials as performers. Moreover, it is doubtful whether BJP would not have captured power if there was timely announcement of Harsh Vardhan's name as chief-ministerial candidate. Winning election in a small state by a party without cadre and mature leadership is easy, as it happened in Delhi legislative assembly elections, but its blooming is difficult. For winning India and retaining power, the leader and party should have patience, take time to develop understanding of the country, its problems; formulate policies and programmes; build cadre, imbibe values in them.

### **People want citizen-centric politics**

Politicians, in general, are populists in India. The political parties try to score over others and beat them in the competition of supplying rice at the cost of, say, one rupee per kg, free television, free personal computers, etc. The Congress, before the elections, passed "Food Security Bill". BJP, due to obvious reasons did not object to it. Poorly identified beneficiaries in social schemes, the leaky machinery, such as, notoriously corruption-ridden public distribution system, heavy leakage in MNREGA and other schemes related to social spending –higher subsidies, waiving bank loans, etc. – have resulted into creation of stagflation-like situation. Pro-poor and poverty alleviation measures are essential but these have to be better framed targeted and audited; not for mere perceptual impact. High inflation and declining growth has

resulted into loss of public confidence leading to un-productive savings, such as purchase of gold and urban land, from a macro-economic perspective. Annual oil and gold import bill of over \$140 billion and \$35 billion respectively refuse to decline. Moreover, occasional communication gap between the Finance Ministry and RBI, and the same between the Congress Party and its own Government has its own undesirable impact.

The actions of a political party, especially the ruling one, should not only be transparent, but should also appear so. Unfortunately, it was not so when Rahul Gandhi rejected ordinance to be promulgated to save corrupt politicians, terming it as 'nonsense and fit to be torn up and thrown away', as it was endorsed by the Congress Party itself and approved by the cabinet, and it needlessly downgraded the dignity of the PM's post. Diarchy between the party and the government of the same party for short-time gain brings permanent damage.

Needless to say that the signals emanating from the electoral results are clear and un-ambiguous, some of which are the following:

- \* The people have rejected the parties developing vested interest in instability and hung legislatures.
- \* The election outcome reveals that Indian electors' actions were based on their observation of the critical failures of the Indian politics and the political parties, and the civil society audit of the same.
- \* People have understood the reality of the secular-card; overplay of the same has become counter-productive.
- \* The Congress and the seculars of all the parties have played great role in establishing Modi in public estimate by over-criticizing him. Delinking Godhra and Gujarat riots is viewed by many as hypocritical. Of course, Modi has established himself as an administrator and deliverer.
- \* The people want citizen-centric politics, rather than that of vote-bank.
- \* The election has put question mark on the durability of Welfare Politics; people want economic empowerment, rather than bread crumbs thrown towards them. They are conscious that political

largesse, a kind of political *thuggee*, perpetuates poverty; robs them not only of the national wealth, which again is theirs, but their self-respect as well. The electors, especially of Rajasthan, have sent a signal that the citizens are masters of the public resources, not the beggars.

- \* The need of social spending in a country like India is essential, but it should not come in the way of proper budgeting aiming at reviving growth. Steps to be taken to control leakage and wasteful expenditure, shall revive public confidence in governance.
- \* The election results are predicting bleak future for the Congress. The party should bring drastic structural change and change in its modus operandi; should develop the mechanism of self-criticality and self-audit; should get rid of the sycophantic advisers.
- \* Political parties should resist thrusting in-experienced political family members on the nation; they should be allowed to acquire experience, understand the complexities of Indian society and the nation; grow and then lead.
- \* Modernity and westernization, in spite of deculturising impact of continuing colonial education in post-independent India, are yet to rob totally the Indian citizens of their human qualities. They have genuine sympathy for the sufferer. This factor worked during 1984 Parliamentary election; Congress, riding over the sympathy wave, captured Delhi. Such wave, this time in the small pockets of Chhattisgarh, however, was not as effective to dislodge Raman Singh.
- \* The various factors, influencing the outcome of the last election – corruption, rising prices, non-delivery by the government, etc. – are going to impact outcome in the coming years also.
- \* The civil society, by and large, view with suspicion the policy-formulation and drafting bills by proxy by extra-constitutional bodies, such as ‘National Advisory Council (NAC).
- \* It will help the political parties if they develop the mechanism of intra-party introspection, even intra-party self-critiquing; there should be no advisory role for the sycophants.

\* Results in MP and Chhattisgrah have brought forth new factors viz incumbency is no more a handicap if you deliver.

### **The Seer and the State**

At last, Kanchi Sankaracharya Jayendra Saraswati, along with Junior seer Vijayendra Saraswati and 21 other accused, was acquitted on November 27, 2013 by the court in Puducherry in the Sankararaman murder case. As all know, Kanchi Sankaracharya is one of the five Sankaracharyas in the country, who head the Dwarka, Puri, Sringeri, Badrinath and Kanchi Mutts, which are totally autonomous. The Kanchi mutt presides over the Kamakhi temple in Kancheepuram, and other temples elsewhere. It also runs schools, colleges, *Veda Pathashalas*, a deemed Universities and four hospitals, of which eye hospital in Chennai (Shankar Netralaya) is famous throughout the country. Shamkaracharya, himself is an accomplished scholar. He has transparent concern for the society and the nation.

On September 3, 2004, Sankararaman, manager of Sri Varadarajaperumal temple at Kancheepuram was found murdered in the temple premises. Sankaracharya was arrested on November 11, 2004; subsequently, other arrests were made. The influence of the mutt diminished considerably; The VIP devotees stopped visiting Kancheepuram matt; the Seer and his deputy were not invited even to religious events, including consecration of temples. His arrest was a shocking event for the Hindu society. Great harm was done to an institution, which has played such a great historical role in upkeep of the Hindu spirituality and tradition. It is generally believed that there was political reason behind the arrest and a particular police officer crossed his limits and over-acted. The question is: should the civil society allow such a unbridled role to our politicians using legal cover to malign religious – cultural entities of eminence? Can such rash action not await thorough preliminary inquiry? I feel, the time has come for the politicians to recognize *lakshman-rekha* and respect the same for their own survival.

– **B.B. Kumar**



## North-East Scan

# Does Assam Need a Legislative Council?

D. N. Bezboruah\*

Even amid the ongoing turmoil in Parliament over a host of issues, Union Law & Justice and Telecom Minister Kapil Sibal managed to introduce the Assam Legislative Council Bill, 2013 in the Rajya Sabha on December 10, bringing the Assam Legislative Assembly a step closer to being part of a bicameral legislature. Not surprisingly, there has been considerable euphoria in the State over Chief Minister Tarun Gogoi's ceaseless efforts to create a 42- member Legislative Council for Assam. In an age when most countries (and most of the Indian States too) are looking for simpler political and administrative structures, Assam appears to have taken a retrograde step in sustaining a demand for a Legislative Council or a bicameral arrangement for several years and eventually getting it. Of the 28 States of India, there are only six—Andhra Pradesh, Bihar, Jammu & Kashmir, Karnataka, Maharashtra and Uttar Pradesh—that have bicameral legislatures. With the addition of Assam and Rajasthan (also set to have an Upper House) the number of States with a bicameral legislature will rise to just eight out of 28 States and seven Union Territories. What is significant is that a few States like Assam and West Bengal that had bicameral legislatures chose to dispense with the Upper House and to become unicameral since this makes for a simpler and better managed political structure.

The fact that the British had granted Assam a Legislative Council in January 1913 should be of no consequence at present except as a matter of historical interest. The earlier Assam Legislative Council had come into existence in 1913 with 34 members and had held its first meeting on January 6, 1913 at Shillong. Later on, the Government of

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India Act of 1935 paved the way for the formation of the Assam Legislative Assembly, thus making Assam's legislature bicameral until the Legislative Council was abolished in 1947. Quite obviously, our leaders, in their wisdom, had decided in 1947 that the State had no need for a bicameral legislature. It was not until 1969 that the lawmakers of West Bengal also decided to abolish the Legislative Council that had been in existence since the middle of the 19<sup>th</sup> century.

The main argument advanced by those who favour the revival of a bicameral arrangement is that an Upper House would offer better representation to different ethnic groups in a plural society like ours, considering that many of these groups have gone unrepresented in our Legislative Assembly. This argument can cut both ways because the problem of representation can be solved by reserving seats in the Legislative Assembly for ethnic groups that are large enough to warrant such representation. In the case of very small ethnic groups it may not be possible to ensure their representation even with a bicameral legislature. And that is how things are all over the democratic world. And given the unethical measures that are often adopted to provide a place in the Rajya Sabha for particular blue-eyed individuals who cannot manage to get elected to the Lok Sabha, there is a legitimate fear that the Legislative Council too may turn out to be no more than a rehabilitation centre for those who could not manage to get elected to the Legislative Assembly. We have already seen quite a few cases of those who failed to get elected to the Lok Sabha being nominated to the Rajya Sabha. There have also been cases of wives of ministers being nominated to the Rajya Sabha merely because their chances of getting elected to the Lok Sabha were very dim. Such deplorable moves merely to favour an undeserving individual and to enable the person to draw a substantial salary, allowances and perquisites (as well as a pension for life) without the ability to represent the people have rightly been condemned and will continue to be condemned as unethical practices since several other persons, far better qualified to represent the people and the State, are bypassed in order to favour some individuals.

In Assam, there is also a strong likelihood of legislative processes getting far more delayed than they are now because every Bill and Act will have to go to the Upper House for ratification before it can become law. There is not much evidence of urgency in such matters even as things are now. Once there is the requirement of ratification by the Upper House, one can well imagine how slow things are likely to get.

There is also the question of needless expense. Here is a State that is today virtually on the brink of bankruptcy. Here is a State that is unable to pay three months of arrear salaries and allowances to its employees for lack of funds. The additional burden to the exchequer for creating an Upper House for Assam will be around Rs 54 crore a year. Can the State government that is unable to honour its commitments to its employees in respect of overdue salaries find the means to sustain an additional Legislative Council without which it has managed for 66 years since 1947?

Any democratic government ought to be concerned with measures that will benefit the largest number of citizens. The Legislative Council or the Upper House will cater to the ambitions of politicians who have no means of getting elected to the Legislative Assembly but have a strong craving for the loaves and fishes of office. This is an age that is appropriate for reviewing and streamlining administrative processes. We should even review the need for governors of States since the present dispensation gratuitously imposes on us a governor who is the head of State beside a chief minister who is head of government. Is this bifurcation really conducive to a better administrative or political structure? In the ultimate analysis, one begins to think of a governor's principal function as being the appropriate authority to usher in President's rule when administration by an elected State government is in bad shape or *is made out to be so* in order to invoke President's rule.

## ILP - a utilitarian colonial instrument turns obsession

**Patricia Mukhim\***

In 1979 Meghalaya witnessed an ethnic cleansing marked by violence and hatred. It saw the displacement and exodus of several Bengali families. The next wave of ethnic cleansing was against the Nepalese.

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\* The writer is editor, The Shillong Times and an eminent social activist, journalist and member of National Security Board.

This insidious threat to the minorities continued until the early part of the 1990's. The worst fears of this ethnic majority is that it would be demographically overwhelmed; it would lose out to the non-tribal in a fair competition; it would be de-cultured; it would lose its land and its women to the "other." By the early 90's a militant group the Hynniewtrep National Liberation Council (HNLC) appeared on the scene and created terror for over a decade. Subsequently this armed militia was defanged by a coercive state policy but the fears and insecurities of the ethnic majority continue to haunt them.

These fears seem to spurt when an election is in the offing. Early next year, elections to the three District Councils are scheduled. The timing might coincide with the Lok Sabha polls. The assembly polls were held this year. Congress secured 29 of the 60 assembly seats and Dr Mukul Sangma became chief minister for the second time. Since then he has not had a moment's respite. The influx issue became the thorn in his flesh. The demand for the Inner Line Permit (ILP) to curb influx was articulated by a conglomerate of pressure groups of which the Khasi Students' Union is one. A beleaguered regional political force in the opposition joined the cacophony of the pressure groups. Recently, they staged a political charade in the Assembly pounding away at the Speaker for not allowing them to take up the ILP issue on the first day of the Assembly session. Earlier, talks between the government and pressure groups on a mechanism to check influx had failed. The pressure groups wanted ILP or nothing. The Government was adamant to look at other more contemporary mechanisms. For two months Meghalaya has witnessed a series of agitational programme and targeted violence on non-tribals.

Now what is the ILP and why has it become a sacrosanct legal instrument despite its obvious failure to check the inflow of non-tribals/illegal immigrants and the outflow of resources from those states where it is in force? The ILP flows from the Bengal Eastern Frontier Regulation (BEFR) Act 1873. This spirit in which this law was enacted by the British needs to be seen from their perspective then, not from our perspective today. Alexander Mackenzie, a notable British chronicler comments thus: "It had been found that there was pressing necessity of bringing under more stringent control the commercial relations of our own subjects with the frontier tribes living on the borders of our jurisdiction. In Luckimpore specially the operations of speculators in caoutchouc (untreated natural rubber) had led to serious complications not only interfering with the revenue derived by Government from the

India-rubber forests in the plains beyond the lines of our settle mehals, but threatening disturbances with the hill tribes beyond. The spread of tea gardens outside our fiscal limits had already involved the Government in many difficult questions with the hillmen and on the while the Government came to the conclusion that it was necessary to take special powers and lay down special rules.” This was how the Inner Line was drawn. Beyond this line no British subject of certain classes or foreign residents can pass without a license. The pass or license where given may be subject to such conditions as appear necessary. And rules are laid down regarding trade, the possession of land beyond the inner line and other matters which give the executive government effective control. This regulation also provides for the preservation of elephants and authorises government to lay down rules for their capture.

The most telling section of the BEFR is Section 5 (1) of REGULATION 5 which says, “Any rubber, wax, ivory or other jungle-product, (or any book, diary, manuscript, map, picture, photograph, film, curio or article of religious or scientific interest) found in the possession of any person convicted of any offence under this Regulation may be confiscated to Government by an order to be passed at the time of conviction by the Magistrate.”

It is my contention that the tribes have a perception of the British as benevolent masters. Those who nurture this belief must read Robert Reid’s communication with the Foreign Office then. The British turned the EBFR (1873) into a potent instrument of Divide and Rule after the Indian Freedom Movement gained momentum. They suggested that the Inner Line was to protect the tribes from avaricious plains men. They are master strategists. By then the British had themselves acquired 700,000 hectares of lush forest land in the foothills for converting into tea gardens. They have actually secured their commercial interests very well in the region and it continued long after Independence in the form of British owned tea companies.

An objective and pragmatic analysis of this Act would reveal the mind of the British colonial masters. They were simply exhibiting an enlightened self interest to safeguard their sources of revenue from being exploited by private commercial interests from amongst their own subjects or the adventurous plains men (non-tribals) from beyond the region. Secondly, it is amply clear that the British found it difficult to prevent their own people from venturing into the hills as prospectors of rubber, amber and ivory (note the emphasis on how to regulate the capture of elephants so that only the Government could do so) and also

as tea garden planters/owners. Since it was inevitable that these traders/business persons would clash with the “savage natives,” and it fell on the British Government to protect their own people, they found it unviable to spare their forces to guard private commercial interests. How can anyone assume that the British actually considered this to be a protective mechanism for the frontier tribes? A reading and re-reading of British chronicles instead of simply reading the EBFR and giving it our own twisted interpretation might help demystify this Act and even delegitimize the demand for its implementation.

A senior professor of Mizoram University when asked whether the ILP has been a boon or bane replied that it was neither. He says the State already has clear laws prohibiting sale or transfer of land to non-Mizos (please mark that it is not just non-tribals but non-Mizos). In trade and commerce and employment, a Mizo gets first priority. So the opportunities for trade or employment for non-Mizos are non-existent. However, the professor informed that when it comes to major infrastructural projects the Mizos do not yet have expertise so firms from outside are invited to execute the projects and they are allowed to bring in labourers. There is no system of work permit in Mizoram. In Nagaland, it has been a personal experience that no one checks ILPs at the railway station or the airport. In fact the largest number of stores in Dimapur and even Kohima are owned by non-tribals.

If the idea is to check influx from Bangladesh which is our greatest fear, then the ILP is the wrong instrument. There are enough laws in Meghalaya, including those under the Sixth Schedule to prevent non-tribals from buying land or conducting trade here. But the bulk of the trade here is through benami methods. Here it is the tribals themselves who are to blame. No law is strong enough to fight corrupt minds and methods.

# Basic Essentials of Education in Ancient India

J.S. Rajput\*

Every human life lived on earth derives support and sustenance from innumerable sources and resources. It is impossible to locate an individual human being who does not owe debts and obligation to the nature, family and the society; and also to some divine/unseen forces.

The internalization of this sense of 'gratitude' deserves to become an important ingredient of the process of growing up, and later, of the 'righteous conduct' that sustains the individual in living his/her life. Even the very coming to earth is not one's own individual choice or effort. Some supernatural power; perceived in different ways; gives life and imparts skills and resources to sustain it. The resulting sense of gratitude manifests itself in different ways and forms in practically every civilization and every religion and sect. *Vedas* are considered as the eternal and earliest known source of 'knowledge' by those who strive sincerely to understand these in detail and depth. These very clearly envisage that knowledge must be continuously acquired, transferred to next generations and enhanced, all in the welfare of humankind. To maintain this chain of acquisition, creation, transfer and utilization of knowledge, *Vedas* enjoin upon every individual to discharge three pious obligations. These are *Devarina*, *Pitrarina* and *Rishirina*; for an initial understanding these could be put as debt to gods, debt to parents and debt to rishis/teachers/learned ones. In Mahabharata, the fourth element; *Manavarina*; debt to humanity was also added. In the context under consideration one may like to confine to *Rishirina*, the debt/obligation to the learned and learning. The intent is very clear:

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everyone must acquire knowledge from the learned ones, strengthen it with one's own efforts, and give it back to society for the welfare of the people; to secure happiness for them. The basic fundamentals of education in ancient India derived their conceptualization from these principles. In pragmatic terms education is the process in which the existing knowledge is transferred to the raw individual by the learned one in a manner that enables him to upgrade and enhance his acquisitions through research and experience acquired during its utilization in transferring to others for the larger benefit of people. Knowledge cannot be purchased, hired, stolen or achieved by any devious means. The only means for its acquisition is self-effort, supported by the 'learned one'; the teacher. It becomes a pious obligation of the society to create conditions that are conducive to contribute in the growth of every individual, equipping to discharge his other debts. These considerations gave birth to a system of creating and transferring knowledge and skills from one generation to another resulted in the *Guru-Shisya Parampara* which remains a great asset in understanding the eastern civilization.

### **Education Liberates**

The level of importance given to education has been highlighted in India's ancient and later scriptures on umpteen occasions. As an example, one may quote this verse composed by great Sanskrit poet Bhartuhari over two thousand years ago:

Education is the special manifestation of man;  
Education is the treasure which can be preserved without any  
fear of loss;  
Education secures material pleasure, happiness and fame;  
Education is the teacher of teacher;  
Education is the friend when on egos abroad;  
Education is God incarnate;  
Education secure honor at the hand of the State; not money;  
A man without education is equal to an animal

The importance of education and the consequent obligations of the parents and teachers to impart education to the young ones are highlighted in umpteen texts in Sanskrit and other Indian languages. The nature of education was also fully comprehended and put forth in various texts. The following could be an illustrative example contained in the Hitopadesha which eulogizes education<sup>1</sup>

“Education imparts intellectual culture;  
Intellectual culture secures capacity and stability;



Capacity and stability enable to secure wealth;  
Wealth so secured enables to conform to Dharma;  
This in turn secures happiness”.

Everyone wants happiness. “And what is happiness” is very comprehensively articulated in *Shikshavalli in Taittiriyaopaniṣad*. Happiness is this; youth should be of good character, learned, resolute and strong (morally and physically). Then only earth will be full of prosperity and wealth. This is the measure of human happiness.” Looking at these formulations it is clear that intellectual culture imbued with moral and ethical orientations resulting in capacity, resoluteness and determination to follow the righteous path are the learning outcomes of the totality of efforts involved in transferring and receiving *Vidya*. This is also perceived as moulding of the character of the growing individual who in the process acquires “*Samskaras*”, which as Adi Sankaracharya defined, ‘is a process by which good qualities are imparted and defects are removed’<sup>2</sup>

One could cite umpteen such verses highlighting various aspects of education, learning and the process of growing up. These also highlight the criticality of the continuity of eternal search for knowledge or, how to become a part of the human search for the ultimate truth. When thinkers say that a true teacher is a learner for life, they also indicate that it applies universally to everyone who continues growing up in his chosen area of human endeavour. In the current terminology, a doctor just can’t rest on his knowledge acquired in the medical college or an engineer in a technical institution. They have to continuously upgrade and update their earlier acquisitions. It is equally true for every profession and each area of human endeavour that attract human pursuit. Not only this they are supposed to create and generate new knowledge through their own research and innovations. Knowledge is characterized as ‘the third eye of the man, which gives him insight in to all affairs and teaches him how to act’. Nothing gives us such an unfailing insight as education, says Mahabharata<sup>3</sup>. It is also the only acquisition that ‘liberates’. That could be interpreted at different levels; liberation from worldly evils, ill effects or; spiritually speaking, attainment of *Moksha*, the ultimate salvation.

### **Education Prepares**

Even a cursory perusal of various known aspects of education in ancient times clearly reveals that it was considered as the most important source of illumination. It could prepare one to live a fulsome life and

could lighten the path whenever one felt the need to resolve issue at various stages of life in diverse situations and conditions. Mahabharata clearly indicates that there is no other 'unfailing insight' as education. It provides opportunities to climb greater and higher levels in understanding, efficiency, intelligence, skills, strength and power. The 'wisest is the mightiest' was realized in ancient India. The process of human advancement on social, cultural and economic fronts remains ever dependent on the nature and quality of education. It is education that refines man's nature and helps him move towards more refined social behavior. From a stage when colour prejudice and slavery were officially allowed, we now stand at a very different, and more evolved level of understanding of human dignity and equality of all human beings. One could visualize that once the students learnt the premise that 'all human beings are the integral part of the same divine being', they may really take their own time to appreciate and internalize its implications on broader and universal scale. One could read a lot about the nature of discipline that was imposed on the learners. It aimed at saving them from undesirable experiences and prepares them to lead a disciplined life. To strengthen this aspect, focus on religious practices and spiritual pursuits was also a part of learning programmes. A lot of details of these could be seen in the literature. It has been noted that ancient Indian educators and scholars gave the prime importance to character formation. To them character was more important than learning. A man of character and less learning was to be preferred to a highly learned person with inadequacies in character. Apart from instructions, oral or otherwise, the very environment was so constructed that character building and nurturance of values became an integral part of the entire process of education. Regular practices, religious inputs and glorification of national and mythical heroes contributed to the process of character building. The value of self-respect was always eulogized. Social and family duties were not ignored during the stay in Gurukulas. Preservation of culture and acquaintance with social cultural and spiritual heritage were part of the curriculum.

The directive that was given to the outgoing *Shishyas* represents comprehensively not only what was expected to be accomplished during the learning stage but also what was expected from him in the next phases of his life. This is given in the *Taittiriya Upanishad*:

“Speak the Truth; follow the prescribed conduct  
Do not fail to pay attention to truth  
Never fail to perform duty

Do not disregard what is proper and good  
Treat your mother, father and teacher as equal to God  
So also treat your guest as God  
Those acts that are irreproachable alone are to be  
Performed, and not those that are forbidden.  
This is the directive. This is the advice. This is Discipline

### **Social Context**

The Varnashrama System of ancient India is often equated with the rightly maligned and now-discarded caste system. Those devoted to creation, generation, interpretation and transfer of knowledge were *Brahmanas*. The next in line; the *Kshatriyas* devoted to security, warfare, and governance; followed by *Vaisyas* who looked after agriculture, commerce and trade. The last in this hierarchy were those who helped the other three by serving them in various ways were called *Sudras*. Those with scholarly and with an attitude to go to higher levels of the pursuit of knowledge were given the top position in the social hierarchy and called *Brahmanas*. It is generally presumed that the Gurus – teachers- came mostly from this group. The origin of *Varnashrama* system is often explained in reference to the root ‘*Vr*’ which means ‘to choose’. It could be interpreted as profession that was chosen by the individual. Ideally, such a system could have provided liberty to every individual to make a choice of his vocation or profession. It is mentioned that a Brahman continues to be a Sudra till he receives proper education. There are innumerable examples of the persons from outside the *Brahmanas* who made singular contribution to the growth and application of knowledge in public welfare. For practical considerations, and family impacts; it probably got transformed into strict classifications and degenerated itself in to a caste system that created so many implications in the social structure. It led to severe aberrations in the great conceptualization of ‘universal equality of all human beings’. Apart from the social classification, the stages of life were also divided into four periods according to the tasks one was supposed to perform. The period of preparation for life, *Brahmacharya* was for receiving education, training and skills, followed by the performance of one’s role as a householder; the *Grihasthashrama*. Having fulfilled his social and family obligations, one was supposed to retreat and observe the fruits of his endeavour in terms of impact on the next generation. It was the *Vanaprasthashrama* leading to the last stage of *Sanyas* that ensured total withdrawal from worldly pursuits and undisturbed devotion to the

pursuit of the ultimate truth. It must be mentioned that learning though seriously confined only to the first phase was, indeed, a lifelong process. To instill the idea that the learned strives to learn more and know more throughout one's life in the mind of every learner was the basis of education, its content and process.

The system of preserving knowledge in manuscripts was a much later development. There were classifications of students and teachers depending on the stage of learning or the experience in teaching. Normally the ancient Indian system of education is visualized in terms of *Gurukulas* where the learned Guru had his *Ashrama* and the seekers were handed over to him; fully and totally for ensuring 'growing up' and maturation for life in the second phase of *Grihasthashrama*. It was a stay that nurtured and nourished the body, mind and spirit of the young child. The entry of the child was an occasion of celebration, religiously termed as *Upanayana*. The child was accepted in the *Gurukula* only after all of the prescribed rituals were completed and their implications were made known to the child. Apart from *Gurukulas*, there were other structures also that contributed to the creation and dissemination of knowledge. *Parishads* were meant for those who were always seeking more and more knowledge. These could be called the modern day academies. These were usually constituted by those who continued to pursue their search for more knowledge and wisdom even during the householder phase of life. The concept of *Goshtis* (conferences) was meant for representative and in depth interactions of the learned on specified aspects of knowledge. These were sometimes summoned by Kings who invited the learned and provided opportunities for the exchange of ideas and new knowledge. Brihadaranyaka Upanishad, the Shatapatha Brahman and Vayu Purana mention one of such a Congress of the Rishis that was invited by King Janaka. "The king offered special prize of great value – 1000 cows with their horns covered in gold – to the scholar was 'the best read', 'the most learned in sacred wit and 'the wisest'. The award was at once appropriated by Yajnavalkya<sup>4</sup>." Such assemblies organized by Emperor Asoka and Kanishka are well known. Earlier, Rig-Veda has several significant references to the *Sanghas* or assemblies of learned men. From the times of Asoka, another notable and innovative development was the growth of Buddhist monasteries in to huge establishments. These became centers of learning including higher learning oral tradition had given way to written manuscripts.

## **Pedagogy and Evaluation**

The pedagogy was woven around the tradition of oral teaching and learning by heart. That was the only means available to transfer knowledge to generations ahead. The system had detailed out practically everything: how the students would come and greet the teacher; how shall they sit; how shall they respond if they understand or how when they want further elaboration from him. Pronunciation was the major factor and no error in it was permissible. There is ample evidence that senior student's looked after the tasks of the teacher in his absence. The teacher taught ratio invariably provided opportunity for individual attention and interaction. The tradition of *Prasna-Pratiprashna-Pariprashna* effectively summarizes the nature of teacher-taught relationship. Much has been said and scrutinized on this aspect. The pedagogical part is very clear. That the learner became a part of the teacher's family gave him the much-needed continuity of school environment to home environment. Participation in the specifically assigned tasks gave skill orientation in practical terms. The modern education system has failed miserably on this front. The guru guides, assigns projects and allows the learner to move ahead on his own, providing corrective and requisite inputs at appropriate points of time in the process. He has the freedom to discuss with the Guru at every stage. He is permitted to ask questions and often may be rewarded with a counter question formulated by the teacher dexterously that may implicitly contain indications to find solutions on one's own. Things move scientifically, the teacher performs his task meticulously and the learner gets the satisfaction of discovering solutions 'on his own'. Only if this one aspect is incorporated appropriately in the current-day pedagogy in its actual classroom practices, it could transform the learner attainment levels of students in majority of schools everywhere

In Nalanda there were nearly one thousand teachers for about nine thousand students. The monitoring of learner attainment was ensured after the end of each lesson and the new lesson began only after the previous one was fully mastered. Depending upon their individuality, students finished their education at different times. There were no annual examinations. It was significant that teaching and learning took place in an environment governed by religion and religious practices. Offering of prayers on daily basis and observances of religious days and festivals was a regular part of education."The very atmosphere, in which he lived and breathed, impressed upon him the reality of the spiritual world and made him realize that though his body may be a product of

nature, his mind, intellect and soul belonged to the world of spirit, the laws of which ought to govern his conduct, mould his character and determine the ideals of his life<sup>5</sup>.” Obviously, this was the most conducive environment for the nurturing of humanistic values.

The strength and scientific basis of evaluation system could also be visualized recalling an instance from Taxila. Jivak was learning under Acharya Bhadanta. At a certain point of his stay there, Jivak made a self-evaluation of his learning attainments and approached the Acharya with the request that he is convinced of the completion of his learning and would like to take leave of him. He further pleaded that the *Guru-Dakshina* he was supposed to offer may graciously be indicated to him. The Acharya was pleased to find Jivak so confident of himself and his humility. He indicated his *Guru-dakshina* like this: Identify one vegetation; herb, shrub, plant, tree or any other variety in nature that has no use for the welfare of humankind. In the modern terminology a huge project was assigned to the learner. Jivak goes back, formulates his project, decides the scope of the study and procedures, conducts his experiments, analyzes the data, formulates the outcomes and completing all the steps comes back to the guru; I could find none and nothing that is not of use to mankind. The Acharya is fully satisfied and permits Jivak to go and devote himself for the welfare of the people. Acharya Jivak earned great name and fame through his learning and its utilization for serving others. One wishes such elements are seriously examined by the policy formulators in education who are, very rightly, considerably worried on implementing reforms in evaluation systems.

### **Resource Mobilization**

There is ample evidence to prove that education imparted through Buddhist monasteries, temples, *Mathas* and other similar establishments was totally free. There were no hidden costs as is the practice these days particularly in private schools and colleges. Let it also be mentioned that the society was aware of the position and as such, offering of gifts to the Gurus was sanctioned even in the sacred texts. It is a relationship of mutual trust and respect. Teachers could accept gifts that parents could offer without any stress and strain of compulsion. Teachers were always reminded that transfer of learning was the sacred duty of the knowledgeable and must be performed without any expectations of material rewards. *Vidyadana* was considered on a much higher plane than the gifts of land. The rich and the resourceful offered support even at the time of the entry of their wards. Lands were given to Ashrama,

Monasteries, Maths and the like by the resourceful, kings and others for regular sustenance of these learning centers. The Mahabharata mentions that Bhisma paid Drona *dakshina* in advance before he started the education of the Kaurava-Pandava princess<sup>6</sup>. Kings and princes also founded education center. Often, they did it with great enthusiasm. The great seat of learning at Vikramshila was founded by Parmar king Dharampal. The great Nalanda University received support from kings and subjects alike. Donations also came from foreign countries. Hieun-Tsang mentions that the land on which Nalanda monastery was built was a gift to Buddha by 500 merchants. State supported education in many ways; by offering scholarships and by arranging dialogues and discussions and giving generous rewards and awards to the winning scholars. The state support was always without any control or even an iota of interference.

The learner, known as *Brahmachari* because of certain disciplines imposed on him during the process and period of learning was also supposed to go on daily rounds of collecting food. This is often despised in the current discourse and not found in consonance with the current levels of social consciousness and perceptions on human dignity. This was the process of resource generation not for the individual self but for the establishment as a whole in which all the functionaries participated. Learners came from varied backgrounds. The King's sons could be studying along with those of a very poor Brahmin. They were treated equally and there are umpteen instances of the same available in the literature. It was the most pragmatic way of developing the values of empathy and humility.

### **The Focal Point**

The growth of Indian civilization in ancient times is mainly characterized by its emphasis on *Dharma*; the Righteous Conduct. The term *Dharma* is so comprehensive and fulsome that it becomes tough to find another equivalent term to it. It incorporates and impacts basic essentials of social, political, economic, cultural and spiritual aspects of human life. Religion; the commonalty used term; provided every individual the guidance on how to live a life that elevates him in his pursuits and brings a sense of satisfaction on that count. One was generally guided in deciding his acts, actions and pursuits within the acceptable indications of the society which, again, determined these under the umbrella of *Dharma*. This is beautifully articulated in the following passage: "Ancient Indian education is also to be understood

as being ultimately the outcome of the Indian theory of knowledge and a part of the corresponding scheme of life and values. That scheme takes full account of the fact that life includes death and the two together form the whole unit. This gives a particular angle of vision, a sense of perspective and proportion in which the material and the moral, the physical and the spiritual, the perishable and the permanent interests and values of life are clearly defined and strictly differentiated". One of the most outstanding aspect that needs to be noted by educational planners of the day that the interaction between the teacher and the taught was very intense, as it should be in a well-knit family that follows moral and ethical code and is conscious of its responsibilities and duties to each other and also to external world that exists beyond the family. This aspect was so well articulated by Swami Vivekananda; "My idea of education is *Gurugriha-vasa*. Without the personal life of the teacher, there would be no education. One should live from his boyhood with one whose character is a blazing fire and should have before him a living example of highest teaching. In our country the imparting of knowledge has always been through men of renunciation. The Charge of imparting knowledge should again fall upon the shoulders of *Tyagis*<sup>8</sup>. It must be conceded that the increasing pressures of population on one hand and the exponential growth of materialism and consumerism overshadowing the spiritual elements not only in life but also in education demand a new model. However, the essence of the teacher-taught relationship must be extricated from the debris of the two of these functioning as different parts of a mechanical assembly. The ancient system did not require the learner to pay and no teacher was selling education! People and the society supported the learning centers and the teachers.

In the ancient Indian tradition, the search for Truth takes the central stage in understanding life. This is not confined only to the life on the planet earth but attempts to explore the life that existed before and shall continue even after the departure of the person from the earth. Knowledge is to be acquired to understand the inner self as well, apart from gaining the objective knowledge that is necessary to live a social, creative and contributing life with family and within the society. It, at the same time, guides the individual to 'merge himself in the universal to escape from the sense of change, decay, and dissolution'. The function of education is also illustrated as the means to achieve the stage when the individual is capable of discarding such acts and activities which lure him to get 'connected with the world of matter and objects'. Once



this is achieved, the individual gets ready to 'achieve his expansion in to the Absolute, his self-fulfillment, for he is a potential God, a spark of the divine'. In the times of rather unbridled materialism and consumerism, it may not be easily comprehensible to many that in the ancient Indian thought, education was perceived as a process that leads the individual to control his mind. One reaches a stage when the mind is not disturbed by the onslaughts of the distractions of the material world. It is the ultimate stage to be attained but the path of pursuit – education- was open to all the seekers. The 'seekers' advancement depend on the education that he receives, the socio-cultural environment shall have an impact but finally it's the individual's own ingenuity, initiative, mental steadiness and strength and the keenness to rise to higher levels that would count. The focus on meditation and control of mind and emotions says it all.

### **Contemporary Context**

There is a general tendency amongst a set of scholars and academics to ignore the very existence of a sound system of creating and generating knowledge in ancient India and to acknowledge that it had indeed successfully comprehended the secrets of nature that extended far beyond the mundane. The very structure of the universe, the very objectives of human existence on earth, and the sublime aspects of man's sojourn on the planet received their considered and sustained attention. A very sound and pragmatic system of education came in existence. Its most important characteristic was that it responded to the learners requirements in totality; that included self, society and nature! There is another school of thought which finds that all that was in place and practice in ancient times could be brought back as that was the best and the ultimate! Sometimes these interpretations get colored because of ideological compulsions which were never a factor present in ancient times. It is a fact that scientific and civilizational contributions of different civilizations have been overshadowed under the prominence given to 'western white contributions. To understand this aspect it may be relevant to recall the following<sup>9</sup>: "Twenty-four centuries before Isaac Newton, the Hindu Rig-Veda asserted that gravitation held the universe together, though the Hindu hypothesis was the less rigorous than Newton's. The Sanskrit speaking Aryans subscribed to the idea of spherical earth in an era when the Greeks believed in the flat one. The Indians of the fifth century A.D. somehow calculated the age of the earth as 4.3 billion years; scientists in nineteenth-

century England were convinced it was 100 million years. The modern estimate is 4.6 billion years.”

“In its January 14, 2000, issue on the occasion of the beginning of the third millennium, *Science* magazine, in conjunction with the American Association for the Advancement of Science (AAAS), published a timeline, and called “Pathways of Discovery” that detailed ninety-six of the most important scientific achievements in the recorded history.”

“Of those ninety-six achievements, only two were attributed to non-white-non-Western scientists: the invention of zero in India in the early centuries of the Common Era and the astronomical observations of Maya and Hindus in A.D. 1000. Even these two accomplishments were muted by the editors of *Science*. The Indians were given credit only for creating the symbol of zero, rather than the concept itself. The Mayan and Hindu “sky watchers” (the word astronomer was not used) made their observations, according to the journal only “for “agricultural and religious purposes”

The above illustration also indicates how India’s own generation of scholars and academics has lagged behind in understanding the significant outcomes of the ancient Indian education system that created not only luminaries in spirituality and religious understanding but also produced scientists and researchers of highest level. It is an obvious outcome that such a system just can’t be discarded altogether. Its strengths need to be examined by the present policy makers. Education for all is the present global resolve. India has yet to attain this goal effectively. It has experienced several lacunae in implementing its policies on extending the outreach of ‘education to all’. Is it not possible to explore the possibility of offering locally responsive curricula that may be very different in Delhi, Koraput and Ladakh! If we had developed curricula in tribal areas that incorporated the culture and skill acquisition relevant to their specific needs, their near total exploitation would have been checked considerably. It is also well established that *Ashram Shalas* established in tribal areas, in spite of all of their functional deficiencies, have provided opportunities in education to many. Several elements of the Gurukula could be assimilated in these Shalas to make them effectively functional.

It is accepted by modern academics and educationists that the best assessment or evaluation of learner attainments can be done only by the teacher who teaches the child. For over six decades India continued with a system in which thousands and thousands were declared ‘failed’

practically at every stage of education. It has now been realized that such evaluations have a disastrous impact on growing up. Consequently; the formal examinations up to class eight have been abolished; at least in principle. However, the conditions in which remedial and assisted learning could be provided do not exist in most of the schools. Same applies to the principle of intensive interaction between the teachers and taught. Acute shortages of teachers, their unwillingness to stay full time in schools and practically the total absence of any interaction outside the school hours are indeed retarding factors. Indian universities, including the central/state universities and prestigious professional institutions are also suffering the same fate as the schools in respect of teacher shortage and infrastructure deficiencies. If a young person in the age group 22-28 years is kept in job on a pittance of an honorarium or is asked to teach in a university on lecture basis, the critical ingredient of professional and institutional commitment just cannot be nurtured. Uncertainty and insecurity also impact the professional performance as anxiety overtakes the overall psyche.

Two of the most quoted terms in the current educational parlance are: these are the times of lifelong learning and, these are the times of mind power. Ancient Indian education had internalized both of these in its content and pedagogy. “*Yavadjeevat Adhiyate Viprah*” and “*Buddiryasya Balam Tasya*” establish the basic continuity of the conceptual formulations that are in sense eternal. In curriculum of education, dynamism is essential ingredient and change in it is necessary to avoid stagnation and maintain the responsive nature of learning. Only such education’ nourishes us like the mother, directs to proper path like father, and gives us delight and comfort like the wife’<sup>10</sup>. A person becomes more respectable and adorable only because of his mastery levels in learning. Every academic of the present times knows that to keep his reputation amongst his students, he himself has to remain an avid reader and an active learner. When computers arrived, young children attained proficiency in handling these in practically no time but most of the experienced teachers, reluctant to learn new technology, found them losing their esteem. It is education that changes the nature of man. Today, if despicable social practices like slavery, apartheid and caste systems stand fully discarded and disowned, the credit must be mostly shared by education, its expansions and extended access to persons from every strata of the society.

As a tribute to the tribute to the Guru of the yore, let one recall Swami Vivekananda who had an illuminating appreciation of the past

and an enlightened vision of the future. He wanted the teacher to throw his whole force into the ‘tendency of the taught. And further: “The true teacher he who can immediately come down to the student’s soul and see through and understand through his mind. Such a teacher can really teach and none else<sup>11</sup>.”

India needs such teachers to shape its tomorrow.

### Footnotes

- <sup>1</sup> M. Rama Jois; Human Rights and Indian Values; 1997; National Council for Teacher Education; New Delhi
- <sup>2</sup> Ibid; p35
- <sup>3</sup> A.S. Altekar; Education in Ancient India ,1965; Nand Kishor and Brothers; Varanasi
- <sup>4</sup> Makkhan Lal with Rajendra Dixit; Educating to Confuse and Disrupt; 2005; India First Foundation; New Delhi
- <sup>5</sup> Ibid; page 09
- <sup>6</sup> Ibid; pp 29
- <sup>7</sup> Radha Kumud Mookerji; Ancient Indian Education (Brahmanical and Buddhist); 1960; Motilal Banarasidas; Delhi
- <sup>8</sup> Swami Vivekananda; Education; compiled by T.S. Avinashlingam; 2005; Sri Ramakrishna Math, Madras 600004
- <sup>9</sup> Dick Teresy, Lost Discoveries: The Ancient roots of Modern Science, 2002; Simon and Schuster; New York
- <sup>10</sup> A.S. Altekar; Education in Ancient India ,1965; Nand Kishor and Brothers; Varanasi
- <sup>11</sup> Swami Vivekananda; Education, compiled and edited by T.S. Avinashlingam, 1957Sr Ramakrishna Mission Vidyalaya; Coimbatore

# Two Decades of Panchayati Raj in India: An Assessment of its Functioning and Task Ahead

Mahi Pal\*

## Introduction

After independence, the Government of India had launched various developmental and welfare- oriented programmes /schemes through Five Year Plans to enable the people to lead a life with dignity. The Community Development Programme and the National Extension Scheme were introduced for the all-round development of rural area. But these efforts were bureaucratic in nature as people's involvement in rural development was absent. In order to bring about people's participation in rural development, the Government of India constituted the Balvantrai Mehta Team in 1957. This Team suggested democratic decentralization for enlisting people's participation in developmental activities and, towards this end, suggested the creation of Panchayati Raj Institutions (PRIs) at district and sub- district levels. But after an initial phase of ascendancy and growth of Panchayats, these institutions became a victim of the lack of political will and hostility of bureaucracy and subsequently could not bring about people's participation in these bodies. The Report of the Asoka Mehta Committee (1977) pointed out that the PRIs had failed in their objectives on account of unfavorable political environment. Later on, the G.V.K. Rao Committee (1985) and the Singhvi Committee (1986) were constituted to suggest ways and means to strengthen the PRIs in the country. But despite all this, the viability, sustainability and empowerment of these institutions remained at the mercy of the State Governments.

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The enactment of the 73<sup>rd</sup> Amendment to the Constitution (1992 hereafter referred to as the Central Act) was a watershed in the field of decentralization as it, inter alia, provided certainty, continuity and strength to the Panchayati Raj System (PRS) in the country. Later on, PRS was also extended to the Scheduled Areas by the Provisions of the Panchayats (Extension to Scheduled areas) Act 1996 (PESA hereafter referred to as the Extension Act). Two decades has elapsed after the enactment of the 73<sup>rd</sup> Amendment to the Constitution and more than 15 years have elapsed after the enactment of the Provisions of Panchayats (Extension to Scheduled Areas) Act 1996. It appears appropriate to review the functioning of the Panchayats from the point of view of ascertaining as to what extent have these institutions emerged as institutions of self-governance, enabled people's participation, particularly vulnerable sections like Scheduled Castes (SCs), Scheduled Tribes (STs), and women in these institutions and in the light of experiences, suggest task ahead for further deepening of grassroots democracy in the country.

The paper has been divided into four Parts. In the Part I salient features of the Central Act and Extension Act are listed out which are essential to carry out assessment subsequently in the paper. In part II an analysis has been carried out to know as to what extent these institutions have become autonomous as envisaged in the Constitution. Marginalized Groups and Women have been discussed in Part III of the paper and in the part IV task ahead has been suggested for further strengthening these institutions followed by a conclusion.

## **I. Salient Features of the Central Act and the Extension Act**

The Central Act has both mandatory and enabling provisions for Panchayats. Following are the salient features of this Act: (i) Formation of Gram Sabha at the village level; (ii) Uniform three-tier system at the village, block and district levels with exemption for intermediate level in States with population of less than two million; (iii) Direct elections to all seats for all members at all levels; (iv) Indirect elections of the chairpersons at the intermediate and apex levels; the mode of election for the lowest level has been left to the State; (v) Reservation on rotational basis for the Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their population both for the membership as well as chairpersonships of the Panchayats at all levels; (vi) Reservation of not less than one-third of the seats and offices for women ; (vii) Five year term;(viii) Fresh elections within six months in case of suppressions

or dissolution; (ix) Devolution of powers and responsibilities by the State in the matters of preparation and implementation of plans for economic development and social justice including implementation of schemes relating to the subjects listed in the Eleventh Schedule of the Act; (x) Setting up the State Finance Commission after every five years to review the financial position of these institutions and to make suitable recommendations to the State on the distribution of funds among the Panchayats; (xi) Setting up the State Election Commission for holding Panchayat elections under its superintendence, direction and control; (xii) The 74<sup>th</sup> Amendment to the Constitution provides for constitution of District Planning Committee to prepare a draft plan for the whole district comprising Panchayats and Municipalities. Although, this provision is a part of the 74<sup>th</sup> Amendment Act, the States have agreed to extend it to the 73<sup>rd</sup> Amendment Act. Hence, for all practical purposes, it is also assumed to be a part of the Central Act.

The Central Act gave birth to the third generation of the Panchayati Raj in India. The main lacuna of this Act, however, is that, instead of clearly specifying the functions and powers of Panchayats, it has left it to the discretion of the State governments. The Article 243 G of the Constitution says: the legislature of a State may, by law, 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 (a) the preparation of plans for economic development and social justice and (b) 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 Schedule of the Constitution.

Article 243 G is the corner-stone of the entire thrust on democratic decentralisation as visualised in the Act. It is, however, not mandatory on the part of the State Governments to implement this because the word “may” is used five times in this Article. Thus, it is at the discretion of the State Government to give or “not give” powers to the Panchayats. It implies that the power sharing with the Panchayats depends on the political leadership at the State level. We have the example of West Bengal where Panchayats elections were being held since the seventies i.e., even before the Amendment because the political party in power had political will for strengthening the grassroots democracy.

The salient features of the Extension Act (PESA) are as follows:

(i) Every village shall have gram sabha consisting of persons whose

names are included in the electoral rolls for the panchayats at the village level; (ii) Reservation for STs shall not be less than half of the total number of seats at all tiers of panchayats. Reservation of tribal communities shall be on the basis of proportion to their population. The chairpersonship shall be reserved for STs at all levels of Panchayats. In case some ST communities have no representation at intermediate or district -level panchayats, the state government shall nominate such under-represented STs. But such nomination should not exceed one-tenth of the total number of elected members of the panchayats; (iii) Every legislation on the panchayats in the Fifth Scheduled Area shall be in conformity with the customary law, social and religious practices and traditional management practices of the community resources; (iv) Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution; (v) Gram Sabha is empowered to approve plans, programmes and projects for social and economic development, to identify persons as beneficiaries under the poverty alleviation and other programmes and to give certificate of utilisation of funds for various plans and programmes; (vi) Gram Sabha or Panchayat at the appropriate level would be consulted before making the acquisition of land for development projects and before resettling or rehabilitating persons affected by such projects. However, actual planning and implementation of the projects shall be coordinated at the state level; (vii) Recommendation of the Gram Sabha or the Panchayats at the appropriate level is mandatory for the grant of prospecting license or mining lease for minor minerals, and grant for the exploitation of minor minerals by auction; (viii) gram sabha and panchayats are endowed with powers to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant; ownership of minor forest produce; to prevent alienation of land; to manage village markets; to exercise control over moneylending; to exercise control over institutions and functionaries in all social sectors; to exercise control over local plans and resources for such plans, including tribal sub-plans; (ix) Planning and management of minor water bodies shall be entrusted to the panchayats at the appropriate level; and (x) State legislatures may endow panchayats with such powers and authorities, as may be necessary to enable them to function as institutions of self-government. The statutes shall contain safeguards to ensure that panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the gram sabha. Hence, the cardinal principle



(i.e. what can be done at particular level should be done at that level only and not at other levels) of allocation of functions has been provided to a greater extent in the Action Act itself; (xi) State legislatures shall endeavor to follow the pattern of the 6th Schedule of the Constitution while designing administrative arrangements in the panchayats at district level.

Thus, the Extension Act is an important step in enabling state legislatures to make laws for the tribals that ensure their control and rights over natural resources and conserve and preserve their identity and culture in a participatory manner through the institution of the Gram Sabha.

## II. Emergence of Local Self Governments

As stated earlier, the Central Act has both mandatory and enabling provisions. The state governments were supposed to devolve the functions, finance and functionaries pertaining to 29 subjects listed in the Eleventh Schedule of the Constitution to the PRIs to enable these bodies to function as institutions of self government. We will discuss in the following part of the paper that the Panchayats have been made as institutions of self-government as per 243G of the Constitution. Although, the term 'institution of self-government' (ISG) has not been defined in the Act, the perception and the connotation are well understood. In order to function Panchayats as ISG, the panchayats have to fulfill three basic conditions, namely, (a) institutional existence in the sense that the decisions are taken by the people's representatives; (b) institutional capacity, which means that these institutions have clearly defined functions, functionaries and finances; (c) financial viability in terms of sufficiently empowering them in raising resources to meet their responsibilities. Let us see as to what extent the Panchayats have emerged as ISG after evaluating the progress made towards empowering these bodies in last two decades.

**Table 1: Overall Devolution Index Across States**

Ranks States	Frame work D1	Func-tions D2	Finan-ces D3	Function-aries D4	Capacity Building D5	account ability D6	D
1 Maharashtra	48.95	56.31	55.5	75.37	75	76.64	64
2 Karnataka	67.55	57.96	49.97	63.12	79.04	69.73	62.2
3 Kerala	41.34	52.86	48.52	68.55	58.77	64.64	55.4
4 Rajasthan	68.33	52.97	35.61	40.9	79.43	57.25	52.1

5 Tamil Nadu	69.84	52.33	46.26	39.23	63.4	52.97	52.1
6 West Bengal	56.84	50.57	35.41	37.67	81.18	53.96	49.8
7 Madhya Pradesh	60.37	52.61	34.44	39.45	51.41	62.5	47.3
8 Chhattisgarh	53.75	37.53	31.77	33.68	78.52	48.27	44.6
9 Haryana	70.39	31.14	36.91	50.19	42.68	46.09	43.6
10 Gujarat	54.58	38.92	26.55	53.18	46.61	43.76	40.8
11 Odisha	66.5	51.46	35.11	28.55	19.14	53.04	40
12 Uttarakhand	54	53.9	27.23	32.02	43.24	52.85	39.4
13 Uttar Pradesh	60.02	41.04	26.17	28.57	45.88	41.06	37.3
14 Assam	44.69	42.76	23.13	21.66	67.84	37.65	36.9
15 Himachal Pradesh	56.19	22.43	34.92	35.35	36.15	44.32	36.8
16 Goa	50.7	17.78	18.69	48.23	32.87	41.72	31.8
17 Punjab	60.24	24.25	17.37	23.64	38.67	46.74	31.2
18 Bihar	49.78	39.44	19.4	24.29	42.01	21.6	29.9
19 J&K	15.38	15.28	28.01	23.98	51.61	35.15	28.9
20 Jharkhand	55.01	18.97	13.95	23.52	46.11	28.48	27.3
North Eastern States							
1 Tripura	48.1	46.03	28.37	53.34	29.71	46.91	39.7
2 Sikkim	68.56	45.07	31.37	29.25	41.72	36.3	39.1
3 Manipur	29.52	12.22	24	20.41	45.13	27.27	25.9
4 Arunachal Pradesh	30.88	17.22	25.17	10.14	34.67	24.85	23.7
Union Territories							
1 Lakshadweep	48.89	20.79	7.33	39.82	30.95	28.29	25.1
2 Daman & Diu	56.04	3.43	8.03	33.56	0	30.11	18.1
3 Dadra & Nagar Haveli	28.6	1.11	0.78	39.17	20.85	32.22	17.3
4 Chandigarh	24.16	7.22	25.86	18.8	0	8.14	15.3
National Average	51.4	34.06	29.45	36.99	49.33	43.33	38.5

*Source: Strengthening of Panchayats in India: Comparing Devolution across States : Empirical Assessment -2012-13 , April 2013, The Indian Institute of Public Administration, New Delhi*

The Ministry of Panchayati Raj had assigned a study to the Indian Institute of Public Administration (IIPA), New Delhi to work out devolution of powers and functions to the Panchayats across the States based on certain dimensions and indicators. Dimensions and Indicators are given in Annexure –I. It may be seen from the Annexure that framework comprises the mandatory provisions given in the Central Act, which are to be expected to be implemented in letter and spirit by the State Governments. Except framework and finance other indicators

carry the same weight. Framework carries less weightage due to its mandatory nature and finance is very important because it is the finance which determine the extent of effectiveness of other indicators of the framework. All these indicators with their weightages are given in table 1.

Now let us discuss the extent of devolution across the States and UTs. In the light of indicators.

### **Framework (D1):**

This indicator includes the mandatory nature of devolution as given in the 73<sup>rd</sup> Amendment Act and it was expected from the States/UTs that these must be devolved or performed in toto. But expectations are belied as is evident from the progress made in this regard. It may be seen from the Table that national average score is only 51.40. It means leave aside the enabling provisions of the Act, even the mandatory provisions were implemented to the extent of only 50 per cent. If we see across the States, we find that Haryana ranks first with a score of 70.39 and J & K ranks the lowest (15.38). But what happened in other states is surprising to note. Out of total states only 15 states and one UT (Daman & Diu) could score more than national average.

Experience on this front is also not encouraging across the country with some exceptions here and there. Although Planning Commission has issued guidelines on preparation of decentralized planning to the states but nothing noteworthy has been done on preparation of decentralized planning. Mahatama Gandhi National Rural Employment Guarantee Act (MGNREGA) made the Panchayats as principal authorities in the implementation of the Act and under it these bodies are expected to prepare perspective plan for village development. But it remains almost on paper. The Twentieth Anniversary Report of the Expert Committee on Leveraging Panchayats for Efficient Delivery of Public Goods and Services, headed by Mani Shankar Aiyar, submitted its report on 24<sup>th</sup> April, 2013 to the Government. It praised Kerala experiences of decentralised planning. And in this regard, Kollam Model was referred and suggested to be emulated by other States. No, doubt, in Kerala, there are some positive developments as compared to other states in case of decentralized planning. But the picture is not as rosy as painted which is evident from the fact that the Report of the Committee for Evaluation of Decentralised Planning and Development, Government of Kerala, constituted under the Chairmanship of Prof. M A Oommen (2009), while discussing Decentralised Planning observed,

“It is disclosed that one junior clerk was forced to prepare 120 projects with respect to production and social service sectors in less than one month’s time. Similarly, one lady clerk who is incharge of SC/ST welfare prepared the entire projects in less than two weeks time in another local body. In the ultimate reckoning despite the Working Groups, clerks, prepare the projects in a haphazard manner. Second, there is no coordination of the reports of the various sectoral Working Groups. In other words, decentralized planning becomes a fragmented exercise. This negates the essence of making comprehensive area plans.” (Govt. of Kerala Report, 2009, P.168).” The study also reveals that involvement and participation of Gram Sabha which is head and heart of the local governance was negligible in the districts. In nutshell, it may be said that not much progress has been made in this regard.

### **Functions (D2):**

In case of devolution of functions, the situation is very gloomy as indicated by the scores of different states and national average. As the national average is merely 34.06, it means about one third of the expected devolution has been achieved. If we see state wise, we find that Karnataka tops the list (57.90) followed by Maharashtra and Rajasthan. Manipur State (12.22) is at the bottom and rest of the States and UTs are placed in between. It may be seen from the table that only 15 States including 2 North Eastern States have scored more than national average.

### **Finance (D3):**

As mentioned earlier, this dimension of the devolution index carries the highest weightage in the indices. Its national average is merely 29.45, which is even less than that of function index. The reasons are not far to seek as higher tiers of governments do not part with financial powers to Panchayats. Among the States and UTs, Maharashtra tops the list with the highest score (55) followed by Karnataka, Kerala and Tamil Nadu, and Punjab score the lowest (17.37) as table indicates. UTs Dadra & Nagar Haveli have not even devolved even 1 per cent of expected financial devolution to the Panchayats. Only 12 States including one from North Eastern State --- Tripura --- have scored more than national average on this dimension of Panchayats.

It may be noted that one of the components of this indicator is power given to Panchayats to mobilise their own resources. In this

regard, it would be interesting to know the extent of panchayats resources to total resources of the State Government in the country.

**Table -2: Revenue of Panchayats (all tiers) as Percentage of Respective State's Own Revenue (Rs. in crores)**

S. No.	State	Sum of own Revenue (2005-08)	State's own Revenue (2005-08)	Own Revenue of Panchayats as % of State's own Revenue
1.	Andhra Pradesh	415.4	30057.0	1.38
2.	Arunachal Pradesh	N.A.	465.0	N.A.
3.	Assam	13.1	5176.0	0.25
4.	Bihar	5.5	4639.8	0.12
5.	Chhatisgarh	26.3	6472.4	0.41
6.	Goa	13.2	2156.2	0.61
7.	Gujarat	11.5	22986.6	0.49
8.	Haryana	270.4	14590.2	1.85
9.	Himachal Pradesh	6.1	2986.6	0.20
10.	Jammu & Kashmir	0.8	2653.4	0.03
11.	Jharkhand	0.4	456.1	0.01
12.	Karnataka	198.0	26419.8	0.75
13.	Kerala	292.7	12824.4	2.28
14.	Madhya Pradesh	56.4	13070.3	0.43
15.	Maharashtra	582.3	50523.1	1.15
16.	Manipur	0.3	273.7	0.12
17.	Meghalaya	54.3	468.7	1.59
18.	Mizoram	NA	194.7	NA
19.	Nagaland	NA	221.1	NA
20.	Odisha	10.1	8232.3	0.12
21.	Punjab	125.9	15147.2	0.83
22.	Rajasthan	15.2	14995.1	0.10
23.	Sikkim	NA	838.3	NA
24.	Tamil Nadu	258.5	30014.6	0.86
25.	Tripura	1.3	427.4	0.30
26.	Uttar Pradesh	88.0	27364.8	0.32
27.	Uttarakhand	6.9	3000.8	0.23
28.	West Bengal	58.0	12983.4	0.45
	All States	2610.6	313749.3	0.83

*Source: Basic data obtained from Panchayati Raj Department of various States, the XIII Finance Commission and Finance Accounts of the C & AG quoted from Alok V N (2011) : Role of Panchayat Bodies in Rural Development since 1959, Indian Institute of Public Administration, New Delhi.*

It may be seen from this table 2 that total own revenue of the Panchayats was not even 1 per cent of total state revenue . Surprisingly, in some of the States, this data is not available. It appears that neither the State Governments have taken any initiatives to build up the capacity of the Panchayats to mobilise their own resources nor the Panchayats themselves have taken any interest to mobilise their own resources to enable them selves to take up activities, which they wish to take up at their levels.

#### **Functionaries (D4):**

This dimension of the index is also very important because if functions and finance have been devolved to Panchayats but functionaries are not at the disposal of the Panchayats then how Panchayats could get the work done in the field for fulfilling the expectations of the people. Its national average is 36.99, which is higher than two other components of the triple Fs ( Functions , Finance and Functionaries). In case of this indicator, Maharashtra tops the list with a score of 75.37 followed by Kerala (68.55), and Karnataka (63.12). If, we put all the States together, we find that only 13 States including one North Eastern State and two UTs scored more than national average as the table indicates.

Above mentioned three dimensions (D2, D3 & D4) of all the dimensions of the devolution index are very important to enable the Panchayats to function as LSG as envisaged in the Constitution. But all the three depict a gloomy picture as their scores hover around one-third of total expected devolution from the States to Panchayats. The State of Maharashtra and couples of southern States performed better on these counts than other States and UTs.

#### **Capacity Building (D5):**

Capacity building of Panchayats' personnel is also important because capacitated personnel could deliver the services to their clientele. In this case the national average is 49.33 which is more than the earlier three dimensions of the index. But this does not cross 50 percent of expected capacity building of the Panchayats' personnel. Here, West Bengal tops the list by scoring 81.18 value followed by Rajasthan (79.43) Karnataka (79.04), Chhattisgarh (78.52) and Maharashtra (75). It may be seen from the table that only 10 States could achieve scores more than the national average. None of the North Eastern States and UTs could cross the national average. It shows that

capacity building of elected and officials which is so crucial has been overlooked by the States and the UTs. It is disheartening to note that Daman & Diu and Chandigrah could not do any thing in this regard as their score is zero as indicated in the table.

#### **Accountability (D6):**

Transparency in the functioning of the Panchayats with the instrument of Gram Sabha and auditing of activities by the same institutions are the important ingredient of effective and efficient functioning of the Panchayati Raj System (PRS). Here also picture is dismal across the States and UTs as indicated by the table. In this case, Maharashtra scored the highest (76.64) and lowest among the States excluding NE States is Bihar scoring merely 21.60. Other States which did fairly the good score are Karnataka, Kerala, Madhya Pradesh. Merely 6 States including Tripura, a NE States, scored more than national average. If we compare among the indicators, we found that lowest number of States crossed the national average in case of this dimension. But here position of UTs is not as bad in this regard as is in case of D2, D3 and D5.

#### **Overall Rank (D) :**

D indicates the composite devolution index. It may be seen from it that national average is merely 38.52, which shows that of total expectation of devolution only 38.52 has been achieved in the country. Putting all States together excluding NE States and UTs, it may be stated that Maharashtra tops the list by scoring 64.04 value and Jharkhand at the lowest of the list by scoring 27.25 value. In case of NE States Tripura is on the top by scoring 39.72 value and Arunachal Pradesh at the lowest by scoring 23.67 value. In case of UTs, Lakshadweep is at the top and Chandigarh at the lowest as the table indicates.

In case of Maharashtra, it may be stated that it is the only state amongst the other states which has constantly performed better in the sub-indices of finance, functionaries, capacity building and accountability of the composite index. The State of Maharashtra has been historically progressive state in the sphere of strengthening Panchayati Raj. Its comprehensive Zilla Parishad and Panchayat Samiti Act and a separate Act for Gram Panchayat gave a firm foundation for strong Panchayati Raj in the State. The state of Karnataka also ranks very close to Maharashtra as the table reveals. Here also sound

foundation to the PRS was laid down when R K Hedge was the Chief Minister of the State.

Only 12 States excluding NE States, have achieved a score more than the national average. In case of NE States only 2 States scored more than national average. In case of UTs, none of them have achieved national average.

Although one may not agree with the components of the composite index of the devolution index, but it is clear from above analysis that the States and the Centre have not shown much political will and administrative support for strengthening Panchayati Raj in the country. It is obvious the political leaders at central and state levels do not want to create a third level of power centre through creating Panchayats as strong institutions. In the absence of pressure from the Panchayats to devolve powers to them, whatever is being done in the name of Panchayati Raj is supply driven instead of demand driven. It is very difficult to create demand among elected representatives because they instead of becoming leaders of the local people have emerged as implementing agencies on behalf of other tiers of the government at state and central levels. We will discuss it in the task ahead in more detailed manner.

#### **Extension Act:**

Although Extension Act requires a separate analysis regarding the extent of its implementation, which is not carried out here due to space constraint, the brief comments are offered about its status while discussing empowerment of Panchayats and other related dimensions. States of Himachal Pradesh, Rajasthan, Madhya Pradesh, Chhatisgarh, Guajrat, Jharkhand, Orissa, Maharathra and Andhara Pradesh are covered under it.

The Extension Act has not only made the Gram Sabha a strong body, but also put 'jal, jungle and jamin' (water, forest and land) under its control. The State Legislatures should have kept in mind the following aspects while amending their respective Panchayat Acts: (i) Gram Sabha should be made the corner-stone of the entire system of Panchayati Raj by way of according freedom to them in managing, protecting and preserving natural resources and through formulation of socio-economic development programmes, projects and schemes for tribal people; (ii) Relationship between the gram sabha and panchayats should be similar to the one between legislatures and the government. In other words, panchayats should take the approval of the gram sabha in all matters relating to rural economy and society; (iii) The underlying spirit of the



Extension Act is that of devolution of powers and authority (rather than delegation of powers) to the gram sabha which represents participatory democracy rather than empowering representative decentralised democracy in the form of gram panchayats and higher tiers of the PRS. And while devolving powers and authority on panchayat or gram sabha, the state legislature should ensure that panchayats at the higher level do not assume the powers and authority of any Panchayat at the lower level or of the Gram Sabha (Mahi Pal 2000:1603 ).

But most states covered under it have not kept these principles in mind while enacting their conformity legislations. States have not gone into the spirit of this legislation and have tried to manipulate the provisions in a narrow way. On behalf of the Ministry of Panchayati Raj, IRMA had carried out an independent assessment of the functioning of the panchayats across the States. Some of the states which come under V<sup>th</sup> Scheduled Areas (where Extension Act is applicable) have also been covered. Based on the findings of this assessment, an evaluation has been done about the grassroots realities. In case of Andhra Pradesh, although several mandatory provisions of the Extension Act have been incorporated in the state Act, actual implementation is lacking. In case of Himachal Pradesh, in practice, most of the functions are handled by the States. In some States as Chhattisgarh some of the provisions such as enforcement prohibition, control over money lending are not clearly stated. In case of Rajasthan, conditions have not been created in the tribal areas to give effect of provisions of the Extension Act at the ground level. This might be on account of deficiencies in the legal framework of the Extension Act such as clarity of domain of Panchayats and Gram Sabha and due to inability of tribals to seize the opportunities of the Extension Act for their empowerment and self-governance.

### **III Marginalised Groups and Women**

As indicated elsewhere in the paper reservation for SCs, STs and women in the Panchayats for membership and chairpersonship has been provided by the Constitution. As a result of this provision, more than 6 lakh SCs/STs and more than 10 lakh women have been holding the offices of the members and chairpersons at different tiers of the Panchayats. It is evident from the various studies that the political space which has been provided by the Constitution to these groups in panchayats and their subsequent exposure to decentralised governance and planning for development has both positive and negative outcomes.

We shall discuss these in this part of the paper. The findings of a study of the working of panchayats in six states conducted by PRIA reveals that: “ .. 25 per cent women notice and remark on the visible change in their status within their family after they have been elected. . . about 60 per cent of women said that they would encourage women to stand for election. The same percentage (60 per cent) is contemplating to contest PRI election again” [PRIA, 2000]. But the other side of the phenomenon is that SC/STs and women have faced a lot of problems in discharging their duties and responsibilities. The State of Panchayats Report 2008-09, an Independent Assessment done by IRMA says that sample data on proxy representation reveals that about 59% of elected SC/ST women were proxy representatives, of which only about one-fifth were proxies for their husbands and /or male relatives. One third were proxies for dominant castes and about one-tenth for others including political parties.

A detailed picture of the involvement of SC and ST representatives in the early year after reservation was introduced is not readily available. Many studies/ surveys agree that participation by SC and ST representatives in decision-making on both governance and development issues remained low. But subsequently studies also show that over the three Panchayat elections, SC representatives have used the space and climate created by the reservation of seats for articulating their voice. The wider political mobilization of SC has no doubt been a supportive factor, but there are a number of instances of SCs collectively claiming their rights to access services and entitlements to resources. Their strategies have engaged with line departments for accessing services and ensured responsiveness of the Panchayats. They have, by monitoring the activities of the Panchayats and government functionaries in the delivery of programmes and schemes (like mid-day meals), caused improvements in the quality of delivery.

But at the same time some of the studies revealed other side of the phenomenon. For example, a recent study of 200 women SC and ST representatives in Gujarat and Tamil Nadu found that only one-third of women chairpersons/presidents were able to discharge their official responsibilities with any freedom and independence. Only 35.3% of them called Panchayat meetings, 31.9% chaired them, and 27.7% voluntarily signed resolutions. Only 26.15 of women Presidents voluntarily authorized Panchayat payments, monitored the Panchayat administration and supervised the work of BDOs/TDOs or DDOs as expected of their roles at Intermediate and District levels, and only 23.5% approved contracts for Panchayat development works or reviewed them. Instead, a

number of women spoke of rubber -stamping Panchayat decisions and signing cheques at the behest of others (Magubhai et al, 2009).

In fact, caste prejudices emerged as a major problem in the functioning of the Panchayats. This is due to unwillingness and grouse the dominant castes for having become ineligible to hold the powers and control they have long been used to in the PRIs, on account of constitutional provisions for the marginalized group. Due to the prevailing strangle-hold of the caste structure in rural society in the country, neither the respect for the office of elected representatives nor the simple social values of giving equal regard to fellow human-beings, impel the fellow villagers and the fellow elected representatives to treat SC elected representatives as equals during the course of their functioning under the PRS. This has resulted in the paradoxical situation, where, on the one hand, Panchayati Raj Act provides *de jure* powers to the office of the chairpersons at different levels and, on the other, *de facto*, they remain bereft of these powers. The local bureaucracy, which is expected to work under the control of the elected representatives of the Panchayats, is either generally away from the scene or succumbs to the pressure of the village politics and power game.

Nevertheless the PRS has been instrumental, to some extent, in igniting the process of releasing the depressed, oppressed and suppressed energy of the these groups who got the opportunity to come forward as elected representatives. It was found that wherever the dalit elected representatives were oppressed and obstructed by the dominant castes, they came out openly to resist and to struggle against the oppressors. Importantly, it was also seen that whenever the women Panchayat leaders were literate, they were found to be more assertive than the others.

Thus, the affirmative action for these groups in local governance has resulted in social identities and political awareness among them and created an urge to become part of the mainstream political, economic and social life. With initial clashes between the 'higher' castes and the 'lower' castes, there are indications of social cohesion at local levels. The political space given to margi-nalised sections has, to some extent, dealt a blow to the asymmetrical social structure at the local level and given greater space for their participation and involvement in decision-making.

#### **IV Task Ahead**

Above analysis of two decades of functioning of PRS in the country reveals that panchayats have not emerged as LSG as envisaged in the

constitution. The elected representatives of Panchayats have been grappling with local realities for local governance. Now the issue is what should be the task ahead for enabling the Panchayats to become such institutions which will fulfill the expectations of the people about their development at local levels. A five pronged strategy has been given below, which, if implemented in letter and spirit, would enable the Panchayats to emerge stronger and their elected representatives would become more knowledgeable and assertive in performing their task at local level.

1. There is need for constitutional amendment. The constitutional amendment should aim at removing discrepancies in the allocation of functions, finances and functionaries and establishing organic links between and among the tiers of the panchayats, preparation of decentralised plans and making Extension Act effective.

2. It should also be kept in mind that constitutional amendment alone cannot be effective if demand for de facto decentralization does not arise from the grassroots levels. For generating demand for decentralisation, social mobilisation is required. Although NGOs have been organizing training programmes for capacity building of panchayats, but they have limitations because of their operational constraints. Social mobilization could be done only through a social movement for greater autonomy of the panchayats in discharging their responsibilities.

However, various panchayat 'sammelans' (conferences) have been organized in the last decades. The All-India Panchayat Adhyakshas Sammelan, organised by the central government on April 5-6, 2002 demanded that "All state governments shall take action to devolve funds, functions and functionaries to the panchayati raj institutions (PRIs) before December 31, 2002". But no concrete steps have been taken up by the states for implementing this recommendation. In brief, the demand side of the panchyati raj in terms of asking for more power by the panchayats is seriously lacking and the panchayats will remain at the mercy of the central and state governments.

3. As seen from the analysis of powers and functions, triple Fs are the major issues to be handled for empowerment of panchayats. But here, author would like to give priority to basic infrastructure like panchayat offices. For example, midterm appraisal of the 11<sup>th</sup> plan indicates that out of the 2, 32, 638 Gram Panchayats, 78, 868 have no buildings and 59, 245 require major renovation (MTA: 50). Now, in such a situation, one can imagine the level of discussion could take place in the villages where society is divided on caste and class basis.. Concerted efforts are needed in this regard.

4. Now, there is need to give thought to the concept of 'four pillar state' of Dr. Ram Manohar Lohia. It means, centre, state, district and village level governments. Here, the issue of viability of size of lowest tier is important. Panchayats are expected to prepare decentralised plan, which is basically integrated area plan. Its based on the principle of integrating economic activities with social services and putting them at different levels keeping in view population and distance thresholds. Here, the relevance of intermediate tier may be questioned as it has not much role to play in the decentralised governance, planning and development. In this regard, it may be said that Gram Panchayat may be reorganized demographically and geographically to make them viable institutions for local development. Besides, Gram Panchayats must have a full fledged secretariat where all local officials relating to various line departments sit there and villagers instead of going to the house of Panchayat President visit the Panchayat secretariat.

5. Capacity building is a process of empowerment of people/communities/organizations to take up activities for their development. In fact, capacity building has two components namely competence and commitment. Competence denotes training which is comprises of three things: knowledge, skill and attitudes. The commitment denotes not the *chalta hai* (can work) syndrome, but the concern and commitment on the part of the trainers and others who are involved in the process of the capacity building for developing human resources engaged in local development.

### **Conclusion**

To conclude, one Hindi saying aptly describes the present status of the PRIs in the country. '*Ghar- bar sab tumhara, kothi kuthala ke hath maat lagana* (Everything of the house belongs to you, but do not touch the money and other precious things of it). Our analysis shows that not much power have been given to the Panchayats even after two decades of its implementation. Marginalised groups have got the seats in the local governance but they are not as effective as they should be due caste prejudices and lack of capacity of local governments. Remedy of malady lies in organic organization of the Panchayat leaders to assert and bargain for the empowerment of these bodies. Now, there are elections to some state assemblies and general elections of Lok Sabha are also due next year. This is the right time for them to organize themselves organically and bargain with state and central leadership for greater powers to Panchayats.

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### Annexure -1

#### DEVOLUTION INDEX 2012-13

##### Framework

(Weight 10)

- . Basic Details of Panchayat (Reservations etc.)
- . Panchayat duration & Elections including State Election Commission.
- . Dissolution and Bye Elections of Panchayats

- . Constitution and Function of District Planning Committee.
- . Role of Panchayats in Parallel Bodies/Institutions
- . Autonomy to Panchayats

**Functions** **(Weight 15)**

- . Functions Assigned to Panchayats including Activity Mapping and Actual Involvement of Panchayats
- . Involvement of Panchayats in Important Schemes.

**Finances** **(Weight 30)**

- . 13<sup>th</sup> Finance Commission Grants to the Panchayats – in time and amount.
- . State Finance Commission (SFC) – How effective?
- . Formula based Fiscal Transfers to Panchayats
- . Empowerment of Panchayats to Impose and Collect Revenue.
- . Funds Available with Panchayats.
- . Expenditure of Panchayats.
- . Initiatives related to Finances and Accounts recommended by the 13<sup>th</sup> FC.

**Functionaries** **(Weight 15)**

- . Physical Infrastructure of Panchayat
- . E-Connectivity of Panchayat.
- . Panchayat Officials : Sanctioned and actual staff position
- . Power and Functions of Panchayat

**Capacity Building** **(Weight 15)**

- . Institutions involved in Training
- . Training Activities.
- . Training of Elected Representatives and Officials

**Accountability** **(Weight 15)**

- . Accounting and Audit of Panchayat
- . Social Audit of Panchayat
- . Functioning of Gram Sabha
- . Transparency & Anti-Corruption
- . Panchayat Assessment & Incentivisation

## Panchayat Raj and Gandhi's Vision of Village Governance

**Ram Chandra Pradhan\***

**Siby K. Joseph\*\***

The idea of decentralised polity was deeply rooted in Indian culture and ethos. This was related to the basic Indian attitude to the role of centralised State and its institutions on the lives of people. As most of the aspects of both individual and social life were governed by socio-religious institutions, the State got only the minimal role in the entire scheme of things. The power of the king was limited to providing protection and delivering justice. Even there the king's power was hedged by several limitations. On the one hand he has to imbibe an act on the basis of *Raj Dharma* which was well defined and well delineated. Any violation of *Raj Dharma* could create serious problems for the king and could even endanger his power and positions. Kautilya's classic work *Arthashastra* clearly explains the position of a king as the servant of the State. He observed: 'A king has no personal likes; it is the likes of the subject that should be followed by him'. The welfare of the subjects was the main concern of the king. The *Arthashastra* also mentions that during that period, village was the basic unit of administration. More importantly, the decision making process at various institutional levels including the village was democratic and the bulk of power governing people's life remained in the hands of various levels of people's councils. Even in the early Vedic period, there were four types of councils, viz., *Sabha*, *Samiti*, *Vidhata* and *Gana*, of which

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women were allowed to attend only two, *Sabha* and *Vidhata*. The duty of the king was to protect the people, in which he was assisted by the *Purohita* (chaplain) and the *Senani* (army chief). In the Vedic period *Grama* (village) was the basic political unit. Above the *Grama*, the higher political units were *Vish* and *Jana*. The king carried out the administration with the consent and approval of the people.

Subsequently, in Buddha's time the old tradition of decentralised polity and active participation of the people in the decision making process through dialogue and discussion and voting continued uninterrupted. It is true that during those days the kingship was hereditary. But most of the day to day decisions regarding governance were taken by village assemblies and such decisions of village assemblies were respected by the king.<sup>1</sup>

Besides, there were concepts of *Kul Dharma*, *Varna Dharma*, *Ashram Dharma*, etc. which went a long way to regulate people's life without much interference from the king. The king was primarily collecting some revenue in kind which was used to support his role at the central level. Apart from that, bulk of the power rested with the people. It must be noted that this was not decentralisation from the above. It was actually a bottom to top approach with the result that residual power remained with the people and not with the king. Moreover, the bulk of the people lived in the villages, so the Village *Panchayat* became the symbol of popular sovereignty. The democratic process of people's participation in all decision making was not confined only to the village level. It extended even to the levels of towns. *Gramani* was the head of the village as well as of the town. But during the Medieval and Mughal periods, self-government traditions of ancient India simply withered away under the military despotism of the Sultanate of Delhi and the Mughal Empire. Under the British rule, the administration of local services and affairs came under the bureaucratic control. However, the British administration was aware of the importance and persistence of the village system. Sir Charles Metcalfe, the then acting governor-general of India, in his famous minute of 1830, wrote: 'India's village communities are little republics, having nearly everything they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution, but the village community remains the same. This union of village communities, each one forming a separate little State in itself, has contributed more than any other cause to the preservation of the people of India.'<sup>2</sup> Karl Marx while writing about 'The British Rule in India'<sup>3</sup> in 1853 quoted

extensively from a report prepared by the official report of the British House of Commons on Indian affairs<sup>4</sup> which underlined the centrality and distinct features of the village system. The village system was managed by a number of functionaries and worked as an autonomous socio-political unit. The report underlines the very nature of the villages at that time. It *interalia* observed 'The inhabitants gave themselves no trouble about the breaking-up and divisions of kingdoms; while the village remains entire, they care not to what power it is transferred, or to what sovereign it devolves; its internal economy remains unchanged.'<sup>5</sup>

In the same piece, Marx explains the process through which the autonomous and autarkic nature of the village system was broken to pieces. 'These small stereotype forms of social organism have been to the greater part dissolved, and are disappearing, not so much through the brutal interference of the British tax-gatherer and the British soldier, as to the working of English steam and English free trade. Those family-communities were based on domestic industry, in that peculiar combination of hand-weaving, hand-spinning and hand-tilling agriculture which gave them self-supporting power. English interference having placed the spinner in Lancashire and the weaver in Bengal, or sweeping away both Hindu spinner and weaver, dissolved these small semi-barbarian, semi-civilised communities, by blowing up their economical basis, and thus produced the greatest, and to speak the truth, the only social revolution ever heard of in Asia.'<sup>6</sup> Though Marx looks at the whole process of destruction as a progressive social revolution, but the entire national leadership took it as a great tragedy which afflicted our people resulting in mass poverty and pauperisation. Moreover the breaking of the village system virtually destroyed democratic spirit behind popular sovereignty prevailing in the rural India from time immemorial. Even though the Royal Commission on Decentralisation, 1907-1909,<sup>7</sup> laid stress on the importance of Village *Panchayats* and recommended that the Government control upon the local self-government should be relaxed. This resulted in some kind of decentralisation of power. But it needs to be emphasised that the democratic spirit of the traditional Indian polity was never restored.

### **Gandhi's Critique of Representative Government and Centralised Administration**

Gandhi had long and varied experience in dealing with the State system in three continents viz. Europe, Africa and Asia. He witnessed the cruel and harsh face of the State in his own life as well as in the lives of

the people. He was not happy with the liberal State, not to talk of Marxist State which in any case had a totalitarian nature. He came to the conclusion that the so called democratic State had failed to fulfil the aspirations of the people and was largely guided by the interest of small sections of people mainly the ruling and the elite classes. That is why Gandhi took a critical view of the representative form of government in his seminal work *Hind Swaraj*.<sup>8</sup> Gandhi even went to the extent of calling the British Parliament, taken as mother parliament, as a 'sterile woman' and 'prostitute' which is controlled by others and was hardly in a position to produce something on its own.<sup>9</sup> Gandhi blamed the party system, the dominating role of the cabinet and the complex nature of the issues involved which took away the essence of popular sovereignty. In *Hind Swaraj*, Gandhi visualised an alternative system based on the traditional wisdom of our ancestors, who managed their lives and affairs by themselves without much outside interference. It was a village oriented mode of life and governance which Gandhi called as inner *Swaraj* and outer *Swaraj*. He asserted that higher the level of inner *Swaraj*, the need for outer *Swaraj* will be minimal. Though he quite often talked of his preference for the state of enlightened anarchy, but he never rejected the importance of outer *Swaraj*. In fact in 1921, in his new preface to *Hind Swaraj*, he made it clear that as the people of India at the present state of social development were not willing to accept and work towards his concept of inner *Swaraj*, he would work for parliamentary democracy.<sup>10</sup> At the same time, he continued to take a very critical view of the centralised State which he considered as a living symbol of violence and domination. That is why he always stood for minimal State which alone could ensure people's liberty. He was fully aware that centralised administration becomes the breeding ground of exploitation and corruption. Besides it also kills the basic spirit of democracy. It was the rejection of the western system of representative government on the one hand and his deep rootedness in Indian tradition which prompted him to propose an alternative system of polity and governance.

### **Gandhi's Views on Panchayat Raj**

Gandhi was aware of the uniqueness and centrality of villages in the national life of India. He strongly believed that the salvation of India lies in the revival of idyllic nature of the village life and the way of management of its day to day affairs. At the same time he wanted to bring the old system in tune with the modern life by removing excretions which has gathered in the course of historical development. In other

words, Gandhi was no revivalist as he wanted revolutionary changes based on the original system of the village life and its governance. It was very well reflected in his writings on an ideal village system. He depicted the picture of an ideal village of his dreams which would be self-sufficient and self-reliant in its very nature. He wrote: 'My idea of village *Swaraj* is that it is a complete republic, independent of its neighbours for its own vital wants and yet interdependent for many others in which dependence is necessary. Thus, the first concern of every village will be to grow its own food crops, and cotton for its cloth. It should have a reserve for its cattle, recreation and playground for adults and children. Then, if there is more land available, it will grow useful money crops, thus excluding *ganja*, tobacco, opium and the like. The village will maintain a village theatre, school and public hall. It will have its own waterworks ensuring clean water supply. This can be done through controlled wells or tanks. Education will be compulsory up to the final basic course. As far as possible, every activity will be conducted on the co-operative basis. There will be no castes such as we have today with their graded untouchability. Non-violence with its technique of *Satyagraha* and non-co-operation will be the sanction of the village community. There will be a compulsory service of village guards who will be selected by rotation from the register maintained by the village.'<sup>11</sup> It is clear from the above picture of the village that it would be progressive in its very nature and full of life in various fields. The village would not remain with all its intractable problems which are afflicting today. It was further reaffirmed by Gandhi when he said, 'I have not pictured a poverty-stricken India containing ignorant millions. I have pictured to myself an India continually progressing along the lines best suited to her genius. I do not, however, picture it as a third-class or even a first-class copy of the dying civilization of the West. If my dream is fulfilled, and every one of the seven lakhs of villages becomes a well-living republic in which there are no illiterates, in which no one is idle for want of work, in which everyone is usefully occupied and has nourishing food, well-ventilated dwellings, and sufficient *Khadi* for covering the body, and in which all the villagers know and observe the laws of hygiene and sanitation, such a State must have varied and increasing needs, which it must supply unless it would stagnate.'<sup>12</sup> It is worth noting that Gandhi wanted to work for an all-round development of villages which would be self-contained on the one hand and just and equitable on the other. In any case, the village was not to remain at the stage of stagnation and superstition bound. In this system there would be every possibility for

actualising the goal of full employment free from exploitation and domination. Obviously this would ensure the maximum realisation of individual and group potentialities.

### **Gandhi's System of Village Governance**

As stated earlier, the Indian villages have lost their republican character as they were brought under the purview of centralised bureaucratic control during the British rule. Gandhi wanted to restore and revivify the earlier democratic character of the Indian villages. He presented a new system of village governance which he called Village *Swaraj* or *Panchayat Raj*. The basic idea behind *Panchayat Raj* is to raise a system of village governance as a basic unit of popular democracy. It is true that Gandhi did not present a full-fledged blueprint of village governance, but he visualised its basic parameters. He outlined his idea of village governance in the following words: 'The Government of the village will be conducted by the *Panchayat* of five persons, annually elected by the adult villagers, male and female, possessing minimum prescribed qualifications. They will have all the authority and jurisdiction required. Since there will be no system of punishments in the accepted sense, this *Panchayat* will be the legislature, judiciary and executive combined to operate for its year of office... .... I have not examined here the question of relations with the neighbouring villages and the centre if any. My purpose is to present an outline of village government. Here there is perfect democracy based upon individual freedom. The individual is the architect of his own government. The law of non-violence rules him and his government. He and his village are able to defy the might of a world. For the law governing every villager is that he will suffer death in the defense of his and his village's honour.... There is nothing inherently impossible in the picture drawn here. To model such a village may be the work of a lifetime. Any lover of true democracy and village life can take up a village, treat it as his world and sole work, and he will find good results.'<sup>13</sup> In this ideal form of village governance Gandhi tries to transcend the dichotomy between the liberty of the individual and the common good of the people. This he does by enunciating a very novel idea of what he calls the oceanic circle. He describes his concept of oceanic circle as follows: 'In this structure composed of innumerable villages there will be ever-widening, never-ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be the individual always ready to perish for the village, till at last the whole becomes one life composed of individuals, never aggressive in their

arrogance, but ever humble, sharing the majesty of the oceanic circle of which they are integral units. Therefore, the outermost circumference will not wield power to crush the inner circle, but will give strength to all within and derive its own strength from it. I may be taunted with the retort that this is all Utopian and, therefore, not worth a single thought. If Euclid's point, though incapable of being drawn by human agency has an imperishable value, my picture has its own for mankind to live."<sup>14</sup> Gandhi through his concept of oceanic circle presents an ideological contour which transcends the well proven limitations of both liberalism and Marxism. Though this concept places the individual at the very centre of the system but it can not be called anthropocentric. This individual through his multiple identities and multi-dimensional roles takes care of the interest of the communities at various levels. But it fundamentally differs from the Marxist system as all said and done the individual still remains at the very centre of the system. It neither stands for atomised individualism nor for collectivism. Here the independence of individuals and his interdependence with other members of the community is reconciled in a very unique way. The strength of the Gandhian scheme is that it reverses the usual system of hierarchical and vertical institutional set up of governance which becomes so top heavy that it crushes the lower units. This society by its very nature would be just equitable and non-violent. The popular awakening and energy created by the new system of governance characterised by the oceanic circle could easily tackle the problems of inequities and injustices.

### **Indian Constitution and Village Governance**

The Constituent Assembly was at work when Gandhi was alive, unfortunately most of his ideas including those on *Gram Swaraj* were not given due respect. It is to be noted that as early as December 1946, when the resolution on the aims and objects of free India's Constitution was moved in the Constituent Assembly by no less a person than Pandit Jawaharlal Nehru, no specific reference was made about the Indian villages and their governance. Perhaps the dominant group of Indian elite was so enamoured of the western system of governance that it did not even care to take notice of Gandhi's ideas of decentralised governance which he was reiterating since 1909.

It was brought into notice of Gandhi that his ideas on village governance had gone totally unnoticed by the Constituent Assembly. Gandhi published the correspondence with his own note which says that 'I must confess that I have not been able to follow the proceedings of the Constituent Assembly... (the correspondent) says that there is no mention

or direction about Village *Panchayats* and decentralisation in the foreshadowed Constitution. It is certainly an omission calling for immediate attention if our Independence is to reflect the peoples' voice. The greater the power of the *panchayats*, the better for the people...<sup>15</sup> Despite Gandhi's observation on these lapses of the Constituent Assembly, even the revised draft of the Constitution which was reintroduced in the Constituent Assembly on November 4, 1948 did not consider it worthwhile to include Gandhi's concept of *Gram Swaraj*. While taking part in the General debate on the revised draft of the Constitution in the Constituent Assembly during November 4-9, 1948, Dr. B. R. Ambedkar, the Chairman of the Drafting Committee, did not hide his venomous contempt for the ancient system of village and governance when he said, 'village republics have been the ruination of India. I am therefore surprised that those who condemn provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as its unit.'<sup>16</sup> This drew sharp rejoinder from some other members of the Constituent Assembly including Shri Damodar Swarup Seth, Prof. Shibban Lal Saksena, Shri H. V. Kamath, Shri T. Prakasam, Shri K. Santhanam, Shri Alladi Krishnaswami Ayyar and others. As a result Shri K. Santhanam moved an amendment to the effect which was accepted by Dr. B. R. Ambedkar. Consequently the Article 40 was incorporated as Directive Principles of State Policy in the Constitution which reads as 'The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.'<sup>17</sup> This was nothing more than a lip service to Gandhian ideas as any item under the Directive Principles of State Policy could not be legally enforced. It leaves everything at the sweet will and discretion of the concerned State Governments.

### **Towards Decentralised Governance Through Constitutional Amendment**

As expected the Government did not take any concrete step towards the process of decentralisation recognising village as the basic unit for quite a long time. However, a new initiative was taken under the leadership of Rajiv Gandhi in 1988, on the basis of recommendations of a committee on *Panchayat Raj* that these should have a constitutional status and ensure timely and regular election to these bodies with a term of five years. Due to political instability and change of Governments

the needed constitutional amendment could not take place. Finally it was addressed through the 73<sup>rd</sup> and the 74<sup>th</sup> amendments to the Constitution of India which came into force in 1993. These amendments recognised local self-governance as the third stratum of Government. The 73<sup>rd</sup> amendment Act aims at ensuring greater participation of people in rural development and the empowerment of weaker sections of the society. Article 243(G) of the Constitution authorises the State Governments to make appropriate legislation regarding devolution of powers and authority to the *Panchayats*, which will enable them to function as 'institutions of self-government'<sup>18</sup>. The amendments have made mandatory for the State Governments to make provisions for the institution of *Gram Sabha* comprising all registered voters living in a village; a three-tier structure of *Panchayats* at the village, intermediate and district level; direct elections and five year tenure for every *Panchayat*; reservation of seats for the Scheduled Castes and Scheduled Tribes (the weakest sections of the society); reservation of one-third of the seats for women; appointment of a finance commission; constitution of District Planning Committee and so on.

### **Some Limitations of the Existing System**

Subsequently the various State Governments passed their own *Panchayat Raj* Acts keeping in view the overall provision of the 73<sup>rd</sup> amendment. There have been a lot of variations both in conception as well as in implementation of the *Panchayat Raj* on the part of State Governments. It is beyond the scope of present study to review the Acts and their working in relation to each individual State Government. Here some of their general limitations from a Gandhian perspective are being pointed out to enrich and improve the existing system. It goes without saying that the Gandhian ideas of village *Swaraj* which was based on bottom to top foundation whereas the present system has top to bottom approach. As a result, the real power still remains with the State and Central Governments and whatever little power goes to the village level is nothing but a gift from the above. The idea behind the Gandhian Village *Swaraj* was that the real power would originate and remain at the village level and only that part of power would go to the higher units which would be absolutely necessary for their smooth working. Thus the entire process of devolution of power has been reversed in the whole process. Gandhi wanted that there should be real devolution of financial power to the Village *Panchayats*, so that their autonomy for village planning and implementation could be ensured.



By and large under the present system the strings of the purse is controlled by the centralised bureaucracy and political elite. This scenario has practically resulted in decentralisation of corruption and not the true decentralisation of power. When Gandhi conceived of Village *Panchayat*, he was thinking of direct democracy at the grass-roots level in which all office bearers of the Village *Panchayat* would be directly elected by the village people and would be accountable to the *Gram Sabha*. Unfortunately, in many of the States this has not happened. The meeting of *Gram Sabha* takes place only for the namesake. Thus once the election is over, the office bearers of *Panchayat* rules the roost without remaining responsible to the *Gram Sabha*. The original idea of Gandhi was that the political parties would be kept away from the village life. Thus the entire process of election would be smoothly run at the village level without much interference from political parties. Unfortunately today in most of the States, political parties have deeply penetrated into the villages taking it as a basic unit for partisan, popular mobilisation for their election to the higher bodies. All these have resulted in the spread of ills of party politics into the village life.

### **Positive Contributions**

Despite the above limitations, one can not deny the positive contributions made by the *Panchayat Raj* system. It has led to popular mobilisation of people through the institution of *Gram Sabha*. It was for the first time that people got a positive voice in village governance. It also ensured participation of women and other deprived sections of the village society in the decision making process. Thus, the Village *Panchayat* system had taken the democratic spirit to the grass-roots level by raising the level of self-confidence of the people. A review of the working of the *Panchayat* system could easily reveal that awareness of the people about their problems and their solutions differ from State to State. People's control over their lives depends on many factors, education playing perhaps the most crucial role. There are many instances where people at the village level have asserted their authority even by going beyond the present *Panchayat Raj* system. Mendha-Lekha, a remote village in the Maoist-affected Gadchiroli district of eastern Maharashtra, is a classic example.<sup>19</sup> It is the first village in the country where tribals have been given the right to sell bamboo harvested from the surrounding forests. Ralegan Siddhi village of Ahmednagar district of Maharashtra is another example where considerable work has been done through popular mobilisation. The contributions of some of the progressive States like Kerala in the field of decentralised

governance at the village level are noteworthy.<sup>20</sup> For example the State of Kerala went a step ahead in the process of decentralisation by introducing the concept of People's Planning in 1996 which ensured the participation of people in the process of development and planning to a great extent<sup>21</sup>. This experiment was hitherto unknown to the village people anywhere in the country. It would be worthwhile to note that around one lakh persons<sup>22</sup> were trained at that time at the local level to act as resource persons to guide the village people in the various stages of planning. In the process of People's Planning, Development Reports<sup>23</sup> dealing with different sectors of planning were prepared in a participatory manner. These reports may be considered as a benchmark and comprehensive database laying a sound foundation for village planning. The introduction of the concept of neighbourhood groups<sup>24</sup> consisting of 40-50 households which would ensure people's participation and meaningful discussion on development issues pertaining to the neighbourhood is also another noteworthy example which can be easily emulated by other States.

## Conclusion

On the basis of the above discussions, one could safely conclude that the Gandhian ideal of village *Swaraj* was not given proper attention in the major part of post-independent India. It is more surprising that the Constituent Assembly which primarily comprised freedom fighters and ardent followers of Mahatma Gandhi, failed to give due consideration to his concept. Gandhi had been laying all emphasis on village level democracy throughout his public life. On the eve of the independence, India opted for the parliamentary system of governance. It was only after four decades of independence that a fresh look was given on the issue of local self-government that resulted in the 73rd and 74th Constitutional amendment which came into force in 1993. It laid down the basic guidelines for *Panchayat Raj* which was followed by different laws and acts passed by various State Governments. As stated earlier, there was lot of variations in different State Acts though *Panchayat Raj* constituted the common ground in all these State Acts. It is true that some devolution of power did take place through these Acts but it remained far away from the original Gandhian ideas of *Gram Swaraj*. One may recall that the Gandhian idea of decentralisation was not limited to the village level but it was supposed to cover from village to the Centre. Gandhian idea of decentralised governance, sound relevant particularly in the context of criminalisation of politics and endemic corruption that our nation is facing today. The application of

the Gandhian ideas requires diminution of centralised State power and the power should rest in the hands of the common man. Only that level of power should go to the higher units which are absolutely necessary for regulating the national life and residual power remaining with the people themselves. Unfortunately, the Gandhian perspective on decentralised polity still remains as a distant dream in our country. If we really want to solve the problems created by the centralised system of governance, the Gandhian vision of *Panchayat Raj* should become the basis of Indian polity and governance.

### Notes and References

- <sup>1</sup>. When Siddhartha Gautam was twenty-eight years old, a major clash took place between the Sakyas and the neighbouring Koliyas on the issue of sharing the waters of the river Rohini. The Senapati of the Sakyas convened a meeting of the Sangh to consider the question of declaring war on the Koliyas. But Siddharth was against the war and he proposed a motion to settle the issue through peaceful means. When the motion was put on the vote it was rejected by the overwhelming majority and went ahead with decision of going to war with the Koliyas.
- <sup>2</sup>. See <http://www.multiworldindia.org/wp-content/uploads/2010/05/panchayatraj1.pdf>
- <sup>3</sup>. See Karl Marx's article 'The British Rule in India' originally appeared in the New York Daily Tribune, June 25, 1853. See <http://www.marxists.org/archive/marx/works/1853/06/25.htm>
- <sup>4</sup>. 'A village, geographically considered, is a tract of country comprising some hundred or thousand acres of arable and waste lands; politically viewed it resembles a corporation or township. Its proper establishment of officers and servants consists of the following descriptions: The *potail*, or head inhabitant, who has generally the superintendence of the affairs of the village, settles the disputes of the inhabitants attends to the police, and performs the duty of collecting the revenue within his village, a duty which his personal influence and minute acquaintance with the situation and concerns of the people render him the best qualified for this charge. The *kurnum* keeps the accounts of cultivation, and registers everything connected with it. The *tallier* and the *totie*, the duty of the former of which consists [...] in gaining information of crimes and offenses, and in escorting and protecting persons travelling from one village to another; the province of the latter appearing to be more immediately confined to the village, consisting, among other duties, in guarding the crops and assisting in measuring them. The boundary-man, who preserves the limits of the village, or gives evidence respecting them in cases of dispute. The Superintendent of Tanks and Watercourses distributes the water [...] for the purposes of agriculture. The Brahmin, who performs the village worship. The schoolmaster, who is seen teaching the children in a village to read and

write in the sand. The calendar-brahmin, or astrologer, etc. These officers and servants generally constitute the establishment of a village; but in some parts of the country it is of less extent, some of the duties and functions above described being united in the same person; in others it exceeds the above-named number of individuals. [...] Under this simple form of municipal government, the inhabitants of the country have lived from time immemorial. The boundaries of the villages have been but seldom altered; and though the villages themselves have been sometimes injured, and even desolated by war, famine or disease, the same name, the same limits, the same interests, and even the same families have continued for ages. The inhabitants gave themselves no trouble about the breaking up and divisions of kingdoms; while the village remains entire, they care not to what power it is transferred, or to what sovereign it devolves; its internal economy remains unchanged. The *potail* is still the head inhabitant, and still acts as the petty judge or magistrate, and collector or renter of the village.' See Karl Marx's article 'The British Rule in India' op cit.

<sup>5</sup>. *Ibid.*

<sup>6</sup>. *Ibid.*

<sup>7</sup>. In 1907, the British Government constituted a six-member Royal Commission on Decentralisation with Shri R.C. Dutt as its only Indian member. The Report of this commission released in 1909 elaborated the principles enunciated in the Ripon Resolution and recognised the importance of Panchayats in the governance of India

<sup>8</sup>. See M. K.Gandhi, Hind Swaraj or Indian Home Rule Navajivan, Ahmedabad, 1939.

<sup>9</sup>. Gandhi wrote in Hind Swaraj in 1909 'That which you consider to be the Mother of Parliaments is like a sterile woman and a prostitute. Both these are harsh terms. But exactly fit the case. That Parliament has not yet, of its own accord done a single good thing. Hence I have compared it to a sterile woman. The natural condition of that Parliament is such that, without outside pressure, it can do nothing. It is like a prostitute because it is under the control of ministers who change from time to time. Today it is under Mr. Asquith tomorrow it may be under Mr. Balfour.'

<sup>10</sup>. Gandhi wrote in the Preface to the new edition of Hind Swaraj in 1921 'My conviction is deeper today than ever.... But I would warn the reader against thinking that I am today aiming at the Swaraj described therein. I know that India is not ripe for it. It may seem an impertinence to say so. But such is my conviction. I am individually working for the self-rule pictured therein. But today my corporate activity is undoubtedly devoted to the attainment of Parliamentary Swaraj, in accordance with the wishes of the people of India.'

<sup>11</sup>. *Harijan* 26-7-1942.

<sup>12</sup>. *Harijan* 30-7-1938.

<sup>13</sup>. *Harijan* 26-7-1942.

<sup>14</sup>. *Harijan*, 28-7-1946

- <sup>15</sup>. Harijan, 21-12-1947.
- <sup>16</sup>. Refer Panchayat Raj as the Basis of India's Polity An Exploration into the Proceedings of the Constituent Assembly, First published in April, 1962 by the Association for Voluntary Agencies in Rural Development (AVARD), New Delhi. A net edition of this publication is available in the website. See <http://www.multiworldindia.org/wp-content/uploads/2010/05/panchayatraj1.pdf>
- <sup>17</sup>. *Ibid.*
- <sup>18</sup>. Article 243 (G) of the Constitution of India reads as: 'Subject to the provisions of the Constitution, the legislature of a state may, by law, 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- (a) the preparation of plans for economic development and social justice; and (b) the implementation of such schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule'. The Eleventh Schedule contains a list of 29 subjects, interalia agriculture, land reforms, education, health and family welfare, poverty alleviation programmes, welfare of weaker sections etc.
- <sup>19</sup>. Devaji Navalu Tofa, Mohan Hirabai Hiralal, Mendha (Lekha)-The Village that declared that 'We have our government in Delhi and Mumbai, but in our village we ourselves are the government' Vrikshamitra, Chandrapur, undated booklet.
- <sup>20</sup>. See Siby K. Joseph 'Gramasabha Pravarthanam Oru Vilayiruthal' (Functioning of Gramsabha: An Evaluation), Harithamargam, Teekoy, January-March 1997, pp.4 -14.
- <sup>21</sup>. See Siby K. Joseph, Arunima Maitra Decentralised Participatory Planning: The Experience of Kerala (Paper presented at the National Seminar on Participatory Decentralised Planning: Approaches and Experience organized by the Department of Economics with Rural Development, Vidyasagar University (Paschim), West Bengal, March 20- 21 2002.) See also Siby K. Joseph M.S. John, "The Gram Sabha Experience of Tamil Nadu: The Difficult Road Ahead' Journal of Rural Development, Vol. 20(2), April-June 2001, NIRD, Hyderabad.
- <sup>22</sup>. *Janakiyaasuthrana Prasthanam* (People's Planning Movement), Kerala State Planning Board, Thiruvananthapuram, April 1997, p.142.
- <sup>23</sup>. See Siby K. Joseph, Arunima Maitra 'Database for Participatory Planning: The Experience of Kerala' in Sachinandan Sau (ed.), Participatory Decentralised Planning in India: Issues of Finance and Statistical Information, 2004, Firma Klm Pvt. Ltd., Kolkata.
- <sup>24</sup>. See Siby K. Joseph 'The Role of Neighbourhood Groups in promoting Gram Swaraj' Kuruksheeta Vol.50(4), February 2002, Ministry of Rural Development, New Delhi.

# Panchayati Raj and Gandhiji

Naresh Kumar Ambastha\*

*The main spirit of Gandhian version was the Decentralised governance for rural development. In other words, Gandhi was in favour of village Democracy which insures the right to expression, Liberty of thought belief, equality of states, Fraternity, opportunity as well as people's participation in decision making process for the development of the India that "the states shall delegate such power and responsibility to the panchayats so as to make them institutions of self governance".*

## Introduction

In a democracy, the government is for the people, by the people and of the people. It has, however, always been a problem as to how this concept can be translated into practice effectively in such a way that the village people could be closely associated in the affairs of decision-making process for rural development at grassroots level. It is in this milieu that Mahatma Gandhi had stated, "True Democracy could not be worked by some men sitting at the top. It has to be worked from below by the people of every village". Mahatma Gandhi's vision was that democracy through people's participation could be ensured only by the Gram Swarajya or local self-govt. He wanted Gram Swarajya in villages where there will be a village republic and the management of the affairs of the village would be done by the people themselves. Gandhiji always advocated that the soul of India lies in villages so the real democracy also lies in the village because villages are the backbone of Indian Economy and Panchayats have the backbone of Indian village service since ancient period.

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## **Panchayati Raj in India**

Prior to the establishment of Panchayati Raj institution, the Government of India launched Community Development programme and National Extension Service to bring about socio-economic development for rural India. But these could not achieve the desired objectives for want of people's participation. Consequently, a study team under the Chairmanship of Balwant Rai Mehta was appointed to examine and report upon the mechanism to be evolved through which the active participation of the rural masses could be ensured. The Study Team recommended a three-tier system of Panchayati Raj, i.e. Gram Panchayat at the village level, Panchayat Samiti at the block level and Zila Parishad at the district level and genuine transfer of power with adequate resources to these bodies. It was also recommended that all the developmental schemes for rural areas should be routed through the PRIs. Accepting these recommendation; the Panchayati Raj system was introduced in several states of India. Unfortunately, the system could not make much headway even after a long trail for want of its implementation in its true spirit and desired response from the political masters, bureaucrats and rural masses.

So, another attempt to revamp the Panchayati Raj system was made by the Janata-Party Government in 1977 by appointing a committee headed by Ashok Mehta. Its main recommendations were: two-tier system of Panchayati Raj, i.e. Mandal Panchayat (consisting of a number of villages having a population between 150 to 20 thousand) and Zila Parishad at the district level; establishment of Nyaya Panchayat; party-based elections to PRIs; transferring of developmental functions to Zila Parishads; non-suppression of PRIs on partisan grounds and appointment of a Minister for Panchayats in the State Council of Ministers (Mathur, 1991). These recommendations could not be implemented because of the fall of the Government in 1980. However, the analysis of these recommendations make one to observe that had these been implemented it would not have strengthened the desired process of decentralization for good governance. It may also not be wrong to describe the recommendation of the Committee to shift from three to two-tier system a retrograde one as it widens the gap between the people and their representative bodies. Moreover, the system of elections of party lines as suggested might not be termed as a healthy one given the socio-economic background of the rural masses.

Despite the various attempts made by the government to bring about improvement in the health of PRIs (setting up on Working Group

on District Planning, 1984; Committee on administrative Arrangements for Rural Development, 1985; the L.M. Singhvi Committee of the Department of Rural Development, Government of India, 1986; and the introduction of 64<sup>th</sup> Constitutional Amendment in 1989) the position by and large remained unchanged till the passage of 73<sup>rd</sup> Constitutional Amendment, 1993.

The Amendment has been hailed as major landmark in the history of local self-government in India. Some of the salient features of the Amendment are: grant of constitutional status to PRIs; reservation of one-third of seats for women in Panchayat bodies, holding of elections to Panchayats under the direct supervision of the Chief Electoral Officer; setting-up of Finance Commission to review the financial position of Panchayats after every five years and inclusion of the XI Schedule in the Constitution listing various socio-economic programmes to be undertaken by the Panchayati Raj institutions.

This Amendment, in fact, aimed at enhancing the capabilities of the rural people to involve themselves in the planning process with respect to their priorities. It also envisaged decentralization of the execution of all types of developmental activities with the active participation of the rural masses. In nutshell, the purpose of the amendment was to bring good governance at the local level.

The philosophy of Panchayat Raj is deeply steeped in tradition and culture of rural India and is by no means a new concept. Panchayati Raj provided a system of self-governance at the village level; however, it did not have a constitutional status. The Constitution by Seventy-third Amendment Act, 1992 provides a framework on which to build the third level of governance, Panchayats.

April 23, 1993 is a landmark day in the history of Panchayati Raj in India as on this day, the institution on Panchayati Raj was accorded constitutional status through the Seventy-third constitutional Amendment Act, 1992. It has tried to transform Mahatma Gandhi's dream of Gram Swaraj into reality.

The Constitution Act, mandates provisions for :

- Establishment of a three-tier structure (Village Panchayat, Panchayat Samiti and Zilla Parishad at district level.)
- Establishment of Gram Sabhas at the village level.
- Regular elections to Panchayats every five years.
- Proportionate seat reservation for SCs/STs.
- Reservation of not less than 1/3 seats for women.



- Constitution of State Finance Commissions to recommend measure to improve the finances of Panchayats.
- Constitution of State Election Commission.

### **Mahatma Gandhi's Vision**

Mahatma Gandhi's vision was that democracy through people's participation could be ensured only by the way of 'Gram Swarajya'. He wanted Gram Swarajya in villages where there will be a village republic and the management of the affairs of the village would be done by the people themselves. They would elect their president and common decisions would be taken unanimously by the Gram Sabha of the village. According to Gandhiji, Gram Swarajya, "every village should be a democracy in which they will not depend even on neighbor for major needs. They should be self-sufficient. For other needs. Where cooperation of others would be essential, it would be done through mutual cooperation. It will be swarajya of the poor. No one should be without food and clothing. Everybody should get sufficient work to meet one's necessities. This idea can be achieved only when the means of production to meet the primary needs of life are under the control of the people. True swarajya cannot be achieved by power to few people. People should have the capacity to prevent misuse of power. People should have the capacity to get hold of power and regulate it".

"How to give power to the people" has been an issue of concern and debate in our country. India, as a welfare state, has to discharge multifarious functions. If the central and the state government alone discharge all such functions, efficiency cannot be ensured. Hence, it becomes essential to decentralize powers and responsibilities to the local bodies, which may plan programmes as per the local needs and aspirations, as well as execute them efficiently with the help of the local people. The Late Prime Minister of India, Lal Bahadur Shastri, was also of the opinion that only the Panchayats know the need of villages and hence development of villages should be done only the Panchayats. Prosperous people in villages should ensure that power given to the Panchayats are used in the interest of the poor. The Panchayats are the foundation of democracy and if the foundation is based on correct leadership and social justice, there can be no danger to democracy in this country. Efforts should be made that the institutions established for community development and Panchayati Raj, after independence, are used for establishment of real democracy and improving economic and social conditions of the people".

After independence, many functions were included in the state list, consequent to the objective of a welfare state as enunciated in Article 38 of the Constitution of India. Besides law and order and public administration, many welfare functions like educations, health and family welfare, transport, social security, agriculture extension, animal husbandry, irrigation and power, urban development, rural development, poverty alleviation and employment generation population control, population control and environment regulation, etc., became the concern of the states. Consequently many departments were created, resulting in a huge expansion of the service cadre and bureaucracy. Therefore, it became essential to decentralize the powers, especially relating to the social service sectors and welfare functions. Moreover, it was also necessary to consult people for whom such schemes were being implemented.

### **Guiding Principles for Panchayati Raj**

The credo of Panchayati Raj is :

- Ø Give power to the people.
- Power is about people's participation.
- Build democracy bottom up.
- Awaken the collective consciousness of the masses.
- Start with the Gram Sabha.
- Through elected representative, not bureaucrats.
- Bring about transformation through real devolution of power.
- Teach by showing, learn by doing.
- Plan with the people's consensus.
- Work with the people in cooperation.
- Motivate people to strive for their own good.
- Approach with humility and a measure of faith.
- Lead the people to achieve their goals.
- Not a show-case but a pattern.

Gandhiji had a dream of republic village. Although India has had experience of village republics as they were in Vaishali. An effort has now to be made to revive them. Gandhiji had strongly advocated the decentralization of political and economic in favour of more or less self sufficient and self-governing village Panchayat. He regarded these local institutions as the models of non-violent organization. It would be erroneous to think that Bapu wished to revive the ancient Indian village Republic exactly in the old form: necessary change will have to be introduced in accordance with altered circumstances and requirements.

It must, however, be conceded that since the dawn of civilization, these village Panchayats contained within them the potentialities of an ideal socio-political organization based on direct democracy, social cohesion and mutual co-operation. Gandhi ji was, therefore, anxious to incorporate the Panchayat system in the Indian Constitution. He has replied a letter to Sriman Narayan in the column of Harijan, "I am informed that there is no mention or direction about village Panchayat and decentralization in the fore-shadowed Constitution. It is certainly an omission calling for immediate attention if our independence is to reflect the people's voice. The greater the power of Panchayats to be effective and efficient, the level of people's education has to be considerably raised".<sup>1</sup>

It was as a result of this plea by Gandhiji that the Constituent Assembly of India added Article 40 in the 'Directive principles' to the effect that "State shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government."

The decentralization of powers is recognized as very desirable objective by many political thinkers of the west. According to Aldous Huxley, "the political road to a better society is the road of decentralization revived", observed Prof Joad, "the State must be cut up and its function distributed",<sup>3</sup> Gandhiji said, "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 even to the point of being prepared to perish in the attempt to defend itself against any onslaught from without. Thus, ultimately, it is the individual who is the unit."

The concept of village self-rule has a long and continuous history in India. In fact, it was destroyed to a large extent when the British colonial rule and model of administration was imposed in the country. Under Congress and after political independence, the Panchayat movement has grown, albeit without a focus. However, despite all these inadequacies, there is one major benign development that has taken place so far as the institutions are concerned, that is, village self-rule. With the advance of agriculture harnessing science and technology, rural consciousness has risen and the Panchayat movement has spread far into the interior. Local consciousness has been raised as a result of the spread of the Panchayat system, while the spread of the system itself has helped to raise the awareness of the villager concerning his needs and demands.

Although the Panchayat system has not far been uneven in its growth, there is no doubt it has taken root, and real population, by and large, has become aware of its potential empowerment. The linkage between the Panchayat system, literacy, primary health and women's liberation can hardly be overemphasized. At the same time, it will be a mistake to suggest the social and economic inequalities are getting eliminated, where caste domination is strong, the Panchayats are captured by the dominant castes, and it is the outlook of the rules over the Panchayat. However, with all the shortcomings and pitfalls, the Panchayat system has not only come to stay, but is regarded as the sheet anchor of Indian democracy.

During the struggle for independence Gandhiji formulated a constructive programme, he aimed not only to liberate India from foreign rule but bring about positive social and economic change so that all sections of the society can experience the glow of freedom and independence. It was a manifesto of inclusive and share democracy, which brought into its scope socially and economically, deprived sections of society. Gandhiji had emphasized the importance of sharing among all sections of the people, the poor and the deprived and the marginalized like the minorities and the women. Women do not enjoy full political rights even in the developed countries of the world. In India, we have provided one-third representation to women in the elections to local self-government institutions, but the struggle for representation in Legislature and Parliament is still going on.

If the Panchayati Raj stops at the district level and above that, shall we say, the people are bound to feel cheated. I interpret this illogical situation to mean reluctance on the part of the politicians really to give up power. The power still remained locked up in Delhi and the state capitals and that what had been given to them was not the genuine article; not milk, so to say, but plain water whitened with a little wheat flour. Therefore, Panchayati Raj must not be terminated at the district level but extended forward up to New Delhi.

The economy may be viewed at various levels from the 'family' to the 'village' to the state to the 'nation' etc. At each level, there has to be relative self-reliance. For example, the family has to employ its productive resources in such a way as to provide good to meet its needs. The cooperative efforts of members and participatory decision-making are every significant. The women should be given an equal status to the male members in the family. Similarly, at the Panchayat level what ever is required by the people should be produced as far

possible within its geography terrain. On the state and national level it would be preferable to phase out the dependence on foreign aid and borrowing. Foreign debt is a trap to facilitate imperialist globalization.

This does not exclude dependence on and willing help from neighbours or from the world. It will be free and voluntary play of mutual forces. Such a society is necessarily highly cultured in which every man and woman knows what he or she wants and, what is more, knows that no one should want anything that others cannot have with equal labour.

We are bound to face a number of difficulties in the implementation of this goal. All of us have, therefore, to address ourselves to this vital task with devotion and a sense of mission.

### **Notes**

1. Harijjan, 21-12-1947
2. Ends and Means, By Aldous Huxley page 63
3. Modern Political Theory, by CEM. Joad page 120

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## State of Panchayat Raj in India: Not just Government Apathy!

Ramit Basu\*

Revolutionary political developments in our country like amendments to the Constitution, promulgation of new policies and rules are most of the time an outcome of Civil Society movements and perhaps is the driving force behind a vibrant democracy like India. Likewise the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments which paved the way for institutionalizing Local Bodies in Rural and Urban India have been an outcome of a mass political zeal which might have also drawn its strength from Civil Society voices. However it need to be examined as to how much the Civil Society was behind this Constitutional Amendment and how much was owned and followed in the later years.

I look at the above Constitutional Amendments as another 'Rights' promulgation in the early nineties – the 'Right to Govern oneself'. It was a welcome step and where on one hand the economic liberalization during the same time ushered in an era of change and loosening of archaic rules and laws to push India towards economic growth and be an active player in globalization, the 'Right to Govern' also implied loosening of power structures in the erstwhile centralized Indian sub-continent. So where on one hand it was envisaged that India would benefit from the globalization and liberalization boom economically and would contribute towards increase in GDP and foreign reserves, the two Constitutional Amendments (in discussion) were aimed to deepen and strengthen democratic decentralization. The later was done with an

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objective of translating the fruits of the economic boom into real time socio-economic development and balanced growth at far flung remote corners of our country which had otherwise been deprived of benefits of State sponsored welfare programmes.

On a second thought it might seem to be a bit optimistic to expect that economic benefits acquired in the post liberalization era would immediately translate into better social and public goods through local bodies but that did't even seem to happen substantially almost close to 25 years of economic liberalization and decentralized governance in our country. And who is to be blamed for this – the Central Government (which did't had Local Bodies in its purview but controlled bulk of development programmes that were to be implemented by the State Governments) or the State Government (which were made solely responsible for ensuring that decentralization takes place with transfer of Funds, Functions and Functionaries as per the 11<sup>th</sup> and 12<sup>th</sup> Schedule with hardly much financial resources and decision making at its own disposal) or the Non-Government sector – which comprises of the Civil Society Organizations, Private Sector, Academia, Media etc.(which were expected to play a role of a facilitator and community mobiliser for empowered local Governments).

**My write-up would focus on the role of the Non-Government sector so far and its contribution towards the current State of Panchayat Raj.**

The Protagonists of the movement on decentralization (mostly from the Civil Society) have been up in arms against the Government quite often for failing to empower local bodies for them to be able to function effectively. However such criticisms have been confined to media galleries, conference rooms and academic discourses and has not yet been transformed into a full-fledged movement/campaign where the State Government is held accountable and a pressure group created to ensure that the local bodies do get their share of autonomy. If the Constitutional Amendments as a 'Right to Govern oneself' where people decide to have their own elected Government within a framework of roles and responsibilities, then perhaps this is the only 'Rights' regime which has not seen a sustained and coordinated support from the Non-Government sector as against the Right to Employment, Right to Information, Right to education etc. Seldom has it been reported that CSOs (civil society orgns.) have sat on a 'dharna' or have staged a

demonstration to support local bodies and enforce the implementation of the State Panchayat Raj Acts. On the other hand limited protests and demonstrations for more autonomy by local body representatives at state capitals have drawn criticisms from the civil society terming them as power grabbers and corrupt let alone supporting such movements.

This being the tip of the iceberg, CSOs did'nt just stopped here. As per a study commissioned by the Government of India, the number of Non-Government, Not for Profit Organizations accounted till 2009 stands at 3.3 million....that is one NGO for less than 400 Indians and many times the number of Primary Schools and Primary Health Centres in India. The total number of Gram Panchayats in our country are a mere 2.5 lakh (approximately) which implies on an average around 13 NGOs per Gram Panchayat. Estimates from within the sector suggested that NGOs or Non-Profit Institutions raise anywhere Rs. 40,000 to Rs. 80,000 crore in funding annually with the Government being the largest contributor – Rs. 18,000 cr. being set aside for the social sector in the XIth Plan. This does not take into consideration the funds channeled through parastatals to NGOs as implementing partners. Around 9700 cr. was from foreign contributors in 2007-08 and 1600-2000 cr. donated to established religious bodies. <sup>1</sup>

As compared to the huge figures in the domain of the NGOs, lets take a look at those in the realm of Panchayats. The 13<sup>th</sup> Finance Commission estimated that approximately Rs. 60,000 crore would be channeled to PRIs over the five year period<sup>2</sup>. That comes to around Rs. 12,000 crore annually approximately. The 14<sup>th</sup> Finance Commission will ensure that availability of untied finances to PRIs almost doubles to 1,20,000 crore thus translating into an average availability of Rs. 4.0 crore or Rs. 80 lakh annually to each of the 2,38,000 PRIs across the country<sup>3</sup>. This is not even 1 crore per Panchayat per year being a Constitutionally mandated Local Self Governing Institution and also notwithstanding the fact that the Finance Commission report is mere recommendatory in nature. Except offcourse in a few states, others do not even have a Panchayat window as part of the State Budget. State Finance Commission recommendations are far from being implemented in many states which otherwise would have helped in augmenting Panchayat resources. And for those whose favourite argument is that a huge amount of funds under MGNREGS are being sent to the Panchayat's account do not realize that not even a single penny is untied and can be spent as per the Panchayat's priorities.



The above comparison points to the fact that although there have been steps to strengthen the local bodies though at many places half-heartedly, the mushrooming of NGOs have been at quite an appreciable rate and is continuing unabated. Even if that fact were to be swallowed, what cannot be justified is the complete or rather widespread arrogance amongst CSOs to bypass the Local Bodies and create an empire of their own. There are no doubt a few (as compared to the enormous number) CSOs which have dedicated programmes and activities towards strengthening local self-governance but they too have failed in creating a hype and a consensus amongst their counterparts except working in their own little area of influence. Creation of parallel bodies in villages bypassing Panchayat members, non-disclosure of income and expenditure statements, lack of proper consultation with local bodies in programme design and workplan, lack of involvement of Panchayat members in programme monitoring and evaluation etc. are some of the features that underscores the way NGOs have been operating since the last 2 decades. Those which are mandated to involve Local Body representatives either because of donor priorities or out of a mere formality to escape public criticism, concern themselves only with the Sarpanch (President) and the Secretary with minimal or no involvement of the other Panchayat members (representing the various wards). This goes true in the name of training which has been more of a training for Sarpanches thus contributing to 'Sarpanch or Mukhiya Raj' and not Panchayati Raj in many states. There have hardly been an emphasis by implementing organizations towards formation and strengthening of Panchayat standing committees in states where they have not been formed even after a year or two of Panchayat elections.

A common alibi given by the NGOs many a times for escaping their responsibility of involving local bodies in their programmes are that they are politically motivated and involving them will polarize the programme and will result in inequitable distribution of benefits. Though this might be the case in some places, these anomalies can very well be overcome with tactics of oversight and strengthening of the Gram Sabha. Equally true is the fact that the same NGOs or Voluntary organizations will not hesitate in approaching the higher echelons of the political establishment and succumbing to their tactics and pay-offs in order to get their proposals passed and budgets sanctioned.

It will be, however, not fair to single out NGOs in this regard. Equally responsible has been the media which have very rarely endeavoured to raise issues and problems being faced by Panchayats

on a regular basis. Except off-course tailor-made and time bound programmes intended to enthuse the print and electronic media about local bodies and its importance. On the contrary the media has many a times played an anti-panchayat role by highlighting issues of corruption and malgovernance without an in-depth analysis into the cause and effect and thus creating negative sentiments amongst the common public towards Panchayat Raj.

Another dimension has been the donors and international funding agencies which have rarely focused on funding projects towards improving democratic / decentralized governance. Except a few whose core mandate has been governance, others involved in areas like education, health, women's empowerment etc. have to a large extent bypassed the involvement of local bodies even in implementation and monitoring, let alone project design. One of the reason could be the lack of focus on governance related issues right at the point of fund raising. However that should not stop them from making their partners agree towards involving local bodies in certain aspects of project management and sharing all project related information. Imagine if an average of 13 NGOs per Panchayat puts in their coordinated efforts through the Panchayat, miracles can happen and substantially change the lives of the population living there.

It was a similar observation during my brief stint in Bangladesh wherein local bodies and NGOs hardly have a synergistic link except offcourse at monthly district level meetings chaired by the Deputy Commissioner where reports are shared and new equations are forged. Under the Local Governance Support Project (LGSP) of the Govt. of Bangladesh, Union Parishads (which are Rural Local Bodies) receive an annual amount to be spent as per an agreed upon budget prepared in consultation with the local population. Very few international donors (in a country where bulk of the development aid comes from them) are interested to be a part of the planning and budgeting process to understand the combined kitty and have a coordinated action. Rather they are more interested in their own set of projects most of the time leading to duplication and in complete disregard towards the Local Bodies' initiative. Similar is the case in India. Lack of emphasis on the part of funding agencies gives an easy way out and excuse to the NGOs to work without the consent and involvement of local bodies.

The profit making sector chiefly involving the corporates have been rather opportunists. They have openly violated rules laid down by PESA in Schedule V areas which mandates one to seek the due consent

of the Gram Sabha before initiating any commercial operations apart from respecting the exclusive right of the community over natural resources. Private companies with the support of the Government in many places have plundered tribal areas and have destroyed natural reserves for commercial operations thus resulting in displacement and loss of livelihood. Most of them do not even have an idea of legislations like PESA or have ever read the State Panchayat Act or the least, have bothered about finding out the intricacies of undertaking developmental action in eco-sensitive zones inhabited by tribals. This has resulted in not only criticism of such corporates but at the same time considerable resentment amongst the affected population with the result that the Supreme Court had to intervene, off late, to uphold the rights of the tribals in Odisha and left at their discretion whether or not to allow commercial operations in their territories.

At the same time, the private sector has been quite active in grabbing the lion's share of the Government's resources for conducting trainings of PRIs in a couple of states without even having a basic understanding of how Panchayats work and the socio-cultural milieu. At the end of the day it was nothing different than a show of logistical strength with inefficient planning, last minute outsourcing to NGOs who equally didn't have any understanding of the functioning of local bodies, hurriedly prepared materials without any value addition and a drive to register the elected members for training as the reimbursement was based on attendance.

However not all is bad with NGOs. There are a few who have dedicated their entire programmes towards strengthening local governance with field level teams for the support of local bodies. There are quite a few which have volunteered to work with Panchayats although not as part of their funded programmes and have helped create a synergistic link between the Panchayat and the community. There have been NGOs who have been instrumental in running leadership programmes for aspiring Panchayat Presidents with a result that young, educated and committed people are now part of those Panchayats. There have been efforts to prepare accounting softwares for better financial management of Panchayats, setting up information centres, facilitating participatory planning, removing superstitions and archaic social practices to facilitate innovative actions by the Panchayat, providing basic literacy to elected ward members and standing committee members, strengthening women's collectives for greater support to women elected representatives, creation of youth clubs, farmer's

associations and linking them with the Panchayats, bringing out newsletters, conducting AV (Audio-Visual) shows, running community radio stations – exclusively for strengthening and empowering PRIs so that they are able to fulfill their mandate in a more inclusive and effective way. All this and may be more have mostly been as part of state or international supported initiatives which has had its timeframe and had thus questioned the sustainability, upscaling and replication of such innovative efforts. Rarely have such initiatives translated into mass campaign involving CSOs on a larger scale and thus putting up a unified face to the Government.

Civil Society Organizations greatly comprising of NGOs also known as Voluntary Organizations need to show their voluntarism when it comes to improving overall local governance in order for the initiatives to take ground, owned up and be sustainable over a period of time. It is to be well understood now that NGOs are not forever to be in the forefront of development actions and a systematic handover need to be done to local bodies with their regular capacity building so that they are able to take it forward as they are the Constitutionally mandated Institutions of Local Self Governance. We like it or not, we need to have an exit and handover strategy which also need to be internalized and accepted by national and international donors as much as by the Government. Local bodies are there to stay and it is our responsibility to support and strengthen them if the development sector is really serious of tangible outcomes and sustainability of actions.

**The Way Ahead:** The emphasis of the Civil Society need to change to more advocacy with the State Government for devolution to local bodies, create a support system for local bodies to work and deliver, provide regular information to the local bodies on various local and regional issues, strengthen their legal understanding on provisions in key legislations like PESA, State Panchayat Acts, Forest Rights Act and flagship programmes like MGNREGS, SSA, NRHM, PDS, ICDS etc., convert the very methodology of training from one-off classroom sessions to on-the-job learning by involving them in project planning and design, implementation and monitoring, participatory micro-planning, strategic support to District Panchayats in consolidation of rural and urban plans and developing a district plan, create audio-visual and electronic and other innovative means of capacity and perspective building etc.

NGOs can be instrumental in making the elected representatives aware of their role and the essence of decentralized governance as a lot

many representatives do not even understand the purpose of their getting elected and why they should be a part of local governance and what they are supposed to do. The organizations should play a role in creating a better synergy between the Gram Sabha and the Gram Panchayat rather than creating a rift, which will enable in better support and understanding, better local resource mobilization by the Panchayat for enabling it to undertake development activities in its region and create a spirit of teamwork and voluntarism. There is a substantial deficiency of legal awareness amongst the Panchayat office bearers and NGOs can play a critical role by bridging the gap. Donors and funding agencies should endeavor and amend its policies to incorporate local bodies in a more creative way and should even consider provisioning of untied funds for Panchayats to enable them to sustain development actions. There should be efforts in creating a synergy and understanding between the three level of Panchayats for better coordination and the Urban Local Bodies – a role which can be played effectively by the NGOs.

The private sector too can play its role in strengthening local governance by imbibing leadership and decision making skills in elected representatives, facilitate better financial and inventory management skills, negotiation skills, create infrastructure for knowledge and experience sharing, better livelihood opportunities taking into consideration local needs, skills and resources.

### **Conclusion:**

There is not even an iota of doubt that the Civil Society as a whole can prove to be a great motivator and supporter of the cause of decentralized governance. All fears and apprehensions of NGOs having to shut their operations if local bodies are strengthened need to be put to rest as there will be a continuous need of technical support, facilitation, community mobilization, conflict resolution, liasoning and networking – all towards a stronger Local Government. There will be a re-orientation of roles and strategies which will create a better support system for Local Governments and a meaningful existence for NGOs. All doubts about the performance of local bodies and corruption etc. being a basis of not enabling them to come to the forefront of public administration are unfounded as they should have equal opportunities to rule, to govern, to deliver basic services, to plan, to raise resources, implement and monitor and cater to the need of the poor and the most deprived.....just like any other level of Government in a democracy.

The Local Bodies should be allowed and given the space to commit mistakes for them to learn from those mistakes just like any other level of Government or autonomous institution would do. The Gram Sabha, most importantly, which had given unto itself the right to elect its own Government and the right to be Governed by the same, need to be respected and all efforts should be put in place to enable that right to be materialized. Civil Society Initiatives and Conglomerates like VANI, PACS etc. will have to seriously consider bringing in local bodies at the centrestage of their activities (like PRIA etc.) and to act as effective advocacy platforms at the state and national level so that Institutions of Local Self Government get institutionalized in the real sense – For the People, By the People and Of the People.

*(Note: The terms Local bodies and Local Governments have been used alternatively in the write-up to avoid sounding being monotonous. The emphasis has been on Panchayat Raj but at times with the use of the word Local Bodies or Local Governments (in general) the effort has also been to address the issues of Urban Local Bodies and the responsibility of the CSOs towards them keeping in view the rising urban population and in turn a larger and significant role to be played by Urban Local Bodies in urban governance.)*

### **Footnotes**

- <sup>1</sup> Source: <http://www.indianexpress.com/news/first-official-estimate-ango-for-every-400-people-in-india/643302/>
- <sup>2</sup> Expert Committee on Panchayat Raj Report, 2013 – Vol. I, pp. 81.
- <sup>3</sup> Expert Committee on Panchayat Raj Report – 2013 – Vol. I, pp. 82.

# PESA and Panchayat Raj -A Cosmetic Validation

Karunakar Patnaik\*

## Constitutional Opportunities

The constitution of India makes special provision for the administration of certain areas which are called the “Scheduled Areas” in the states other than Assam, Meghalaya, Tripura and Mizoram even though such areas are situated within a state or Union Territory under Art 244(1). Generally speaking these Scheduled Areas under the Fifth Schedule correspond to the “Excluded Areas and Partially Excluded Areas” as referred to in the Government of India Act, 1935 and the Government of India (Excluded and Partially Excluded Areas) order, 1936 excluding the areas of Assam which are included in the Sixth Schedule of the Constitution. The reason why special provisions have been made for these Areas and tribes are that they are culturally backward and their social and other customs are different from the rest of India. Subject to legislation by Parliament, the power to declare any area as a “Scheduled Area” is given to the President. Accordingly, the President of India has declared the Scheduled Areas vide Scheduled Areas order, 1950.

The Fifth Schedule of the Constitution deals with the administration and control of Scheduled Areas as well as Scheduled Tribes in states other than the states of Assam, Meghalaya, Tripura and Mizoram. The union government exercises the executive power in giving directions to the respective states regarding the administration of Scheduled V Areas. The Tribal Advisory Councils are constituted to give advice on such matters as welfare and advancement of the Scheduled Tribes in the states as may be referred to them by the Governor of the state concerned.

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The Governors of states in which there are Scheduled Areas have to submit reports to the President of India regarding the administration of such areas annually or whenever so required by the President. Besides this mandatory function, the Governor is authorized to direct that any particular Act of Parliament or of the Legislature of the state shall not apply to a Scheduled Area or shall apply only subject to exceptions or modifications. The Governor is also authorized to make regulations to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes, regulate the allotment of land and regulate the business of money-lending. Thus, in short, under the Schedule V, the Governor is the sole legislature for the Scheduled Areas and Scheduled Tribes as he makes regulations after consulting the Tribes Advisory Council and submits them to the President for the later's consent. Therefore, Acts of Parliament or of the appropriate legislature apply to the Scheduled Areas of their own force but the Governor has the power to exclude their operation by a notification. The power of making such a notification is a legislative power and in making such a notification, the Governor is competent to change the whole aspect of an Act or section or part thereof thereby conferring on him wide powers of independent legislation. In fact, he is given plenary power of legislation concerning the Scheduled Areas by framing regulations for the peace and good government of such areas. Here the ambit of the power of Governor is not restricted to any particular Entry or Entries of the Legislative Lists in the VII<sup>th</sup> schedule. In fact, his power to make Regulations extends to all the three Lists of the VII<sup>th</sup> schedule of the Constitution.

One of the predominant objectives of V<sup>th</sup> schedule is to impose total prohibition of transfer of immovable property of tribal to any person other than a tribal for ensuring peace and good management of a tribal area and to protect possession, right, title and interest of the members of the Scheduled Tribe held in the land at anytime by the tribals. A reading of this provision implies that it combines both legislative as well as executive powers. The power of the Governor to apply laws under this clause is a plenary legislative power but the Regulations made in exercise of this power cannot be said to be instance of delegated or conditional legislation. But the only limitation to the exercise of this plenary power is that these must be made on previous consultation with the Tribes Advisory Council (where there is such a council) and submitted to and assented to by the President. If this condition is complied with, it can override a judicial decision.

Indian constitution mandates the state to safeguard and promote the interests of Scheduled Tribes. Under Article 46 of the Directive



Principles of State Policy, the states shall take steps for promotion of education and economic interests of SC & ST and other weaker sections. A minister shall remain in-charge of tribal affairs in the states of Bihar, Orissa and Madhya Pradesh. Besides the special powers given to the Governor of a state having Scheduled Areas as explained in the aforesaid paragraphs, there shall be a Tribal Advisory Committee (TAC) in those states with maximum of twenty members of whom 3/4<sup>th</sup> shall be tribal members of the concerned State Legislature. The constitution also provides for transfer of funds to states out of the Consolidated Fund of India for development work leading to welfare of Scheduled Tribes under Article 275 of the constitution. The overall control of Union Government over administration of Scheduled Areas and welfare of Scheduled Tribes, however, is spelt-out in Article 239 of the constitution. The President of India may, by order, declare any area/areas to be Scheduled Areas and can reschedule such areas or increase or decrease or cease such areas by order made in this behalf. While Scheduled Areas are declared on certain criteria like (i) preponderance of tribal population (ii) compactness and size of the area (iii) under-developed nature and (iv) market disparity in economic standards of people even though no specific criteria is spelt-out in the constitution, these criteria have been adopted on established principles following the provisions in 1935 Act and the report of the Scheduled Areas and Scheduled Tribes Commission (Dhebar Commission) 1961. The Scheduled Areas notified in 1950 were, however, made co-terminus in area with Tribal Sub-Plan Areas in 1967. The administration of the Scheduled Areas continue to be the special responsibility of the Governor of the state through ministerial accountability.

### **Constitutional Mandate**

With the passing of the 73<sup>rd</sup> Constitutional Amendment in 1993, the Panchayati Raj Institutions secured constitutional status but this amendment did not apply to Scheduled Areas under Article 244 of the constitution. Therefore, a special legislation in extension of the 73<sup>rd</sup> Constitutional Amendment was brought into force with effect from 24<sup>th</sup> December, 1996 namely “the Provision of Panchayats (Extension to Scheduled Areas) Act, 1996” (PESA Act) following the recommendations of a committee headed by Dilip Singh Bhuria popularly known as the Bhuria Committee Report 1995. Although the Bhuria committee made several recommendations covering varied issues,

the 1996 Act did not cover all recommendations of the committee and with some changes and modifications, the aforesaid Act was enacted with the major features such as (i) Any legislation to be in consonance with the customary law, social and religious practices and traditional management practices of community resources (ii) Gram Sabha and the Panchayat at appropriate level shall be consulted in matters relating to land acquisition, re-settlement and rehabilitation of affected persons and to have power to enforce prohibition, regulation and restriction in sale and consumption of any intoxicant, ownership of Minor Forest Produce, prevention of alienation of land and restoration of such unlawfully alienated land of scheduled tribes, control over money-lending, management of village markets, minor water bodies etc. In addition, prior recommendation of Gram Sabha or Panchayat at appropriate level shall be mandatory for grant of prospecting license or mining lease for minor minerals and grant of concession for exploitation of minor minerals by auction in Schedule Areas. The PESA Act also endows them with the power to exercise control over institutions and functionaries in all social sectors and to have control over local plans including tribal sub-plans. The Gram Sabha is supposed to play the central role which is competent to safeguard and preserve the traditions and customs, cultural identity, community resources and customary mode of dispute resolution. With its application in 9 states of India, PESA is expected to promote people-centric governance as the Gram Sabha has mandatory functions and responsibilities to identify beneficiaries for schemes including poverty alleviation schemes and issue of utilization certificates. Under PESA Act, the Gram Sabha/ the Panchayats at appropriate level have power of (i) right to mandatory consultation in land acquisition, resettlement and rehabilitation (ii) granting of prospecting licence/mining leases of minor minerals (iii) control over institutions and functionaries in social sectors and (iv) prepare local plans and resources. It is thus clear from the provisions in the PESA Act 1996 that the two important issues namely (i) regulation to prohibit or restrict transfer of land by or among members of Scheduled Tribes and (ii) control over money-lending over which the Governor of a state having Schedule Areas distinctly come under the constitutional responsibilities of the Governor under the V<sup>th</sup> schedule of the constitution. Besides the specific issues mentioned in the V<sup>th</sup> schedule and those indicated in the PESA Act of 1996, PESA areas by and large have high degree of poverty, lack of infrastructure, illiteracy, exploitation and marginalization.

## States' Status

Implementation of PESA Act over the last Sixteen years has reflected on several issues which need to be addressed by the central and state governments. Although the Panchayats in the Scheduled Areas would have all the basic features of Part IX of the constitution, under the PESA Act 1996, the mandatory provisions need to be more specific and explicit which seem to have been lost sight of or diluted while legislating conformity legislations at the state level. By virtue of provisions under 73<sup>rd</sup> constitutional amendment, powers and functions of Gram Sabha are left to the wisdom of state legislatures. This has necessitated different states adopting different legislations to implement PESA Act. Although Gram Sabha is mandated to deal with plans, programmes and projects for socio-economic development and selection of beneficiaries with the intended purpose of countering against possible misuse of power by politicians at higher level and the bureaucracy, different states have entrusted these responsibilities to different Panchayat institutions in diluted forms. PESA Act 1996 provides that every village will have a Gram Sabha which will be competent to safeguard and preserve the traditions and customs of the people and their cultural identity, but some states like Andhra Pradesh and Orissa have attached partial restrictions in the state conformity legislations. Andhra Pradesh puts a condition that functions of Gram Sabha on this score will be subject to "without detriment to any law for the time being in force". The Odisha conformity legislation provides that the actions of Gram Sabha "should be consistent with the relevant laws in force and in harmony with the tenets of the constitution and human rights". Although PESA Act mandates reservation of seats and offices in Panchayats in Schedule V areas, a state like Maharashtra does not mention about this in the conformity law. In the matter of land acquisition and resettlement of displaced persons, the Gram Sabhas in Andhra Pradesh, Gujarat and Odisha have practically no legal role. Odisha has assigned this role to the Zilla Parishad. Grant of Prospecting license or mining lease for minor minerals does not require prior recommendation of the Gram Sabha as per provision in some of the state laws. While Andhra Pradesh has given primacy to Gram Panchayat, Gujarat laws do not mention about Gram Sabha. Maharashtra assigns this power to Gram Panchayat and Gram Sabha has no role in the matter. Himachal Pradesh retains the primacy of Gram Sabha but the term 'mandatory' has been replaced by "shall be taken into consideration". In Odisha the

power of prior recommendation of Gram Sabha is entrusted to the Zilla Parishad. In relation to management of village markets, Gujarat and Maharashtra Amendment Acts are almost silent on the matter. There are a few instances of dilution in law-making process in implementation of PESA Act under which much of the power should have been given to Gram Sabhas.

While devolution of powers and authority to Panchayat Institutions is required to be clear and unambiguous, unfortunately this does not find place in the statutory provisions in most of the state legislations. Therefore, Panchayat Institutions in Scheduled Areas find themselves on the same footing as those of the Panchayats in the normal areas. Although Panchayats are not expected to be mere executing agencies but institutions with sufficient freedom and autonomy more so in the Scheduled Areas in-order to take their own decisions and manage own affairs to establish their individual identity as institutions of self government, the conformity state legislations seem to be still stereotyped. The Governors of many states have not exercised sufficient and adequate discretion in applying provisions and objectives of PESA Act to Scheduled Areas on a special footing, so much so that in many states including Odisha, specific rules have not been framed for programmatic and holistic application of PESA Act.

In absence of detailed rules, the PESA Act with its several deformities has not been properly implemented in many states. Many state governments seem to have worked mechanically in the application of provisions of PESA Act. Experience has shown that there is enough scope for placing the PRIs in a confused state of working between the decision (advisory) of TAC and normal instructions and guidelines issued by appropriate authorities relating to administration of Scheduled Areas. As per provisions in PESA Act, the state laws are required to be in consonance with the customs, traditions and religious practices etc of tribals which vary between groups of tribals. In a village there could be several communities and in that event it is difficult to demarcate a village as ordinarily consisting of a habitation or a group of habitations, a hamlet or a group of hamlets comprising a community as defined under section 4 (6) of PESA Act. Andhra Pradesh is one of the leading states which prepared a set of rules for the Schedule Areas in 2007. Under these rules, the pre-eminence of Gram Sabha is reinforced in matters relating to safeguarding and preserving the traditions and customs, community resources and dispute resolution, approval of plans and programmes, issue of utilization certificate of funds utilized by

Panchayat. While many states having Scheduled V areas have gone in arrears in bringing out a set of rules which are PESA Act compliant, Andhra Pradesh seems to be the forerunner in this direction. But all said and done, the role of Gram Sabha in Schedule V areas is still minimal.

Out of 94 PESA districts in the country, 32 districts are extremist affected which require special treatment in terms of planning, governance and implementation of various schemes. As rules and regulations have not been specially formulated in these districts, many Central Acts relating to land, forest, mines and minerals are still not PESA compliant. Therefore, harmonization of various legislations and government policies like Land Acquisition Act 1894 & 1984, Mines Minerals Development and Regulation Act 1957, Indian Forest Act 1927, Forest Conservation Act 1980, Indian Registration Act, National Water Policy 2002, National Minerals Policy 2003, National Forest Policy 1988, Wild Life Conservation Strategy 2002, National Environment Policy 2004 are some of the legislations/policies which should be carefully applied to Scheduled V Areas and the Governors of PESA states are expected to have a challenging and proactive role in scrutinizing and analyzing these legislations and policies before their application to Scheduled Areas. In the recent spur of mining activities in some states where mining leases have been permitted in favour of corporate and industrial houses for exploitation in Scheduled Areas, the Governors of concerned states except Karnataka seem to have not indulged much in the applications of the mining laws. In the backdrop of several mineral based large scale industries coming up in different states, the Governors of PESA states cannot and should not be expected to be mere spectators between the state-governments, the industrial houses and the poor tribals as the consequences of indiscriminate mining is a constant and serious threat to the tribals in the Scheduled V Areas.

The fact that PESA Act provided for the Gram Sabha or the Panchayats at appropriate level to be consulted or its prior recommendation obtained before performing any action on the aforesaid subjects, many states including Odisha exercised their option to entrust such powers either to the Gram Sabha or the Gram Panchayat or any other tier of Panchayati Raj Institutions. This left enough scope for the state governments to exercise their discretion. Consequently, many of the functions which should have been appropriately discharged by the Gram Sabhas were discharged by other tiers of Panchayati Raj Institutions. Ultimately, the objectives and intentions of PESA Act to

strengthen the peoples' empowerment and participation in development processes more at the grassroots level were diluted. Except for the provisions under section 4 sub-sections (d), (e) and (f), Gram Sabhas were not absolutely and clearly endowed with specific powers and authority and this lacuna in law encouraged state governments to dilute the intentions of PESA legislation. Odisha did the same thing.

The provision of PESA Act that every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution were simply inserted in the state Panchayat laws without classifying and defining the above terms used. As a result, no Gram Sabha has ever attempted to contest and claim these rights as its own when any of such rights was violated or attempted to be violated by the authorities through various processes. The state government of Odisha, like many other state governments could not bring-out a detailed legislation either in shape of rules or regulations to implement various provisions of PESA Act. In consequence, the Gram Sabha as the foundation of grassroots democracy and more so in the scheduled areas, lost its importance and their recommendation or consent to certain important matters like lease of mining minerals and acquisition of land leading to displacement of poor tribals in scheduled areas were assumed as a mere formality rather than formalizing the system with legal backup. These incongruities have led to avoidable law and order situations in controversial projects like POSCO and Vedanta in Odisha besides Singur and Nandigram in West Bengal.

The findings of research studies revealed that percentage of attendance of Gram Sabha members was less than 51% in scheduled Areas. Most of the PRI members and functionaries had little or no idea about provisions of PESA and role of Gram Sabha thereon. Palli Sabha and Gram Sabha meetings were not being held regularly for which implementation and execution of development programmes got delayed. Because of lesser participation of women in these meetings, hardly any women related issues were discussed. This very often leads to discontent among intended beneficiaries for distribution of houses under IAY, old age pension, widow pension etc. It has been held by some that PESA Act has miserably failed to materialize people-centric governance and accountability structures at the grassroots level thereby jeopardizing the very rationale of 73<sup>rd</sup> constitutional amendment and the Panchayat Raj Institutional mechanism. The importance of participation of people in the activities and programmes of PRIs through Gram Sabha meetings

has not been realized in practice for want of awareness. Despite constitutional and legislative backup, traditional and influential stakeholders particularly women stay away from Gram Sabha meetings. Mandatory provisions in the central Act ensuring role of tribal communities over natural resources have not been fully complied with. In many cases Gram Sabha operates at Gram Panchayat headquarters instead of village/community level. In the constitutional legal setup, Sarpanches are required to preside over Gram Sabha meetings but the traditional chiefs and leaders particularly of villages in scheduled areas are not given importance in sharing their experience and influence in the community. As most of the women groups remain absent, women issues are hardly discussed in Gram Sabha meetings. The position of Odisha is better due to existence of Palli Sabha (Ward Sabha) which meets atleast twice a year to draw annual action plan for the village and prepare annual budget for all development schemes and programmes of the village besides its duty to indentify beneficiaries under different schemes.

Constitution of Gram Sabha at the village level considering community dispensation in revenue villages including wards, hamlets and settlements in scheduled areas needs consideration. Since in the tribal tracts, different tribal groups reside speaking different languages, dialects and use local vocabularies, it would be worthwhile to conduct Gram Sabha meetings in such tribal friendly languages/dialects for which adequate IEC material should be made available. Another study undertaken in respect of Andhra Pradesh, Odisha and Jharkhand by NIRD had concluded that overall functioning of Gram Sabha in the study areas of the states was not very satisfactory in terms of level of awareness, functioning of Gram Sabha, attendance and participation in Gram Sabha. It is presumed that position must have improved over the years. Gram Sabha being the basic institution of decentralized governance intending to place direct political power in the hands of the people should be an integral part of a Gram Panchayat. Gram Sabhas are, in fact, “watchdogs” as somebody has described, in the politician-bureaucratic nexus. Therefore, what is needed is to provide larger citizen involvement in new variants of old institutions like the Gram Sabha which can combine older forms of informal consensus-making mechanism with the more formal, institutionalized and legal forms decreed by legislation. This is more so vital and important in Scheduled Areas particularly. The experience in other states is more or less the same except for a very few progressive states like Kerala and Karnataka.

Low participation in Gram Sabha meetings can be mainly attributed to strong caste, class and gender divide villages. In the non-scheduled areas, Sarpanches and other influential people seem to be dominating the decision process. The performance and efficacy of Panchayat members is largely influenced by caste and class distinctions. Therefore, the vibrancy and efficacy of Gram Sabha will remain a mirage if the Gram Sabha is not endowed with the capacity to perform assigned roles and responsibilities. This is more relevant in a socio-cultural milieu where human resource development is low and society is deeply fragmented and hierarchical.

Although most of the Schedule V states have amended their respective Panchayat laws in conformity with the central Act, they seem to have done so with a lot of indignation and reluctance. In fact, some of the provisions of PESA Act were so radical that the states found them to be too hot to handle particularly with regard to Gram Sabha's mandatory role on land acquisition, grant of concession for lease of miner minerals and prevention and restoration of alienated lands of tribals. In the process, while amending the state Panchayat laws, the basic ideals of PESA Act were diluted. The state governments in their anxiety and implicit connection with companies and corporates acquired land for companies even against clear denial resolution of Gram Sabha. In Raigarh district of Chhatisgarh, 52 Gram Panchayats had passed resolution against land acquisition for Jindal Steel Plant Ltd. (JSPL). But the state government granted permission to the company to acquire land. In Jharkhand the tribals of Pakur district were strongly agitating against land acquisition for mining in Dumka. But land acquisition continued even without prior consultation with local people and the Gram Sabha. The Council for Social Development (CSD) an NGO conducted a field study in 1999 to access people's grievances against Alumina Project in Rayagada district of Odisha, a scheduled district. Acquisition of land was found to be done without dialogue, transparency, discussion and consultation with Gram Sabha. It was also alleged in case Lanjigarh Bauxite Project of Vedanta/Sterlite Company in Kalahandi district of Odisha that Gram Sabha meeting was held by district authorities prevailing upon the Sarpanch of the concerned Gram Panchayat to provide consent to the proposed land acquisition. Similar position obtained in relation to the POSCO Steel Plant in Odisha. The fact remains that the states have generally taken advantage of the incongruous provisions of "Gram Sabha or Panchayats at appropriate level". In the process, Gram Sabhas have been either ignored or



pressurized to offer consent as a matter of formality. There are instances of adequate evidence of large-scale manipulation of Gram Sabha records by the administrative functionaries or the political executive primarily to accommodate the rapacious interests of corporate sectors.

The annual reports of Governors to the President in respect of Scheduled Areas, therefore, warrant greater importance now. Instead of a mere routine report in the prescribed format, it may have to contain a critical analysis of over-all socio-economic situation of the tribals in Scheduled Areas of the concerned state. The Second Administrative Reforms Commission has categorically suggested that capacity building for conflict resolution in the Scheduled Areas is of paramount importance and the state conformity legislations should be mortified by the Ministry of Panchayati Raj, Government of India. It has been observed that due to various gaps in PESA Act and lack of clarity and comprehension, many provisions of PESA Act including wordings in the law have been mis-interpreted against its spirit. The Expert Group constituted by Planning Commission on “Development Challenges in Extremist Affected Areas” have made several suggestions. Similarly, the Mungekar Committee have made several recommendations. Based on these reports, the Ministry of Panchayati Raj has circulated draft model guidelines called the “Gram Sabha Niyam Samhita” and the draft model rules have been circulated to states seeking views of state governments. The Governors of PESA states, therefore, have a great responsibility in formulating effective and proactive rules and regulations for Scheduled Areas in this regard.

### **Overall View**

Implementation of PESA in many states has not resulted in any spectacular or specific results in terms of the ideals and objectives envisaged in the PESA Act. The state laws have been amended more as a routine than real application of the spirit of the Act. Although the central Act envisages a strong and powerful and self-reliant Gram Sabha, state laws seem to have restricted its functions to the extent that the Gram Sabha shall exercise such power and perform such functions in such manner as may be prescribed. The rationale behind the Act to empower Gram Sabhas to approve and sanction all matters relating to tribal society and their economy needs to be ensured. The underlying taboo of hesitancy and bias in sincerely implementing the provisions of the Act have to be removed. Odisha is one of the leading states to have declared a sound policy in the control and management of Minor Forest

Produce but there are several grey areas which need quick resolution. Devolution of power to Panchayat institutions in the PESA area is not considered in the true spirit of the constitutional mandate. No specific devolution for the PESA area is either performed nor any exclusive set of rules and regulations are adopted. The PESA area Panchayat institutions are treated on the same footing as in the non-PESA areas except for reservation of seats and posts as provided in the constitutional Act. In consequence, the role of state agencies, political leadership, the bureaucracy and the attitude of non-tribals and power-holders continues to dominate in the traditional fashion without any change or orientation in outlook. There is hardly any prescribed or unwritten mechanism through which tribals in PESA areas could demand for proper implementation of PESA and required state legislative measures to their advantage. In the context of recent shift in the development paradigm of many states, construction of dams, major industrial and mining projects, the community resources of tribals seem to be under threat even though the Gram Sabha is competent to preserve the community resources. The 'eminent domain' of State ultimately prevails and the Gram Sabha can hardly do anything if its decisions are not honoured. There is no long term planning for the scheduled areas as a whole although location and project specific action is being taken. The rights of tribals over natural resources have not been specified or outlined in the existing state laws. As a result, people's rights in PESA areas over natural resources as inalienable rights in specific resources is grossly in neglect. The provision of 'consultation' as prescribed in PESA is confusing as it would always not mean consent. Besides, neither in PESA nor in the state legislation punitive step is prescribed to be used as a legal instrument against those authorities/institutions violating such provisions in case Gram Sabhas are not consulted or their decisions/views are not honoured. Emergence of parallel institutions and structures and introduction of state specific projects whether in the name of Pani Panchayat, SHGs unnoticeably creates a divide between the PRIs at the village level and at the implementing agencies for which the grass-root democratic institutions in the PESA areas are placed at greater disadvantage. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006) is intended to recognize and vest the Forest Rights and occupation in forest land of forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded and to provide for a framework

for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. Under this Act, the Gram Sabha is the authority to initiate the process for determining the nature and extent of individual and community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. Against the resolution of the Gram Sabha recommending claims, appeal lies to the Sub-Divisional Committee. In actual implementation practice, it is noticed that the Gram Sabha practically has no role in matters relating to either demarcation of a protected area or in deciding the critical wild life habitat. The government reserves the right to decide the area and the Gram Sabha would give only its informal consent in the settlement package. The Gram Sabha does not have the right to disagree. Moreover, its role has been limited only to initiate the process of determining the rights.

Grassroots institutions like Gram Sabha need more focus not in terms of power or authority alone but coherent and clear legal back-up. The bonafide intentions of PESA Act could have been better appreciated by state governments in the overall development of tribals in schedule V areas. Lack of clarity in the mandated provisions in PESA Act prompted state governments to move in their own way. The central government may have a relook to the provisions now and suggest for amendments to the existing provisions of PESA based on the views of state governments and others in which the primacy of Gram Sabha is reasoned out with constitutional legitimacy.

### **Abbreviations**

CSD- Council for Social Development  
GP- Gram Panchayat  
GS – Gram Sabha  
IAY – Indira Awas Yojana  
NGO – Non-Government Organisation  
NIRD – National Institute of Rural Development  
PESA – Panchayats (Extension to Scheduled Areas)  
PRI – Panchayat Raj Institutions  
PTG – Primitive Tribal Group  
SC – Scheduled Caste  
ST – Scheduled Tribe  
TAC – Tribal Advisory Committee

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# Mahatma Gandhi NREGS and Panchayati Raj Institutions: The Haryana Experience

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The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is a statute based demand driven comprehensive wage employment programme which has replaced the allocation based Sampoorn Grameen Rojgar Yojna (SGRY) in a phased manner. Based on the National Rural Employment Guarantee Act, 2005, the Scheme guarantees 100 days of employment in a financial year to all those rural households, whose adult members are willing to do unskilled work. It seeks to address the problem of rural poverty by providing a safety net to the vulnerable groups by giving them a fallback source of employment during the periods when other alternatives are scarce or inadequate. Its objectives include creation of durable assets, empowerment of the women and schedule castes and sustainable development of agriculture. This rights based and entitlement oriented Scheme is panchayat centric and is anchored on the principle of transparency through the mechanism of social audit by the members of gram sabha. It has assumed added significance after the adoption of the new economic policy of Liberalization, Privatization and Globalization (LPG) in 1991, as it has steadily squeezed the avenues of employment.

On one hand, it has been claimed, the Scheme has gone a long way in achieving its objectives, on the other hand, it has been alleged that it has failed to do so. The Mahatma Gandhi NREGS has also been criticized on the ground that it is neither desirable for nor practicable

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in the agriculturally developed states like Punjab and Haryana which suffer from chronic shortage of agriculture labour.

Therefore, a modest attempt is being made in this paper to discuss and analyze the implementation of the Scheme in Haryana, a North-Western state of the India, which is located on the threshold of the National Capital Territory of Delhi and whose large segment is a part of the National Capital Region. It is pertinent to mention that Haryana is one of the smallest states of Indian Union within an area of 44,212 square kilometer, (1.34 percent of total area of India) and population of 2,53,53,081 (2.09 percent of total population of India) as per 2011 Census.

But, despite rapid urbanization, the state remains predominantly rural as 65.21 percent of population of Haryana continues to live in 6841 villages spread over 124 Community Development blocks and 21 districts. Its rural density, 385 people per square kilometer, is also fairly high. Besides, it has the lowest sex ratio in India, 877 females against 1000 males in comparison with the national average of 940. Moreover, the literacy rate in rural areas is 72.74 percent whereas in urban areas, it is 83.83 percent. Furthermore, its literacy rate of women (66.77 percent) is lower than that of men (83.35 percent). The population of the scheduled castes in the state as a whole is 19.35 percent out of which 21.36 percent reside in rural areas. The total area under forest is just 3.70 percent as the rest is being used for cultivation and habitation. Despite rapid industrialization over the years, Haryana continues to have predominantly an agricultural economy. However, due to impact of green revolution, the state has made rapid strides in agriculture. During the period, 1966-67 to 2010-11, the production of rice has increased in it from 223 thousand tonnes to 3472 thousand tonnes and that of wheat has enhanced from 1059 thousand tonnes to 11630 thousand tonnes during the same span. But, the state has now begun to suffer from crises in agriculture due to fragmentation of land holdings, falling water table, declining productivity and mounting indebtedness.

### **Review of Literature**

Before undertaking the evaluation of the implementation of Mahatma Gandhi NREGS, it would be useful to make a brief review of the existing literature on it for getting a road map and for identifying the gaps in the Scheme.

Kaushil, Yadav and Durgaprasad (2010)<sup>1</sup> have assessed the progress of implementation of the Scheme. They have summarized the official's

and people's perceptions in Mahendergarh and Sirsa districts of Haryana. They have also pointed out the strengths, as well as, weaknesses of the implementation of the Scheme in Haryana and made suggestions for sprucing up the process of its implementation. Besides, the authors have brought to in the sharp focus, the fact that the State Employment Guarantee Council (SEGC) has not been constituted and the district administration appeared to be reluctant to hire supporting staff. The issues of shortage of Block Development and Panchayat Officers (BDPOs), Junior Engineers (JEs) and Gram Sachivs (Panchayat Secretary) have also been highlighted by them. However, they have failed to give concrete suggestions for the capacity building of the stake holders.

Ratan, Durgaprasad and Hanumantha Rao (2010)<sup>2</sup> in their study of Bihar have pointed out on the basis of focused group discussions (FGDs) in their study of Bihar that the State is a late starter and in the learning mode of the Scheme. They have emphasized the need for launching rigorous training campaigns for villagers and functionaries, ensuring effective conduct of gram sabha meetings for social audit, creating quality assets and developing participatory approach. However, they have failed to make the needed suggestions in this context.

Alam et al. (2010)<sup>3</sup> have evaluated the process of planning and implementation of the Scheme in Jammu and Kashmir during 2006-07. According to them, the major cause for the poor performance in the implementation of the Scheme is the low level of awareness about its key components among the stake holders. They have, however, failed to identify and explain the other causes for this dismal state of affairs.

Leelavathi and Hanumantha Rao (2010)<sup>4</sup> have focused on different aspects of planning and implementation of Mahatma Gandhi NREGS in Andhra Pradesh and quantified the benefits that have accrued to the participating workers. The most important observations made by them are that awareness among the wage seekers about their rights and entitlements have become adequate in the state due to the role of NGOs. The authors have suggested that the administrative cost of the Scheme needs to be enhanced from 4 to 6 percent and autonomous social audit unit should also be established. However, they have failed to explain as to what extent it has been helpful in changing the social, economic and political position of rural poor especially the schedule castes.

Pradhan and Hanumantha Rao (2010)<sup>5</sup> have in their study of Sikkim found that the quality of works in the Scheme has suffered because of reluctance of the skilled labourers to work in it due to low wages

prescribed by the government. They have suggested that it is necessary to amend the provision of allowance for extra distance traveled from 'more than 5 km' to 'more than 2 km' especially in the hilly terrain of the state. They have also recommended that the permissible works should be broad enough to include those works which are women friendly and not physically taxing, so that the women and physically challenged persons can also participate effectively and gainfully under the Scheme.

Rangacharyulu et al. (2010)<sup>6</sup> have in a study on Madhya Pradesh, found that majority of the works and activities undertaken under the Scheme are related to water conservation and water harvesting. Some of the important issues examined by them include: awareness among the wage seekers about the Scheme; registration and issue of job cards; receipts of applications for wage employment; constraints in planning and implementation; and inadequacies in transparency, accountability and social audit.

Subrahmanyam et al. (2010)<sup>7</sup> have examined the implementation processes in Odisha in order to provide suggestions for the improvement in the functioning of the Scheme. The authors have found that the participation of job card holders was low in Bolangir, Ganjam and Rayagada districts. They have rightly stressed the need for organizing awareness campaigns through the involvement of NGOs. They have also aptly suggested that state can create a cadre of para-professionals such as 'Social Animators' and 'Social Organizers' to mobilize the community, to build awareness and to provide counseling services.

Hanumantha Rao et al. (2010)<sup>8</sup> have in their study on Maharashtra assessed the implementation status of Mahatma Gandhi NREGS. They have examined the method adopted to arrive at District Standard Schedule of Rates; studied the efficacy of Government / PRIs delivery system; examined the extent and quality of community participation; and explored the inter-institutional coordination in planning, implementation, monitoring and social audit of the Scheme. They have also suggested appropriate modification in the guidelines for its effective planning and implementation.

RTBI (IIT, Madras) (2009)<sup>9</sup> has evaluated the performance of Mahatma Gandhi NREGS in Tamilnadu. It has identified various parameters for the study such as level of awareness among people, participation of rural people, process, monitoring and supervisions, payment details, transparency, work site facilities and its impact. The study has, in the first instance, revealed that participation of women in



the works under the Scheme was 79.67 percent while the all India average was just 47.87 percent. Secondly, it has found that the participation of schedule castes was also around 61.00 percent whereas the national average was merely 29.35 percent. But, the participation of STs is only 1.74 percent as compared to the all India average of 25.36 percent.

Vaidya (2009)<sup>10</sup> has identified the major challenges in the implementation of the Scheme and also reflected upon the transparency and accountability mechanism adopted in it. The operational guidelines of the Scheme issued by Ministry of Rural Development, Government of India in 2008 and various rules framed under them too have been discussed by her.

Prasad (2008)<sup>11</sup> has assessed on the basis of an all India study, the impact of this Scheme on the overall quality of life of people by gauging different parameters associated with the improvement of overall quality of life of people such as impact on income earning levels of each household, expenditure by them on food and non-food items, and the creation of assets by the beneficiaries. The author has also captured the impact of the Scheme in arresting out-migration. According to him, contrary to the general perception of better wages being the main cause for migration, 70 percent of the beneficiaries revealed that it happens mainly for just wages and not for better wages. He has also expressed the view that the gram panchayats do not take any measure to create sustainable assets for generating wage employment within the villages. This is undoubtedly the best among the studies that have been reviewed by us.

An overview of the review of the above mentioned studies makes it clear that there continues to exist a considerable gap in the literature on the implementation of the Scheme. Despite the valuable contribution made by all of them, Haryana has been covered only in the study by Kaushil, Yadav and Durgaprasad (2010). But, even this had been made in 2007. Moreover, it has covered only two out of 21 districts of the state as the Scheme had not been extended to other districts at that time. Therefore, there is a dire need for a study which not only encompasses all the districts of the state, but also covers the period up to 2012. Moreover, none of the above mentioned studies have been adequately able to identify the constraints in the implementation of the Scheme and to make concrete suggestions for tackling those. This is the rationale behind the present exercise.

### **Objectives of the Study are the following:**

1. To describe the machinery for the planning and implementation of the Scheme at the state, district, block and village levels.
2. To present the status of implementation of the Scheme in the State.
3. To identify the problems.
4. To make suggestions for overcoming the same.

### **Research Methodology**

For achieving the above stated objectives, the data have been collected both from the primary and the secondary sources. The primary sources include focused group discussions (FGDs) with the officials who had come to attend the Divisional Workshops on 'Social Audit' in Mahatma Gandhi NREGS' conducted by the Haryana Institute of Rural Development (HIRD) at Nilokheri (Karnal) on 15.11.2011, 16.11.2011, 17.11.2011 and 18.11.2011. They included the following: The X-ENs, Panchayati Raj (10); X-ENs, Irrigation (4); SDOs, Panchayati Raj (13); SDOs, Irrigation (5); Assistant Soil Conservation Officers (3); Range Forest Officers (3); ABPOs (17); BDPOs (6); DDPO (1); Sarpanches (7); Gram Sachivs (6); Assistant Project Officers, DRDA (3); Account Assistants, MGNREGS (6); J.Es., Panchayati Raj (2); and Planning Officers, DRDA (2).

Besides, the primary sources also include the field work done by first author during his tenure as a Consultant at HIRD, Nilokheri and the participatory observation of implementation of the Scheme in Karnal and Assandh blocks of Karnal district and Babain block of Kurukshetra district by the second author during the period 2008-09 to 2010-11 during his posting as BDPO in these blocks.

The secondary sources include the official registers, reports and other records available at the state, district, block and gram panchayat levels. Besides, these include other sources such as Census Reports, National Sample Survey, statistical abstracts, research journals, news papers, websites and the unpublished research studies on the Scheme.

### **Machinery for Implementation**

The Department of Rural Development, Government of Haryana is the nodal agency for implementation of the Scheme at the state level. It is headed by a Principal Secretary having the rank of Financial

Commissioner. He is assisted by the Director and Special Secretary holding the rank of a Commissioner. They are assisted by a team consisting of a Joint Director, Research Officers, Project Officers and an Accounts Officer.

At the district level, the Deputy Commissioner (DC) is the District Programme Coordinator (DPC). She/he is responsible for overall coordination and successful implementation of the Scheme. He monitors all aspects of the implementation including registration of workers, issue of job cards, provision of employment to the workers, payment of unemployment allowance, conduct of social audit, flow of funds, progress and quality of works, qualitative aspects of implementation, and timely and correct payment of wages. The Additional Deputy Commissioner-cum-Chief Executive Officer of the District Rural Development Agency (DRDA) is the Additional District Programme Coordinator (ADPC) under the Scheme. She/he assists the DPC in carrying out the associated tasks. The Zila Parishad (ZP) is responsible for finalizing the Mahatma Gandhi NREGS district plan and for monitoring and supervising it.

At the block level, the Panchayat Samiti (PS) is responsible for the planning, implementation and monitoring of the Scheme at the block level. The Block Development and Panchayat Officer (BDPO) is the Programme Officer (PO) for its implementation. She/he is assisted in this task by Additional Block Programme Officer (ABPO), Accounts Assistant (MGNREGS) and Assistant (MGNREGS). The PS and the BDPO monitor registration of job seekers, provision of employment to the job card holders, payment of unemployment allowance, conduct of social audit, flow of funds, timely and correct payment of wages, progress and quality of works, etc. The BDPO is also responsible for sending the progress reports to the DPC, who in turn sends these to the State and Central governments.

At the Gram Panchayat level, the Gram Sabha is responsible for a number of functions relating to planning and monitoring of the Scheme at the village level whereas the Sarpanch of the Gram Panchayat is the principal implementing agency. The works are identified in the meeting of Gram Sabha chaired by her/him. The Gram Sachiv helps the Sarpanch in discharging duties and also receives applications, issues job cards, maintains records, etc. The Gram Panchayat also engages services of a local person known as 'Rojgar Sahayak' and 'Mates' on contractual basis to assist in maintaining the records and other related works of the Scheme.

## Status of Implementation

The status of implementation of the Scheme in the state may be primarily described in terms of the amount of funds utilized by the state and the number of person days generated under it. This is being given in the table that follows:

**Table-1**  
**Status of Implementation of Mahatma Gandhi NREGS in Haryana**

<b>Years</b>	<b>Amount of funds utilized (in lacs)</b>	<b>No. of Person days generated (in lacs)</b>
2008-09	10988.22	69.11
2009-10	14355.28	59.04
2010-11	21470.43	84.20
2011-12	31660.45	108.84

The Scheme was initially launched in the two most backward districts of the State, Sirsa and Mahendergarh, in 2006-07. It was extended to the two other relatively more backward districts, Ambala and Mewat in 2007-08. The remaining districts of the State were covered under the Scheme in 2008-09. In this year, the Government of Haryana was able to utilize an amount of Rs. 10988.22 lacs that it had received from the Government of India and was also successful in generating employment of 69.11 lacs person days. But, despite utilizing a higher amount, the number of person days declined in 2009-10. This happened due to two reasons. Firstly, the implementing agencies could not give due attention to the execution of the activities under the Scheme because their officers and functionaries were too busy in election work in the wake of 2009 Parliamentary and Assembly elections to give the needed attention to these. Secondly, they began to give priority to material component over the labour component of the Scheme. But, the amount utilized under the Scheme was almost doubled in 2010-11 and the person days generated were also enhanced significantly. This increase has to be attributed to the zeal of outgoing Sarpanches to utilize as much amount as they could and to create as many person days as possible before the expiry of their terms for retaining and gaining electoral support in the forthcoming Panchayat Elections scheduled to be held in July, 2010. The performance of Haryana in the implementation of the Scheme got further improved in 2011-12 both in terms of amount utilized and person days generated. This increase in person days generated has to be ascribed to the zeal shown by the newly elected

Sarpanches on the one hand and the increased awareness among the workers brought about by the campaigns launched by the HIRD on the other hand. However, the enhanced utilization of funds was mainly on account of the increased spending on the material component by the Sarpanches for the creation of durable assets. Moreover, the funds utilized registered a significant increase because of the rates of daily wages that had been increased from Rs. 167.00 on 01.07.2010 to Rs. 179.00 on 01.01.2011.

### **Problems :**

The following problems have come to surface during the course of the study:

1. The works under the Scheme are usually not started in time despite the existence of demand for the same. Consequently, the workers remain uncertain about the time of the commencement of work and hence, they migrate to urban areas in search of employment.
2. The Labour Budget is rarely formulated as per the demand of workers. It is generally made by the Gram Panchayat as per their capacity to provide work. This leads to a situation in which the wage seekers are not able to get work when they need the same.
3. Despite the fact that the scheme had been launched in 2006 and all the districts had been covered in 2008, the workers are not aware about their entitlements.
4. There have been numerous instances of non-payment of wages to the workers due to the inordinate delay in measurement of their work by the JEs. On account of their shortage, they are generally not able to verify the muster rolls for this purpose in time. Moreover, many a times, the funds are not received in time from the Government of India. This has adversely affected its implementation.
5. Some of the Sarpanchs do not take interest in the implementation of the Scheme either on account of lack of capacity or due to their reluctance to handle the great deal of paper work involved in the implementation of the Scheme. Moreover, some of the Sarpanchs belonging to the land owning castes are reluctant to do so because they feel that it will lead to shortage of labourers for agricultural operations.

6. The Guidelines of the Scheme permit only a limited number of activities many of which need not be or can not be undertaken in the agriculturally developed state like Haryana.
7. Some of the BDPOs, who are also POs under the Scheme, are not able to devote sufficient attention to the implementation of the Scheme because they are already overworked. Moreover, a few of them are also disinterested in it as they consider it an unnecessary burden.
8. The Gram Sachivs, who are the key figure in the Gram Panchayat centric Panchayati Raj System of Haryana, have to work for 5-6 gram panchayats. This leaves little time with them to do work under this Scheme. Besides, some of them have little interest in it.
9. The Rojgar Sahayaks, who are supposed to play the major role in the implementation of the Scheme, have been appointed only in a few gram panchayats. Even, some of them have been subsequently removed due to dearth of work and shortage of funds.
10. The Vigilance and Monitoring Committees, which are required to exercise supervision on the ongoing works, mostly exist only on papers. Even where these do exist in fact, these have only the near and dear ones of the Sarpanchs as members.
11. The social audit of the Scheme continues to remain farce. Neither the Vigilance and Monitoring Committees present their report before the gram sabhas nor are the sabha's meetings held as per the spirit of the Panchayati Raj.
12. In spite of the fact that the Scheme has been in operation in the state as a whole since 2006, the level of awareness about their entitlements remains low among the workers. Consequently, they are not able to get its full benefits.
13. The material component of the Scheme which is merely 40 percent has also been a great hurdle in the way of its proper implementation. Hence it becomes difficult to pay adequate wages to skilled workers to meet increased transport charges and to make provision for the enhanced cost of needed material.
14. The synergy and convergence of the MGNREGS with other rural development schemes was found to be very inadequate.

**Suggestions:**

The following suggestions could be made for tackling the above mentioned problems:

1. The workers should be given documentary proof in the form of receipt by the Sarpanch whenever they demand work. This will ensure timely commencement of works.
2. Household survey of job card holders be got conducted for the preparation of Labour Budget as per the seasonal demands for work.
3. The Gram Panchayats should be allowed to make part payment, equal to half of the wages calculated on the basis of the number of days to the workers if the measurement is delayed.
4. The number of JEs should be increased. Moreover, the Gram Panchayats should be allowed to hire the services of the unemployed diploma holders in civil engineering for this purpose.
5. The capacity building of the Sarpanchs should be done on continuous basis. Moreover, their mindsets should be changed through orientation programmes.
6. The Guidelines of the Scheme should be revised to include more activities. Besides, there should be flexibilities in these to enable the states to customize them as per their needs.
7. The BDPOs should be relieved from the responsibility of implementing this Scheme and the Additional Block Programme Officers (ABPOs) should be made the Programme Officer in their place. They should be provided with the needed support structure for this purpose.
8. The Gram Sachivs should also be excluded from the Scheme. The duty of its implementation in gram panchayats should be assigned exclusively to Rozgar Sahayaks. Every gram panchayat should have this functionary.
9. The constitution of Vigilance and Monitoring Committees should be ensured as per the spirit of the Scheme. Moreover, there is a need for an effective capacity building of their members.
10. The social audit mechanism should be strengthened. The Gram Sachiv should be held accountable in case his/her gram panchayat fails to hold the meetings.
11. Awareness campaigns should be launched in a mission mode for educating the workers about their entitlement.
12. The existing 60:40 ratio of labour and material component should be revised. It should be made 50:50, so that the Scheme could be made more practicable.

13. The Government of India must ensure timely release of funds to ensure the effective implementation of the Scheme.
14. Last but not the least, there should be emphasis on synergy and convergence of the Scheme with other rural development programmes to avoid duplication of works and wastage of funds as well as their optimum utilization.

### **Concluding Observations**

The above discussion and analysis of the implementation of Mahatma Gandhi NREGS in Haryana from 2008-09 to 2011-12 lead us to the conclusion that much needs to be done for achieving its laudable objectives of alleviating poverty, for creating employment, checking migration from rural to urban areas, for creating durable assets and for empowering the schedule castes and women. The Scheme needs to be made more flexible so that the states could customize the same as per their specific needs in terms of their topography and economy. Moreover, the implementing machinery needs to be made more effective and accountable. Furthermore, effective steps need to be taken for ensuring transparency in its implementation by strengthening the institution of the Gram Sabha in general and the mechanism of social audit in particular. Besides, instead of letting it remain Sarpanch centric, efforts should be made that the decisions are taken by the Gram Panchayat as a whole. Moreover, it should ensure that Panchayat Samiti and Zila Parishad are able to play the role envisaged for them under the Guidelines of the Scheme. Presently, they are being almost completely bypassed by the implementing agencies. Last but not the least, there is need for changing the mindset of all the officials of implementing agencies as well as the beneficiaries.

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# Centralised Decentralisation: Left Front and Panchayati Raj in West Bengal (1978-2013)

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*Abstract: This paper explores the Panchayati Raj experience of the state on the basis of published and unpublished studies till date as well as recent policy documents. Five themes are explored – legislative changes, relationship between the traditional bureaucracy and the panchayats, party control, participation and poverty alleviation. It concludes by arguing that it is to the credit of Left Front Government that the panchayats have now struck deep roots in the rural society and sets the tone and tenor of the state's politics. However, the panchayat functioned as implementing agencies controlled by the bureaucracy on the one hand and Party on the other rather than as local self-government and this explains why it could not play a role in mitigating the local discontents on land related issues which started the downfall of the Left Front in West Bengal.*

## Introduction

The Panchayat election of 2013 in West Bengal has effectively ended the Left Front era in West Bengal Panchayats. Although the Panchayat Act of the state was passed during the Congress era in 1973 the first election was held only in 1978 after the Left Front came to power in 1977. Since then Panchayat elections have been held regularly and the Left had dominated the elections till 2013. In 2008 election the

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power of Left Front was diminished to some extent but it still controlled as many as 14 out of 17 Zilla Parishads. Following the defeat of the Left Front in 2011 Assembly election TMC has continued its domination of the state politics and have won 14 Zilla Parishads and 50.37% of the Gram Panchayat seats. Left Front on the other hand could manage only 32.34% of the seats and only two Zilla Parishads.

In this paper I wish to examine the journey of one of the most important achievements of the Left Front – the panchayat system. My analysis has been informed by my own experience of working in the Panchayats and Rural Development Department between 2006 and mid-2009. Many new micro-studies have come up since the overviews by Buddhadeb Ghosh (Ghosh: 2000), Dwaipayan Bhattacharyya (Bhattacharyya: 2006) and Pranab Bardhan and Dilip Mookherjee (Bardhan and Mookherjee 2007). New developments have also taken place within the Panchayat system itself.

However I would like to make it clear at the outset that this is a stock taking of published and unpublished documents. My objective is not to add to empirical data but to make sense of what is available to us.

In order to analyze the existing state of knowledge I have classified it into five thematic areas – (i) legislative changes, (ii) dynamics between the administration and the Panchayats, (iii) interface between the political party and the panchayats, (iv) people's participation and planning from below, and (v) impact on poverty.

## **I. Legislative Changes and their Limits**

The formal structure of the panchayat system of West Bengal did not remain static but underwent several changes during the last three and half decades. At the level of policy making there have been several attempts since the mid-eighties to broaden the democratic base of the panchayats by making them more transparent, accountable and participatory. In 1985-86 for example, in order to facilitate decentralised planning, two new structures were created. The first was the Block Planning Committee and the second was the District Planning Committee. They were to be headed by the *Sabhapati* and the *Sabhadhipati* respectively, with a broad representation of stakeholders.

In the nineties three major amendments were made in 1992, 1994 and 1997. These amendments coincided with the 73<sup>rd</sup> Amendment to the Constitution of India.

While the amendments of 1992 strengthened the roles of the *Karmadhyakshas* or the heads of the standing committees, (made responsible for 'financial and executive administration' of the programmes or schemes) *Sthayee Samities* (standing committees), the 1992 also made it mandatory for all Chairpersons and *Karmadhyakshas* to be full-time functionaries. By the 1997 Amendment the offices of the Pradhan and the Upa Pradhan were also made full-time.

In anticipation of the 73<sup>rd</sup> amendment, the 1992 amendment also ensured that one-third of the seats of all three tiers were reserved for women. Similarly seats were reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) in all three-tiers, proportional to the percentage of SC and ST population in that area. The amendment made in 1994 also provided for reservation in the offices of both chairpersons and vice-chairpersons of all the tiers for women as well as for the SC/ST population as per the 73<sup>rd</sup> amendment.

In the 1994 amendment, in order to increase accountability of the Panchayats, a *Gram Sansad*, was created as ward level body to make the panchayats more accountable. Besides, the 1994 amendment created a new institution known as the District Council, which was aimed at giving space to the opposition within the institution, as the Chairman of the Council was to be the leader of the opposition. The main functions of the council are (a) to scrutinise the accounts/budget of any panchayat body of any of the three tiers within the district, (b) to consider the audit reports of panchayats and to examine the replies to such reports furnished by the respective panchayats, (c) to pursue the matters relating to unsettled audit objections.

The State Finance Commission (SFC) was constituted as per the constitutional mandate in 1994. The Commission submitted its first report in November 1995. So far three such Finance Commissions have been set up by the State Government. Several new features were introduced to the Panchayat Act in 2003 to further reduce concentration of power. Firstly, five *Upa-Samitis* (standing committees) were constituted at the Gram Panchayat level; their functions being similar to that of the *Sthayee Samitis* at the Block and district levels. Secondly, provisions have been made so that opposition members are represented in each *Sthayee Samiti*. Thirdly, Block Sansad and Zilla Sansad were constituted as accountability forums for Panchayat Samiti and Zilla Parishad. Finally, *Gram Unnayan Samities* were to be constituted by the *Gram Sansad*, and which were to be the executive wing of the *Gram Sansad* and act as an extension arm of the Gram Panchayat but not a fourth tier.

Thus on paper there have been quite a few policy changes aimed at increasing accountability of the PRIs. Unfortunately these amendments have largely remained changes on paper only. The 'Roadmap' published by the Panchayats and Rural Development Department in 2009 has accepted that the legislative changes have not quite had the desired results. More importantly, there were no attempts regarding effective devolution of the 3Fs – Funds, Functions and Functionaries since the seventy third amendment of the Indian Constitution in 1993. The latest Finance Commission report (GoWB: 2008) has, for example, made a substantial critique of the state of affairs as far as decentralisation is concerned.

It observed:

3.23 As for West Bengal, the fiscal system is heavily dominated by the State Government...the State Government raises 96 per cent of all revenues. Only about 6 per cent of total revenues of GPs is derived from Own Source of Revenue (OSR).(Ibid: 27) Regarding functionaries, the Report has noted that the GPs still continues to have very little power over the staff:

Studies on the Gram Unnayan Samity by Raghavendra Chattopadhyay, Bhaskar Chakrabarti and Suman Nath has clearly shown that it has become politicised and has failed to serve the purpose for which it was created. (Chattopadhyay et al: 2010: 78) We do not have any research on the District Councils, but my own field experience as a staff of Strengthening Rural Decentralisation project of Panchayats and Rural Development Department between 2006 and 2009 indicates that the idea of giving space to the opposition parties has not had many takers both in Zilla Parishads under Left control as well as in the ones controlled by the opposition.

## **II. Who is in Power - Panchayats or Bureaucracy?**

It was expected that with the coming of the Panchayati Raj, the traditional bureaucracy would become less important. However this did not happen. Although LFG introduced the Panchayats in the state after coming to power in 1977 it did not dismantle the older form of colonial administration. Thus West Bengal acquired a highly complicated structure of rural governance. On the one hand there was the colonial style District Magistrate (DM) and Sub-Divisional Officers (SDO) and the line departments, the post-colonial state under Congress added the structure of the Community Development Block, popularly known as Block. The three-tier panchayats came as an addition to these structures

and not as something that replaced the old structure. Thus the task of development work in a district became a highly complex one with numerous players.

There is no detailed study which has looked into these institutional dynamics within the system as it evolved during the eighties. However in 1992, two senior civil servants, Nirmal Mukarji and D.Bandyopadhyay, at the request of the Government of West Bengal, went around the districts to understand how the panchayat system was working. They found many problems, viz.

“...the Panchayats have so far operated mainly in the field of development. There also, they have functioned more as implementing agencies of Union and State schemes than doing things on their own. Even as implementers of such schemes, they have had to depend on departmental staff outside their control. On the face of it they have resigned themselves to the situation, but below the surface there is great deal of dissatisfaction. (Mukarji and Bandyopadhyay: 1993: 7)”

The two civil servants found plenty of examples of conflict between the departmental staff and the Panchayats. They also noted that if Panchayats were becoming more and more important as units of self-governance then this should have led to a decrease in the size of the government machinery. The opposite seemed to be true. As per their calculations, in 1977-78 total revenue expenditure on the government machinery was Rs. 701 crores. By 1991-92, it had expanded to Rs. 5181 crores. Between 1980 and March 1991 government staff increased by 1,57,000. They commented:

Has the situation changed since then? In 2005, the Panchayats Department carried out a study on the organizational aspects of the Panchayats as part of the Strengthening Rural Decentralisation programme in collaboration with Government of UK.(P&RD: 2007). This unpublished report argued that there are structural flaws in the PRI system because of the incomplete merger of the traditional bureaucracy and the PRIs. It went on to elaborate:

The offices of the District Magistrate at district level, the Block Development Officer at block level and the various line departments continue to be the *de facto* centres of power in local government systems. The Zilla Parishad and the Panchayat Samiti are in comparison poorly staffed and funded and are inadequately equipped to monitor bureaucratic service delivery in rural areas. (P&RD: 2007: 6)

The study not only pointed out control by the district bureaucracy, it also pointed towards bureaucratisation of the processes through which the PRI functioned. The report noted that the “absence of a formal distribution of duties combined with understaffing has left the ZP office prone to duplication of processes.” (P&RD: 2007: 49)

Two years later, another study of Gram Panchayats by Utpal Chakraborty, one of the faculty members of the State Institute of Panchayats and Rural Development (SIPRD), made the following observation:

Gram Panchayats are presently overburdened with government orders and circulars. In most of the cases they are not properly maintained. On the other hand very few office bearers are able to decipher the contents of the orders. (Chakraborty: 2007:7)

What made the situation ironic is that although the traditional bureaucracy has continued to have control over the Panchayats, they were not always efficient in carrying out their duties. Thus the Panchayats were deprived of the potentially beneficial aspects of bureaucratic supervision. Chakraborty pointed out that the government officials who are responsible for monitoring the Gram Panchayats were either not performing or were not able to perform their duties properly.

Another important problem that has been identified in recent years is that there is significant capacity gap (and hence inefficiency) among the Panchayat functionaries as well as the lower level bureaucracy. On the one hand the Panchayats have not fully replaced the traditional bureaucracy and on the other hand the traditional bureaucracy is not able to discharge its supervisory role efficiently. Matters often became extremely complicated leading to serious underperformance if the relationship between the *Sabhapati* and the BDO at the Block level and the District Magistrate and the *Sabhadhipati* at the District level was not cordial.

### **III. Party Control**

While the Panchayats were controlled by the not so efficient bureaucracy on the one hand, they were controlled by the Party on the other. CPI (M) has always had an ambivalent attitude towards the relationship between the Party and the Panchayat. Harihar Bhattacharyya has traced this ambivalence to its ideological roots. (Bhattacharyya : 1998: 110 – 134). The CPI(M)’s West Bengal State Committee document in 1994 which said that the role of the Party shall be to provide direction and guidance (‘parichalona’ in Bengali). The document then goes on to

explain that “this does not mean acting at will. It means activation of Panchayats in accordance with the principles and ideals of the party.” (Ibid: 110) In course of time at each level of the Panchayats, CPI(M) formed a Panchayat Sub-Committee which is the Party’s ‘Parichalan Committee’.

Bhattacharyya’s empirical investigations in the districts of Bardhaman and Hoogly, led him to conclude that the decision of the Party, not the Panchayat members, is final and this was justified by Party functionaries as a necessary step to win the class-struggle against vested interests in the rural society.

That the Party has the most important role to play in decision making was observed by Atul Kohli (Kohli: 1987) in the late eighties and by Moitree Bhattacharyya in 2002 (Bhattacharyya: 2002). Kohli observed in 1987 that decisions at the Gram Panchayats were made in consultation with the Party and the Party machinery supervised the activities of the Panchayats. A decade later, based on a field work done in 1997, Moitree Bhattacharyya also came to the same conclusion. She has also shown that a provision was made in the 1994 Amendment of the Panchayat Act [Section 213(A)] according to which no member can cast vote against the wishes of the majority members of the Gram Panchayat elected from his party. (Ibid) In an article published in 2009 based on ethnographic study of two villages in Koch Bihar and Malda districts, Rajarshi Dasgupta found a well-oiled CPI(M) ‘machinery’ running the show “adept in formulating different strategies for different tiers of the panchayat system, calibrating their rivalries.” (Dasgupta: 2009: 80)

There is thus a clear consensus among scholars that the Party has dominated the Panchayats. The more complicated question is what has been the consequence? According to Moitree Bhattacharya, this has led to politicisation of rural life and the ordinary people of the villages try to stay away from the affairs of the Panchayats. In course of her field work, she found very few respondents interested in the affairs of the Panchayat and most of them felt alienated from the institution. In essence the Left Front while unleashing the revolutionary force of the PRIs also ensured that it stayed firmly within its control. The Panchayats were never allowed to grow into institutions of self-government and act on their own.

#### **IV. Inadequate Participation**

A necessary consequence of bureaucratic and party-control has been lack of participation, which is the essence of Panchayati Raj.



'Participation' is a term that however requires certain amount of clarification. It can perhaps best be understood in terms of five progressive levels: (a) participation of the electorate as voters (b) participation of poor and marginalised in the Panchayats as members, (c) participation in the Gram Sansad and Gram Sabha meetings, (d) participation of people in decision making, and (e) participation in planning from below. Let me discuss the LFG experience in terms of each of these levels.

(a) *Participation of the electorate as voters*: Surya Kanta Mishra, Minister in Charge for Panchayats and Rural Development till recently, has quite understandably proudly presented data on Panchayat elections in his book *Sreni Drishtibhongitey Panchayat*. He said that while in the 'bourgeois' countries it is rare to see even 50 per cent voters turnout in their election, in case of the Panchayat elections of 1993 and 1998 the voter turnout has been more than 80 per cent (Mishra: 1998: 47-58). This was also corroborated by a study by Girish Kumar and Buddhadeb Ghosh (Kumar and Ghosh: 1996: 47-48). Generally speaking, it can be safely said that the voters' turnout has been high.

(b) *Participation of poor and marginalized as members*: according to the West Bengal Human Development Report for 2004 (henceforth WBHDR) landless and poor peasants constituted nearly 43 per cent of the gram panchayat members and this represents a break from the usual pattern in India where the rural elite have captured the Panchayats. The survey by Centre for Studies in Social Sciences in 2005, however shows a more complicated picture at the beginning of the twenty first century. The report concluded:

...more than 25 per cent of GP members in most districts were landowning agriculturists, the proportion going up to 79.8 per cent in Purulia and 68.9 per cent in Uttar Dinajpur. However, the proportion was as low as 4.2 per cent in Howrah, 16.2 per cent in Birbhum and 22.4 per cent in Hooghly. In Dakshin Dinajpur and Birbhum, there were a significant proportion of GP members who were agricultural labourers. (CSSSC: 125)

Regarding participation by Scheduled Tribes, Scheduled Castes and OBCs and on participation of women also we have only the CSSSC study which gives data on a large scale. The data reveals that the participation of the SCs, STs and OBCs is quite significant in all districts except where there is very little ST population. Women participation has been higher than the constitutional requirement.

However, statistics alone does not tell the complete story. This is because the women representatives are sometimes dictated from behind by their male family members, as is seen elsewhere in India as well. A study conducted by Raghavendra Chattopadhyay and Esther Duflo observed that 43 per cent of their sample said that they were being helped by their husbands, and “the interviewers are more likely to find the women hesitant, they are more likely to acknowledge that they did not know how the GP functioned before being elected and that they do not intend to run again” (Chattopadhyay and Duflo: 2004: 983) Another unpublished study conducted by Suparna Ganguly and Sonali Chakravarti Bannerjee in 2006-07 based on a sample of 260 women representatives in 32 Gram Panchayats found that: “68 per cent of the women respondents in the 32 ‘mixed’ GPs have never placed any demand in the general meetings at the GP level” (Ibid: 437). Chattopadhyay and Duflo have presented a more positive picture of the impact of reservation for women and have noted some difference in the way women heads prioritize development work (for example water over roads) and have also noted that representation of women in gram sansad tend to go up when the GP is headed by women. (Chattopadhyay and Duflo: 982) But there is a general agreement between the two studies regarding support from husbands and the fact that many of the women do not intend to become Pradhans in the next election. In spite of these shortcomings one can say that LFG has fulfilled the constitutional requirement of 33 per cent reservation for Scheduled Castes, Scheduled Tribes and women. Recently they have increased the reservation percentage to 50 per cent following the lead taken by Bihar. This also goes to the credit of LFG. Things however start to take a negative turn from the next layer onwards.

(c) *Participation in the Gram Sansad and Gram Sabha meetings:* The WBHDR has acknowledged that attendance in gram sansad meetings has been low and has been declining over the years (WBHDR: 2004: 67). A study of gram sansad meetings in 20 sansads of 3 districts by Maitreesh Ghatak and Maitreya Ghatak (Ghatak and Ghatak: 2002: 50) in 2002 found the average attendance to be about 12 per cent. Although once again detailed data is not available in any existing research, there seems to be a consensus that the Gram Sansad meetings are yet to become truly democratic forums where the poor can freely voice their opinion.

(d) *Participation of people in decision making of the GP:* The CSSSC study team asked the respondents whether beneficiary lists are

modified as per the deliberations made at the Gram Sansad meetings. Their conclusion is as follows:

We asked the GP functionaries whether beneficiary lists were modified at the Gram Samsad meetings after soliciting the views of the residents. Only in seven districts did more than 30 per cent of the respondents say that this was done. Most of the people said that beneficiary lists are prepared by GP leaders beforehand and the Samsad meetings are not generally seen as events where these lists can be seriously discussed. (CSSC: 2006:150)

Another study, conducted by Debjani Sengupta and Dilip Ghosh (Sengutpa and Ghosh : 2008: 394), in 2006-07, roughly came to the same conclusion:

Among the respondents they interviewed, 81.4 per cent stated that they raised demand in the Gram Sansad meetings but only 27.4 per cent were of the opinion that their demands were redressed. (Ibid. 398) It is not difficult to see, therefore, why the enthusiasm regarding the Gram Sansad meetings is falling over the years. The voice of the people clearly hardly ever gets reflected in the decisions made by the Gram Panchayats.

(e) *Planning from Below*: CPI (M) in Kerala under the leadership of E.M.S. Namboodiripad carried out the first state-wide campaign on planning from below, which has become justifiably famous all over the world. The history of planning from below in West Bengal actually goes back to the early eighties and was the first in case of India. Unfortunately unlike Kerala, the process did not receive wholehearted support from the Communist Party or the Government in West Bengal. WBHDR has accepted that from 1988 onwards there was a rollback and by mid-nineties most of the districts stopped the process. (WBHDR: 2004: 55) Since mid-nineties there was another effort at doing planning from below in 40 Blocks of the state, which was known as 'Convergent Community Action' (CCA). What is important to remember here is that at no stage did CCA become a people's campaign for planning like it did in case of Kerala. It was largely carried out by certain enthusiastic development practitioners, civil servants at various levels and some political persons but the Left Front did not give it the kind of big push that was required to make it a success even in these 40 Blocks. The CCA process was largely abandoned by the mid of the first decade of the twenty first century and was replaced by another effort at planning from below which was part of the Strengthening Rural Decentralisation programme which was initiated in November 2005 with similar results.

## **V. Incomplete Poverty Reduction**

Did the panchayats of West Bengal significantly reduce poverty in the state? Any analysis of poverty reduction by the Panchayats has to cope with certain methodological problems. While it is possible to say how far poverty has decreased during the Left Front period, it is difficult to ascertain exactly how far this is because of the role played by the Panchayats. All factors which affect poverty are not in control of the panchayats but in the hands of departments specializing in agriculture, health or education. There is also a lack of systematic official data trying to track the impact of the tied and untied funds routed through the panchayats over the last three decades. Given this complexity, we may take note of some of the studies which have addressed the issue.

The best defense of the achievements of LFG has been recently presented by two civil servants, M.N. Roy and Dilip Ghosh (Roy and Ghosh: 2008: 13-25). Roy and Ghosh have argued that if one compares the percentage of population below poverty line in 1973-74 with 2004-05 then one can see that 44.6 per cent of the population of West Bengal went above the poverty line during this time, a percentage that is only marginally lower to that of Kerala which stood at 46 per cent. In all-India terms this was the second best performance after Kerala. The all-India average is 28.1 per cent. Thus the two states where Panchayati Raj has been strongly implemented the percentage of poverty reduction has been the highest.

Regarding the role of the Panchayats in this success story of poverty reduction, some other studies have not been conclusive and by using the National Family Health Survey-3 and calculations based on Human Poverty Index (HPI), Planning Commission has ranked West Bengal in the ninth place among the fifteen major states in India, (Ibid: 29) thereby indicating poverty is still a serious problem in West Bengal. Inter-district gap in poverty is also a significant issue, a fact admitted by WBHDR. Pranab Bardhan and Dilip Mookherjee (2004) have also noted that although overall targeting of poverty alleviation programmes has been good, “targeting performance was poorer when the land distribution became less equal, the poor was less literate, when there was major low caste households, and local elections were less contested.”

## **Conclusion**

It remains true that in the all-India context West Bengal is still among the better performing states as far as Panchayats are concerned.

The Ministry of Panchayati Raj in 2009 and 2010 had selected West Bengal as one of the top four states in the country. West Bengal is certainly better placed than a state like Uttar Pradesh or Haryana where many Panchayats do not even have an office of their own. The institution has struck deep roots in rural Bengal over the last three decades and panchayat elections have been held regularly. Participation in the form of voting and election of women, Scheduled Tribes and Scheduled Castes has taken place as per the constitutional mandate. Finance Commissions have also been regularly set up. Several new institutions have been created through legislative changes aimed at reducing partisan politics. This is definitely to the credit of LFG.

Unfortunately in spite of these achievements there are many unfulfilled promises. West Bengal has performed inadequately in terms of implementing the recommendations of the successive Finance Commissions in terms of devolving funds, functions and functionaries from the line departments and in ensuring higher levels of participation through the gram sansad and planning from below. Parallel bodies such as District Rural Development Agency (DRDA) and Paschimanchal Unnayan Parishad, which bypass the authority of the Panchayats, have continued to exist. New institutions aimed at reducing partisan politics such as the Gram Unnayan Samity, the District Council, the District Planning Committees are yet to have the desired impact. The Panchayats of the state, especially in the poorer districts, also need to improve their capacity to implement poverty alleviation programmes such as MGNREGS.

Thus, although located among the best states in the country, West Bengal panchayats under Left Front rule seems to have been squeezed between the party on the one hand and the bureaucracy on the other with very little independent power of their own. Its role under LFG was to function as an implementing agency of various Central and state sponsored schemes rather than as “institutions of self-government” as envisaged in the seventy-third amendment of the Indian constitution. The panchayats were given very little funds of their own and were hardly encouraged to act on their own. That the panchayats did not function as institutions of self-government became abundantly clear during the Singur and Nandigram agitations when the panchayats could hardly play any effective role. If they could have played the role of local government then perhaps it would have been possible to ensure that the agitations did not spark off the anti-incumbency wave that led to the downfall of the Left Front itself.

Unfortunately although a new Government is in power in West Bengal since 2011 and the ruling TMC has won an overwhelming verdict in the 2013 election the new party in power do not seem to have any clear policy regarding the Panchayats. The future of the institution therefore is painfully uncertain.

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# A Study of Panchayati Raj and Devolution in Kerala

Jos Chathukulam\*

## Status Paper on Devolution in Kerala

### Introduction

As per the Constitutional requirement, the Kerala state has a three tier structure of Panchayat Raj with 978 Gram Panchayats, 152 Block Panchayats and 14 District Panchayats at the villages, block and district levels respectively. Altogether there are total 19107 elected representatives under the Panchayat Raj System in the State. Out of this 50% of the seats are reserved for women. The seats reserved for the Scheduled Castes and Scheduled Tribes are proportionate to the population. Within the reserved seats for Scheduled Caste and Scheduled Tribes, some seats are again reserved for women belonging to the Scheduled Castes and Scheduled Tribes. Out of the total 19107 elected representatives under three tiers of PRIs, 11241 seats are reserved for women, Scheduled Castes and Scheduled Tribes. And out of that reservation 2035 are from Scheduled Castes and 286 are from Scheduled Tribes.

In the State of Kerala the local government in general and Panchayats in particular made rapid strides in their growth and progress. The New Kerala Panchayati Raj system came into operation from 30th September, 1995 and the powers were formally transferred on 2nd October 1995. The 73rd Amendment visualized the Panchayati Raj as

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institution of self-government. The diversifying governmental activities paved way for devolution of powers, function and finance from higher to the lower tier of Panchayats where in the Panchayats played an important role in bringing an integrated structure of local self governance. The scope of the functions assigned to the three tiers of panchayats, viz. Gram Panchayat, Block Panchayat and District Panchayat is no longer confined to civic functions but has also expanded itself to social welfare, developmental projects and local resource mobilization. A number of reforms have been mooted since 1996 which were implemented with the passage of the Kerala Panchayati Raj Amendment Act of 1999. The quantity of funds transferred to the Panchayats has increased several folds since then. All such imminent developments clubbed with participatory planning have positioned Kerala in centre stage of decentralization dialogue in the country. It could be argued that Kerala's impressive performance is attributable to its social and political bonds. The major amendments, rules, orders, and directions have strengthened the process of devolution through the mechanisms of transparency and accountability. The State has very vibrant and functional institutions within the framework criteria. But the changing processes and dynamics with the system through out the country have started to upset the existing capacity of the local self governance. In order to push the system further and force the process setting new agendas have become a necessity. Strengthening and effective functioning of Panchayats is one among the most important developmental prerequisite.

The Panchayats are the grass root democratic institutions which need to be empowered further through effective devolution of functions, finances and functionaries for which an evaluation of the current status and existing backlogs becomes a necessity. This should also be read in the context of the Panchayat Empowerment and Accountability Incentive Scheme (PEAIS) and the devolution index. The creation of a set of verification parameters and procedures thus becomes a requisite in assessing the existing local governance structure and devolution and finding the associated gaps.

### **Approach & Methodology**

The sample size for the verification had been worked out in consultation with the Local Self Government Department, Govt. of Kerala. The State of Kerala was selected for the proposed assignment. It was decided to cover a minimum sample of 10 Gram Panchayats,

four block panchayats and three district panchayats. Panchayats which stood in a moderate range in terms of its performance were selected, as suggested by the Officials. Even though the sample size considered was smaller the sample Panchayats, are by and large 'representative in nature'.

The performance of the Panchayats is evaluated and assessed based on a number of indicators like the framework criteria, its implications, accountability, transparency and aspects related to functions, finances and functionaries. To serve this purpose ground verification was undertaken for which a structured questionnaire was used and all the major stakeholders were considered. State level officials, District level officials, officers at the AG office, at the Local Fund office etc were consulted. Field works were carried out to verify the case studies that the Panchayats provided. In some cases local citizens response and the level of efficacy towards the local Panchayats were collected.

### **Panchayati Raj in Kerala**

The trend of devolution in Kerala has not been a linear one. The evolution of rural local government in Kerala was not uniform through the State since parts of it were under princely rule and the rest under the British province of Madras. The area under princely rule did not institute Panchayats akin to modern Panchayats before India became independent. In contrast in the areas under British rule, some rudimentary forms of local government were established. Even after independence, Kerala has been impervious to developments that took place in other parts of the country in the field of Panchayati Raj. Until 1995, Kerala had only a single tier, the Gram Panchayat and was behind most in the area of devolution. The only silver lining before the 73<sup>rd</sup> amendment was the district council experiment in 1991 which could not survive because of regime change. The Kerala Panchayat Act was passed in 1994, in conformity with the provisions of the constitutional amendment (Central Act) and the People's Planning Campaign (PPC) was initiated in 1996. People's Planning Campaign was a socio-political movement for strengthening the process of devolution. It has succeeded in mobilizing people to participate in local planning and local economic development across party lines. The budget of the government of Kerala for the year 1996 is important as a landmark in the history of fiscal devolution in the country by introducing separate annexure for local government and the resource allocation to them is subjected to legislative approval and control. More over, in the budget document, for each

local government there is separate allocation for SCs and STs under Special Component Plan (SCP) and Tribal Sub Plan (TSP) respectively. In the financial devolution programme, proportionately higher weightage has been given to the SCP and TSP targeting welfare of SCs and STs. Though it is true that in Kerala in mid 80s attempts were made to decentralize the allocation of funds up to the district level, only under PPC it was further decentralized to the Gram Panchayat level. When the PPC was started, it was felt that certain provisions of the then existing Kerala Panchayati Raj Act, 1994 was really an impediment for the deepening local democracy and the process of devolution in the state. There was a demand for further amendments to the State Act. As a result, a committee on decentralization of power known as *Sen Committee* was constituted to suggest reforms in the 1994 Act. The *Sen Committee* put forward a number of progressive suggestions most of which have later been incorporated in the amended Panchayat Act 1999. The committee recognized the importance of the right to information, provided for citizen's charters, recommended the formation of a local government ombudsman and tribunal, suggested the strengthening of Gram Sabhas and increased its frequency, among others. The committee was uncritically influenced by the methodology and practices of decentralized planning which were initiated before the committee actually started functioning.

In Kerala Gram Panchayats are powerful as compared to intermediate (Block Panchayats) and District Panchayats. The relations among the three tiers is not organized in a hierarchical manner and they function in an environment of co-responsibility and some kind of notional sphere autonomy, of course with functions such as co-ordination being confined mainly to the intermediate and district level tiers. Regular opportunities for participation exist in Kerala with the institution of the Gram Sabha. In Kerala, in the real sense the Gram Sabhas are functioning at ward level, all the voters of the ward being its members. As a result, in many cases planning process takes place at the level of the constituency of a ward member, below the level of the Gram Panchayat. As part of the 'constituency management' and the Act, the ward member of a Gram Panchayat is responsible to convene the 'ward sabha' and expected to undertake ward level planning.

In Kerala, the Gram Panchayats prepare the village plans and annual reports. It is also responsible for accountability and transparency of local governance. The functionaries of the departments devolved to PRIs have been and transferred under the Panchayats at village, block and

district levels. The devolution of functions also has been achieved in Kerala to a great extent when compared to other Indian states. The Gram Panchayat levies and collects taxes from the local people. Taxes levied by the Gram Panchayats are property tax, profession tax, entertainment tax, advertisement tax, service tax and show tax including surcharge. The State Government devolves around 30 percent of the plan budget directly to local government. There is a sound financial and social audit mechanism among the Panchayats. The Gram Sabha has been located as the appropriate space for conducting social audit. Audit team is being constituted at each tier of the Panchayat to conduct the audit of the Gram Panchayat, intermediate Panchayat and District Panchayat under the performance auditing system. The audit reports are prepared annually and the report is submitted to the State performance authority. In the area of the introduction of e-governance in Panchayats, Kerala is moving ahead with the initiative of Information Kerala Mission (IKM). In Kerala, it is claimed the District Planning Committee (DPC) integrates the plan proposals of rural and urban local governments. The DPC also formulates the integrated development plan for urban and rural areas of the district. It is observed that, "one can firmly maintain that decentralized planning has been virtually abandoned by the majority of the states with impunity. Although all the states have constituted State Finance Commission, the Commission's task will remain incomplete without reference to the DPCs. In fact DPCs are alive and kicking only in Kerala" (Oommen, 2002). Unlike all other states in India, Kerala made huge human and material investments in devolution from 1996 onwards through the decentralized planning process. Many scholars hail the Kerala experiments as a significant and unprecedented step. However, as per the composite devolution index prepared by the Eleventh Finance Commission, Kerala scored low value (4.1) when compared to Madhya Pradesh (9.6), Maharashtra (9.1) and Karnataka (5.9)

Local Governments in the State had relatively better financial position even before the constitutional amendments. Measures were also taken for strong financial devolution after the constitutional amendments. This was not accidental, but a conscious and historical process. It was made possible due to strong political will and important roles played by champions of this cause, media and civil society; a long term sustained political process resulted into efficacy, trust in these devolutions and increased visibility of local governments. As in the case of Karnataka State, Kerala too has been in the forefront in

constituting State Finance Commission (SFC) once in every five years. So far four SFCs have been constituted and they all submitted detailed and decentralization friendly reports to the government. The fourth SFC of Kerala has gone beyond conventional approach and opened a new domain on local finance and a wider spectrum of planning, local development as well as local democracy. The constitutional mandate to plan for economic development and social justice with the reservation of marginalized communities enables the SFC of Kerala to endeavour to work towards the inclusion of excluded and that is why there is a chapter on “*Devolution and Inclusion of the Excluded*”. The ‘Excluded in Kerala’ has been broadly defined and a deprivation index has been constructed. The SFC also has identified Vulnerable Panchayats and Most Vulnerable Panchayats based on the deprivation Index. A proposal was made for special grants for these two categories of Panchayats. These Kerala experiences of SFC can be of immense help while devising the strategies for strengthening the SFCs in other states.

### **Framework**

Immediately after the State conformation Act in accordance with the Constitutional Amendments the Election commission was constituted and the first election was conducted simultaneously in the three tiers on September 1995. Second and third elections were conducted on scheduled time without any delay. The state can take credit for the same. However, the last election (fourth one) was due on September 2010 but held on October 2010. It was delayed by one month and the reason for the delay in conducting the election was explained in terms of issues related to ‘delimitation of wards’.

### **Gram Sabha**

Gram Sabhas meet at least once in three months and to such meetings, the convener of the Village Panchayat must, compulsorily invite the member of the Block Panchayat, the District Panchayat and the Legislative Assembly representing the area of the Gram Sabha. The member of a village panchayat representing the constituency comprised in the area of a village shall be the convener of that Gram Sabha. Every meeting of the Gram Sabha is presided over by the President of the village panchayat or in his absence the vice-president or in the absence of both of them by the convener of Gram Sabha. The Village Panchayat places before the Gram Sabha a report relating to the

developmental programmes relating to the constituency during the previous year and these that are proposed to be undertaken during the current year, and the expenditure therefore, the annual statement of accounts and the administration report of the preceding year. If in any circumstances, any decision of the Gram Sabha could not be implemented, the president reports the reason before the Gram Sabha. The Village Panchayats, the Block Panchayats and the District Panchayats give due consideration to the recommendations and suggestions, if any, of the Gram Sabha. The Gram Sabha performs the following functions: (a) to render assistance in formulating development plans of the Panchayat; (b) to formulate the proposals and fixing of priority of schemes and development programmes to be implemented in the area of Village Panchayat; (c) to prepare and submit to the Village Panchayat a final list of eligible beneficiaries in the order of priority relating to the beneficiary oriented schemes on the basis of the criteria fixed; (d) to render assistance to implement effectively the development schemes by providing facilities locally required; (e) to provide and mobilise voluntary service and contribution in cash or in kind necessary for the development plans; (f) to monitor, verify, and render assistance to the beneficiary communities engaged in the developmental activities within the area of the Village Panchayat; (j) to make available details regarding the services to be rendered and the activities proposed to be done by the concerned officials in the succeeding three months etc. In average four general Gram Sabhas have been conducted in all the selected Gram Panchayats. Out of the total 10 sample Gram Panchayats, one special Gram Sabha each has been conducted in six Gram Panchayats. Average number of participants in the general Gram Sabha is 12 percent of the total voters. Within a period of one year three to four Gram Sabha each including the one each for social Audit was held in all 23 wards (constituencies). Altogether there were 88 Gram Sabha sittings in the Panchayats out of which 37 (42.05 %) were held without the required number of participants. Again out of the total wards, the required number of four sittings were held only in 17 (73.91) wards. All the Gram Panchayats in the State have sufficient funds to convene the Gram Sabha meetings. In the selected Panchayats the amount needed to conduct Gram Sabha in one year ranges from Rs. 17,000 to Rs. 76,500 with an average of Rs. 43,140 per Panchayat. Again, when the cost is worked out at per Gram Sabha, it is only less than Rs.500.

### **Recent Developments in Gram Sabha**

The Governor with retrospective effect had promulgated an ordinance amending the Kerala Panchayat Raj Act on September 2012 to amend clause (p) of sub-section (i) of section 35 of the original Act to give legal protection for members of Panchayats who fail to convene Gram Sabha up to three meetings. The background of such an ordinance is to overcome the difficulty arising out of disqualification of Panchayat members for not convening their respective Gram Sabhas within the stipulated time. The ordinance which has extended the maximum period of calling the meeting of Gram Sabha from the present six months to nine months was opposed by the civil society activists as it allegedly comes to the rescue of members who did not convene Gram Sabha meeting and may nullify the goals of the democratic decentralization and may pave the way for greater malpractices among the officials and elected representatives.

### **Autonomy of the Panchayat**

The provisions of the Kerala Panchayat Raj Act envisages maximum space to uphold the autonomy of the Panchayats. The excessive control of the State power over the Panchayats has been limited by the institutionalization of democratic process through the introduction of Ombudsman and Appellate Tribunal. In Kerala only two categories of elected representatives can be disqualified through the process of suspension and removal. They are defectors and those who are found guilty by the Ombudsman. As per the Kerala Panchayat Act, the Government can cancel resolutions of a Panchayat only through a process and in consultation with Ombudsman or Appellate Tribunal after the objective analysis of the subject matter of the resolution. Again, only on two situations the Government can dissolve a Panchayat, one if the Panchayat fails to pass the budget, and second if majority of its members resign from the Panchayat. In other cases, only the State Election Commission can disqualify a member for not convening the Gram Sabha for three times consecutively as per the clause (p) of the sub-section of (i) of Section 35 of the Act.

### **Recent Developments in the Autonomy of Panchayat**

Recent Trifurcation of the departments of local government under three ministers structure had been criticized by many decentralization activists. In Kerala three departments (rural development, Panchayats



& urban affairs) were under the control of a single Minister known as Minister for Local Self Government Department. It is argued that the trifurcation may work as major impediment to the three decade old decentralization initiative in the State and the efforts at integration of local governance. Justice Hariharan Nair the former Ombudsman writes: *“My experiences as Ombudsman for LSGD for the past 3 years prompts me to say that we will be paying a heavy cost for this forced reform.* The present government has dispelled the above criticism by saying that trifurcation will only do good and strengthen the process of devolution. However, the events after the trifurcation indicate that the conduct of the concerned departments and ministries are building road blocks towards devolution and strengthening of the Panchayats.

### **Functions of the Panchayats**

The functions assigned to Panchayats mainly are (a) delegated by legislative process; (b) activity mapping; and (c) executive order. Under Section 166 of the State Act elaborate list of activities are assigned to the Gram Panchayats. Section 172 deals with the functions assigned to Block Panchayat whereas functions are assigned to District Panchayat by the Section 173. The State Act has very clearly separated the activities assigned to each tier.

### **Centrally sponsored Schemes and State Schemes**

Actual involvement of the Panchayats in the implementation of flagship programmes has been examined. There are schemes of watershed development programmes, MGNREGA, IAY, SGSY, ICDS, NSAP, National Horticulture Mission, Macro Management of Agriculture Scheme, Micro Irrigation and SSA and other state sponsored schemes in which Panchayats are actually involved. There are certain other schemes where Panchayats have no role in implementation and these schemes are NRHM, PMGSY and National Food Security Mission.

### **Parallel Bodies**

At the district level, the District Rural Development Agency (DRDA) was the major Parallel body which posed challenge to the District Panchayat for a long period and finally it was merged with the District Panchayat with a new nomenclature of *Poverty Alleviation Unit (PAU)* of the District Panchayat. However, it is noticed that the PAU is placed out side the office of the District Panchayat, keeps a

domain identity of its own. The District unit of Water and Sanitation is also merged with the District Panchayat. Three other district units of programmes (NRHM, SSA and SPAC) are chaired by the President of the District Panchayat. There are number of other bodies in the district which remain separate without having any functional linkage with District Panchayat eg. District Agricultural Corporation.

### **National Finance Commission**

In connection with the National Finance commission (NFC), for a period of five years (2007-08 to 2011-12) seven installments were received from the Government of India. The total amount works out as Rs 88402 lakhs and the full amount is transferred to the Panchayats. Only Gram Panchayats of the state have received amount from National Finance Commission. The total amount received by one sample Gram Panchayat (Nanmunda in Kozhikode District) is Rs. 36.52 lakhs for a period of two years in four installments.

### **State Finance Commission.**

The first State Finance Commission (SFC) was constituted for a period of five years (1996-2001); the second SFC was also constituted on due date (June 1999). Substantial delay occurred in processing its recommendations as it recommended basic change in sharing of taxes. It is reported that total sharing of own tax revenues from devolving of certain taxes or shares of specified tax alone is recommended. As a result, on January 2004, only after three years the ATR had been laid before the Assembly. According to field survey the average amount per Gram Panchayat from 2009-2010 to 2012-2013 works out as Rs. 452.50 lakhs, average amount per Block Panchayat is Rs. 439.76 lakhs and average amount per District Panchayat is Rs. 5,250.00 lakhs for a period of 4 years (2009-2010 to 2012-2013). The amount is released in 10 equal installments and in some cases more than one installments may come together. The fund transfer is not fully electronic as it does not come directly to the account of the Panchayat but only from the local treasury.

### **General Purpose Fund**

The Commission has pointed out that there is clear justification to increase the share of taxes which LGs can legitimately claim from the State Government. But considering the fiscal stress which the State is

faced with, the commission has merely recommended that the status quo-ante be restored and the Local Governments be given 3.5 per cent of SOTR, for which for 2011-12 the amount would be Rs.617 Crore. There are about 300 Gram Panchayats which are not able to meet their establishment costs and obligatory expenses (for which maintenance or Development Funds cannot be used) with their own revenues and General Purpose Fund. In order to avoid collapse of normal administrations due to fiscal incapacity, the Commission has recommended gap funding to such Gram Panchayats and set apart a lumpsum of Rs. 25 Crore from General Purpose Fund from the share of Gram Panchayats. Other important aspects of devolution of state funds are fixing of norms by the SFe II for Maintenance Fund (meant for roads & non road assets), Development for Maintenance Fund, and 10 L of total development Fund on the basis of tax effort criteria.

### **Social Audit**

Social Audit is conducted only in the domain of MGNREGA at the Gram Sabha meetings. Village Panchayat has only a facilitator's role. The actual organization and conduct of Social Audit is done by an independent social audit team selected by Gram Sabha. Composition of the Social Audit team is wide and representative.

### **District Planning Committee**

Section 214 of the Panchayat Raj Act deals with the District Planning Committee (DPC). In Kerala, DPCs have been in existence since 1995. As per the law the total strength of the DPC is 15 with the President of the District Panchayat as the Chairperson. The District Collector is the ex-officio Secretary of the DPC. Twelve members of the DPC are elected from among members of District Panchayat and from councilors of Municipalities and Corporations in the ratio of rural and urban population in the district as fixed by the Government. Though the constitution does not provide for membership to representatives of Gram Panchayats and Block Panchayats, Kerala has got over this deficiency by declaring nominees from these Local Governments as permanent invitees. MPs and MLAs have also been made permanent invitees. The DPCs are elected immediately after the elections to Local Governments by the State Election Commission. Though it is reported that DPCs are functional, so far no DPC except Kollom District had submitted district plans to State Government.

In this background the “Peoples Planning Campaign” (PPC) has made attempts for preparing District Development Plan in each district by integrating development plans of three tier Panchayats and urban local self governments as envisaged in the Constitution. But in Kerala over the last 15 years has not formulated a District Development Plan. All the local self government institutions in the district formulate development projects and submit to the DPC for approval. DPC approved projects are then implemented. The Kerala State Planning Board has formulated 12 Five Year Plan without integrating the District Development Plans. Even after long years of experience in the decentralized planning the districts have not succeeded in preparing a development plan.

### **Capacity Building Framework**

The State has its own capacity building framework to train the elected representatives and officials of the Panchayats. The institutional support for training is available throughout the year. The Kerala Institute of Local Administration (KILA)) has empanelled qualified trainers for conducting training to the functionaries of the Panchayats (both elected representatives and officials). Though no training needs assessment (TNA) has been conducted, some recent training programmes have been organized for Panchayats under different subjects such as Watershed, NRHM, RGSY, PEAIS, SGSY Gram Sabha ,financial management of PRIs ,Women development ,Consumer Protection Act, Right to Information Act ,village development Plan , drinking water and sanitation etc. different methods of tools (lecture, group discussions, field work and other participatory exercises) are applied for conducting training. Cent percent of the elected representatives of Gram Panchayats have participated in training in 2010-11, 2011-12 and in 2012-13 till date and most of them has attended more than once in a year in the training programme. Out of the total Panchayat officials in the state, 25.70 percent participated in training in 2010-11, 52.85 percent in 2011-12 and 47.68 percent in 2012-13. We may say that elected representatives of the three tiers actively take part in the training process whereas the participation of officials is very low in Block and District Panchayats. Out of the total elected representatives participating in training in 2011-12, 44 percent were women, four percent were from Scheduled Castes and one percent from Scheduled Tribes. There is a mechanism to assess the impact of the training programme and it consists of action follow up and action research.

### **Infrastructure & Other Facilities**

As far as the physical infrastructure is concerned all the three tiers of the Panchayats except one Gram Panchayat (Edamalakkudy Gram Panchayat, a newly formed tribal Panchayat) have proper building. All the Panchayats, except Edmalakkudy Gram Panchayat, are equipped with all types of e-connectivity (computers, printers, telephones, internets, LAN and email address). All the Panchayats has accounting tools and software. In order to introduce e-governance in Local Governments the “Information Kerala Mission (IKM)” has conducted extensive system studies of different aspects of local governance and developed 14 softwares. Almost similar situation has been noticed in all the selected Panchayats. All selected Panchayats are equipped with physical and computer based systems.

### **Lack of Planning Expertise and Non supportive machinery proving critical on the sustenance of decentralization in Kerala.**

The experience from the verification procedure in Kerala shows that decentralization demands major professional expertise for upgradation. Even in a state known for the high level of human development indices, vibrant civil society for public action and higher regime support than those of other states, the lack of technical, administrative and financial know-how of the local governments seems to be the major bottleneck. The level of ‘self complacency’ and self righteousness position of various stakeholders also contributed to the same.

### **Transparency and Anti- Corruption**

Under RTI Act, Panchayats provide information to the public and at each level there are designated information officers, the secretary is in charge of the Gram Panchayat and Block Panchayat. The State has made policy package for the disclosure of information by the Panchayats to the public and they are on the display boards and website. Kerala has set up an ‘Ombudsman’ which is manned by a High Court Judge (retired or serving) to look into complaints of malfeasance and corruption at all levels of Panchayats. The Ombudsman system ensures that elected local governments are not subject to the executive control of State Government officials. Because of the existence of this institution local

governments have been taken out of the purview of Lokayukta. In fact, the Ombudsman has more powers than Lokayukta and the traditional Ombudsman of European countries. In that it can impose fines and penalties and even disqualify elected members found guilty of malfeasance.

### **Panchayat Finance**

According to section 212 of the Act, for every Panchayati Raj Institution, there shall be constituted a fund bearing the name of the concerned Panchayati Raj Institution. The Village Panchayat fund shall consist of the following components, namely: (i) Own income of the Village Panchayat which shall consist of taxes, duties, cess and surcharge levied under the Act or any other law; lease rents and other receipts from properties and enterprises; (ii) Grants released by the Government for implementation of schemes, projects and plans formulated by the Village Panchayat; (iii) Grants released by the Government for the implementation of schemes, projects or plans assigned, delegated or entrusted to the Village Panchayat under this Act; and (iv) Money raised through donations, contributions and grants from the public and non Governmental agencies. (v) The amount borrowed under section 197. Similar provisions exist for the Block and District Panchayats. The taxation Power of the Gram Panchayat is envisaged in the Section 200. Service tax shall be levied at the rate fixed by the village panchayat, subject to the minimum rate prescribed for sanitation, water supply, scavenging,

According to the data furnished by the State, internal revenue mobilization (IRM) by Gram Panchayats was Rs 46742.41 lakhs in 2010-2011.

Available Fund with Gram Panchayats in 2010-11 included non-plan Grant transferred by State to Panchayats tied to schemes (18%), and Panchayats untied to schemes (64%); Panchayats Own Revenue, including collection from rental, lease, etc (16%), and Plan Grant transferred by State to Panchayats tied to any scheme (2%).

Available Fund with Block Panchayat in 2010-11 included Non-Plan Grant transferred by State to Panchayats tied to any scheme (1%), untied to schemes 79%; and Plan Grant transferred by State to Panchayats tied to any scheme (20%).

Similarly Available Fund with District Panchayat in 2010-11 include non-plan grant transferred by State to Panchayats tied to any scheme

(13%); untied to schemes 86% and plan grant transferred by State to Panchayats tied to any scheme (1%).

The total available fund from all sources in three tiers of PRIs in the state in the year 2010-11 is Rs. 244,718.59 lakhs and the total expenditure incurred is Rs. 162,882.60 lakhs. In this only expenses under development fund, maintenance fund and surplus from own revenue after meeting the establishment and non development expenditure which is directed to add to the development fund for the preparation of plan are included. The expenses on salaries of staff, honorarium of elected representatives, plan/non plan tied schemes both centrally sponsored and state sponsored, expenses on traditional functions from own revenue/general purpose fund etc are not included.

Average Expenditure of Chembilode (Sample) Gram Panchayat was on Revenue expenditure 81%; salary of Panchayath (9%) Centrally Sponsored (6%) and other schemes (4%).

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**Acknowledgement:** The author would like to acknowledge Prof. V.N. Alok from Indian Institute of Public Administration (IIPA) New Delhi for the academic and financial support



## Decentralized Planning and working of Panchayati Raj, Sixth Schedule and the Traditional Institutions in the North-East India

Saponti Borthakur\*

Decentralized planning means preparation and implementation of development plan by the people and for the welfare of the people<sup>1</sup>.

The seeds of decentralized planning in the form of local self-government were sown by Lord Ripon (1882 to 1887) in his famous resolution of 1882 in which he recommended “the smaller administrative unit, the sub-division or taluka or tehsil, shall ordinarily be placed under a local board, which would further be controlled by the district boards”<sup>2</sup>.

However, Lord Ripon’s plan could not make much headway for a number of reasons. Thereafter, came a series of efforts in the forms of Committees, Commissions and Acts. (The Royal Commission of Decentralization, 1907; The Government of India Act 1911; The Government of India Act 1935). But Decentralization in the real sense could not be promoted by the colonial ruler.

Just after independence, Gandhiji urged that India’s independence must begin at the bottom, so that the character of India’s independence as conceived by the Congress was based on “village autonomy”<sup>3</sup>.

Independent India’s plan documents from the first plan onwards have emphasized the importance of decentralized planning and the area development approach. The arguments put forward by the planning commission in favour of decentralization are the following<sup>4</sup>:

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- (i) It facilitates formulation of locally relevant programmes with reference to natural endowments and felt needs of the people.
- (ii) It makes administration more accountable to the people.
- (iii) It also facilitates participation of ordinary people in the planning and the development process.

To achieve the objective of decentralized planning, the basic pre-requisites should be bottom-up approach i.e. planning process started from grass-roots level (i.e. Gram Sabha in the village level) reaching to the district level, then assimilated in the state plan and finally becoming the part of the central plan. Such type of planning with the involvement of the people, will be need based and at the local level.<sup>5</sup>

On second October, 1952, the Government of India launched the Community Development Programme at the Block level as a vehicle for decentralized planning and development in rural India<sup>6</sup>. In a short span of four years, Community Development (C.D.) Programme was extended to 1,114 blocks, and by early sixties it was extended to 5,011 Community Development Blocks spread all over the country<sup>7</sup>.

Unfortunately due to its rapid expansion in a short span of time, lack of effective participation of people, unqualified band of expansion workers and lack of functional responsibilities and co-ordination on the part of the administration, the Community Development Programme did not achieve the intended results.

In order to examine the causes for its failure, the Government of India constituted a high power study team in 1957, headed by Balawant Rai Mehta, a Member of Parliament. The team observed that the failure of the Community Development Programme was due to conspicuous absence of people's participation, and it suggested that "a set of institutional arrangement"<sup>8</sup> would have to be created. This resulted in the creation of a "three tier system" of Panchayati Raj institutions to organize and manage the rural development programmes. Thus, began a new experiment in the sphere of rural development through the participation of people.

By 1959, all the states had passed Panchayat Acts and by mid 1960's Panchayats had reached all most all the parts of the country. The framework of new institutional arrangements comprised "Village Panchayats" at the base, "Panchayat Samities" at the middle and "Zilla Parishad" at the apex level.

But the interest and the support for the panchayat did not last long. The apathy towards panchayats started growing. The then Central Government headed by Morarji Desai, appointed another committee

under the chairmanship of Sri Ashok Mehta in 1977, to report on the status of Panchayati Raj Institution and suggest measures for revitalization. The Committee recommended Constitutional status to the Panchayats, participation of political parties in panchayat elections, adoption of a two tier system at district and mandal level and establishment of a finance body like Panchayati Raj Finance Corporation for providing funds to the Panchayats<sup>9</sup>. Thus, Gram Sabha has been removed from Panchayati Raj Institution (PRIs) in India. This removal of Gram Sabha has distanced the people at the grass-roots from the PRIs and within a short period, the entire PRI became inactive and moribund in almost all states.

In order to reinvigorate and revitalize the Panchayats, the Government of India had again appointed G.V.K. Rao Committee (1985) and L.M. Singhvi Committee (1986). Both the Committees recommended inter-alia, the following :<sup>10</sup>

- (i) to grant Constitutional status to the Panchayats,
- (ii) devolution of financial resources to the PRIs,
- (iii) Conversion of PRIs from two-tier to three-tier by reintroducing Gram Sabha in the structure.

On the recommendations of G.V.K. Rao (1985) and L.M. Singhvi (1986) Committees, the Rajiv Gandhi Government in 1989 introduce a Bill for amending the Constitution for giving Constitutional status to the panchayats. But he failed to pass through the Bill. It was P. V. NarasimhaRao Government<sup>10</sup> who could amend the Constitution in 1992 by introducing 73<sup>rd</sup> Amendment to the Constitution along with the Nagarpalika 74<sup>th</sup> Amendment Act.

Thus, Panchayati Raj Institutions became constitutional machinery for rural administration in India. The Tribal dominated states under Fifth and Sixth Schedule of the Constitution were, however, given an option either to introduce Panchayati Raj Institution or to continue with their traditional self-government institutions. All the states of India including Fifth and Sixth Schedule states except Jammu & Kashmir, Nagaland, Meghalaya and Mizoram have amended their Panchayati Raj Acts to accommodate the provision of the 73<sup>rd</sup> Amendment Act and panchayats had reached to all the parts of the country (except J&K, Nagaland, Meghalaya, and Mizoram) by December, 1996.

### **1.1 Sixth Schedule in the North-East:**

Under the government of India Act, 1935, the hill areas of Assam were divided into two categories- Excluded and Partially Excluded

areas<sup>11</sup>. The Lusai hills (now Mizoram) the Naga hills and the North Cachar hills were under the excluded areas, over which the provincial ministry had no jurisdiction. Expenditure incurred in these areas was also not voted by the provincial legislature because there were no representatives from these hill districts. Even no federal or provincial legislation extended to the district automatically. The Khasi and the Jaintia Hills, the Garo Hills and the Mikir Hills were partially excluded areas. These districts had five representatives in the Assam Legislative Assembly but in the Garo Hills and the Mikir Hills, the franchise was limited to the traditional village headmen. Briefly these areas were administered by the state government subject to the special powers of the Governor. In effect, 1935 Constitution did not afford local self-government or political autonomy to the hill tribes of the excluded and partially excluded areas to manage their local affairs according to their own genius and ability.

After Independence, there were demands for regional autonomy and better status within the constitutional framework from the tribes of the hill areas of Assam. In order to ensure their participation in decision making and management of the affairs and safeguarding tribal interests, The North-east Frontier (Assam) Tribal and Excluded Areas Committee under the chairmanship of Gopinath Bordoloi, the then Chief Minister of Assam was formed. The Bordoloi Committee submitted its recommendations for a simple and inexpensive set-up (District Council) of the tribal areas, which was later accepted and incorporated into the article 244 (2) of the Sixth Schedule of the Indian Constitution. The Bordoloi Committee also made provision for Regional Council for the tribes other than the main tribes. This scheme sought to build up autonomous administration (District Council and the Regional Council) in the hill areas of Assam (United Khasi- Jaintia Hills District, Garo Hill District, Lusai Hill District, Naga Hill District, North Cachar Hill District and Mikir Hill District) so that the tribal people could preserve their traditional way of life and safeguard their customs and cultures. The Committee also recommended the abolition of the excluded and partially excluded areas and representation of the hills districts in the Legislative Assembly on the basis of the adult franchise.

After the Indian Constitution was brought into force, the government set up an Interim Tribal Advisory Council<sup>13</sup> in each hill district and also desired the participation of the tribal representatives in the administration of the areas, even during the interim period pending the formation of the District Councils. The councils had no statutory basis and the council

used to advise the District Superintendents/Deputy Commissioners on various administrative problems and development schemes of the district. So, it was really a training ground for the hill tribes in self governance. Under paragraph 2 of the Sixth Schedule to the Constitution, the Government of Assam framed the Assam Autonomous District (Constitution of District Councils) Rules 1951 and the Pawi-Lakher (Constitution of Regional Councils) Rules, 1952 for the autonomous regions in the Lusai hills District(now Mizoram). Accordingly, the District Councils and the Regional Councils were constituted in 1952 and 1953 respectively.

After the Mizo Hills was elevated to the status of the Union Territory of Mizoram in accordance with the North-Eastern Areas ( reorganization) Act, 1971 the Mizo District Council was abolished in 1972. The Pawi-Lakher Regional Council which was constituted for the Pawis, Lakher and Chakmas, was also trifurcated into three District Councils in 1972 under the provisions of Manipur (Hills Areas) District Councils Act, 1971 passed by the Parliament also constituted six Autonomous District Councils for the tribal people for the hill areas of Manipur. These Councils were outside the purview of the Sixth Schedule. Presently(2011), the North-east India has, fifteen District Councils-two in Assam, three in Meghalaya, three in Mizoram, one in Tripura, and six in Manipur. The Nagas, have no autonomous District Councils of their own till date.

### **1.2 Village Council:**

Apart from Autonomous District Councils under sixth schedule, there are traditional Village Councils in some areas of North-east. Village level institution has been strong in Nagaland. Since time immemorial Naga villages were independent in nature. Traditionally life in every village in Nagaland is managed by a council of elders, viz. Village Council.

Hence, there are three system of governance at village level in the north-eastern region viz. The Panchayati Raj, Autonomous District Councils under Sixth Schedule and the traditional Village Councils.

### **2. Working of Panchayati Raj in Assam**

Historically Assam has a mosaic of tribal and non-tribal institutions. It was principally the system prevailing under the Ahoms which provided the background to the evolution of Panchayati Raj Institutions in the state<sup>12</sup>.

## **2.1 British period:**

The promulgation of Local-Self Government Act, 1915 brought about a change of approach. The Act provided for the establishment of the Village Panchayat, for the first time on a formal and a legal basis. It also provided for an elective non-official majority in the Panchayat and for the election of non-officials as chairpersons and vice-chairpersons. The Act delegated powers and functions to the village authorities relating to the village sanitation, village works etc. In 1926, another Act was passed as a Panchayat Act because of the failure of the panchayat scheme under the 1915 Act. The functions of the village authority under the Act of 1926 were listed as water supply, medical relief and sanitation. The outcome of the Act of 1926 was that some village authorities were found to exist only on paper, and out of those that functioned, a sizable number turned out to be ineffective for want of suitable machinery and necessary resources. Thus, despite formal establishment, Panchayat Institutions under the British regime proved to be non-starters.<sup>13</sup>

## **2.2 Post independence Period:**

In the Post Independence period, Assam was one of the pioneering states introducing Panchayati Raj by enacting Assam Panchayati Raj Act, 1948. It provided for division of rural Assam into panchayat areas, with each area consisting of a number of villages and each village having a primary panchayat. All adult residents of a primary panchayat area were made voters. The Act provided that primary panchayats would have executive bodies. By 1959, however, of the total 742 rural panchayats that were to be constituted under this Act, only 422 (with 2,657 primary panchayats) could be established<sup>14</sup>.

On the recommendation of Balwant Rai Mehta Committee,<sup>14</sup> The Panchayati Raj system was introduced in the country and Assam was one of the states which framed the new Panchayati Raj Act, 1959, replacing the earlier Act, and a three-tier Panchayati system consisting of the Gram Panchayat at the village level, Anchalic Panchayat at the intermediate level (co-terminus with the CD block) and Mahkuma Parishad at the Taluka or the Sub-divisional level were constituted. The Assam Panchayati Raj Act covered only the plain districts of the state and the hill autonomous districts and villages located in the tea garden areas were excluded from the purview of the

Act. With the introduction of the new Act, the then existing local boards were abolished.

The Act of 1959, amended in 1964, was repealed after the adoption of the Assam Panchayati Raj Act, 1972. Through this Act, the PR system in Assam reverted back to the two-tier system- the Gaon Panchayat (GP) at the village level with the population size ranging from 15,000-20,000 and Mahkuma Parishad at the Apex level. Due to the increase in the size of the Gaon Panchayat, the number of GP was reduced to 741 and number of MPs was 32. The Act also brought under its coverage the villages located in the tea garden areas.

The state government once again made amendments to the earlier Panchayati Raj Act and introduced a new Act in 1986 replacing the 1972 Act. The new Act became operative with effect from 5<sup>th</sup> September 1990 only. With this new Act the state again reverted to a three tier set up – Gaon Panchayat (village level); Anchalic Panchayat (at the block level) and Mahkuma Parishad at the sub-divisional level. In February 1992, the first elections under the Act of 1986 were held. For the earlier elections, the electoral role of the Assam Legislative Assembly had served as the voters list for Gram Panchayats and the Mahkuma Parishads. Due to various reasons, most importantly, the controversy over an acceptable electoral roll in the wake of the movement against the presence of foreign nationals in Assam, panchayat election had been stalled for more than a decade.

### **2.3 Present Position:**

As a sequel to the 73<sup>rd</sup> Amendment, the Assam Government enacted the Panchyat Act 1994, which covers almost all the features of the 73<sup>rd</sup> Amendment. The PR system continues to be the three-tier system with a modification i.e. in place of Mahkuma Parishad there shall be Zillaparishad at the District level. The reservation of women was increased from 30% (as per the 1986 Act) to 33.3% in the 1994 Act. Reservation for the SCs / STs in non-Autonomous District Council (ADC) areas shall be in proportion to their population<sup>7</sup>. The Act provides all the 29 items as per the seven schedule to be transferred to PRIs. At the gaonpanchayats and anchalicpanchayat levels there shall be three standing committees. The three standing committees at the GP level are– a) Development Committees; b) Social Justice Committee; and c) Social welfare committees.

At AP level, the three committees shall be a) General Standing Committees; b) Finance, Audit and Planning Committee; and c) Social Justice Committee.

The ZillaParishad shall have four Committees- a) General Standing Committees; b) Finance and Audit Committee; c) Social Justice Committee; and d) Planning and Development Committee.

The 1994 Act provides for the constitution of District Planning Committee(DPC). The ZillaParishad chairman shall be the ex-officio secretary of the DPC. MPs, MLAs, Mayor / Chairman of the ZillaParishad Standing Committee shall be the members. The Deputy Commissioner shall be the permanent invitees in the DPC.

In conformity with the 73<sup>rd</sup> Constitutional Amendment, the Act of 1994 has provided for the Constitution of a State finance Commission covering Panchayat institutions and Municipalities. The Finance Commission has been constituted and it had submitted its report to the state government.

A State Election Commission was also constituted for holding elections to the Panchayats and Municipal Bodies. After a long delay panchayat election was held in 2002 and again in 2008 and Panchayats have been constituted all over the state except in the Hill Autonomous District Council Areas.

### **3. The Sixth Schedule of the Constitution and working of Sixth Schedule in Assam**

#### ***3.1 Provisions of the Sixth Schedule of the Constitution:***

Under the Sixth Schedule, separate provisions have been made for the administration of the Tribal areas in Assam, Meghalaya, Tripura and Mizoram as defined under paragraph 20 of the schedule<sup>15</sup>. These provisions have been made in exercise of the enabling provisions given in Articles 244 (2) and 275 (1) of the Constitution.<sup>16</sup>The Sixth Schedule identifies and designates certain tribal areas as Autonomous districts. It provides constitution of Autonomous District Councils and Regional Councils for autonomous areas, consisting of not more than thirty members each, of whom not more than four persons shall be nominated by the Governor and the rest, shall be elected on the basis of adult suffrage for a term of five years. (An exception has been made in respect of the Bodoland Territorial Council)<sup>17</sup>, The Sixth Schedule endows Councils with legislative, judicial, executive and financial powers.<sup>18</sup>



### ***3.2 The Constitutional and legal position in Assam:***

Thus different parts of Assam are covered under Panchayati Raj and the provisions of the Sixth Schedule of the Constitution. In Assam there are three Autonomous Councils constituted in terms of the Sixth Schedule of the Constitution, as follows:<sup>19</sup>

- (i) KarbiAnglong Autonomous Council (KAAC)
- (ii) North Cachar Hills Autonomous Council (NCHAC)
- (iii) Bodoland Territorial Areas District / Bodoland Territorial Council (BTC)

**3.3. These Autonomous Councils;** have prescribed Administrative, Financial and Planning powers and arrangements. The planning part is coordinated by a Development Commissioner of Hill areas development in the planning council of Assam. Only the BTC differs from other two in that it has provision for block/constituency level. Coordination Committees (rural) and town committees (urban) functioning like Anchalic Panchayat. Functioning of about 450 village councils is yet fructify.

## **4. Rural Self-government Institution of Nagaland:**

### ***4.1 Rural Self Government Institutions in Nagaland:***

Nagaland opted for continuation of its traditional self-government institution. However, to streamline and strengthen the traditional self-governing institutions, the Government of Nagaland had passed an Act known as the Nagaland Village, Area, and Regional Council<sup>20</sup> Act in 1970. This Act had brought about uniformity in the structure of Village Council throughout the State and removed several weaknesses that persisted in the old system. This Act was amended in 1973 and finally repealed it in 1978 and replaced with a new legislation called Nagaland Village and Area Council Act 1978.

### ***4.2 Village and Area Council:***

Traditionally every Village in Nagaland is managed by a Village Council (VC)<sup>21</sup> presents 1045 in all. This grass-roots level traditional tribal institution "Village Council" is a Council of Village elders (called Council Members) elected by the adult villagers of the village for a period of five years. The hereditary Village Chief and the 'Goan Boora' (village Headman) of the village is the ex-officio member of the Council. (A Village may have more than one Gaon Boora, if it is inhabited by

more than one clan. In that case the Gaon Boora of the largest clan would represent the Village in the Council).

The Area Council at the Circle level is a council constituted by the representatives sent by each Village Council within the circle. Both the Nagaland Village, Area and Regional Council Act, 1978, gave statutory recognition to these traditional Village and Area Councils as organs of local self-government. The Village Council is responsible for maintaining the law and order in the village, while the Area Council looks after the law and order problems involving more than one village and common interest of the villages within a circle. Area Council is an intermediary body in between district and village. However, Area Council has been eliminated since 1990.

#### ***4.3 Village Development Board (VDB):***

Village Development Board came into existence in 1980, in accordance with the Nagaland Village and Area Council Act, 1978 as a subsidiary to Village Council. It is a unique institution fashioned in line with the ingenuity of the Naga traditional village administration with the concept of grass-roots planning to give greater focus on rural areas and its population. The VDB aims at removing the existing gap between the rural and urban areas through the creation of basic infrastructure as well as undertaking employment generation programmes. For this a discretionary fund at the disposal of the VDB is given to enable the rural people to effectively participate in the overall process of rural development and also enable them to chalk out their own village development plans according to their determined set of priorities. The Personnel and the Development Departments of the Government provide technical guidance at the time of formulation as well as implementation of development programmes. The general body of VDB meets at least twice a year (financial).

The works are supervised and certified by the BDO or Circle Officer/ Additional Deputy Commissioner on behalf of the Deputy Commissioner. Hence, in Nagaland decentralized planning for development started since 1980, after setting up of VDB as a development agency in each Village Council and the process of development and modernization started in Nagaland, since then (1980). VDBs deliver developmental works through Centrally Sponsored Schemes as well as State Government Schemes. It works under the Village Council

All the adult permanent residents (Male and Female) of a village are the members of the VDB, which is a permanent body; all such members form the general body of the VDB. The Village Development Boards (VDBs), subject to such directives that the Village Council may issue from time to time, exercise the powers, functions and duties of the Village Councils enumerated in clauses 4,6,7,8,9, of section 13 of the Village Development Model rules 1980, framed by the Government of Nagaland.

#### **4.4 Audit & Accounts:**

The Village Council may cause the VDBs account to be audited at such times as it may decide. The Deputy Commissioner renders necessary assistance in auditing the accounts.

The Management Committee of the VDB places the annual accounts before Village Council before the 30<sup>th</sup> April every year, covering the period from the 1<sup>st</sup> April of the previous year to the 31<sup>st</sup> March of the current year.

#### **Concluding Remarks:**

Making Panchayat Institution of self-governance is the mandate of the constitution. The 73<sup>rd</sup> Constitution Amendment Act ushers in a new era of participatory governance towards realizing Gandhiji's dream and his ideas of Gram Swaraj.

The objective of the 73<sup>rd</sup> Amendment Act to the Constitution is the devolution of power, whereas Village Council Acts do not stipulate the same. The village councils thus, have no comparison with constitutional provisions relating to Panchayats.

When all the provisions of the 73<sup>rd</sup> Amendment about the powers, scope of function and financial support for the exercises of powers and discharge of the responsibilities by the Panchayat bodies are compared with those attached to the District Councils attached to the Sixth Schedule area, it is found that while the District Councils have several regulatory powers subject to the state government control, the PRIs are in more advantageous position in respect of development functions.

The sources of income of district councils are a less stable. In fact, they are solely at the mercy of the state government, whereas the panchayat bodies are entitled to get funds from the central and state government under several schemes, in addition, to their own regular sources of income by taxation, mobilization of locally available resources

and the like. To prevent the panchayat bodies from financial starvation Financial Commission has been established.

In case the panchayat bodies are dissolved, the 73rd Amendment to the Constitution stipulates that they must be reconstituted within a period of six months from the date of their dissolution. In the case of a district council, fresh elections can be held subject to the approval of the state legislature within a period not exceeding twelve months. Moreover, where there is a provision of reservation of seats for women in panchayat bodies, their representation is neglected in the traditional institutions and in the district councils.

The District Council has elaborate functions / powers in the legislative, executive, judicial and financial domain. These powers are expected to uplift the tribal communities in the domains of primary health, education, culture, social customs, social welfare, forest, land, agriculture, water management, village administration, economic and rural development.

The district councils under the provisions of the sixth schedule of the have provided a fair degree of autonomy for the tribal people living in Assam, Meghalaya, Manipur and Mizoram.

Most of the members and the executives-sabhapatis, members in the Panchayat bodies are democratically elected members and these members come from various political parties. However, in the village council the council heads are hereditary chief of the village. Village 'goanboora's (village head) are ex-officio member and other members are selected or elected from each 'clan' of the village. In the district council most of the members are nominated by the governments or by the ministers. Hence, the chances of nepotism and favoritism are common.

It can be concluded that all the three systems are unique in nature with reference to its purpose related to different areas of the country. However, the Panchayati Raj Institution (PRI) is more inclusive, decentralized and democratic in nature.

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## Introducing the Politics of Presence: The Policy of Reservations for Women in the Panchayats"

Nupur Tiwari\*

### **Abstract:**

There can be no greater evidence for the fact that not only has Panchayati Raj attracted women to politics in large numbers, but also that this wish to contest for elections seems to be most keenly felt among the women belonging to the SCs and STs. Approximately 85.8 per cent of all representatives surveyed were first-timers in the Panchayats, while 14.3 per cent had been elected for a second or third term. That reservation has been critical to the representation of disadvantaged groups is confirmed by the fact that 88 per cent of them were elected on reserved seats. By contesting and getting **elected to Panchayati Raj Institutions**, women have shattered the saga of their own submissiveness - that women are not willing to enter politics. For women, successful grassroots experience has meant a chance to form eloquent voice, to be heard and to make a difference in their communities. However, women's representation in the decision-making positions with monitoring power is still negligible. The present rules of the game and decision-making procedures do not allow a greater participation of women and in the absence of women, there is no effort to recognize or change the game. The very absence of women at these levels thus leads to preservation and reinforcement of male-oriented and male benefiting types of decisions. Women's low self-esteem at the household level and their new role in local politics where they are now expected to function as leaders creates a contradiction between women status at home and in local government.

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## **Introduction**

Due to the 73<sup>rd</sup> Amendment over a million women have come out of their homes for the first time to hold public office and to participate in public activities and this has been the most effective formal step towards political empowerment of women. *By contesting and getting elected to Panchayati Raj Institutions, women have shattered the allegory of their own submissiveness - that women are not willing to enter politics.* Besides, 40% of the elected women represented the marginalized sections and about 70% women representatives were illiterate and most of them had no previous political experience<sup>1</sup>. Therefore, it was but natural that there was a widespread apprehension that women will be manipulated by men. However, in spite of many instances of such manipulation and capitulation by women, the presence of such a large number of women in Panchayats has indeed had a deep impact on gender equity. The occupation of the marginalized women of elected seats and chairperson's posts in grassroots democratic governments is an important social and political revolution, the significance of which would take at least a generation to fully unfold<sup>2</sup>. The successful EWRs, (Elected Women Representatives) now act as a kind of role models for the others. However without the system of reservation, women would have had no role to play in grassroots politics in India.

With a large number of Panchayats working in different circumstances, the extent of empowerment of women vary from region to region and Panchayats work under different legal frameworks – as States have the discretion to define the scope and ambit of Panchayati Raj. However, there is no taking away from the fact that there have been significant benefits, which have not been fully understood or studied, to empowerment and development through Panchayati Raj.

## **Representation of Elected Women Representatives in Village Panchayats across States**

The Constitution prescribes only a minimum level of reservation of one third for women in Panchayats but the States have the leeway to mandate more than that level. Bihar took the bold step of reserving 50% of the Panchayat seats for women. Currently, elected women representatives are in place in 54 percent of seats in Bihar's panchayats. Bihar's example was followed by Sikkim, which increased their reservations for women to 40% and held their elections under the new arrangement in January 2008. Chhattisgarh, West Bengal, Madhya

Pradesh, Rajasthan and Uttarakhand have passed laws increasing the reservations for women in Panchayats to 50 percent. These changes will apply to the next elections to Panchayats in these States.

### **Reservations for Women, Scheduled Castes and Scheduled Tribes**

The Constitution (73rd and 74th Amendment) Act, 1992 sets out in detail in Article 243D, the manner in which reservations are to be provided to women and persons belonging to the Scheduled Castes and Scheduled Tribes.

The gist of these clauses is as follows:

(a) There are three kinds of reservations provided for in the Constitution as follows:

**Table : 1**

Kind of reservation	Roles of State and Centre	Clause
To seats to be filled by direct election in each Panchayat for women, SCs and STs,	Mandatorily prescribed by the Constitution itself, upto a minimum of 33 percent for women and in proportion to the population of SCs and STs, in each Panchayat	Article 243D(1), (2) and (3)
To posts of chairpersons in each Panchayat,	Mandatory according to the Constitution, but the detailed modalities of which are to be determined through state legislation.	Article 243D(4)
For backward classes of citizens	At the discretion of the State	Article 243D(6)

**Table : 2**

Figures Regarding Overall Representation of SCs/STs and Women in PRI's

	<i>No. of Panchyats</i>	<i>No. of ERs</i>	<i>SCs</i>	<i>STs</i>	<i>Women</i>
Zila Parishads	542	15,613	17.5 %	11.0 %	37.2 %
Intermediate Panchayats	6,094	156,794	21.0 %	7.3 %	37.1 %
Village Panchayats	232,855	2,645,883	18.4 %	11.5%	36.9 %
Total ERs (%)	-	-	18.5 %	11.3 %	36.9 %
Total ERs (N)	239,491	2,818,290	521,522	317,479	1,039,058

Source: MoPR, 2006



### **The Survey Report:**

A recent survey<sup>3</sup>, commissioned by the Ministry of Panchayati Raj and executed by the Nielsen Company – ORG Marg under the guidance of an academic advisory committee, provides many new insights into Social and Political empowerment of women in the new Panchayati Raj Institutions (PRIs). This is the largest-ever survey on any aspect of Panchayat functioning, covering Gram Panchayats in 23 states, with a total sample size of over 20,000, including Elected Women Representatives (EWRs), Elected Male Representatives (EMRs), ex-EWRs, official functionaries and members of the community. Nearly three-fourths of the EWRs in the sample belonged to the Scheduled Caste, Scheduled Tribe and OBC categories, and were evenly divided above and below the poverty line.

Reservation has played a significant role as four-fifths of all the representatives got elected from reserved seats. The role of reservation was also evident from the fact that it emerged as an important motivator (43%) for contesting the first election as much as its withdrawal was an important reason for not contesting the election among former women representatives (39%).

The majority of the elected representatives had contested only one election (87%) and hence the proportion of first timers in politics was also high (86%). Around 14 percent were re-elected more than once at the gram Panchayat level. Further analysis showed that the majority of ex-women representatives could not get re-elected because the seat from where they were elected was de-reserved in the next round.

While no gender discrimination in the Panchayat is reported by 60% of elected women representatives, acceptability in Panchayat meetings and enabling them to raise issues freely was mentioned by 94%. A supportive professional environment evidently motivates elected women representatives to perform better, as 60-64% reported an increase in their interaction with line departments and parallel bodies.

Even the participation of common women citizens in various activities such as attending Gram Sabha meeting, etc. has reportedly increased (68-78%). However, issues related to the planning for rural development works and identification of BPL families were discussed mainly by the Male Pradhans and Ward Members.

While 21% claimed to be self-motivated, about 22% said that their spouse had inspired them, which was higher in the case of women representatives (30%). Interestingly, members of community groups (such as Mahila Mandals, Self Help Groups, Youth Clubs, Cooperatives,

etc.) Seems to have played an important role, as 22 % of elected representatives reported how they were motivated to take the plunge in electoral politics.

However, 8% of the elected representatives-mainly from West Bengal, Sikkim, Tripura and Kerala-also disclosed the role of political parties in motivating them. Husbands (30%) and other family members (12%) were reported as playing an important role in motivating women representatives to contest elections the first time.

The economic status of more than half (54%) of the elected representatives was above the poverty line (APL) as per the village list reported by the respondents. There were a higher proportion of APL individuals in the case of Pradhans (72%), as compared to ward members (50%). Almost two-fifths (38%) of all EWRs were reportedly, below the poverty line , the majority of this category being ward members (41%) rather than Pradhans (24%). This indicates, overall, that the Pradhans are better off than other Panchayat members. However, not much difference was observed between the economic status of male and female elected representatives.

One-third of elected representatives report interactions with the police, local bureaucracy and officials in the line departments to discuss scheme and participation in elections campaigns. Taking proactive initiatives in signing petitions, participating in protests, alerting media or notifying police/court about local problems was mentioned by 24-35 percent of elected representatives.

Now majority of women representatives are no more proxy of their male relative patrons. 58 percent of women representatives are now taking their own decisions to contest elections. This is a big achievement. 15 percent of women Pradhans are able to win elections second time. Women belonging to younger age groups of 21-35 years have shown better performance compared to the women belonging to the age group of 35 years and above. Women members of active committees at village level were found to be more successful at Panchayat level. Again quoting the Report, Dalits were also benefited by the whole process. Reservation has inspired and prompted them to contest elections

In several States the practice of cyclic rotation of the reservation matrix once every five years is proposed to be slowed down, to a rotation every two or more terms. This follows the example of Tamil Nadu and gives women who are elected on a reserved seat the opportunity to stand for elections again for a second term on the same

reserved seat. It may be argued that the women members in the PRIs today are gradually learning to adjust to the new political conditions. The political knowledge of women is increasing and gradually a sense of confidence is getting instilled in them, as they are now aware of the problems being faced by their locality.

### **From Representation to Participation: Some Issues**

There is, however, big difference between representation and participation. It is easier to legislate representation, but it is rather a complex and difficult task to create conditions for participations. The proper representation does not automatically lead to proper participation. It is important that they are in a position to influence decision making and prepare and implement the schemes for economic development and social justice.

Results from a nationwide survey of women's participation in Panchayats suggest that a majority of the EWRs report an enhancement in their personal effectiveness and image after being elected. They also report a reduction in household responsibilities. There are many instances of EWR of the Panchayat taking a keen interest and playing a significant role in the workings of grassroots politics. It has often been observed that women prioritize those developmental needs that seem to be more pressing from their perspective. EWRs have initiated work on plans of bringing in piped water in the village and also to build schools as against infrastructural development favoured by men. There are number of success stories where EWRs of the Panchayats have taken the lead in making efforts for smokeless stoves, crèches, community halls, and have taken the initiative in family and matrimonial matters, counseling abusive and/or alcoholic husbands. Women are also seen to be more involved in monitoring the presence of teachers and medical staff in the school or health centre, and inspecting nutrition centres under the Integrated Child Development Scheme. Sometimes, women-headed Panchayats have even experienced a dramatic increase in their revenues, sponsoring the auction of village ponds, community forests and village markets for the larger welfare of the community.<sup>4</sup>

A study of Karnataka by Neema Kudva (2003) reveals that the reservation for women in Panchayati Raj institutions in Karnataka has seen mixed results. It has made women more visible, decreased levels of corruption in Panchayati Raj institutions, and increased self-efficiency of women representatives. According to her "gender quota is a crucial aspect of strategies that seek to empower women through increased

participation in the political system”<sup>5</sup>. Every woman who participated in the election or in the election process are getting empowered. Reservation has at least succeeded in bringing the womenfolk in rural India into the political forum and elected women could now imagine standing against men in future.

Devaki Jain (1996) in her paper ‘*Panchayat Raj: Women Changing Governance*’ argues that reservations in Panchayats have changed governance system in India. She has pointed out that the enormous expansion of women’s representation in decentralized government structures has highlighted the advantages of proximity, namely “the redress of grievance and most important of all the ability to mobilize struggle at a local level”. She has presented a case study of Karnataka where she found that the number of women that Panchayats have brought through reservation into the political system has made a difference “The percentage of women at various levels of political activity has shifted dramatically as a result of this constitutional change, from 4-5 percent before 73<sup>rd</sup> amendment to 25-40 percent after PRI. But the difference is also qualitative, because these women are bringing their experience in governance of civic society into governance of the State. In this way, they are making the State sensitive to the issues of poverty, inequality and gender injustice”.

Contrary to the above study, Shiv kumar Lal (2007) in his paper ‘*A Study of Issues and Challenges in Empowerment of Women through their Participation in the Panchayat Raj Institution: A Case Study of Allahabad District of Uttar Pradesh*’<sup>6</sup> reveals that “increased political participation of women in village panchayats does not have a significant bearing on women empowerment “. His study also reveals that most of women elected representatives in panchayats have very minor role in decision making and mostly they are dummies.

Esther Duflo (2005) in her outstanding paper on ‘*Why political reservations*’<sup>7</sup> critically examined whether political reservation is necessary for weaker section of the society as several countries including India have explicit quotas for disadvantaged groups to ensure their political representation. She is very skeptical about the very idea of political reservation leading to good governance. But she does recognize that reservation is necessary for the weaker sections if the elected representatives focus on the majority needs. Amitabh Behar and Yamini Aiyar (2003)<sup>8</sup> found that the growing success of networks of elected women representatives clearly demonstrate the significance of micro initiatives in institutionalizing the panchayat raj system. In this context

the Non-governmental Organizations have a crucial role to play in bringing elected women representatives together, mobilizing them to form networks and providing relevant support to the networks on need basis. These networks need to be viewed as an important step in the direction of strengthening democracy in the country.

Mani Shankar Aiyar (2002)<sup>9</sup> noted that there is a special need to concentrate on training for the weaker sections and women. "In view of the crucial importance of adequate women's participation in meetings of the *gram sabha*, a sub-quorum of female attendance should be built into the required quorum. Moreover, provision may be made that the meetings of the *gram sabha* be preceded by meetings of the *Mahila Sabha*, comprising all adult women voters of the village panchayat, to ensure that gender concerns and preferences get fully reflected in the proceedings of the *gram sabha*." Finally he emphasized the point to involve women in the planning process and consultation with the village-level mahila sabha should be built into the planning process.

The essay by Bandyopadhyay and others (2003)<sup>10</sup> analyzed historically the roots of the basic contradictions which have haunted the rural self-governing institutions of India. According to him these contradictions have been further sharpened by the 73rd constitutional amendment. Institutional changes brought about by the 73rd amendment have helped create a space at the grassroots level for these contradictions to be challenged by disadvantaged sections. He further pointed out that due to 73<sup>rd</sup> Amendment over a million women have come out of their homes for the first time to hold public office and to participate in public activities. This has been the most effective formal step towards political empowerment of women.

Some scholars like Mohanty (1995)<sup>11</sup> have questioned the empowerment of the women as the reservations have not really empowered the community. According to her if reservations for women in panchayati raj institutions are to lead to their empowerment in real terms, social, economic and political conditions which facilitate and encourage their participation, need to be created. She has talked about factors affecting women's empowerment, rightly pointing out the social hierarchies in Indian society where women are by and large not decision makers. "Their 'decisions' in most cases have been influenced by the wishes and dictates of the male family members. They are guided by a patriarchal social system and, therefore, are discriminated against in terms of 'access to food and health care'". According to her bureaucrats should be made more sensitive to the needs of women.

Ramaswamy in her essay on '*India's Crisis of Governance: The Women's Perspective*' (2005)<sup>12</sup> has pointed out that in India women who constitute nearly half of the population occupy less than 10% of parliamentary seats. A Constitutional amendment for reserving seats for women in municipal councils and panchayats, has been brought about by the 73rd and 74th amendments. However, woman found token representation in the political sphere and that the public domain, though not exclusively a male preserve, is surely dominated by men. According to her there are two sides to the maleness of politics. Viz. 'patriarchal notion' and 'Paternalism' she accuses the political parties for indulging in mere tokenism in with regard to women representation and real power and urges' the need to re-orient the socialization process by making equality the cornerstone of both societal and political culture" (ibid, p. 137).

Erik Bryld (2001)<sup>13</sup> in his work in Karnataka, feels they for the successful development, empowerment of the weaker sections (SCs/ STs/OBCs/Women) of society is needed in order to narrow the inequalities. His study from the field work in the Kolar district of Karnataka reveals that the "overall satisfaction with the system and the participatory level has been very impressive, but it seems to have had little effect on the weaker sections of society" (ibid, Pp. 155-158). It also reveals that while the reservation brings women into the Panchayat office but cannot really be said to empower rural Indian women due to several factors like illiteracy, language barriers, inexperience or low respect among fellow villagers and these are some of the main problems besetting their active participation in the decision-making.

The 73rd amendment gives a new direction by guaranteeing one third Representation of Women in the Panchayats but Women's representation and presence in panchayats has continued to be influenced by the same ideology and tokenism as has continued at other political levels despite the political equality guaranteed by the constitution. (Buch, 2000)<sup>14</sup>. Buch feels that reservation has provided an opportunity for women's entry into a non-traditional space and a possibility for erosion of traditional gender, caste, class roles and hierarchy" (Ibid, p.8)."

Madhu Kishwar (1988)<sup>15</sup> in her paper discussed some of the limits of rural women participation in women movements. According to her, there are five most important factors which limits their participation. Firstly, rural women in most parts of India have no independent means to support themselves and little control over family income even when

they make major contributions to it. They are typically dependent on men and find it difficult to develop a sense of group identity with other women, as separate and distinct from identification with the family unit. Secondly, Women in most parts of India, are not allowed to develop alliances outside the family. Thirdly, it is a fact that most rural women are so heavily over worked that they have no time and energy to put into building a movement except when men, allow them to do so. Fourthly, most rural women are deprived of elementary skills like literacy required to keep a movement alive, lastly, because of these reasons few rural women can choose to work full time for a movement or for any organization (Ibid, PP. 2762-2763).

### ***The illusion of Inclusion: Limitations of rural women participation in Local Governance***

Heroic tales of women battling the odds abound in media reports and research studies. It is no accident that many of these accounts are from those States where the Panchayat system is weak and neglected. Very often these individuals are heroes because of defective Panchayati Raj. On the other hand, in States where the framework of Panchayati Raj provides a nurturing environment for grassroots empowerment and does not inhibit it, one finds a larger scope for people to function effectively, without having to resort to heroism. In fact, there are fewer odds to battle, in these States. In such States, since Panchayati Raj itself is a winner, those within it are all winners, in some measure or the other. Unfortunately, research in the functioning of Panchayati Raj often falls prey to anecdotes and poor sample sizes and biases of researchers, both positive and negative. Finally, constitutionally mandated Panchayati Raj is too young to throw up time series analyses of any great value.

Women's effective participation in the Panchayati Raj or the latter's usefulness for women's rights and development will become a reality only if panchayat system itself operates in a principled, self-governing, and significant way. It is important to strengthen the system and involve greater people's participation. Panchayati Raj is often a charade in several States and political rhetoric hides their marginalization. One needs to analyse why such a widespread negative impression about PRIs has taken root. Much of it is a matter of selective memory and autosuggestion – ignore the good stories and highlight the bad. However, the functioning of Panchayats is quite distinct from that of higher level governments. First, being closer to the people, a lot more corruption

gets exposed to public view and compared to corruption at higher levels. Second, while grass root level institutions have distinct advantages in localizing government, they also face proximate political and social pressures that make traditional virtues of public administration such as impartiality, neutrality and anonymity difficult to realize locally. Third, regardless of whether PRIs are elected on a party basis or otherwise, they are political institutions. Elected members have constituencies both in the geographical and socio-political sense. One cannot avoid legitimate aspirations to nurse constituencies in today's context of highly competitive electoral politics and one must accept that there is bound to be a tendency to favour a region, a group of people or even individuals in developmental decision-making. Fourth, unlike legislators, PRI elected representatives are vested with executive authority and are empowered to take decisions having financial implications and authorize expenditure from public funds, decide levels of taxation, exercise power of collecting taxes and regulatory powers which are of a quasi-judicial character.

The women participation may not be greatly enthusiastic right now but it will definitely be seen in future the issue of surrogate participation of women is one of those popular notions that just refuse to fade away. Yes, in some circumstances, where cultural and the social system is highly patriarchal, proxy participation continues. However, while surrogate participation might exist for the first elected term of the woman, quite often we come across situations where women have increasingly asserted themselves, once they have gained confidence – even winning the next election on their own worth, rather than as symbols of their male backers. The difficulty of many EWRs to change their age-old customs and practices is an important reason for their being not effective in delivering development. As women are still considered one of the neglected categories in some of the regions of India, there should be a separate quorum for attendance of women and for attendance at *Gram Sabha* meetings.<sup>16</sup> In view of the crucial importance of adequate women's participation in meetings of the *gram sabha*, a sub-quorum of female attendance should be built into the required quorum. Moreover, provision may be made that meetings of the *gram sabha* be preceded by meetings of the *Mahila Sabha*, comprising all adult women voters of the village panchayat, to ensure that gender concerns and preferences get fully reflected in the proceedings of the *gram sabha*<sup>17</sup>. Even education cannot make much difference unless training regarding the rules of panchayati Raj is imparted.



There must be adequate and meaningful special training for women at the Gram Sabha level as Women hardly get any training for capacity building. Most of them are ignorant about their rights and responsibilities to function as people's representatives in a democratic system. Training is a continuous process and women cannot go frequently to distant state capitals where the SIRDs are located for training.. A very important aspect of empowerment of women is giving them opportunities to visit and study successful programmes. Women in the villages suffer from lack of mobility and interaction. The women from the tribal and dalit communities need very special training for empowerment. They need special institutions for the same. But till today there are no institutions for this.

It is for sure that without the system of reservation women would have had no role to play in grassroots politics in India. As statistics show, 95% of women claimed they would never come to acquire positions in Panchayats, if there were no provision of reserving seats for them (Centre for Women's Development Studies 1999). Reservation has at least succeeded in bringing the womenfolk in rural India into the political forum and elected women could now imagine standing against a man in future. The successful EWR, now act as kind of role models for the others. The translation into sensitive implementation would require changes in administrative and social structures. Moreover a collaborative approach between the household, the community, the State, voluntary organizations and the media needs to be developed. The approach must also be multi-pronged, taking into account policies, laws, judicial processes, attitudes and social imaging of women.

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# New Panchayati Raj System and Women Empowerment, the Haryana Experience

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The New Panchayati Raj System (NPS), which has been introduced through the conformity legislations by various states in 1994 for implementing the 73<sup>rd</sup> Constitutional Amendment Act (1993), aims at inclusive decentralized rural governance through the empowerment of women and other marginalised sections of rural society. That is why it provides for the reservation of one-third membership and offices in the Panchayati Raj Institutions (PRI's) at the village, block and district levels to women. Earlier, they had only token representation in these bodies through a system of cooption<sup>1</sup>. The NPS is going to complete a period of two decades. Although this span is rather too short to draw any definite conclusions, it is long enough to identify broad trends in the direction of women empowerment<sup>2</sup>.

For the operationalization of the problem, the author has made a case study of Karnal and Nilokheri blocks of Karnal district of Haryana. The selection of this state has been made for this purpose because Haryana is a classic case of paradox of economic development and social decay due to the cultural lag which continues to prevail even after almost five decades of its creation on November 1966 as a result of the linguistic reorganization of the bi-lingual state of Punjab<sup>3</sup>.

Haryana, which was the backward region of Punjab before the attainment of statehood, has become one of the most developed states due to the success of Green Revolution in agriculture, White Revolution in dairy farming and industrial development. It has also emerged as the hub of Information Technology. Although the state has been benefited by its location in the National Capital Region, the credit for it has also

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to be given to its dynamic leadership, efficient bureaucracy, competent technology and its hardworking and enterprising people<sup>4</sup>.

On the other hand, social decay which is evident from the persistence feudal mindset reflected in the low status of women implicit in their adverse sex ratio<sup>5</sup>, continuation of the instances of atrocities on the Dalits<sup>6</sup> and prevalence of the anachronic pre-capitalist society institutions like the Khap Panchayats<sup>7</sup> due to the neglect of social and cultural development by the successive political dispensations. The study of empowerment of women in PRI's since the introduction of the NPS in the state by the Haryana Panchayati Raj Act (1994) could be helpful in finding out the impact of this paradox on the process of women empowerment.

Although like other states, Haryana has a three tier structure of the Panchayati Raj - The Gram Panchayat at the base, the Panchayat Samiti in the middle and the Zila Parishad at the top - this study has been limited to the empowerment of women in the Gram Panchayats because the Haryana Panchayati Raj Act (1994) has made it Gram Panchayat centric by giving almost all the 29 subjects listed in the 11th schedule to this body. Although the Panchayat Samiti has also been given the same functions, the absence of role differentiation on the one hand and the attitude of development bureaucracy, technocracy, line departments, district decentralization, District Rural Development Agencies and political leadership on the other, have made it an ornamental body. The Zila Parishad has also been rendered superfluous because it has been given only advisory, supervisory and coordinating role. And, since in the Gram Panchayat, the system has become Sarpanch centric on account of non-holding of the Gram Panchayat meetings and the weaknesses of the Gram Sabha<sup>8</sup>. It has been further resolved to confine our study to the Women Sarpanches of the Gram Panchayats. We have however, also covered the Women Sarpanches elected in the December 1994, 2000, 2005 and the 2010 Panchayati Raj elections in the state.

### **Review of the Existing Literature**

Before undertaking that exercise, it would be helpful to make a brief review of the studies on the empowerment of women in the PRI's by various scholars. This is being done to find out the validity of the generalizations that have been made in them and for setting a road map for our study.

Shanta (1999)<sup>9</sup>, who conducted an empirical study of the women leaders elected to the Gram Panchayats in December, 1993, found that

empowerment of women, in terms of participation in the decision making process, has been poorer in Haryana in comparison with Kerala and Tamil Nadu because of the comparatively low rate of female literacy on the one hand and the absence of social reform movement in the state on the other hand.

Singh (2004)<sup>10</sup>, who had studied the women representatives elected to the PRI's in 2003 elections found that the reservation led only to the formal and not the real empowerment as they were not able to use the powers given to them by the Haryana Panchayati Raj Act (1994) as Sarpanches of Gram Panchayats, Chairpersons of the Panchayat Samitis and Presidents of Zila Parishads due to the nexus among the elected male representatives and officials. He also found that a sizable proportion of women representatives were able to get status but not power. Besides, Singh concluded, on the basis of empirical evidence that one-third reservation for women is not going to empower them until the attitude of their male counterparts and the official functionaries becomes positive. Moreover, he generalized that only those women representatives have been genuinely empowered who are educated, articulate, and psychologically strong and who were not only having an unstinted support from their families but also having linkages with political leaders. He, however, conceded that women with experience in social work & politics too have been empowered.

Singh (2006)<sup>11</sup>, has found in his study of the 2005 elections to the PRI's that the reservation of the one-third posts and membership for the women in the Panchayati Raj Institutions has certainly enabled this disadvantaged section in getting adequate representatives in the PRI's. Prior to it, they had only nominal presence in these through a system of cooption at the Gram Panchayat, Panchayat Samiti and the Zila Parishad levels. He has further underlined that it would be wrong to say that the reservations have enabled the women to get empowered. Singh has also observed that there were very rare cases of women empowerment. He has, however, pointed out the fact that in almost all the cases their role was played by their husbands and other male members of their families. Singh went to the extent of recording that 'even in the elections of 2005, the women had to contest for the office of Sarpanch or the membership of Gram Panchayat, Panchayat Samiti and Zila Parishad because the male heads of their families had decided that they should do so'.

Chaudhary (2012)<sup>12</sup>, found, on the basis of participatory observation of the performance of Women Sarpanches elected in 2005 elections in Rohtak and Mewat districts of Haryana, that it was mostly the husbands of the women Sarpanches who attended the meetings on their behalf.

Besides, in most of the Gram Panchayats, the decisions were taken on their behalf by the Gram Sachivs and their husbands. Moreover, few of them visited the offices of Block Development & Panchayat Officer (BDPO) themselves. Instead their husbands performed this role on their behalf. Furthermore, most of them were invariably accompanied by their husbands whenever they went to their office as their husbands would not allow them to go alone. Not only were that, even in the training programmes organized by various agencies for their capacity building, some of the women Sarpanches were reluctant to themselves participate in these. Instead, their husbands attended the same on their behalf.

Iyer (2010)<sup>13</sup>, has, in his study of 2010 elections, reported that reservation of seats for women has contributed to the improvement in their social and political status as well as also to the building of their self confidence. The women candidates went for canvassing from lane to lane along with group of women. But he has also reported the case of Gram Panchayat Jai Singh Pura in Assand block of Karnal district where the general caste women Sarpanch, Sarita, had contested on the prompting of her husband and even after having been elected, she would only put her signature on the paper either before her husband or her mother-in-law. On the other hand, he reported an example of effective women leadership of Mamta Rani of Fatehpur in Jagadhri block of Yamuna Nagar district. This general category woman Sarpanch wanted to promote sports activities in her area. She had also established a path breaking achievement by her-self setting all the disputes in the village. So much so that the example set by her has persuaded the local police station to refer some of the disputes which they were handling to be settled in Panchayat itself.

Singh (2010)<sup>14</sup> also recorded that some women were elected as Sarpanches and panches even from the non-reserved seats. Moreover, there has been a marginal but consistent improvement in the quality of women leaders in the successive elections. He has also observed that instead of elderly women, the middle aged women now have the highest proportion among them. And that young leadership has also been emerging slowly and steadily in successive elections. According to him, this positive trend has to be attributed to the impact of the policy of the Government of Haryana to promote education of girls. According to him, women Sarpanches are becoming more confident now as a result of their capacity building under Mahila Sashaktikaran Abhiyan of Rajiv Gandhi State Institute of Community Development & Panchayati Raj, Nilokheri and Rashtriya Gram Swaraj Yojna by Haryana Institute of Rural Development, Nilokheri in 2009.

## Representation of Women as Sarpanches in the Gram Panchayats of Haryana

As is evident from the data in Table I the representation of women as Sarpanch of Gram Panchayat was marginally higher than one-third (33.46%) in the Panchayati Raj Elections of Haryana held in December 1994. Out of them, more than one-fourth (26.43%) belonged to the general category and the remaining (7.03%) were from the schedules castes. It is pertinent to mention here that it was very rare to find a woman Sarpanch in any gram panchayat before these elections and it was rarer in case of the scheduled caste women.

In the second Panchayati Raj Elections held in 2000, there was a marginal decline in the share of woman in the offices of Sarpanches in the gram panchayats. The same trend got reflected both in case of general caste woman and schedules caste woman. This happened, perhaps, due to the fact that few could be elected from the general seats.

However, in the third Panchayati Raj Elections held in 2005, the share of woman registered a minor increase. The same was true of the representation of the general caste and scheduled caste women. Maybe some of them got elected from the non-reserved seats.

**Table I**  
**Women Sarpanches in Successive Elections**

Year	General	Gen %	S.C.	S.C. %	Total (Men & Women)	Percentage
1994	1575	26.43	419	7.03	5958	33.46
2000	1589	26.34	419	6.94	6032	33.28
2005	1652	26.70	460	7.43	6187	34.13
2010	1587	26.08	435	7.15	6083	33.24

(Source: Compiled from the Statistical Abstracts of Haryana 1994-95, 2000-01, 2005-06, 2010-11)

In the fourth Panchayati Raj elections, there was a marginal decline in the share of woman in the offices of Sarpanch. That also got reflected in the proportion of the general caste and the scheduled castes woman Sarpanches. This minor fluctuation may be attributed to the fact that few women could be elected as Sarpanches from the non-reserved seats in these elections too.

It has been reported by the resource persons of the Training Teams of Haryana Institute of Rural Development (HIRD), Nilokheri<sup>15</sup>, on the

basis of their experiences in the training programmes under Rashtriya Gram Sabha Yojana (RGSY), that the woman Sarpanches are by & large less articulate and effective than their male counterparts. This could be explained by the fact that they are not only less educated than their male counterparts but have also been handicapped by the cultural factors which prevent their active and effective role in the rural political process. Likewise, it has been reported that, in comparison with the general caste women Sarpanches, the scheduled caste women Sarpanches were found to be relatively less articulate and less effective due to two reasons: Firstly, they are less educated than their general caste counterparts. Secondly, they have to suffer from double disadvantage – the disadvantage of being scheduled castes as well as the disadvantage of being women.

### **Empowerment of Women in the PRIs of Karnal district**

To test the validity of the above generalizations regarding the lack of empowerment of women Sarpanches in general and scheduled castes among them in particular, we have decided to make a case study of the women Sarpanches elected to the gram panchayat of Karnal district. The choice of this district has been made on account of the fact that our institute is located in it. Since, it was not possible for us to cover all the six blocks (Nilokheri, Indri, Karnal, Nissing, Assandh, and Gharaunda) of the district due to various constraints we have resolved to confine our study to Karnal and Nilokheri blocks. Karnal block has been selected because it is located at the headquarters of the district and Nilokheri has been selected from among the blocks situated at a distance from the district headquarter.

Karnal which is located in Northern Haryana is one of the five districts of Rohtak division (Jhajjar, Karnal, Panipat, Rohtak, and Sonapat). Situated on the east & west of National Highway No. 1 and Delhi-Amritsar railway line, on the border of UP, it is one of the most developed districts of the state. The Green Revolution has made a more pronounced impact on Karnal than on other districts of the state. It is a part of the rice bowl of Haryana and it is a major centre of export of rice to the Middle East & Western Asian countries. It has also become industrially developed because of growth of agro-based industries, such as Rice Shellers and Agricultural Implements making plants. It was the first district of the region where Intensive Agriculture Areas Programme had been introduced in 1965 and the Intensive Agriculture Districts Programme in 1966. Culturally, Karnal is different from the other sub regions of the state. We can find the confluence of



Bangru, Kauravi and Punjabi cultures in this district. Its demography is also at variance from other districts. Its inhabitants include both the locals (original inhabitants) and the Punjabis (migrants from Pakistan). Although it is Hindu dominated, the Sikhs and the Muslims are also in a sizable strength in this district. Historically too Karnal can claim significance as its very name is associated with the Mahabharata hero 'Karna' known for his magnanimity. The battle of Travari, which resulted in the victory of Mohammad Gauri over Prithvi Raj Chauhan resulted in the dawn of the Aghan rule in India, was fought at this place. Karnal has also emerged as an important centre of higher learning and research. In addition to various Post Graduate and Training Colleges, Technical Institutions, the National Institute of Dairy Development- a deemed university is located here. This Institute has played an important role in bringing about White Revolution in the state. Besides, the Directorate of Wheat Research, Salinity Research Institute, Horticulture Research Institute, and Rice Research Institute are also located here.

The Congress and INLD are important in the politics of the district. While Karnal parliamentary constituency is represented by Arvind Sharma of the Congress (I), Gharaunda, Nilokheri and Indri constituencies are being represented by the INLD MLAs, whereas Karnal is represented by woman MLA of the Congress party and Assad has returned an independent candidate to Haryana Assembly. Angrej Singh Dhumsi of Congress had been elected the president of the Zila Parishad in 2010. The Karnal Municipal Corporation is under the control of an alliance of BJP, INLD, and HJC, with Renu Bala its mayor<sup>16</sup>. There are 72 Gram Panchayats in Nilokheri Block and 63 in Karnal block.

### **Nilokheri Block**

Out of the 72 Gram Panchayats twenty six (36.11%), have women Sarpanches. Among them, twenty (76.92%) belong to general category and the remaining six (23.07%) are from the scheduled castes. On the basis of our discussions with the BDPO of Nilokheri block<sup>17</sup>, we found that among them only three (approx 9%) could be deemed as empowered on the basis of their participation in the conduct of Gram Panchayat and Gram Sabha meetings and their role in the decision making process.

Two of them Sunita Devi of Butana & Surjeet Kaur of Nigdu belong to the general castes. While Sunita Devi belongs to a dominant peasant caste – the Ror, Surjeet Kaur too belongs to a dominant caste – the Jat Sikh. Both of them are reported to be educated up to matriculation level. And both belong to the middle aged group (35-40 yrs). The scheduled caste Sarpanch of Arjaheri Gram Panchayat is also perceived

as active and empowered. This semi-literate woman belongs to the upper age group (50-60 yrs). One thing was found common in the cases of all the three, all of them were found to be having support from their husbands; who are farmers and one is retired govt. servant. The scheduled caste woman Sarpanch, Ishwar Devi too had the backing of her husband Jai Singh-a retired Superintendent of Government Polytechnic, Nilokheri.

### **Karnal Block**

Out of 63 Gram Panchayats in Karnal block, twenty three (36.50%), have women Sarpanches. Among them, eighteen (78.26%) belong to general category and the remaining five (21.73%) are from the scheduled castes. On the basis of our discussions with the BDPO of Karnal block, we found that among them none could be deemed as empowered on the basis of their participation in the conduct of Gram Panchayat and Gram Sabha meetings and their role in the decision making process.

In Karnal block, which is located at headquarter of the district and also around the municipal corporation of Karnal, surprisingly none of the women Sarpanches was found to be empowered. This was equally true of the general caste women Sarpanches as well as the scheduled castes women Sarpanches. Neither age group nor education level appears to have made any difference in this context. Even the younger among them, who were expected to be more active and articulate than the middle aged or elderly women Sarpanches were found to be equally un-empowered. Likewise, no perceptible difference could be noticed among the educated, semi-literate & illiterate Women Sarpanches. All of them were dummies in whose behalf their husbands actually operated as Sarpanches<sup>18</sup>.

This makes us to infer that the attitude of their husbands has been an important factor in the empowerment of women Panchayati Raj leaders. Their personality too is a significant factor in this context as all the three relatively empowered women Sarpanches were found to be having a great deal of confidence in themselves. But on the whole, it could be said that the reservations have led to the enhanced representation but not to the empowerment to the desired extent. There have been only few exceptions in this context. Our findings also support the generalizations made by other studies that have been referred in the review of existing literature. There is no doubt about the fact that mainly the women from the dominant caste have been able to get a share in the rural power structure in terms of their elections as Sarpanches of the Gram Panchayats. However, even scheduled castes women too have been able to do so on account of the provisions of one-third reservation out of the

posts reserved for the scheduled caste Sarpanches that has been made in the NPS as a result of the 73<sup>rd</sup> Constitutional amendment. However, their genuine empowerment has so far remained elusive in Haryana. We find only a few exceptions in this context.

These studies underscore an important point that representation through reservations does not amount to empowerment through active participation. Thus representation and empowerment are two distinct phenomena in practice, though compatible in theory.

### **Concluding Observation**

Hence, we may conclude that there has been a quantum jump in the representation of women in the Panchayati Raj Institutions but little empowerment as a result of one-third reservation of membership and offices for women under the NPS.

But this generalization should be treated merely as a tentative hypothesis as our universe of study was very limited. It needs to be tested by an in-depth study of a representative sample of the women Sarpanches of Haryana as a whole. It should cover at least four districts (one from each division) and two blocks from each district and six gram panchayats from each block. Nevertheless, our study has certainly helped us to get an idea about the myth of women empowerment as a result of the one-third reservation for them under NPS. Considering the socio-cultural factors some pattern will be visible in whole state.

This leads us to the final question, "What can be done for their empowerment?" Regarding this, we suggest that as an immediate measure effective capacity building of women Sarpanches be done by the Haryana Institute of Rural Development, Nilokheri & Rajiv Gandhi State Institute of Community Development & Panchayati Raj, Nilokheri by organizing special training courses exclusively for them because they are reluctant to open out in the presence of their male counterparts. Secondly, the long term solution lies in changing the social and cultural milieu of the rural society of Haryana. Priority will have to be given by the state government to the social development over economic development so that the cultural backwardness is removed. Last but not the least, a powerful social movement will also have to be launched in the state by the civil society because, unlike Kerala, Tamil Nadu & Maharashtra, these have been conspicuous by their absence in Haryana.

### **Footnotes & References**

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  - <sup>16</sup> For details, refer to: Vimlesh Rathore, Panchayati Raj & Rural Development in Haryana (A Comparative Study of Karnal & Mewat Districts) Phd. Thesis (Unpublished), Department of Political Science, University of Rajasthan, Jaipur, 2013 pp 96-113
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  - <sup>18</sup> I am grateful to Mr. Naresh Sharma, BDPO Karnal, for these inputs.

# Panchayati Raj: The Experts Committee Report and Problems of Implementation

**Rajni Tiwari\***

Panchayat Raj (PR) as an idea and practice is nothing new in India. It has historical roots in various forms, when ancient rulers let the villages/rural societies to function as per their will and devices without interference. The concept has strong social traditional and sentimental content and 'Panchas' enjoy respect and acceptability in traditional folklore for their honesty and impartiality. They have even been referred to as "Panch Parmeswar" equating them with godly virtues. The idea and practice have been invested with dignity and respect, as a measure of local/rural self-govt.

PR apart from its ancient roots had remained relevant as a tool of self-govt./governance in rural areas and even the British paid lip service to it by introducing Panchayati and urban self-govt. institutions, in form rather substance. However, it was Mahatma Gandhi, with his deep understanding of the Indian society, who was its strongest votary as a measure of self-governance. He equated "Purna Swaraj" with "gram swaraj", which also found acceptance in Art 40 of Directive Principles in our Constitution. Basically, it was accepted as a desirable idea rather than a necessary requirement. It presaged a tension between PR and an administrative system we inherited from the British, further reinforced by a Westminster type of constitutional structure. There was an inherent conflict between centralised bureaucratic set-up down to the village level and the PR which was premised on devolution of governance and authority to the grass-root levels. The 73<sup>rd</sup> and 74<sup>th</sup> amendments (1992), which gave PR a constitutional status, described Panchayats as units of "self-govt." and not self-governance. Before, the amendments, various state govts, have been experimenting with PR schemes with uneven and sporadic results and commitment. Earlier Balwant Rai Mehta (1956)

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and Asoka Mehta (1976) Committees had reviewed the PR in States and made recommendations to strengthen it.

In order to review the progress about 20 years after the 73<sup>rd</sup> / 74<sup>th</sup> amendments (1992) granting constitutional status, the Govt of India in August 2012 appointed an Experts Committee under Shri Mani Shankar Aiyer, M.P., former PR Minister to suggest how panchayats could be leveraged for efficient delivery of public goods and services, particularly in relation to CSS (centrally sponsored schemes). The Committee submitted a voluminous and comprehensive report in April 2013 and titled it “Towards Holistic Panchayat Raj”. Its recommendations try to reinforce the philosophy behind the PR movement as a vehicle for social justice and inclusive, growth, through devolution of power by means of three F’s – funds, Functions and Functionaries. The four-volume report (April 2013), “covers all the dimensions of the PR system centred over devolution of power to PR’s by the Central/state govts and planning through PRI’s and Distt Planning Committees. At the heart of the PR movement and the Committee’s exercise is the philosophy of deepening the roots of democracy and ensure social justice, through inclusive growth and governance and democratic empowerment through decentralisation.

The Committee had also expressed hope that this Report will be placed before a follow-up conference of the Chief Minister and PR will figure as a permanent feature on the National Development Committee (NDC) agenda to ensure continuous review of the national priority of ‘Inclusive Growth’ through “Inclusive Governance”. The govt. have not acted on the Report so far.

According to the Committee’s report itself, in the twenty-years, following the conferment of the Constitutional status to PRI’s, while nearly all the mandatory provisions of PR have been implemented by the states, but actual empowerment has not taken place. This is due to various reasons pertaining to devolution of funds, functions, man power, capacity building issues and other related problems. The subject and areas covered by the Committee and their ameliorative recommendations are comprehensive. The important ones are:

- (i) Institutional: viz constitution of single Ministry of Panchayats and Nagarpalikas to remove the artificial distinction between urban and rural self-governance; DPC’s functioning under Zila Panchayats; establishment of a statutory National Commission on PR, with counterparts in the States, to ensure rights-based entitlements to the PRI’s and citizens (p-96)
- (ii) Devolution of powers; funds and functionaries by the state govts.

- (iii) Mediating role of PRI's in delivery of goods and services,
- (iv) Elections: ensuring free and fair elections by effective state level election commissions and ombudsman etc.
- (v) Deepening decentralisation/participations to be ensured through regular meeting of the Gram Sabha Panchayats, and planning accountability through social audit of GP's;
- (vi) Panchayats and NGO's and CBO's collaborative and supportive roles
- (vii) Technology to help PRI's in data collection to leverage development projects and ensure audit and accountability.

The findings and recommendations and very tenor of the Experts Committee Report underscores the importance of the idea and long and arduous road ahead. Positives include approx 2.5 lakh grass root self-govt. Institutions (both urban/rural) including 2,38,000 PRI's (Panchayati Raj Institutions). Number of elected members is approx 32 lakhs, with women representatives more than 12 lakhs with 86,000 office-bearers (para 2:35 Experts Committee Report); above their 33% mandated quota. SC/ST's are also represented as per their quota. The Expert Committee sees real devolution both as key and problem (para 2:47) and the Committee states "All devolution of powers and authority has been adhoc, fitful and sometimes reversed." (para 2:37)

Other areas of concerns for the Committee were ensuring accountability through Gram Sabhas; training and empowerment of the office-bearers and members and local level (District level) plans, a bottom-up-approach. Deficiency in capacity building has according to the committee led to the "distortion of Panchayat Raj in parts of the country into "Sarpanch Raj", that is reduction of Panchayat Raj Institutions to a nefarious nexus between the Presidents of the Panchayats at the village, intermediate and district levels on the one hand and elements of the bureaucracy on the other, that have made Panchayat Raj synonymous with decentralisation of corruption". (Para 2.41) This observation however is not universally true according to the Committee. (para 2:45)

There is no denying the fact that the implementation of PR scheme is facing uphill task in practice at the grass root levels for several reasons. In an ideal situation, the PR should be the main source of planning and development at the grass-root levels; responsive and accountable to Gram Sabhas, have adequate funds, powers and functionaries to discharge its obligations. However, all this is in direct conflict with the prevalent vested interest of power and patronage centres at the lower levels of politicians/elected representatives, bureaucracy and caste-based power seekers, who are busy either coopting or strangulating the PRI's. Even the NGOs working with PR initiatives

are not always above board and have their own vested interests. Strengthening of PRI's has direct correlation with decline in the vested power centres. Thus, it is not surprising that except perhaps in Kerala, Karnataka, Maharashtra and Tamil Nadu, who have a history of social movements, not much enthusiasm and political will is visible in most of the states, except token compliance with the constitutional mandate. The real push is from the central government which has invested heavily by way of ideas, legislation and finance. The state gov'ts by and large are content complying with the constitutional requirements in form than in substance. The 13<sup>th</sup> Finance Commission had given Rs.60,000 crore to PRIs in five years and the 14<sup>th</sup> has given about 1,20,000 crore over same period viz. approx Rs.80 lakh per annum to 2,38,000 PRIs. Besides the union government has mandated that all the CSS'S like MNREGA, NRLM, IAY etc would be implemented by the PRIs thus giving them a role. But these funds are not untied.

However, the financial autonomy is important and states must play their role to ensure it but this is not the whole story. Enthusiasts see in the PR movement a silent's revolution at the grass root level, with hitherto marginalised elements of rural sector viz. women, SC/ST etc becoming part of governance and power structure and may in due course replace the present power brokers, leading to people's participation in governance. The current reality, however, beckons that mere representation is not participation and lack of infrastructure, training, experience and motivation have reduced the PRI's into mere implementers of various CSS and state initiatives and not formulators of initiatives for local developmental needs. Their power and authority remains on paper by and large. PR's do not demand, and are getting used to complying. They do not agitate for their rights and entitlements, they only follow dictates. The distt. level planning is at the core of PR movement, and yet even in frontline PR state like Kerala, only one dist. (Kottayam) has completed this task. The state gov'ts seem to be reluctant participants and not enthusiastic about real devolution.

The gov't. of India have invested heavily in this venture to deepen democracy. It cannot back down in face of impediments. A lot will change, if through persistence PR outcomes improve; so will political will as claimed by the Experts Committee (para 2:39). At the moment both the pessimists and optimists have enough reasons to argue their case, and point of view, yet, much more is at stake in social and political terms through PR. The need is to devise a new paradigm where the present power and administrative structure can coexist with the democratization at the grass-root levels. It is going to be a long drawn process.