

PANCHAYATI RAJ IN INDIA: DEEPENING GRASSROOT DEMOCRACY

Dr. Mahi Pal

Two decades have elapsed since the enactment of the 73rd Amendment to the Constitution (hereafter referred to Central Act) and more than 15 years have passed since the enactment of the (Provisions of Panchayats (Extension to Scheduled Areas) Act 1996 (hereafter referred to Extension Act). The main purpose of these Acts was to strengthen the Panchayati Raj System (PRS) in the country. This article analysis to what extent these institutions have emerged as institutions of self-governments, enabled people's participation—particularly vulnerable sections like Scheduled Castes (SCs), Scheduled Tribes (STs) and women in these institutions.

Emergence of Local Self –Governments

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 Panchayati Raj Institutions (PRIs) to enable these bodies to function as institutions of self government. In order to function, panchayats as institution of self-government (ISG), the Panchayats have to fulfil 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. 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.

The Ministry of Panchayati Raj has been undertaking the preparation of a devolution index from 2006 onwards through independent institutions. For the year 2014-15, the Ministry entrusted this task to the Tata Institute of Social Sciences (TISS). The main features of this exercise is that it is based both on examining activity, mapping, covering the transfer of functions, functionaries and finances to PRIs in the subject listed in the 11th Schedule of the Constitution and grassroots reality based on the ground situation in few Panchayats in each tier (Gram Panchayat, Panchayat Samiti and Zilla Panchayat) across the states to see the extent of powers they actually exercise at their levels. All the states except Mizoram, Meghalaya, Nagaland and Goa are covered under the study. A total sample of 41 DPs, 39 PSs and 42 GPs have been taken for the field study.

Table 1 presents the index of devolution in policy (DPo) and index of devolution in practice (DPr) across the states. DPo reflects the state governments policy commitment to devolve powers to the Panchayats. It therefore includes functions, functionaries and 'finances officially allocated to the Panchayats and the infrastructure and governance structure created for the smooth functioning of Panchayat operations. The DPr reflects actual devolution happening in the field and validate the data obtained from the state governments. This indicator shows actual control of Panchayats over transferred institutions, functions, functionaries, financial autonomy and utilisation of developmental funds and the status of infrastructure and administrative systems in place.



Table 1 Ranking of states according to Index of Devolution in Policy (DPo) and Index of Devolution in Practice (DPr)

S No.	States	Policy Index	DPo Rank	Practice Index	DPr Rank
1	Kerala	0.75	1	0.79	1
2	Karnataka	0.58	2	0.52	3
3	Maharashtra	0.57	3	0.49	4
4	Sikkim	0.57	4	0.55	2
5	West Bengal	0.49	5	0.44	8
6	Tamil Nadu	0.48	6	0.37	15
7	Rajasthan	0.47	7	0.38	14
8	Madhya Pradesh	0.42	8	0.43	9
9	Odisha	0.41	9	0.39	12
10	Himachal Pradesh	0.41	10	0.45	5
11	Manipur	0.40	11	0.25	23
12	Chhattisgarh	0.40	12	0.39	13
13	Telangana	0.37	13	0.34	17
14	Andhara Pradesh	0.36	14	0.30	20
15	Punjab	0.35	15	0.30	19
16	Gujarat	0.34	16	0.40	11
17	tripura	0.34	17	0.44	7
18	Uttar Pradesh	0.33	18	0.32	18
19	Jharkhand	0.32	19	0.27	21
20	Haryana	0.31	20	0.37	16
21	Uttarakhand	0.30	21	0.42	10
22	Assam	0.29	22	0.45	6
23	Bihar	0.29	23	0.26	22
24	J & K	0.22	24	0.18	25
25	Arunachal Pradesh	0.19	25	0.24	24

Source : Devolution Report -2014-15, Ministry of Panchayati Raj.



It may be seen from the table that from the point of view of DPo states like Kerala, Karnataka, Maharashtra and Sikkim and West Bengal are the

better performers. Whereas, the performance of Arunachal Pradesh, Jammu & Kashmir, Bihar, Assam and Uttarakhand are poor. From the point of view of DPr the table shows that Kerala stands out as the top performing state in this index. It means there is no difference between policy and its translation in the field from the point of view of decentralization, whereas in other states, positions are different. Though there are difference in ranks, a comparison of the relative position of states in two indices show broad concordance. However, some states like Assam, Uttarakhand, Tripura, Himachal Pradesh, Gujarat and Haryana which have performed poorly or moderately poor in the DPo have improved their performance in DPr.

From the above analysis, it can be said that none of the states have achieved 100 per cent devolution. Kerala, which tops the list, has an index of less than 80. From the point of view of DPr which shows actual happening of decentralisation, as much as 92 per cent of the states have not crossed the devolution index of 50. It shows apathy of political leaders and bureaucrats and what the Report of the Asoka Mehta Committee observed in late seventies that the PRIs had failed in their objectives on account of unfavourable political environment. It also appears correct from the study conducted by TISS. Besides, there is no pressure from the Panchayats on these leaders to devolve powers to them, as no demands have been made from the elected representatives. Whatever is being done in the name of Panchayati Raj is supply driven instead of demand driven.

Extension Act

The Extension Act has not only made the *Gram Sabha* a strong body, but has also put 'jal, jungle and jamin' (water, forest and land) under its control. Panchayats are expected to take the approval of the *Gram Sabha* in matters relating to rural economy.

But the sidelights of field studies revealed that states have not gone into the spirit of the 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 comes under 5th Scheduled Areas (where Extension Act is applicable) have also been covered. Assessment revealed that in case of Andhra Pradesh, although several

mandatory provisions of the Extension Act have been incorporated in the state Acts, actual implementation is lacking. In case of Himachal Pradesh, in practice, most of the functions are handled by the states. In some states like Chhattisgarh some of the provisions such as enforcement prohibition, control over money lending are not clearly stated. In Rajasthan, conditions have not been created in the tribal areas to give effect of provisions of the Extension Act at the ground level.

Marginalised Groups and Women

Reservations for SCs, STs and women have been provided in the Panchayats for membership and chairpersonship across the country. As a result of this provision, more than six 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. Lets see how these categories have functioned as members and chairpersons in the Panchayats at different levels.

The findings of a study of the working of Panchayats in six states conducted by PRIA revealed 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 other women to contest elections. The same percentage (60 per cent) is contemplating to contest PRI elections again.

It is also worth mentioning that representatives from SC/ST communities and women have faced several problems in discharging their duties. **The State of Panchayats Report 2008-09, an independent assessment done by IRMA says that sample data on proxy representation revealed that about 59 per cent of elected SC/ST women were proxy representatives, of which 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.**

Many studies and surveys have indicated that participation by SC and ST representatives in decision-making on both governance and developmental issues remained low. Studies also show that over the three Panchayat elections, representatives of the SC community have used the space and have articulated 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.

At the same time, some of the studies have revealed the other side of the phenomenon. For example, a recent study of 200 women from SC and ST representatives in Gujarat and Tamil Nadu found that only of women chairpersons/presidents were able to discharge their official duties 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 district and sub-district officials 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.

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 hold for having themselves become ineligible to share 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 equal during the course of their functioning under the PRS. This has resulted into a 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.

But all has not been lost, and as they say, every cloud has a silver lining. 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 found that whenever the women Panchayat leaders were literate, they were found to be more assertive than the others. The other side of the phenomenon is that the elected representatives of these groups, especially the educated ones among them, had become quite visible, assertive and vocal whenever the circumstances allowed. It may be treated as the beginning of the end of the invisibility of these sections in the local governance scenario.

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. The political space given to marginalised 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 at local level.

Road Ahead for further Deepening of Decentralisation

A five pronged strategy has been given below, which is, if implemented in letter and spirit would enable Panchayats more strong and their elected representatives would be more knowledgeable and assertive in performing their task at local level.

1. There is need for Constitutional amendment, which 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. Effective demand for *de facto* decentralization from panchayat leaders is also important. For this, social mobilisation is required. Social mobilization could be done only through a social movement from greater autonomy of the panchayats in discharging their responsibilities. The political parties should also accept effective decentralisation as one

of the issues in their election manifestos and panchayat leaders use that for pressurising the political parties to implement the same.

3. Basic infrastructure like office building may be provided to the panchayats. The midterm appraisal of the 11th plan indicates that out of the 2, 32, 638 Gram Panchayats, 78, 868 (34%) have no buildings and 59, 245 (25%) require major renovation. 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.
4. Panchayats are expected to prepare decentralised plan, which is basically integrated area plan. For effective decentralised plan, 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 departments sit there and villagers instead of going to the house of panchayat president visit the panchayat secretariat.
5. Training and 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 comprises 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.

To conclude, above analysis shows that not much powers have been given to the Panchayats even after two decades of its implementation of the Central Act in the country. Marginalised groups have got the seats in the local governance but they are not as effective as should be due to caste prejudices and lack of capacity to governance. Remedy lies in organic organization of Panchayat leaders to assert and bargain for the empowerment of local self governments.

(The author is a Senior Indian Economic Service Officer & Director in the Ministry of Rural Development).